

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTY-FOURTH DAY — FRIDAY, APRIL 19, 2013

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 242).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; 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; Eiland; 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; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Anderson; Branch; Kacal; Lucio; Oliveira; Ratliff; Stickland.

The speaker recognized Representative Y. Davis who introduced Dr. Patrick Ralph Rucker, senior pastor, Koinonia Missionary Baptist Church, Dallas, who offered the invocation as follows:

O God, our creator and our redeemer, our help in ages past and our hope for years to come. We approach you today, O God, with sincerity, meekness, and humility. We approach you today seeking guidance, seeking direction, and seeking your presence.

We first say thank you for being our God. We thank you for how you have never abandoned us, but always provided for us. We pray today for these legislators that have sacrificed their time for the good of our state. We ask, O God, that you bless each and every one of them as they seek to do business that will affect our state. We ask, O God, that you would bless their homes and their families.

We pray, O God, today not just for our state, but for our country. We pray for protection and guidance of our president, Mr. Obama, and those in the senate and in Congress.

We pause, O God, to remember the tragedies that have taken place in our country. We pray for the entire city of Boston. We pray for those families that have suffered loss of life and limb. And, O God, we pray for justice to be brought to those that are responsible for that bombing.

And then, O God, we pray for the town of West, Texas. We ask, O God, that you would bring comfort and peace to that small town. As they struggle with coping with loss, we ask that you be a very present help in their time of trouble. Hear our prayer, O Lord, and grant us thy peace. In the name of Jesus, I pray. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Anderson on motion of R. Sheffield.

Kacal on motion of Geren.

Ratliff on motion of Schaefer.

The following member was granted leave of absence temporarily for today because of important business:

Branch on motion of Geren.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Farrar on motion of Allen.

### **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 adjournment.

### **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).

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 9:30 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 9:30 a.m. today, 3W.15, for a formal meeting, to set a calendar.

(Price in the chair)

### **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. 18).

(Speaker in the chair)

#### **HR 1409 - ADOPTED**

**(by Pitts, Ashby, Otto, Workman, Raney, et al.)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 1409**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1409**, Honoring U.S. Army veteran Roy May, Jr., for his service to his country.

**HR 1409** was adopted.

On motion of Representative Workman, the names of all the members of the house were added to **HR 1409** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Pitts who introduced Roy May, Jr., and members of his family.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Workman who presented Dr. Daniel Freeland of Austin as the "Doctor for the Day."

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

(Branch now present)

### **GENERAL STATE CALENDAR**

#### **HOUSE BILLS**

#### **THIRD READING**

The following bills were laid before the house and read third time:

#### **HB 788 ON THIRD READING**

**(by Smith and Reynolds)**

**HB 788**, A bill to be entitled An Act relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.

**HB 788** was passed by (Record 243): 113 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Márquez; Martinez; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Toth; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Anchia; Burnam; Canales; Coleman; Collier; Cortez; Dukes; González, M.; Herrero; McClendon; Menéndez; Moody; Naishtat; Nevárez; Perez; Rodriguez, E.; Rodriguez, J.; Sheffield, J.; Simpson; Strama; Turner, C.; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Davis, Y.; Huberty; Johnson; Lozano; Martinez Fischer; Thompson, S.

### STATEMENTS OF VOTE

When Record No. 243 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 243 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 243 was taken, I was temporarily out of the house chamber. I would have voted no.

Martinez Fischer

I was shown voting no on Record No. 243. I intended to vote yes.

Walle

**HB 915 ON THIRD READING****(by Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes, et al.)**

**HB 915**, A bill to be entitled An Act relating to the administration and monitoring of health care provided to foster children.

**HB 915** was passed by (Record 244): 137 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Burnam; Frullo; Huberty; Lozano; Thompson, S.

**STATEMENT OF VOTE**

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

**HB 220 ON THIRD READING****(by Price, Herrero, Geren, S. Thompson, Moody, et al.)**

**HB 220**, A bill to be entitled An Act relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

**HB 220** was passed by (Record 245): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Burnam; Huberty; Lozano; Thompson, S.

### STATEMENT OF VOTE

When Record No. 245 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Johnson on motion of Burnam.

