

# HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SIXTY-SEVENTH DAY (CONTINUED) — WEDNESDAY, MAY 8, 2013

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 667).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent — Eiland; Herrero.

The speaker recognized Representative Larson who introduced Robert Emmitt, senior pastor, Community Bible Church, San Antonio, who offered the invocation as follows:

Lord, thank you for giving all of us in the room another day to live, lead, serve, and enjoy your magnificent creation. Lord, I know these represent millions of people, their problems, their ideas, and their values. Lord, please give every one of these representatives the wisdom to make the right decisions. Give them the intelligence to understand the reasoning behind both sides of an issue. Give them the courage to vote according to the moral compass you have put in every human being. Please guide them, Lord, as they lead us. Life is always so much better when your Spirit inspires the decisions of our leaders. Please do it again today. Your will be done on earth, as it is in heaven. With respect to all faiths, I pray in Jesus' name. Amen.

The speaker recognized Representative Larson who led the house in the pledges of allegiance to the United States and Texas flags.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to final adjournment.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Geren who presented Dr. Linda Siy of Fort Worth as the "Doctor for the Day."

The house welcomed Dr. Siy and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Howard in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Lewis requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 10:30 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 10:30 a.m. today, 3W.9, for a formal meeting, to consider pending business.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of a death in the family:

Giddings on motion of Perez.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 26).

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Eiland now present)

### **HR 1907 - ADOPTED (by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 1907**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1907**, Honoring writer and photographer William D. Wittliff on the occasion of his Vaquero exhibition at the State Capitol.

**HR 1907** was adopted.

On motion of Representatives Anderson, Geren, and R. Sheffield, the names of all the members of the house were added to **HR 1907** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Aycock who introduced William D. Wittliff, Sally Wittliff, and representatives of Humanities Texas.

(Herrero now present)

### HR 1906 - REMARKS

REPRESENTATIVE MENÉNDEZ: Members, it is true—many times we say this, but I want to tell you, this is one of those times where we can take a great deal of honor for the privilege that we have, those of us who have been elected, sent here by the people of Texas to represent them, that we get to honor men and women. Men who have, today, fought to ensure our freedom, specifically those who you've sometimes heard called the "greatest generation." Let there be no doubt, in my opinion, they are the greatest generation.

Members, I'm going to try to keep my comments short, because we have a resolution. In this resolution, members, I want these heroes and their families to know that even though this resolution may have my name on it, it is a resolution of the entire body. It is way too much for one person to carry.

In short, Texas was on the brink of war, was mainly agrarian in both employment and attitude, largely insulated from world events, and still languishing in 19th century traditions in such important matters as gender and ethnicity, and all that began to change on December the 7th, 1941.

Whether it was wading ashore at Normandy, battling on the sands of Iwo Jima, or flying in the skies over Germany and the South Pacific, these heroes are the ones thought of when they said, "the land of the free and the home of the brave." Their selfless devotion serves as inspiration to younger patriots who have continued to defend our rights and freedoms.

Tragically, more than 22,000 Texans gave their lives in service during the war, and despite the horrific toll, the war brought lasting progress to the Lone Star State. And our thanks will never be enough, but we continue to show our gratitude for those who've served our nation.

With that, members, I'd like to suspend all necessary rules to take up and consider **HR 1906**, the most important resolution probably in my career.

### HR 1906 - ADOPTED (by Menéndez, et al.)

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time **HR 1906**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1906**, Honoring the veterans of World War II for their service to this country.

**HR 1906** was read and was adopted.

On motion of Representative Menéndez, the names of all the members of the house were added to **HR 1906** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Menéndez who introduced veterans of World War II, as follows:

Members, I have a list of those veterans in attendance today, and the very first veteran I want to recognize is because I was asked to do this today by the governor's office. I want to thank the governor's office and the governor for putting this together. And so, I want to recognize a very special man, in his life, our life, and that's Mr. Ray Perry, a native of Haskell County who enlisted in the U.S. Army Air Corps in 1942. Mr. Perry flew 35 missions over war-torn Europe as a tail gunner on a B-17, and was honorably discharged at the end of the war, returning to Paint Creek where he married his sweetheart, Amelia, who is with him here today. And as you know, they are the proud parents of Milla and Rick Perry. And Milla, his daughter, is here with him as well. Please, let's welcome Ray Perry and his family.

Next, I'd like to recognize Mr. Jesse Farmer. He joined the Marines at age 17 with his mother's signature. He was stationed in Hawaii, Marshall Islands, and then fought in the 5th wave at Iwo Jima. He was wounded during the attack. He had been given a tourniquet the morning of the attack by a medic who didn't have room for it. The tourniquet ended up saving his life when the artery in his arm was severed by shrapnel. He's joined by his newlywed wife, Ms. Janice Murray. Please let us welcome Mr. Jesse Farmer and his wife, Ms. Janice Murray.

Members, next we have Mr. Jack Puryear from Austin, Texas. He was a navy reconnaissance photographer in the pre-invasion in the Pacific Theater. He's escorted today by Ms. Ann Schneider. Please let us welcome Mr. Jack Puryear.

The next veteran we'd like to recognize is Mr. Wallace Lynn Lundgren, who was an army air corps pilot who flew over 60 missions over Europe, and he's also escorted by Ms. Ann Schneider today. Please let us welcome Mr. Wallace Lynn Lundgren.

Next, we'd like to welcome Dr. John "Jack" Schneider, who was a navy medical corpsman. Dr. Schneider, I believe you're right over here to my left—let's welcome Dr. Schneider to his house.

R. V. Burgin served in the 1st Marine Division during the Pacific. He fought at Okinawa and New Britain Island. He was a platoon leader mortar man, and he authored *Islands of the Damned* and was featured in the miniseries, "The Pacific." He's escorted by Mr. Stan Stevenson. Let's welcome Mr. R. V. Burgin, please.

Marvin Kanter served in the navy as a gunner in the Pacific, Atlantic, and Okinawa during World War II, and he's escorted by Ms. Irene Kanter. Please, let's welcome Mr. Marvin Kanter.

Next, we'd like to welcome Mr. Gabriel Tamayo. Mr. Tamayo served in the 1st Marine Division for the USMC during World War II and Korea, and he's escorted today by his son. Let's please welcome Mr. Tamayo and his son.

Hazel Von Roeder had her basic training at Fort Sam Houston. She was stationed at Fort Bliss, and she performed bedside nursing, administering medication and treatments. Today, she's escorted by Penny Von Roeder Rychetsky. Let's welcome Ms. Hazel Von Roeder and her daughter, Penny.

Joe Barger served in the navy and was in the Battle of Iwo Jima and the invasion at Okinawa, and he's escorted today by Ms. Tina Lee. Can we please welcome Mr. Joe Barger to his house?

Alvino Mendoza—in October of 1944, Mr. Mendoza was a seaman for the navy, and in late March of 1945, Mr. Mendoza was involved in the Battle of Okinawa. Today we'd like to thank Mr. Mendoza and Mr. Allen Bergeron, his escort today. Thank you, Mr. Mendoza, and let's welcome him to his house.

Norman Kosarek served in the United States Navy, and the Pacific, and served on aircraft carriers, including the USS Wright, and he's escorted today by Ms. Christie Neufield. Please, let's welcome Mr. Norman Kosarek.

Ben Schedler served on a fleet tug in the South Pacific from 1942 to 1946. He was trained as a medical corpsman and on Independent Duty. After 90 days of training, he was prepared to do appendectomies, tonsillectomies, sever limbs, and much more. Let's welcome Mr. Ben Schedler and his wife, Betty.

REPRESENTATIVE MCCLENDON: DOTA Dr. Granville Coggs, 1946. Dr. Coggs served in the United States Army Air Corps, earning military badges of aerial gunner, aerial bombardier, multi-engine pilot, and Tuskegee Airman.

MENÉNDEZ: DOTA Thomas Marvin Ellis—Mr. Ellis, I believe, is sitting here to my left. He was born in San Antonio, Texas, and he's also Representative McClendon's constituent. Following basic training at Camp Lee, Virginia, Mr. Ellis was transferred to the army air corps. On completion of Administrative Clerk Training Program in October 1942, Mr. Ellis was reassigned to Tuskegee Army Air Field as the only enlisted member in the orderly room administrative office of the newly activated 301st Fighter Squadron. He participated in the 332nd Fighter Group transfer to Taranto, Italy, and he was awarded seven battle stars before his discharge as sergeant major in September 1945. In talking to Sergeant Major Ellis, he also told me he had received an award from President Truman and President Bush. Let's welcome Sergeant Major Ellis.

DOTA Warren Eusan is a native of San Antonio and Mrs. McClendon's constituent as well. His selection for advanced training, after initial assignment to Tuskegee Army Air Field, sent him to Bryan, Texas where he integrated the Base Instrument Command Flying School. After graduation, Mr. Eusan returned to Tuskegee, teaching instrument flying until his discharge in 1946. He's escorted today by Dr. Carolin Sinkfield. Let's welcome Mr. Eusan.

DOTA Claude R. Platte, Jr., was born in Denison, Texas. He was sent to Tuskegee Institute in 1938. He became a part of the Tuskegee experiment. Platte was among the group that wasn't washed out of the program. He became a flight instructor and trained over 300 Tuskegee Airmen to fly. When the army and the

air force became two separate units, Platte became the first black pilot trained in the United States Air Force. And he is escorted today by his lovely wife, Erma Bonner-Platte, and Inez Clark. Let's welcome Mr. Platte and his family.