### HB 252 ON THIRD READING (by Larson and Burnam)

**HB 252**, A bill to be entitled An Act relating to water shortage reporting by water utilities and providers of wholesale water supplies.

#### Amendment No. 1

Representative Larson offered the following amendment to **HB 252**:

Amend **HB 252** (house committee report) on page 1, line 9, by striking "or sewer".

Amendment No. 1 was adopted by (Record 246): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Johnson; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Burnam; Gutierrez; Huberty; Reynolds; Thompson, S.; Toth.

### STATEMENT OF VOTE

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

**HB 252**, as amended, was passed by (Record 247): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.;

Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Johnson; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Burnam; Gutierrez; Huberty; Klick; Thompson, S.

### STATEMENT OF VOTE

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

### HB 2387 ON THIRD READING

(by Menéndez)

**HB 2387**, A bill to be entitled An Act relating to the ad valorem taxation of certain tangible personal property located inside a defense base development authority.

**HB 2387** was passed by (Record 248): 137 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Orr.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Johnson; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Burnam; Gutierrez; Thompson, S.



**STATEMENT OF VOTE**

I was shown voting yes on Record No. 248. I intended to vote no.

Simmons

**HB 1061 ON THIRD READING  
(by Branch)**

**HB 1061**, A bill to be entitled An Act relating to the repeal of the statutory authority for the State Medical Education Board.

**HB 1061** was passed by (Record 249): 137 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Johnson; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Canales; Perry; Reynolds; Thompson, S.

**STATEMENT OF VOTE**

When Record No. 249 was taken, my vote failed to register. I would have voted yes.

Canales

**HB 570 ON THIRD READING  
(by Alonzo)**

**HB 570**, A bill to be entitled An Act relating to issuance of a magistrate's order for emergency protection.

**HB 570** was passed by (Record 250): 114 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Lavender; Leach; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Simmons; Simpson; Smith; Smithee; Springer; Strama; Taylor; Thompson, E.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Bohac; Bonnen, D.; Button; Capriglione; Carter; Cook; Creighton; Elkins; Fallon; Fletcher; Flynn; Krause; Laubenberg; Lewis; Paddie; Parker; Riddle; Sheffield, J.; Sheffield, R.; Stephenson; Toth; Turner, E.S.

Present, not voting — Mr. Speaker(C); Bell.

Absent, Excused — Anderson; Farrar; Johnson; Kacal; Lucio; Oliveira; Ratliff; Stickland.

Absent — Perez; Reynolds; Thompson, S.; Zedler.

### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 250. I intended to vote yes.

Bell

I was shown voting yes on Record No. 250. I intended to vote no.

Clardy

When Record No. 250 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

#### CSSB 307 ON SECOND READING (Guillen, J. Davis, Sheets, and Márquez - House Sponsors)

**CSSB 307**, A bill to be entitled An Act relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

**CSSB 307** was considered in lieu of **HB 362**.

**CSSB 307** was passed to third reading.

**HB 362 - LAID ON THE TABLE SUBJECT TO CALL**

Representative J. Davis moved to lay **HB 362** on the table subject to call.  
The motion prevailed.

**HB 502 ON SECOND READING  
(by Hernandez Luna)**

**HB 502**, A bill to be entitled An Act relating to the practice of dentistry.

Representative Hernandez Luna moved to postpone consideration of **HB 502** until 11 a.m. Tuesday, April 23.

The motion prevailed.

**CSHB 630 ON SECOND READING  
(by Larson)**

**CSHB 630**, A bill to be entitled An Act relating to the filling of vacancies on a political party's county executive committee.

**Amendment No. 1**

Representative Springer offered the following amendment to **CSHB 630**:

Amend **CSHB 630** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 171.025, Election Code, is amended by adding Subsection (e) to read as follows:

(e) In a county with a population of less than 5,000, a vacancy in the office of county chair may be filled by appointment of a person who is not a resident of the county if:

(1) the person resides in a county in this state with a population of less than 5,000 that is adjacent to the county in which the vacancy occurs; and

(2) the secretary of state approves the appointment of the person under procedures prescribed by the secretary of state.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Klick offered the following amendment to **CSHB 630**:

Amend **CSHB 630** (house committee printing) as follows:

(1) On page 1, line 5, strike "171.024(b), (c), and (d)" and substitute "171.024(b) and (c)".

(2) On page 1, strike lines 21-23.

Amendment No. 2 was adopted.

**CSHB 630**, as amended, was passed to engrossment.

**CSHB 1325 ON SECOND READING  
(by D. Miller, Lewis, and Clardy)**

**CSHB 1325**, A bill to be entitled An Act relating to the dismissal of certain actions arising from exposure to asbestos and silica.

**CSHB 1325** was passed to engrossment.

**CSHB 1752 ON SECOND READING**  
(by Patrick, Pitts, Allen, Branch, Aycock, et al.)

**CSHB 1752**, A bill to be entitled An Act relating to creating the Texas Teacher Residency Program.

**Amendment No. 1**

Representative Lavender offered the following amendment to **CSHB 1752**:

Amend **CSHB 1752** (house committee printing) as follows:

(1) On page 3, lines 18-19, strike "or state appropriations".

(2) On page 4, line 19, between "FUNDS." and "The", insert "(a)".

(6) On page 4, between lines 22 and 23, insert the following:

(b) The commissioner of higher education and applicable institutions of higher education may use state funds for the purpose of the program, other than appropriations made specifically for that purpose.

(c) The Texas Teacher Residency Program under this subchapter may be established and maintained only if sufficient funds are available under this section for that purpose.

Amendment No. 1 was withdrawn.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider pending business.

Investments and Financial Services, upon adjournment today, Desk 127, for a formal meeting, to consider pending business.

Defense and Veterans' Affairs, upon adjournment today, Desk 11, for a formal meeting, to consider pending business.

**CSHB 1752 - (consideration continued)**

**Amendment No. 2**

Representative Lavender offered the following amendment to **CSHB 1752**:

Amend **CSHB 1752** (house committee printing) as follows:

(1) On page 4, line 19, between "FUNDS." and "The", insert "(a)".

(2) On page 4, between lines 22 and 23, insert the following:

(b) The commissioner of higher education, applicable institutions of higher education, partner area school districts, and open-enrollment charter schools may use state funds for the purpose of the program, other than appropriations made specifically for that purpose.

(c) The Texas Teacher Residency Program under this subchapter may be established and maintained only if sufficient funds are available under this section for that purpose.

**AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE PATRICK: I would like to have an exchange about your intent of your amendment, and you have just stated that this amendment will not prohibit local ISDs, or open-enrollment charter schools, or state universities from using their state funds for this program.

REPRESENTATIVE LAVENDER: Yes, ma'am. We do not want to stop that. That's the purpose of the bill and we're for that. We just don't want the money to come out of GR.

PATRICK: Well, it will be coming out of GR in the sense that the GR goes to the ISDs, the universities, and directly to open-enrollment charter schools.

LAVENDER: That's correct, but that's what this amendment has exceptions for—higher ed, and public ed, and the charter schools to be able to use their money that they get from GR to do this program.

### REMARKS ORDERED PRINTED

Representative Patrick moved to print remarks between Representative Lavender and Representative Patrick.

The motion prevailed.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Villalba offered the following amendment to **CSHB 1752**:

Amend **CSHB 1752** (house committee printing) by striking page 4, line 23 through page 5, line 25.

Amendment No. 3 was adopted.

**CSHB 1752**, as amended, was passed to engrossment. (Carter, S. Davis, Flynn, Frank, Frullo, P. King, Laubenberg, Perry, Schaefer, Simpson, Taylor, and White recorded voting no.)

### HR 1614 - ADOPTED (by Gutierrez)

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time **HR 1614**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1614**, In memory of those killed in the bombings at the Boston Marathon, in support of those injured, and in honor of those who rendered aid to the victims of that tragedy.

**HR 1614** was unanimously adopted by a rising vote.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1614** as signers thereof.

### RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Phillips in the chair)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Crownover on motion of Harless.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Herrero moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 3208** at 10:30 a.m. or upon final adjournment/recess Tuesday, April 23 in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 10:30 a.m. or upon final adjournment/recess Tuesday, April 23, E2.016, for a public hearing, to consider **HB 3208** and the previously posted agenda.