Members, last but not least on the list of war heroes, I have Staff Sergeant Homer Hogues. He was born in Navasota, Texas; and was drafted and sent to Sheppard Air Force Base for basic training. He was then sent to Japan for cleanup duties, and upon advice from fellow airmen, his orders were changed and he was assigned to the Tuskegee group. At Chanute Field, Illinois, Hogues gained special training on the P-47 Thunderbolt aircraft. Tuskegee Airmen experience began at Lockbourne Air Force Base in Columbus, Ohio. In Ohio, Hogues was assigned to the famous 99th Fighter Squadron, 332nd Fighter Group. And I quote, "Texas," as he was called by his fellow airmen, was proud to be a mechanic on airplanes with pilots such as "Chappy" James, who helped win World War II. He's escorted by Mattie Hogues, his lovely wife, and Barbara Hogues, his daughter. Let us welcome Staff Sergeant Hogues.

Members, while today we honor our World War II vets, if there is anyone, either on the floor or in the gallery, who served this country—we'd all like to thank you for your service. Would you please rise, so we can thank all the men and women who have served.

Thank you, Mr. Speaker. Thank you members, for your attention. In the 12 years here, this is probably one of the most heart-fulfilling things that I've had the opportunity to do. Thank you for this opportunity.

#### **REMARKS ORDERED PRINTED**

Representative Geren moved to print remarks by Representative Menéndez.

The motion prevailed.

#### **HR 1904 - ADOPTED (by Vo)**

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HR 1904**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1904**, Paying tribute to the HEARTS Veterans Museum of Texas in Huntsville as it celebrates the dedication of the Vietnam War Veterans Memorial Walkway on May 11, 2013.

**HR 1904** was adopted.

On motion of Representative Vo, the names of all the members of the house were added to **HR 1904** as signers thereof.

#### **HR 1913 - ADOPTED (by Giddings)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1913**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1913**, Congratulating Izayah Allen of Lancaster High School on his exceptional performance at the Texas Alliance for Minorities in Engineering competition.

**HR 1913** was adopted.

On motion of Representatives Y. Davis and Rose, the names of all the members of the house were added to **HR 1913** as signers thereof.

**HR 1914 - ADOPTED**  
**(by Giddings)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1914**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1914**, Recognizing May 8, 2013, as Lancaster Independent School District Day at the State Capitol.

**HR 1914** was adopted.

On motion of Representatives Y. Davis and Rose, the names of all the members of the house were added to **HR 1914** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Y. Davis who introduced representatives of Lancaster Independent School District.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 11:15 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 11:15 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**HR 1905 - ADOPTED**  
**(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1905**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1905**, Congratulating Dr. Teresa Camalita Lenoir of Georgetown on her 75th birthday.

**HR 1905** was adopted.

**HR 1526 - PREVIOUSLY ADOPTED**  
**(by Simmons, Ratliff, and Anchia)**

The chair laid out the following previously adopted resolution:

**HR 1526**, Commemorating the centennial of the city of Carrollton.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1526** as signers thereof.

**HR 627 - PREVIOUSLY ADOPTED**  
**(by Canales)**

The chair laid out and had read the following previously adopted resolution:

**HR 627**, In memory of Mayor Pro Tempore Noe Garza of Edinburg.

On motion of Representative Geren, the names of all the members of the house were added to **HR 627** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Canales who introduced family members of Noe Garza.

**HR 1590 - PREVIOUSLY ADOPTED**  
**(by Workman, Burkett, Murphy, R. Sheffield, Raney, et al.)**

The chair laid out the following previously adopted resolution:

**HR 1590**, Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program and the interns for the 83rd legislative session.

On motion of Representative R. Sheffield, the names of all the members of the house were added to **HR 1590** as signers thereof.

**HR 1876 - ADOPTED**  
**(by Button, S. Thompson, Branch, Vo, and Wu)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 1876**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1876**, Recognizing May 2013 as Asian-Pacific American Heritage Month.

**HR 1876** was adopted.

On motion of Representatives Burkett, Cortez, Harper-Brown, McClendon, R. Miller, Murphy, Vo, and Wu, the names of all the members of the house were added to **HR 1876** as signers thereof.



### INTRODUCTION OF GUESTS

The chair recognized Representative Button who introduced participants in Asian-Pacific American Heritage Month.

#### **HR 1879 - ADOPTED** **(by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 1879**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1879**, Honoring Dr. Ruben Amarasingham for his contributions as founder, president, and CEO of the Parkland Center for Clinical Innovation in Dallas.

**HR 1879** was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 1879** as signers thereof.

### INTRODUCTION OF GUEST

The chair recognized Representative Rose who introduced Dr. Ruben Amarasingham.

(McClendon in the chair)

### CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

**HCR 112** (by Gonzales), Designating April 2013 as Civitan International Awareness Month.

**HCR 116** (by Giddings), Honoring Ambassador Ron Kirk for his service as United States Trade Representative.

**HR 1740** (by Lozano), Congratulating the team from H. M. King High School in Kingsville on winning the Texas High School Powerlifting Association Division 2 state championship.

**HR 1742** (by Lozano), Congratulating Port Corpus Christi on its new partnership with voestalpine.

**HR 1746** (by Springer), Commending Donna and Jim Biffle for their service to Sacred Heart Catholic School in Muenster.

**HR 1747** (by Fallon), Congratulating the students selected for the House District 106 Internship Program.

**HR 1748** (by Craddick), Congratulating J. W. and Diane Putman of Lamesa on their 50th wedding anniversary.

**HR 1750** (by Fallon), Congratulating Matthew Poursoltani of Pilot Point High School on setting a new state record in the bench press and winning the Texas High School Powerlifting Association state title in the 275-pound weight class.

**HR 1751** (by Isaac), Commemorating the 2013 Hill Country BBQ Cook-Off in San Marcos.

**HR 1752** (by Isaac and Stickland), Paying tribute to the life of Texas Ranger John Coffee "Jack" Hays on the 130th anniversary of his death.

**HR 1754** (by Larson), Recognizing May 18 to 24, 2013, as National Safe Boating Week.

**HR 1755** (by Zedler), Commemorating the 120th anniversary of the First United Methodist Church of Crowley.

**HR 1756** (by White), Commemorating the Honor and Remember Texas Chapter Memorial Day weekend honors program.

**HR 1758** (by Darby), Congratulating Helen Rebecca Mann of San Angelo on the occasion of her 100th birthday.

**HR 1759** (by P. King), Congratulating the Brock High School girls' basketball team on winning the 2013 UIL 2A state championship.

**HR 1760** (by Frullo), Congratulating John and Pat Camp of Lubbock on their 50th wedding anniversary.

**HR 1761** (by Frullo), Congratulating Betty and Jim Flournoy of Lubbock on their 50th wedding anniversary.

**HR 1762** (by Frullo), Congratulating James and Omalee Pritchard of Lubbock on their 50th wedding anniversary.

**HR 1763** (by Frullo), Congratulating Jimmy and Winona Milner of Lubbock on their 60th wedding anniversary.

**HR 1764** (by Frullo), Congratulating Fred and Erika Brown of Lubbock on their 50th wedding anniversary.

**HR 1765** (by Frullo), Congratulating Edward and Sharon Anderson of Lubbock on their 50th wedding anniversary.

**HR 1766** (by Frullo), Congratulating J. L. and Mildred Cooper of Lubbock on their 60th wedding anniversary.

**HR 1767** (by Frullo), Congratulating Wyley and Mildred Mauldin of Lubbock on their 60th wedding anniversary.

**HR 1768** (by Frullo), Congratulating John and Beth Ann Spraberry of Lubbock on their 50th wedding anniversary.

**HR 1769** (by Frullo), Congratulating the South Plains Wildlife Rehabilitation Center on its 25th anniversary.

**HR 1771** (by Frullo), Congratulating Melynn Hunt on her retirement as assistant athletic director for the Lubbock Independent School District.

**HR 1772** (by Craddick), Congratulating Larry and Judy Turner of Sparenberg on their 50th wedding anniversary.

**HR 1773** (by Lucio), Commending Walmart and the Walmart Foundation for donations totaling \$1 billion in cash and in-kind contributions over the past fiscal year.

**HR 1774** (by Leach and Taylor), Honoring the 2013 graduating class of Leadership Plano.

**HR 1775** (by Leach), Congratulating Vitek's BBQ in Waco on winning the Cooking Channel's 2013 Best College Eats competition.

**HR 1777** (by Leach and Taylor), Congratulating Gay Schaffer on her promotion to assistant police chief of the Plano Police Department.

**HR 1778** (by Leach), Honoring Diana Pendley for her 25 years of service to the Prestonwood Baptist Church Children's Ministry Program.

**HR 1779** (by Leach), Honoring Chosen Child Adoption Services of Allen.

**HR 1780** (by Leach), Honoring Prestonwood Pregnancy Center in Dallas for its service to the community.

**HR 1781** (by Springer), Congratulating Amber Walterscheid of Muenster High School on being named to the Texas Girls Coaches Association 1A All-State Basketball Team.

**HR 1783** (by Flynn), Congratulating Russell Loudon of Weslaco for celebrating his 90th birthday by skydiving.

**HR 1784** (by Frank), Commemorating the 32nd anniversary of the Hotter'N Hell Hundred bicycle ride in Wichita Falls.

**HR 1785** (by D. Bonnen), Congratulating the Sunset Advisory Commission on its receipt of the National Conference of State Legislatures 2012 Excellence in Evaluation Award.

**HR 1787** (by Smith), Honoring John Henderson, the oldest living football letterman of The University of Texas at Austin.

**HR 1788** (by Márquez), Commemorating the 100th anniversary of the Kern Place neighborhood in El Paso.

**HR 1789** (by Márquez), Honoring the Junior League of El Paso on its 80th anniversary.

**HR 1791** (by Patrick, Kacal, and Anderson), Congratulating the Baylor University men's basketball team on winning the 2013 National Invitation Tournament.

**HR 1792** (by Harper-Brown), Congratulating Dr. Jerry Dunn on his selection as an Irving High Spirited Citizen by the Irving Convention and Visitors Bureau.

**HR 1793** (by Harper-Brown), Congratulating John Schingle on his receipt of the Community Builder Award from the James V. Callan Da-Lite Masonic Lodge.

**HR 1794** (by Harper-Brown), Congratulating Connie Dunn on her selection as an Irving High Spirited Citizen by the Irving Convention and Visitors Bureau.

**HR 1795** (by Lewis), Honoring Ruby Lee Martin Beebe of Kermit on her 100th birthday.

**HR 1796** (by Guerra), Congratulating Monica Perez on her selection as a 2013 H-E-B Excellence in Education Rising Star Award finalist.

**HR 1797** (by Guerra), Congratulating the McAllen Public Library on winning the International Interior Design Association's 2012 Library Interior Design competition.

**HR 1798** (by Guerra), Congratulating Javier Farias of the McAllen School Board on being named the 2012-13 School Board Trustee of the Year by the Texas Classroom Teachers Association.

**HR 1799** (by Guerra), Commemorating the 25th anniversary of the founding of the UAW International Area Council for Retired Auto Workers of South Texas.

**HR 1804** (by Huberty), Congratulating David P. Martin, Jr., on his graduation from The University of Texas at Austin and on his acceptance to the Baylor College of Medicine.

**HR 1805** (by Carter), Honoring Barry J. Young of Murphy for his service to his North Texas community.

**HR 1806** (by J. Sheffield), Congratulating Abigail Fonseca of Glen Rose High School on winning a state medallion at the 2013 State Visual Arts Scholastic Event.

**HR 1810** (by E. S. Turner), Congratulating Spencer Sosnowski of Rockwall-Heath High School on his selection to perform with the U.S. Marine Corps Band.

**HR 1811** (by Márquez), Congratulating El Paso artist and author Bill "Rak" Rakocy on his 89th birthday.

**HR 1816** (by Farney), Congratulating Dr. Michael Douglas on being named executive director of the Texas Life-Sciences Collaboration Center in Georgetown.

**HR 1818** (by Farney), Congratulating the Marble Falls Independent School District on receiving perfect scores at all campuses on its most recent cafeteria health inspection.

**HR 1819** (by Dutton), Commending Dr. W. E. Bosarge, Jr., of Houston on his achievements.

**HR 1824** (by Menéndez), Honoring David Sinclair for his 40 years of service to the Texas Parks and Wildlife Department.

**HR 1825** (by Menéndez), Congratulating Colonel Pete Flores on his retirement as Law Enforcement Division director of the Texas Parks and Wildlife Department.

**HR 1826** (by Menéndez), Congratulating Susan Blackwood on her achievements as executive director of San Antonio Sports.

**HR 1827** (by Sanford), Commending Blake Allen for his service as deputy district director in the office of State Representative Scott Sanford.

**HR 1828** (by J. Rodriguez), Commending Leon Valley on earning designation as a "Tree City USA" by the Arbor Day Foundation and Texas A&M Forest Service.

**HR 1831** (by G. Bonnen), Congratulating Brittany Harris on her receipt of the Service Above Self Award from the Friendswood Rotary Club.

**HR 1833** (by G. Bonnen), Congratulating Devon Joel Carter of Friendswood on attaining the rank of Eagle Scout.

**HR 1834** (by Lewis), Commemorating the 10th Annual Senior Celebration in Ector County.

**HR 1835** (by Bohac), Commending Thomas Neumann on his service as executive director of the Jewish Institute for National Security Affairs.

**HR 1836** (by Bohac), Honoring Judge Herman Paul Pressler III of Houston for his service to the State of Texas.

**HR 1837** (by Bohac), Congratulating Wayne F. Schaper, Sr., on having the Spring Branch ISD administration building named in his honor.

**HR 1839** (by Bohac), Honoring U.S. Circuit Judge Jerry E. Smith for his 25 years of service on the Fifth Circuit Court of Appeals.

**HR 1843** (by T. King), Commemorating the rededication of the SSgt. Willie De Leon Civic Center in Uvalde.

**HR 1844** (by Price), Congratulating the Valero McKee Refinery on its receipt of a Texas Environmental Excellence Award.

**HR 1845** (by Sanford), Congratulating Christopher Paxton for his service as legislative director for Representative Scott Sanford.

**HR 1849** (by C. Turner), Congratulating Chana Jayme of Timberview High School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1850** (by C. Turner), Congratulating Melanie Beckett of Lake Ridge High School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1851** (by J. Rodriguez), Congratulating Bianca Rosas of Holy Cross of San Antonio on being named a 2013 Gates Millennium Scholar.

**HR 1852** (by C. Turner), Congratulating Karen V. Oates-Jackson of Coble Middle School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1853** (by C. Turner), Congratulating Man Phan of Icenhower Intermediate School on his selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1854** (by C. Turner), Congratulating Lynn Martinez of Lillard Intermediate School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1855** (by C. Turner), Congratulating Casey Lambert of Boren Elementary School on his selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1856** (by C. Turner), Congratulating Carol Ann Braziel of Cabaniss Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1857** (by C. Turner), Congratulating Lynn Kostel of Daulton Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1858** (by C. Turner), Congratulating Susan Hall of Davis Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1859** (by C. Turner), Congratulating Karyn Vela of Gideon Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1860** (by C. Turner), Congratulating Charlotte Patterson of Jones Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1861** (by C. Turner), Congratulating Genese Rodriguez of Spencer Elementary School on her selection as a 2013 Mansfield Independent School District Teacher of the Year.

**HR 1862** (by Murphy), Congratulating Sarah Jane Jornayvaz and John Patrick Howell on their marriage.

**HR 1863** (by J. Sheffield), Commending Dr. Joe E. Cude on his service as a member of the Stephenville City Council.

**HR 1864** (by J. Sheffield), Congratulating Ben McPherson of Glen Rose High School on his selection as a member of the 2013 Texas All-State Band.

**HR 1865** (by Lozano), Congratulating DuPont on its 40th anniversary in Corpus Christi.

**HR 1871** (by Branch), Recognizing May 3, 2013, as GenTX Day at the State Capitol.

**HR 1872** (by Strama), Welcoming to the State Capitol foreign ambassadors taking part in the U.S. State Department's Experience America program.

**HR 1874** (by Guillen), Honoring Jesus Gilberto "Chick" Saenz for his career as a special ranger with the Texas and Southwestern Cattle Raisers Association.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 1744** (by Hughes), In memory of Mary Margret Smith of Mineola.

**HR 1753** (by Isaac, E. S. Turner, Leach, and Sanford), In memory of inspirational author and speaker Zig Ziglar of Plano.

**HR 1757** (by Lucio), In memory of former state representative Don Lee of Harlingen.

**HR 1770** (by Frullo), In memory of Stephen Ross Payne of Lubbock.

**HR 1776** (by Leach and Taylor), Paying tribute to the life of Plano police officer Wes Hardy.

**HR 1808** (by Hilderbran), In memory of Bill O. Simmons of Sunrise Beach.

**HR 1809** (by R. Sheffield), In memory of Ina Faye Minyard McGinnis of Troy.

**HR 1815** (by J. Sheffield), Paying tribute to the life of Michael Cook Walton of Stephenville.

**HR 1823** (by Wu), In memory of Ralph Kilpatrick Cox Brown of Houston.

**HR 1830** (by Gooden), In memory of Gilbert Willie, Sr., of Terrell.

**HR 1832** (by G. Bonnen), In memory of Taylor Lake Village Mayor-elect Lilian Norman Keeney.

**HR 1838** (by Bohac), In memory of David Allan Schwerdtfeger of Seguin.

**HR 1840** (by Bohac), In memory of Stella Marion Hawes of Mineral Wells.

**HR 1841** (by Bohac), In memory of Lloyd "Bland" McReynolds of Houston.

**HR 1842** (by Bohac), In memory of Miguel A. Hernandez of Houston.

**HR 1848** (by Gutierrez), In memory of Vojt J. Holub of San Antonio.

**HR 1867** (by Bohac), In memory of Garrett Cole Luce of Houston.

**HR 1868** (by Bohac), In memory of Vickie Lynn Willard Patterson of Gonzales.

**HR 1869** (by Bohac), In memory of Michael Jefferson Boone of Houston.

**HR 1870** (by Bohac), In memory of William Stafford Borden, Jr., of Houston.

The resolutions were unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption), and the following resolutions were laid before the house on committee report:

**SB 350** (Smith - House Sponsor), A bill to be entitled An Act relating to the storage of certain imported alcoholic beverages. (Frullo, Harper-Brown, Paddie, and Price recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**CSSB 385** (Keffer - House Sponsor), A bill to be entitled An Act relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee. (Burkett, Carter, Creighton, S. Davis, Fallon, Huberty, Kleinschmidt, Kuempel, Lavender, Perry, Schaefer, R. Sheffield, Springer, and Taylor recorded voting no.)