**ADJOURNMENT**

Representative Burnam moved that the house adjourn until 1 p.m. Monday, April 22.

The motion prevailed.

The house accordingly, at 10:32 a.m., adjourned until 1 p.m. Monday, April 22.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HCR 99** (By Farney), Congratulating Pamela Holcomb, Burnet Consolidated Independent School District Food Service Department director, on the district's success in the HealthierUS School Challenge.

To Rules and Resolutions.

**HCR 101** (By Farney), Congratulating the Burnet Consolidated Independent School District Food Service Department on its role in the district's success in the HealthierUS School Challenge.

To Rules and Resolutions.

**HCR 105** (By Canales), Honoring Judge Noe Gonzalez of the 370th District Court in Hidalgo County for his professional achievements and civic contributions.

To Rules and Resolutions.

**HCR 107** (By Eiland), Congratulating George P. Mitchell on his receipt of a History-Making Texan Award from the Texas State History Museum Foundation.  
To Rules and Resolutions.

**HCR 108** (By Darby), Congratulating Kevin and Linda Hirt of St. Lawrence on their 25th wedding anniversary.  
To Rules and Resolutions.

**HR 1546** (By Anderson), Congratulating Midway High School JROTC members on earning Outstanding Cadet Medals for their performance during the Semi-Annual Marine Corps Command Inspection Program.  
To Rules and Resolutions.

**HR 1547** (By Anderson), Congratulating the Baylor University Lady Bears basketball team on its achievements during the 2012-2013 season.  
To Rules and Resolutions.

**HR 1548** (By Anderson), Honoring members of the Midway Independent School District Marine Corps JROTC for their participation in the work of Wreaths Across America.  
To Rules and Resolutions.

**HR 1550** (By Elkins), Congratulating the Southwestern Assemblies of God University men's basketball team on its exceptional season and on its appearance in the 2013 NAIA Division I national championship game.  
To Rules and Resolutions.

**HR 1551** (By Hughes), Congratulating Frank and Bobbie Robertson of Quitman on their 66th wedding anniversary.  
To Rules and Resolutions.

**HR 1552** (By K. King), Congratulating Plains High School for winning the 2011-2012 UIL One-Act Play 1A State Championship.  
To Rules and Resolutions.

**HR 1553** (By K. King), Congratulating the members of the boys' 4 x 400-meter relay team of Watson Junior High School in Muleshoe on establishing a new school record.  
To Rules and Resolutions.

**HR 1555** (By Guillen), Honoring Jesus Gilberto "Chick" Saenz for his career as a special ranger with the Texas and Southwestern Cattle Raisers Association.  
To Rules and Resolutions.

**HR 1556** (By Kolkhorst), Commending Deputy Arthur Senteno of the Washington County Sheriff's Office for saving an elderly man from a house fire.  
To Rules and Resolutions.

**HR 1557** (By Miles), Commemorating the 90th anniversary of the Miller Outdoor Theatre in Houston.  
To Rules and Resolutions.

**HR 1558** (By Coleman), Congratulating Michael Strahan on his receipt of an honorary doctorate of humane letters from Texas Southern University.  
To Rules and Resolutions.

**HR 1561** (By Smith), In memory of Charles Otto Schumann of Stonewall.  
To Rules and Resolutions.

**HR 1562** (By Pickett), Congratulating Brock Logan on his retirement from the Texas Commission on State Emergency Communications.  
To Rules and Resolutions.

**HR 1564** (By Branch), Honoring Big Thought on its receipt of a 2013 Texas Medal of Arts Award in the category of Art Education.  
To Rules and Resolutions.

**HR 1565** (By Gonzales), Recognizing April 18, 2013, as Round Rock Day at the State Capitol.  
To Rules and Resolutions.

**HR 1566** (By Laubenberg), Honoring the Alpha Delta Pi sorority on the occasion of its 2013 Grand Convention in Dallas.  
To Rules and Resolutions.

**HR 1567** (By Aycock), Honoring the Outreach Afterschool program, established by Christian Outreach Foundation.  
To Rules and Resolutions.