**SB 487** (Lavender - House Sponsor), A bill to be entitled An Act relating to all-terrain vehicles and recreational off-highway vehicles.

**SB 772** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

**SB 821** (Pitts - House Sponsor), A bill to be entitled An Act relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.

**SB 887** (Orr - House Sponsor), A bill to be entitled An Act relating to certain correction instruments in the conveyance of real property.

**SB 1212** (Phillips - House Sponsor), A bill to be entitled An Act relating to the applicability of certain provisions concerning the transfer of exotic species to certain transfers of water that supply populous areas.

**SB 1300** (Lewis, Márquez, Darby, Villalba, and C. Turner - House Sponsors), A bill to be entitled An Act relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.

**HB 308** (by Bohac, Raymond, Orr, Eiland, Villarreal, et al.), A bill to be entitled An Act relating to a school district's recognition of and education regarding traditional winter celebrations. (Schaefer recorded voting no.)

**STATEMENT OF VOTE**

I strongly support **HB 308**. I initially voted against this bill on the local and consent calendar because I thought it was mandatory for local schools to teach children about winter traditions. Upon closer examination, the bill is permissive and protects local school districts that want to educate students about Christmas and other winter traditions.

Schaefer



**HB 308 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: You know, a number of people—quite a few organizations—were represented in opposition to Santa Claus, which is kind of a brave position to take, I guess—but would you explain to the body the intent of this legislation and the practical implications for the average classroom teacher? Your intent.

REPRESENTATIVE BOHAC: Sure. The purpose of **HB 308** is to provide students, parents, teachers, and administrators a safe harbor to openly celebrate a federal holiday and traditional winter celebrations and help ease the fear of litigation for the school district and fear of retribution by the teacher. That's the purpose of the bill. We take Supreme Court law—this has been a very well-crafted and looked after bill by constitutional lawyers—we take Supreme Court precedent and we put it into state law so that school districts can point to it as a safe harbor, and hopefully it will end two lawsuits that are going on right now in our state regarding the use of a candy cane in one school district, and the use of green and red plates in another school district.

BURNAM: So, the intent of the legislation is to clarify that there are certain occasions where you don't need to have a lawsuit, and this would be one of them? Right?

BOHAC: Yes, sir.

BURNAM: All right, how do we clarify to people that might have something of an evangelical bent in their own personalities that this legislation does not open the door for a teacher to impose their own religious values on someone?

BOHAC: Well, they have the school administration, but you know, here again, school districts already can do this, it's just that because the Supreme Court precedent and rulings are so ethereal, and up in Washington, D.C., what we're doing is just pulling those precedents down and putting them into state law. So the same thing they could do before this bill is the same thing they can do after. We just want to protect them from ridiculous litigation over the use of calling a Christmas tree a Christmas tree.

BURNAM: What do you mean by, "school districts are ready to do this?" Do you imply that they are prepared to instruct teachers that this doesn't give them a license to be evangelical, it simply gives them the license to celebrate the seasons that are occurring?

BOHAC: Well, I'm sure—this is really just a First Amendment protection bill. I'm sure they're going to—already they can't tell teachers what to say or what not to say, but because of the silence that is there, teachers are fearful of calling a Christmas tree a Christmas tree and are fearful of saying such things as "Happy Hanukkah" and "Merry Christmas" during this traditional winter holiday that's been celebrated since, I believe, 1907 and subsidized by the federal government to the tune of billions of dollars, and subsidized by this state, in fact, by giving our state employees off.

BURNAM: But, in fact, you don't intend for this law to be a license for any given teacher to use the opportunity to promote their own religion, be it Muslim, Jewish, Christian, or whatever?

BOHAC: Of course not.

### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Bohac and Representative Burnam.

The motion prevailed.

**CSHB 506** (by Lozano and Hughes), A bill to be entitled An Act relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision. (Harper-Brown recorded voting no.)

**HB 546** (by Strama), A bill to be entitled An Act relating to the creation of renewable energy reinvestment zones and the abatement of ad valorem taxes on property of a renewable energy company located in such a zone. (Burkett, Capriglione, Craddick, Creighton, Crownover, S. Davis, Fallon, Frullo, Geren, Goldman, Gooden, Harless, Harper-Brown, Huberty, Kleinschmidt, Kolkhorst, Krause, Kuempel, Paddie, Parker, Perry, Price, Sanford, Schaefer, R. Sheffield, Simmons, Simpson, Springer, Stickland, and Workman recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 233** (Fletcher - House Sponsor), in lieu of **HB 571**, A bill to be entitled An Act relating to the use of funds of certain municipal hospital authorities.

Representative Fletcher moved to lay **HB 571** on the table subject to call, and the motion prevailed.

**HB 619** (by N. Gonzalez), A bill to be entitled An Act relating to the requirements for issuance of certain barbering and cosmetology licenses and certificates for applicants holding licenses issued by other states; imposing fees. (Frullo, Huberty, Kuempel, Paddie, Perry, Phillips, Price, and Schaefer recorded voting no.)

**CSHB 647** (by Patrick), A bill to be entitled An Act relating to employment of persons by open-enrollment charter schools.

**CSHB 679** (by Hughes), A bill to be entitled An Act relating to the designation of a segment of State Highway 37 in Wood County as the Carolyn S. Jones Highway.

**HB 714** (by Kuempel), A bill to be entitled An Act relating to an agreement between a county and the Department of Public Safety for the joint operation of certain fixed-site facilities.

**CSHB 738** (by Crownover), A bill to be entitled An Act relating to the review of the creation of certain proposed municipal utility districts by county commissioners courts.

**HB 871** (by S. Davis), A bill to be entitled An Act relating to certain requirements before completing mold remediation work. (Burkett, Capriglione, Carter, Craddick, Fallon, Frullo, Goldman, Kolkhorst, Krause, Kuempel, Paddie, Parker, Perry, Phillips, Price, Sanford, Schaefer, Springer, Stickland, and Taylor recorded voting no.)

**HB 1004** (by Gonzales), A bill to be entitled An Act relating to an electronic system adopted and maintained by public institutions of higher education to employ a person to track the academic progress of military veterans or their family members receiving student financial assistance. (Capriglione, Krause, and Sanford recorded voting no.)

### **HB 1004 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE STICKLAND: Mr. Gonzales, can you explain your bill to me?

REPRESENTATIVE GONZALES: Absolutely. What happens is, when a military veteran is enrolled in a public education institution, it's often difficult to track where all their sources of information are, if they're meeting certain requirements—it forces them to go to different parts of the campus. What we're saying now is in one place we can use technology to allow these veterans to very easily go to one location to get the information they need to track their course credit.

STICKLAND: Mr. Gonzales, would you say then that you are trying to help military families with this bill?

GONZALES: Absolutely, helping the military students much more easily track their progress toward graduation.

STICKLAND: Is this similar to my bill, **HB 202**, which helps military families?

GONZALES: Not familiar with that **HB 202**.

STICKLAND: You're a coauthor on that bill, Mr. Gonzales.

GONZALES: Which one—that's the—which one is that? Oh, that's the one that deals with the time—the leave, right?

STICKLAND: Correct.

GONZALES: Yes, that also helps military families.

STICKLAND: And you still support that bill?

GONZALES: Absolutely.

STICKLAND: Because you want to help military families?

GONZALES: Absolutely.

STICKLAND: Okay. Are you familiar with Brian Matthew Kennedy, corporal from the city of Houston?

GONZALES: Unfortunately, I've not met Mr. Kennedy—or Corporal Kennedy.

STICKLAND: Are you aware that he was killed in Iraq serving this country?

GONZALES: I was not aware that Mr. Kennedy died serving this country in Iraq, although my brother-in-law who has done three tours of Iraq—maybe they met.

STICKLAND: Do you know if Mr. Kennedy, who died in Iraq, had any children, Mr. Gonzales?

GONZALES: I am not aware of his lineage.

STICKLAND: Do you think that if he did have kids he might would have liked to spend some time with them before the deployment to Iraq?

GONZALES: I'm certain, as an upstanding military veteran, he would have loved to spend more time with them.

STICKLAND: Okay, so you would say that **HB 202**, the bill that I had, is an important bill that would have helped this gentleman before he passed away?

GONZALES: The bill that you have is wonderful, and I would absolutely welcome you to joint author this bill, as well, since I know how you care about military families. I think I have some joint author spots available that I would gladly put your name on this bill.

STICKLAND: Are you familiar with Phillip Andrew Jordan, Mr. Gonzales?

GONZALES: I have not had the opportunity to meet Mr. Jordan.

STICKLAND: He's from Brazoria, and he too gave his life in Iraq.

GONZALES: Which is my home county, so I wish I would have had the opportunity to know him.

STICKLAND: Do you know if he had any children, sir?

GONZALES: I am not aware of his lineage, either.

STICKLAND: He did. Do you think he would have liked to spend some time with his kids before deployment, Mr. Gonzales?

GONZALES: I'm sure he would have loved to spend time with his children.

STICKLAND: Mr. Gonzales, are you aware of the status of my **HB 202**?

GONZALES: I'm not aware of the status of **HB 202**.

STICKLAND: Are you aware that I have enough cosponsors to pass that on the house floor today if it were here?

GONZALES: So, I think—I'm sorry, someone was talking in my ear, can you repeat that again?

STICKLAND: Are you aware that I have more than 76 cosponsors on **HB 202**?

GONZALES: I was not aware of that. Thanks for sharing.

STICKLAND: Mr. Gonzales, I'm just trying to figure out why on one hand we're trying to help military families and veterans with this bill, and on the other hand you have readily admitted to tagging my bill in local and consent that's seeking to do the exact same thing.

GONZALES: Well, I don't know that anybody would admit to tagging your bill, **HB 202**. I know that the senate bill is over, and the senate bill is eligible, and I know you would love to move the senate bill since it's here, and we need to move on with this so your senate bill can be deliberated on this house floor as soon as possible.

STICKLAND: Mr. Gonzales, I do not intend to kill your bill today, because I want you to know that I put policy above politics, and I would ask that you continue to do that when you look at legislation like **HB 202**.

GONZALES: We would love to pass that senate bill just as soon as it's here.

### REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative Gonzales and Representative Stickland.

The motion prevailed.

**CS SB 245** (Otto - House Sponsor), in lieu of **HB 1100**, A bill to be entitled An Act relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases and to investigations of those cases. (Huberty, Kuempel, Lavender, Perry, and Schaefer recorded voting no.)

Representative Otto moved to lay **HB 1100** on the table subject to call, and the motion prevailed.

**HB 1114** (by Raney), A bill to be entitled An Act relating to restoring the jurisdiction of the constitutional county court in Brazos County.

**CS HB 1122** (by Johnson, Anchia, and Sheets), A bill to be entitled An Act relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs. (Craddick, Crownover, Frullo, Geren, Harless, Huberty, Kolkhorst, Krause, Kuempel, Laubenberg, Paddie, Parker, Perry, Phillips, Price, Schaefer, Simmons, Simpson, Stickland, and E. S. Turner recorded voting no.)

**CS HB 1123** (by Herrero), A bill to be entitled An Act relating to discount programs for certain veterans provided by toll project entities.

**CS HB 1143** (by Strama), A bill to be entitled An Act relating to certain assessments for children in the conservatorship of the state. (Capriglione, Krause, Sanford, Schaefer, and Stickland recorded voting no.)

**CS HB 1179** (by Lozano and Canales), A bill to be entitled An Act relating to the payment of restitution for the taking of wildlife resources without the property owner's consent.

**SB 425** (Farney, Raymond, and Cortez - House Sponsors), in lieu of **HB 1180**, A bill to be entitled An Act relating to foster care placement decisions made by the Department of Family and Protective Services. (The vote was reconsidered later today, and **SB 425** was returned to the Committee on Local and Consent Calendars.)

Representative Cortez moved to lay **HB 1180** on the table subject to call, and the motion prevailed. (**HB 1180** was called from the table later today and passed to engrossment.)

**CSHB 1183** (by Guillen), A bill to be entitled An Act relating to prohibited conduct by insurance adjusters, public insurance adjusters, and roofing contractors. (Capriglione, Phillips, and Sanford recorded voting no.)

**HB 1256** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 670** (S. Turner - House Sponsor), in lieu of **HB 1282**, A bill to be entitled An Act relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding. (Schaefer and Simpson recorded voting no.)

Representative S. Turner moved to lay **HB 1282** on the table subject to call, and the motion prevailed.

**SB 610** (Fletcher - House Sponsor), in lieu of **HB 1356**, A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 477; providing authority to impose a tax and issue bonds.

Representative Fletcher moved to lay **HB 1356** on the table subject to call, and the motion prevailed.

**HB 1357** (by Hunter), A bill to be entitled An Act relating to the power of the Nueces County Road District No. 4 to lease or sell land.

**HB 1361** (by Hunter), A bill to be entitled An Act relating to validating certain acts of the Lower Nueces River Water Supply District transferring real property rights. (Schaefer recorded voting no.)

**CSHB 1384** (by Bell, et al.), A bill to be entitled An Act relating to the authority of a county road department to accept donations.

**CSHB 1396** (by S. King and D. Miller), A bill to be entitled An Act relating to a study on alcohol and controlled substance statistics prepared by the Department of Family and Protective Services and the Department of State Health Services. (Capriglione, Crownover, S. Davis, Frullo, Huberty, Krause, Kuempel, Paddie, Perry, Price, Sanford, Schaefer, and Stickland recorded voting no.)

**CSHB 1452** (by N. Gonzalez), A bill to be entitled An Act relating to an exemption for certain facilities that provide shelter and care to child victims of human trafficking from child-care licensing requirements.

#### **Amendment No. 1**

Representative N. Gonzalez offered the following amendment to **CSHB 1452**:

Amend **CSHB 1452** (house committee report), on page 7, by striking lines 7-18, and substituting the following:

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3).

Amendment No. 1 was adopted.

**HB 1523** (by Guillen), A bill to be entitled An Act relating to the offense of money laundering.

**HB 1573** (by McClendon and Gutierrez), A bill to be entitled An Act relating to authorizing an optional county fee on vehicle registration in certain counties. (Burkett, Capriglione, Craddick, Crownover, S. Davis, Frullo, Geren, Gooden, Harless, Huberty, Kolkhorst, Kuempel, Lavender, Paddie, Perry, Phillips, Price, Schaefer, Sheets, Simmons, and Simpson recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1004** (Villarreal - House Sponsor), in lieu of **HB 1601**, A bill to be entitled An Act relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending; changing a fee. (Schaefer recorded voting no.)

Representative Villarreal moved to lay **HB 1601** on the table subject to call, and the motion prevailed.

**CSHB 1633** (by Dukes), A bill to be entitled An Act relating to creating an advisory committee to study child abuse and neglect fatalities. (Capriglione, Crownover, S. Davis, Frullo, Harless, Krause, Lavender, Laubenberg, Paddie, Perry, Phillips, Price, Schaefer, Simmons, Simpson, Stickland, and E. S. Turner recorded voting no.)

**SB 1589** (Dukes - House Sponsor), in lieu of **HB 1634**, A bill to be entitled An Act relating to assistance and education regarding personal finance for certain children in foster care.

Representative Dukes moved to lay **HB 1634** on the table subject to call, and the motion prevailed.

**CSHB 1659** (by S. Thompson), A bill to be entitled An Act relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses. (Krause, Phillips, and Stickland recorded voting no.)

**SB 696** (Frullo - House Sponsor), in lieu of **HB 1688**, A bill to be entitled An Act relating to the board of the Lubbock Reese Redevelopment Authority.

Representative Frullo moved to lay **HB 1688** on the table subject to call, and the motion prevailed.

**CSHB 1726** (by Bohac), A bill to be entitled An Act relating to shipping logistics and coordination services for state agencies. (Schaefer and Simpson recorded voting no.)

**CSHB 1734** (by Gutierrez), A bill to be entitled An Act relating to the authority of the mayors of certain municipalities to call a special meeting.

**SB 984** (Perry - House Sponsor), in lieu of **HB 1749**, A bill to be entitled An Act relating to the meeting of a governmental body held by videoconference call.

Representative Perry moved to lay **HB 1749** on the table subject to call, and the motion prevailed.

**HB 1755** (by Patrick), A bill to be entitled An Act relating to authorizing the appointment of a public probate administrator; authorizing fees. (Capriglione, Carter, Fallon, Lavender, Schaefer, Simmons, Simpson, and Taylor recorded voting no.)

**CSHB 1775** (by E. Thompson, Larson, Ritter, D. Bonnen, Raymond, et al.), A bill to be entitled An Act relating to the authority of the University Interscholastic League regarding activities involving sports officials.

**SB 860** (Farney, Keffer, Paddie, and Longoria - House Sponsors), in lieu of **HB 1784**, A bill to be entitled An Act relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.

Representative Farney moved to lay **HB 1784** on the table subject to call, and the motion prevailed.

**HB 1847** (by Carter), A bill to be entitled An Act relating to continuing legal education in ethics or professional responsibility for prosecutors. (Phillips recorded voting no.)

**CSHB 1856** (by Burkett), A bill to be entitled An Act relating to the authority of a mental health facility to require a peace officer to transport a person apprehended for emergency detention to a medical facility to receive a medical evaluation before being transported to the mental health facility. (Schaefer recorded voting no.)

**CSHB 1951** (by S. Thompson), A bill to be entitled An Act relating to the licensing and regulation of telecommunicators; providing a criminal penalty. (Craddick, Geren, Lavender, Phillips, Schaefer, Simmons, and Simpson recorded voting no.)

**HB 1975** (by Ritter), A bill to be entitled An Act relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.



**HB 1996** (by R. Miller), A bill to be entitled An Act relating to certain political party officials visiting a primary election polling place for administrative purposes.

**HB 2006** (by Klick), A bill to be entitled An Act relating to eligibility for appointment as a central counting station manager.