**HR 1569** (By Sheets), In memory of Ethyel Stallings, founder of First Republican Women's Club of Dallas.  
To Rules and Resolutions.

**HR 1570** (By Muñoz), Congratulating Jose B. Montalvo of Mission on being named an All-State musician for four consecutive years by the Texas Music Educators Association.  
To Rules and Resolutions.

**HR 1571** (By Hunter), In memory of Marcille Louise Morehead of Corpus Christi.  
To Rules and Resolutions.

#### **SIGNED BY THE SPEAKER**

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

#### **House List No. 18**

**HCR 24, HCR 109**

#### **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  
Friday, April 19, 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:

**SB 10** Van de Putte  
Relating to employment, higher education, and state purchasing programs for veterans.

**SB 303** Deuell  
Relating to advance directives and health care and treatment decisions.

**SB 467** Hegar  
Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

**SB 542** Watson  
Relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.

**SB 834** Estes  
Relating to the confidentiality of certain grand juror information, including making former district court jurors instead of former grand jurors eligible for service on certain public committees.

**SB 876** Patrick  
Relating to the discharge of a surety's liability on a bail bond in a criminal case.

**SB 1084** Hinojosa  
Relating to the enterprise zone program.

**SB 1356** Van de Putte  
Relating to requiring trauma-informed care training for certain staff of county and state juvenile facilities.

**SB 1476** West  
Relating to the creation of the veteran entrepreneur program by the Texas Veterans Commission.

**SB 1703** Zaffirini  
Relating to the use of hotel occupancy tax revenue in certain municipalities and counties.

**SB 1759** Uresti  
Relating to the procedures for the appointment of and the duties of attorneys ad litem in certain suits affecting the parent-child relationship.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 1**  
Senate Conferees: Williams - Chair/Duncan/Hinojosa/Nelson/Whitmire

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 18**

Agriculture and Livestock - **HB 722, HB 1621, HB 2312**

Appropriations - **HB 1025**

Corrections - **HB 797, HB 1234, HB 1337, HB 1992, HB 2398, HB 3161**

County Affairs - **SB 543**

Criminal Jurisprudence - **HB 1849**

Economic and Small Business Development - **HB 1784, HB 1995, SB 307, SB 441**

Elections - **HB 1256, HB 2263, HB 2372, HB 2503, HB 2984**

Energy Resources - **HB 2300, HB 2446**

Environmental Regulation - **HB 1516, HB 1714**

Government Efficiency and Reform - **HB 87, HB 1749, HB 3200**

Homeland Security and Public Safety - **HB 1200, HB 1803**

Insurance - **HB 170, HB 1358, HB 1773, HB 1806, HB 2163**

Investments and Financial Services - **HB 1601**

Public Health - **HB 3201**

Special Purpose Districts - **HB 1354, HB 1355, HB 1492, HB 1506, HB 1801, HB 2055, HB 2341, HB 2750, HB 3864, HB 3870, HB 3876, HB 3881, HB 3882, HB 3886**

Technology - **SB 866, SB 953**

Transportation - **HB 2204, HB 3031, SB 276**

Ways and Means - **HB 294, HB 2712**

**ENGROSSED**

**April 18 - HB 63, HB 407, HB 411, HB 434, HB 436, HB 458, HB 477, HB 483, HB 584, HB 625, HB 674, HB 729, HB 768, HB 799, HB 809, HB 839, HB 908, HB 952, HB 988, HB 989, HB 995, HB 1098, HB 1104, HB 1164, HB 1205, HB 1227, HB 1265, HB 1287, HB 1305, HB 1366, HB 1422, HB 1427, HB 1514, HB 1646, HB 1664, HB 1741, HB 1818, HB 1844, HB 1940, HB 1960, HB 2016, HB 2134, HB 2254, HB 2276, HB 2304, HB 2422, HB 2462, HB 2465, HB 2466, HB 2710, HB 2758**

**ENROLLED**

**April 18 - HCR 24, HCR 109**

**SENT TO THE GOVERNOR**

**April 18 - HCR 95**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 18 - HB 3913, HB 3914, HB 3916, HB 3917, HB 3918, HB 3920, HB 3921, HB 3922, HB 3923, HB 3925**