**CSHB 2012** (by Villarreal), A bill to be entitled An Act relating to collection, distribution, and use of information relating to salaries of certain professional employees of school districts. (Capriglione, Crownover, S. Davis, Flynn, Frullo, Harless, Huberty, Krause, Kuempel, Lavender, Paddie, Perry, Price, Sanford, Schaefer, Simpson, Stickland, and Zedler recorded voting no.)

**CSHB 2021** (by E. Rodriguez), A bill to be entitled An Act relating to the authority of a municipality or county to contract for the collection of certain amounts; authorizing a fee. (Burkett, Lavender, Schaefer, Simmons, and Simpson recorded voting no.)

**HB 2024** (by E. Rodriguez), A bill to be entitled An Act relating to a tax lien.

**CSHB 2036** (by Branch), A bill to be entitled An Act relating to the creation of a commission to identify future higher education and workforce needs of this state and make related recommendations to address those needs by the state's bicentennial. (Schaefer, Simmons, and Simpson recorded voting no.)

**CSHB 2080** (by S. Thompson, Naishtat, et al.), A bill to be entitled An Act relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee. (Schaefer recorded voting no.)

**HB 2110** (by Kolkhorst), A bill to be entitled An Act relating to requirements for certain election officers.

**CSHB 2117** (by S. King), A bill to be entitled An Act relating to the election of the board of directors of the Hamlin Hospital District.

**CSHB 2118** (by S. King), A bill to be entitled An Act relating to procedures for the dissolution of the Hamlin Hospital District; authorizing the imposition of a tax.

### **Amendment No. 1**

Representative S. King offered the following amendment to **CSHB 2118**:

Amend **CSHB 2118** (house committee printing) as follows:

- (1) On page 1, line 15, strike "20" and substitute "15".
- (2) Strike page 1, line 24, through page 2, line 1.

Amendment No. 1 was adopted.

**HB 2123** (by Guillen), A bill to be entitled An Act relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee. (Schaefer, Simmons, and Simpson recorded voting no.)

**SB 651** (S. Thompson - House Sponsor), in lieu of **HB 2124**, A bill to be entitled An Act relating to a medical power of attorney. (Lavender recorded voting no.)

Representative S. Thompson moved to lay **HB 2124** on the table subject to call, and the motion prevailed.

**SB 1133** (Pickett - House Sponsor), in lieu of **HB 2136**, A bill to be entitled An Act relating to contributions to certain fire and police pension funds. (Craddick, Crownover, Geren, Harless, and Kolkhorst recorded voting no.)

Representative Pickett moved to lay **HB 2136** on the table subject to call, and the motion prevailed.

**CSHB 2150** (by Nevárez), A bill to be entitled An Act relating to the classification of exotic and nongame animals. (Capriglione, Frullo, Huberty, Krause, Kuempel, Paddie, Perry, Price, Sanford, and Stickland recorded voting no.)

**CSHB 2153** (by Callegari), A bill to be entitled An Act relating to the abolition of wind erosion conservation districts.

**CSHB 2211** (by Naishtat), A bill to be entitled An Act relating to the availability on the Internet of reports of political contributions and expenditures filed in connection with certain county judicial offices. (Phillips recorded voting no.)

**CSHB 2269** (by Morrison), A bill to be entitled An Act relating to authorizing certain counties to impose a county hotel occupancy tax.

**CSHB 2305** (by E. Rodriguez), A bill to be entitled An Act relating to motor vehicle inspection requirements for vehicles equipped with compressed natural gas containers. (Capriglione, Krause, Sanford, and Stickland recorded voting no.)

**HB 2408** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

**CSHB 2450** (by Raymond), A bill to be entitled An Act relating to a pilot program operated by certain public or private primary or secondary or open-enrollment charter schools in Webb County concerning searches and drug testing of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search or test. (Capriglione, Krause, Sanford, and Stickland recorded voting no.)

**HB 2483** (by Alvarado and Patrick), A bill to be entitled An Act relating to including oral health education as part of the coordinated health program for public elementary, middle, and junior high school students. (Capriglione, Krause, Phillips, Sanford, Schaefer, Simmons, Simpson, and Stickland recorded voting no.)

**HB 2511** (by S. Thompson), A bill to be entitled An Act relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston. (Schaefer recorded voting no.)

**CSHB 2539** (by C. Turner and S. Thompson), A bill to be entitled An Act relating to requiring computer technicians to report images of child pornography; providing a criminal penalty. (Schaefer and Simpson recorded voting no.)

**SB 1191** (S. Thompson - House Sponsor), in lieu of **HB 2560**, A bill to be entitled An Act relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.

Representative S. Thompson moved to lay **HB 2560** on the table subject to call, and the motion prevailed.

**CSHB 2590** (by Keffer), A bill to be entitled An Act relating to the foreclosure sale of property subject to oil or gas lease.

**CSHB 2605** (by Flynn), A bill to be entitled An Act relating to contracts for certain professional services and the distribution of certain consultants' reports. (The vote was reconsidered later today, and **CSSB 176** was considered in lieu of **CSHB 2605** and was passed to third reading. **CSHB 2605** was laid on the table subject to call.)

**CSHB 2612** (by Flynn), A bill to be entitled An Act relating to prohibitions and restrictions on using county roads in certain circumstances. (Craddick, Geren, and Kolkhorst recorded voting no.)

**HB 2636** (by Frullo and Perry), A bill to be entitled An Act relating to the transfer of money from the tax increment fund established for a tax increment financing reinvestment zone to the fund established for an adjacent zone.

**HB 2648** (by Herrero), A bill to be entitled An Act relating to access to criminal history record information by a county tax assessor-collector. (Schaefer recorded voting no.)

**CSHB 2679** (by Guillen), A bill to be entitled An Act relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.

**HB 2707** (by Villarreal and Cortez), A bill to be entitled An Act relating to the form of the ballot proposition to be used in an election to approve a school district tax rate that exceeds the rollback tax rate.

**CSHB 2742** (by Phillips), A bill to be entitled An Act relating to the operation of a golf cart or utility vehicle on a public highway in certain counties. (Goldman and Schaefer recorded voting no.)

**CSHB 2781** (by Fletcher), A bill to be entitled An Act relating to rainwater harvesting and other water conservation initiatives. (Carter, Craddick, Fallon, Goldman, Kolkhorst, Krause, Parker, Schaefer, Springer, Stickland, and Taylor recorded voting no.)

**CSHB 2795** (by Raymond), A bill to be entitled An Act relating to enforcement of a lien against certain decedents' interests in real property. (Craddick, Geren, and Kolkhorst recorded voting no.)

**HB 2808** (by Toth, P. King, Flynn, Huberty, et al.), A bill to be entitled An Act relating to an exemption from the state hotel occupancy tax for certain members of the Texas State Guard.

**CSHB 2818** (by R. Sheffield), A bill to be entitled An Act relating to changing the wet or dry status of a justice precinct. (Harper-Brown recorded voting no.)

**CSHB 2862** (by McClendon), A bill to be entitled An Act relating to procedures related to juvenile cases.

**SB 661** (Laubenberg - House Sponsor), in lieu of **HB 2879**, A bill to be entitled An Act relating to cemeteries and perpetual care cemetery corporations; creating an offense.

Representative Laubenberg moved to lay **HB 2879** on the table subject to call, and the motion prevailed.

**CSHB 2895** (by D. Bonnen), A bill to be entitled An Act relating to authorizing the sale of certain real property in Brazoria County by the Texas Board of Criminal Justice.

**HB 2902** (by E. Thompson, et al.), A bill to be entitled An Act relating to lost, damaged, or overdue county library property; authorizing fines; authorizing a civil penalty.

**CSHB 2907** (by Frank), A bill to be entitled An Act relating to the Knox County Hospital District; authorizing the imposition of a tax.

**HB 2910** (by Kuempel), A bill to be entitled An Act relating to the sale of alcoholic beverages to customers of a package store during certain hours. (Phillips recorded voting no.)

**CSHB 2921** (by Orr), A bill to be entitled An Act relating to the composition and governance of a regional tollway authority. (Simpson recorded voting no.)

**HB 2924** (by Sheets and Sanford), A bill to be entitled An Act relating to military leave time accounts for police and fire departments.

**CSHB 2929** (by Sheets), A bill to be entitled An Act relating to health benefit plan coverage for brain injury. (Schaefer and Simpson recorded voting no.)

**CSHB 2930** (by Miles), A bill to be entitled An Act relating to procedures for asserting taking claims against certain governmental entities. (Burkett, Carter, Creighton, S. Davis, Fallon, Flynn, Frullo, Harper-Brown, Kleinschmidt, Kuempel, Lavender, Laubenberg, Paddie, Perry, Phillips, Price, Sheets, R. Sheffield, Springer, Taylor, E. S. Turner, and Zedler recorded voting no.)

**HB 2975** (by N. Gonzalez), A bill to be entitled An Act relating to the merger of housing authorities in certain municipalities and counties.

**CSHB 2982** (by Keffer), A bill to be entitled An Act relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards applicable to the transportation by pipeline of hazardous liquids, carbon dioxide, and natural gas in rural locations.

**SB 1427** (T. King - House Sponsor), in lieu of **HB 2995**, A bill to be entitled An Act relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees. (Capriglione, Krause, Sanford, Schaefer, Simpson, and Stickland recorded voting no.)

Representative T. King moved to lay **HB 2995** on the table subject to call, and the motion prevailed.

**CSHB 3015** (by Moody), A bill to be entitled An Act relating to a recall election for officials of certain general-law municipalities. (Burkett, Crownover, S. Davis, Frullo, Harless, Harper-Brown, Huberty, Kuempel, Lavender, Paddie, Perry, Price, and Sheets recorded voting no.)

**CSHB 3017** (by Moody, et al.), A bill to be entitled An Act relating to determination of the amount of certain child support obligations.

**CSHB 3038** (by Anderson), A bill to be entitled An Act relating to licensing and regulation of auctioneers; authorizing a fee. (Craddick, Geren, Kolkhorst, Schaefer, Simmons, and Simpson recorded voting no.)

**CSHB 3043** (by Oliveira), A bill to be entitled An Act relating to increasing the maximum rate at which certain municipalities may impose a hotel occupancy tax and to the use of revenue from that tax. (Burkett, Capriglione, Carter, Craddick, Creighton, Fallon, Flynn, Goldman, Gooden, Harper-Brown, Kleinschmidt, Kolkhorst, Parker, Sanford, Sheets, R. Sheffield, Springer, Taylor, and Zedler recorded voting no.)

**HB 3081** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3086** (by Darby), A bill to be entitled An Act relating to an optional exemption from the diesel fuel tax for materials blended with taxable diesel fuel. (Schaefer recorded voting no.)

**CSHB 3102** (by Morrison, E. Rodriguez, and Simmons), A bill to be entitled An Act relating to political parties' governance and conventions. (Schaefer recorded voting no.)

**CSHB 3126** (by Lucio), A bill to be entitled An Act relating to the authorization by referendum election of an increase in optional fees imposed on vehicles registered in certain counties to fund transportation projects. (Carter, Craddick, Crownover, Fallon, Flynn, Geren, Harless, Kolkhorst, Parker, Sanford, Schaefer, Taylor, and Zedler recorded voting no.)

**HB 3142** (by Bell), A bill to be entitled An Act relating to handguns used to demonstrate proficiency in handgun use for purposes of obtaining a concealed handgun license.

**CSHB 3159** (by Isaac), A bill to be entitled An Act relating to an agreement to allocate sales and use tax after a municipality annexes land in an emergency services district and to the provision of emergency services in that area.

**HB 3161** (by Simpson and Hughes), A bill to be entitled An Act relating to the Upshur County Juvenile Board.

**CSHB 3169** (by Bohac), A bill to be entitled An Act relating to the imposition of the sales and use tax on taxable items sold or provided under certain contracts.

**CSHB 3211** (by Cortez), A bill to be entitled An Act relating to the Hispanic Heritage Center of Texas. (Capriglione, Craddick, Crownover, Flynn, Frullo, Goldman, Harless, Huberty, Kuempel, Lavender, Paddie, Perry, Price, Sanford, Schaefer, Simpson, Springer, and Zedler recorded voting no.)

**HB 3334** (by Hughes), A bill to be entitled An Act relating to the recording of testimony before a grand jury. (Laubenberg, Phillips, Sanford, and E. S. Turner recorded voting no.)

**HB 3385** (by Hilderbran), A bill to be entitled An Act relating to limited liability for an agritourism entity involved in an agritourism activity.

**CSHB 3401** (by Raymond), A bill to be entitled An Act relating to nutrition and wellness education for certain recipients of certain state benefits. (Capriglione, Crownover, S. Davis, Flynn, Frullo, Harless, Huberty, Krause, Kuempel, Lavender, Paddie, Perry, Phillips, Price, Sanford, Schaefer, Simpson, Springer, Stickland, Workman, and Zedler recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**HB 3438** (by Otto and Button), A bill to be entitled An Act relating to the eligibility of a person to serve on the appraisal review board of an appraisal district.

**HB 3439** (by Otto and Button), A bill to be entitled An Act relating to the representation of a property owner by an agent in a property tax matter.

**HB 3440** (by Otto and Button), A bill to be entitled An Act relating to the authority of a member of an appraisal review board of an appraisal district to perform the duties and functions of a member.

**HB 3441** (by Otto and Button), A bill to be entitled An Act relating to the deadline for filing certain appeals of certain appraisal review board orders.

**HB 3443** (by Otto and Button), A bill to be entitled An Act relating to the persons entitled to intervene in an appeal to a district court of an ad valorem tax-related matter.

**CSHB 3471** (by Deshotel), A bill to be entitled An Act relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County. (Laubenberg, Sheets, and E. S. Turner recorded voting no.)

**CSSB 1487** (Fletcher - House Sponsor), in lieu of **HB 3482**, A bill to be entitled An Act relating to the abandonment of a county road.

Representative Fletcher moved to lay **HB 3482** on the table subject to call, and the motion prevailed.

**CSHB 3520** (by Branch), A bill to be entitled An Act relating to the designation of a segment of U.S. Highway 75 in Dallas County as the George W. Bush Expressway. (Burnam recorded voting no.)

### **CSHB 3520 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: As we discussed earlier, it is a tradition in this house—and sometimes freshmen have to be taught that tradition—that members have the opportunity to name highways, and it goes to the Transportation Committee, and it comes to this house floor, correct?

REPRESENTATIVE BRANCH: Yes, it's a designation, but yes.

BURNAM: Right, and earlier this session, we had an issue with freshmen understanding that a person has the right to do that—has earned the right to do that—by virtue of them being elected to his body.

BRANCH: I do recall a designation that you had in Tarrant County that passed this house.

BURNAM: Right.

BRANCH: And with respect to a designation for Cesar Chavez?

BURNAM: In my district and in Representative Collier's district.

BRANCH: And I didn't go to the back mic.

BRANCH: I appreciate that. We know this is not a universally embraced idea—this collegial recognition. And we know there were people who objected to my naming bill, and there are people who object to your naming bill, is that correct?

BRANCH: I would stipulate to that, Representative Burnam.

BURNAM: And, in your instance, there are 20,000 people who have signed a petition registering objections, because of various incendiary reasons. And I've looked at the comments—they don't all hate George Bush. Some of them are concerned about confusions—having three or four George Bush roads in the same county. But you know what my objection is, correct?

BRANCH: I'm sorry, what—

BURNAM: You know what my objection is to this naming? If you recall, 10 years ago, on this house body, I was the only member of the legislature that said, to over half the members of this body, it is always a bad idea to start a war. It is fundamentally the worst public policy decision that a person can make. You recall that?

BRANCH: I don't exactly, but I know your—the passion you have—on your views of—in the peace movement. I am aware of that and respectful of that.

BURNAM: And you are aware that there is a congressional document that President Bush made 55 misleading statements about the threat of Iraq in 27 separate public statements of appearance? Essentially, he lied in the lead-up to the war. You don't have to agree with my characterization, but this is a congressional document.

BRANCH: I'm not here to talk about—really, the purpose was not to debate the merits of the George W. Bush presidency—two presidencies, or two terms of his presidency. I'd be happy to do that in a different forum, and as was said last week by a bipartisan group of presidents, one his father and three democratic presidents, to praise President Bush for multiple efforts of his administration, including standing strong on 9/11, the work he did in Africa, and the compassion he showed to so many of our veterans. And so, there is a lot of discussion and debate that could be had about any president.

BURNAM: Absolutely, and I understand that, and I agree with that. But on behalf of the 20,000 people that signed this petition, and on behalf of the tens of thousands of innocent civilians that have died in Iraq, Afghanistan, and Pakistan, I'm going to register my objection to this bill, but I'm going to respect your right to carry this bill on this house floor. Thank you.

BRANCH: Thank you, and as someone who served in this capitol, twice elected by people of our state as governor, and twice elected by the people of our country as president and as somebody I happen to know is a very decent man, I am proud to be able to designate a small portion of central expressway in my district, next to this historic treasure that's come to the metroplex, in his honor. I hope it will stand for the opportunities of students on both sides of the aisle, researchers on both sides of the aisle, legislators on both sides of the aisle, to study that part of our history of this country, and it will do that in Texas.

### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Branch and Representative Burnam.

The motion prevailed.

**HB 3568** (by Kleinschmidt), A bill to be entitled An Act relating to the designation of the structure on Loop 150 in the city of Bastrop connecting the east and west banks of the Colorado River as the Chief Petty Officer (SOC) Stephen "Matt" Mills Bridge.



**HB 3573** (by Aycock), A bill to be entitled An Act relating to the requirements for obtaining a health science technology education teaching certificate and to the scope of courses a person may teach holding a technology applications teaching certificate.

**SB 1814** (Fletcher - House Sponsor), in lieu of **HB 3672**, A bill to be entitled An Act relating to a requirement that members of the Public Safety Commission hold a secret security clearance. (Harless, Huberty, Krause, Kuempel, Perry, Schaefer, Springer, and Stickland recorded voting no.)

Representative Fletcher moved to lay **HB 3672** on the table subject to call, and the motion prevailed.

**HB 3686** (by Naishtat), A bill to be entitled An Act relating to the duties of the Council on Children and Families. (Schaefer and Simpson recorded voting no.)

**HB 3687** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3714** (by Guerra and Muñoz), A bill to be entitled An Act relating to the creation of the Office of Small Business Assistance Advisory Task Force. (Capriglione, Crownover, S. Davis, Flynn, Frullo, Harless, Kuempel, Paddie, Perry, Price, Sanford, Schaefer, Simmons, Simpson, and Zedler recorded voting no.)

**CSHB 3731** (by Coleman), A bill to be entitled An Act relating to the date of a hearing on an application for an order to authorize psychoactive medication for a person receiving inpatient mental health services.

**CSHB 3792** (by Coleman), A bill to be entitled An Act relating to the intercollegiate athletics fee at Texas Southern University. (Capriglione and Sanford recorded voting no.)

**HB 3794** (by Coleman), A bill to be entitled An Act relating to the authority of certain municipalities to impose term limits on the members of their governing bodies. (Schaefer recorded voting no.)

**CSHB 3838** (by Phillips), A bill to be entitled An Act relating to motorcycle equipment and training requirements. (Crownover, Frullo, Krause, Paddie, Price, Schaefer, Simpson, and Stickland recorded voting no.)

**HB 3871** (by Smith), A bill to be entitled An Act relating to the powers and duties of the Gulf Coast Waste Disposal Authority.

**CSHB 3903** (by Isaac), A bill to be entitled An Act relating to the Hays Trinity Groundwater Conservation District; providing authority to increase certain fees.

**HB 3907** (by Harper-Brown), A bill to be entitled An Act relating to consideration of certain graduates and dropouts in evaluation of school districts, campuses, and open-enrollment charter schools for accountability purposes.

**HB 3913** (by Parker), A bill to be entitled An Act relating to the powers and duties of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to issue bonds; providing authority to impose taxes.

**HB 3929** (by Ashby and Cook), A bill to be entitled An Act relating to the composition of the 12th and 369th Judicial Districts, the redesignation of the district attorney for the 12th Judicial District as the district attorney for the 369th Judicial District, and the composition of the Leon County juvenile board.

**HB 3933** (by M. González), A bill to be entitled An Act relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.

**CSHB 3946** (by N. Gonzalez, Márquez, and Moody), A bill to be entitled An Act relating to the designation of the Officer Angel David Garcia Memorial Interchange.

**HCR 97** (by Button, Y. Davis, Branch, Geren, and Anchia), Designating the North Central Texas Council of Governments Metropolitan Planning Area as the official Texas Connectivity Hub.

**HCR 102** (by D. Miller), Designating peach cobbler as the official cobbler of Texas.

**HCR 104** (by Button), Encouraging school districts to adopt policies that promote the use of technology and technological devices in classrooms.

**HCR 111** (by Farney), Designating April as Texas Personal Financial Literacy Month for a 10-year period beginning in 2013.

**HCR 115** (by Zedler), Designating the city of Mansfield as the Pickle Capital of Texas for a 10-year period beginning in 2013.

**HR 266** (by S. Thompson), Directing the State Preservation Board to install on a specific chair in the house gallery a plaque engraved with the words "In memory of Michael W. McKinney, a great Texan and protector of the Code and Constitution."

**HR 1194** (by Vo, Anchia, Button, and Wu), Expressing support for the expansion of Taiwan's role in the international community.

#### **SB 425 - VOTE RECONSIDERED**

Representative Farney moved to reconsider the vote by which **SB 425** was passed to third reading.

The motion to reconsider prevailed.

**SB 425** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

#### **HB 1180 - CALLED FROM THE TABLE**

Representative Farney moved to call **HB 1180** from the table.

The motion prevailed.

**HB 1180** (by Cortez), A bill to be entitled An Act relating to foster care placement decisions made by the Department of Family and Protective Services.

**HB 1256** (by Stephenson, Capriglione, Bell, et al.), A bill to be entitled An Act relating to the donation of office space owned by a legislator or a legislator's business for use as the legislator's district office.

**HB 3081** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

**CSHB 3687** (by Naishtat), A bill to be entitled An Act relating to the provision of and funding for certain primary health care services; repealing a fee.

### **CSHB 3687 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KOLKHORST: Just to clarify a few things. I know that Representative Simpson also had some questions. I know this came through the Public Health Committee. There are—and we heard from FQHCs some expansion of their services so that they can serve as a safety net, and in the budget they requested a little over \$60 million, and there's actually over \$100 million that's been put toward FQHCs—am I right on that, Vice-Chair Naishtat?

REPRESENTATIVE NAISHTAT: That is absolutely right, and the department wanted this money, the \$100 million, which is an increase, which is why we're trying to improve the program so that the capacity will be there to provide these very necessary services.

KOLKHORST: And so, with our change in the Texas Women's Health Program, and the things that we've seen in the different provider network, one of the things that was thought was that federally qualified health centers might be able to catch more and do more services for the women that maybe had been receiving services from other providers. Is that correct?

NAISHTAT: That is absolutely correct.

KOLKHORST: As this bill moves to the senate, would you make sure and assist us in if there is a problem in narrowing the scope, or if we find some glitches along the way and continue to work with Representative Simpson's concerns?

NAISHTAT: Absolutely, I would be pleased to do that.

KOLKHORST: And making sure that—

NAISHTAT: I don't know if it's necessary at this point, but I would be pleased to do that.

KOLKHORST: Yes, and one more question. I know that some members have asked me today—does this expand Medicaid in any way?

NAISHTAT: No.

### **REMARKS ORDERED PRINTED**

Representative Kolkhorst moved to print remarks between Representative Naishtat and Representative Kolkhorst.

The motion prevailed.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 23).

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Defense and Veterans' Affairs, upon first adjournment today, Desk 11, for a formal meeting, to consider **SB 242**, **SB 442**, **SB 563**, **SB 1061**, **SB 1199**, **SB 1892**, **SCR 17**, and pending business.

Technology, upon first adjournment today, Desk 18, for a formal meeting, to consider **SB 1134**.

**ADJOURNMENT**

Representative Menéndez moved that the house adjourn until 2:30 p.m. today.

The motion prevailed.

The house accordingly, at 1:26 p.m., adjourned until 2:30 p.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 26**

**HB 666, HB 1016**

**Senate List No. 23**

**SB 120, SB 202, SB 307, SB 412, SB 447, SB 900, SB 945, SB 1110, SB 1286,**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 8, 2013 - 1

The Honorable Speaker of the House  
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

- HB 278** Craddick SPONSOR: Seliger  
Relating to the liability of a municipality for certain space flight activities.
- HB 419** Farias SPONSOR: Watson  
Relating to designating the first Friday in November as Texas Arbor Day.
- HB 487** Bell SPONSOR: Nichols  
Relating to liability of certain persons assisting in man-made or natural disasters.
- HB 584** Rodriguez, Eddie SPONSOR: Rodríguez  
Relating to the posting of a notice of foreclosure sale on a county's Internet website.
- HB 994** Bonnen, Dennis SPONSOR: Hegar  
Relating to the applicability of state law regulating the decommissioning costs of certain newly constructed commercial nuclear-powered electric generating facilities.
- HB 1187** Thompson, Senfronia SPONSOR: Duncan  
Relating to the power of stewards or judges to impose penalties under the Texas Racing Act; providing penalties.
- HB 1305** Sheets SPONSOR: Carona  
Relating to the criminal penalty for acting as an agent after suspension or revocation of the agent's license.
- HB 1325** Miller, Doug SPONSOR: Duncan  
Relating to the dismissal of certain actions arising from exposure to asbestos and silica.
- HB 1550** Bell SPONSOR: Van de Putte  
Relating to unemployment compensation chargebacks regarding certain persons who are involuntarily separated from employment.
- HB 1553** Rodriguez, Justin SPONSOR: Uresti  
Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.
- HB 1642** Bonnen, Dennis SPONSOR: Whitmire  
Relating to the Port of Houston Authority.  
(Committee Substitute)
- HB 1968** Deshotel SPONSOR: Williams  
Relating to the transfer of certain state property from the Texas Juvenile Justice Department to Jefferson County.
- HB 2095** Thompson, Senfronia SPONSOR: Carona  
Relating to the regulation of barbering and cosmetology; authorizing fees.
- HB 2548** Burkett SPONSOR: Carona

Relating to the enforcement of a provision regarding the imposition of a surcharge for the use of a credit card.

**HCR 23** Simpson SPONSOR: Eltife  
Designating Gregg County the Balloon Race Capital of Texas and commemorating the 36th anniversary of the Great Texas Balloon Race.

**HCR 36** Smith SPONSOR: Ellis  
Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.

**SB 1040** Taylor  
Relating to automated dial announcing devices.

**SB 1172** West  
Relating to the eligibility of certain criminal defendants for an order of nondisclosure; authorizing a fee.

**SB 1183** Huffman  
Relating to testing of a juvenile for a sexually transmitted disease or human immunodeficiency virus (HIV) on the filing of a petition alleging delinquent conduct that includes certain sexual offenses.

**SB 1440** West  
Relating to adjudication and disposition of juvenile conduct.

**SB 1551** Lucio  
Relating to the provision of affordable housing and other services in the Lower Rio Grande Valley.

**SB 1863** Hinojosa  
Relating to use of district funds by the Nueces County Hospital District.

**SB 1867** Campbell  
Relating to the creation of the Cascades Municipal Utility District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**SB 1879** Eltife  
Relating to the powers of the TexAmericas Center.

**SB 1891** Watson  
Relating to the imposition of an additional fee for filing civil cases in certain Travis County courts.

**SB 1914** Garcia  
Relating to certain specialty license plates.

Respectfully,  
Patsy Spaw  
Secretary of the Senate