

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWELFTH DAY — MONDAY, FEBRUARY 9, 2015

The house met at 2:04 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 28).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Keough; Martinez Fischer; Phillips.

Absent — Anderson, R.

The speaker recognized Representative Krause who introduced Reverend Franklin Krause, pastor, Ebenezer Congregational Church, Lincoln, Nebraska, who offered the invocation as follows:

Almighty Father, thank you for the grace you give to us in the Lord Jesus. Again, today, we acknowledge you as God, as creator and redeemer, our God who loves us, our creator who gives us life, our redeemer who gives us new life in Christ. We pray this afternoon for these men and women who help guide and govern Texas. The difficulties and challenges they face are enormously overwhelming, yet we know your word promises wisdom and enabling for those who love you and are called to be like Jesus. Jesus has promised his grace and his help to those who follow him. And Almighty Father, we are absolutely sure that your Son always keeps his promises and does exactly what he says he will do. So

Father, I beseech you with all my heart, on behalf of 27 million Texans and 319 million Americans, that these men and women would follow Jesus in integrity and character so they, too, might keep their promises and be true to their word.

These legislators know better than I that politics ought to be a process, never a lifestyle. Political processes are ways these house members might effectively work this session. But Father, keep politics from becoming a way of life for all these gathered here. While compromise and trade-offs might be helpful in this chamber, such in life and relationships cause us to become hypocritical and untrustworthy. Alongside of the Lord Jesus, our character and our conduct are all that we have. To him, this is not politics as usual, nor position or power. Help us, we pray, so that we would be like Jesus so we should not be ashamed nor bring sadness to your heart.

Father, from the scriptures and from life, we have learned the truth that the greatest of all sins is to be conscious of none. We confess that we fall short in many, many ways. We are broken people; we have issues. Sometimes even our issues have issues. This side of heaven, we'll never be perfect, but with your grace and mercy, we can be blameless by walking in truth, by trusting in you, and by looking to Jesus as our guide for wisdom and goodness.

Father, we praise you this afternoon for one of your greatest and unique gifts in Jesus, that gift of beginning again and having the opportunity to start over. Because of Jesus' sacrifice on the cross, as Christ-followers we can be forgiven and cleansed from mistakes and misdeeds, from faults and failures, from wrongs and offenses. Jesus delivers us from guilt, frees from the past, and gives us a new day and a fresh start. We thank you that in Jesus there is genuine redemption, in Jesus leopards do change their spots, lives are transformed, people are changed, we are given a second chance, an incredible opportunity to be a new and different person.

I pray this afternoon, Father, the simple prayer of a child: Please, God, make all the bad people good, and make all the good people kind. With all our hearts and minds and souls, we pray that you would bless Texas and that you would bless America. In Jesus' name, we pray. Amen.

The speaker recognized Representative C. Anderson 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:

Keough on motion of Burns.

Martinez Fischer on motion of Nevárez.

Phillips on motion of Cook.

CAPITOL PHYSICIAN

The speaker recognized Representative M. White who presented Dr. Michael Kirkpatrick of Temple as the "Doctor for the Day."

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

(Koop in the chair)

LEAVE OF ABSENCE GRANTED

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

R. Anderson on motion of Sheets.

HR 392 - ADOPTED (by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 392**.

The motion prevailed.

The following resolution was laid before the house:

HR 392, Recognizing February 9, 2015, as Palmview Day at the State Capitol.

HR 392 was adopted.

On motion of Representatives Longoria and Canales, the names of all the members of the house were added to **HR 392** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced a delegation from Palmview.

HR 375 - ADOPTED (by Raymond and T. King)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 375**.

The motion prevailed.

The following resolution was laid before the house:

HR 375, Congratulating the Top Gears robotics team of Harmony Science Academy in Laredo on its success in FIRST LEGO League competition.

HR 375 was adopted.

On motion of Representative T. King, the names of all the members of the house were added to **HR 375** as signers thereof.

HR 194 - ADOPTED
(by Simpson)

Representative Simpson moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

HR 194, Congratulating the Gilmer High School football team on winning the 2014 UIL 4A Division 2 state championship.

HR 194 was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 194** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Simpson who introduced Jeff Traylor, head coach of the Gilmer High School football team.

HR 358 - ADOPTED
(by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 358**.

The motion prevailed.

The following resolution was laid before the house:

HR 358, Honoring Dr. Dale Talbert for his service as Pastor of the Day on January 21, 2015.

HR 358 was adopted.

PROVIDING FOR ADJOURNMENT

At 2:38 p.m., Representative Geren moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Gary Adrian of Austin.

The motion prevailed.

(J. White in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

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

(Burkett in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:57 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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

HB 41 (By Martinez Fischer), Relating to the minimum wage.
To Business and Industry.

HB 42 (By Martinez Fischer), Relating to the minimum wage.
To Business and Industry.

HB 43 (By González), Relating to the creation of a task force to evaluate state assessment instruments administered to public school students with significant cognitive disabilities.
To Public Education.

HB 44 (By Martinez), Relating to the establishment of a public law school in the Rio Grande Valley.
To Higher Education.

HB 45 (By Martinez), Relating to a cost-of-living increase applicable to benefits paid by the Teacher Retirement System of Texas.
To Pensions.

HB 46 (By Martinez), Relating to the establishment of a public law school in the Rio Grande Valley.
To Higher Education.

HB 47 (By Martinez), Relating to the salary paid to certain professional employees of public schools.
To Public Education.

HB 48 (By McClendon), Relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.
To Criminal Jurisprudence.

HB 49 (By González), Relating to a requirement for school districts to report class size to the Texas Education Agency.
To Public Education.

HB 50 (By Martinez), Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

To Urban Affairs.

HB 51 (By González), Relating to limits on the size of certain classes in public schools.

To Public Education.

HB 52 (By Martinez), Relating to increasing the amount of the residence homestead exemption from ad valorem taxation by a school district from \$15,000 to \$45,000, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and protecting school districts against the resulting loss in local revenue.

To Ways and Means.

HB 53 (By McClendon), Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

To Juvenile Justice and Family Issues.

HB 54 (By González), Relating to termination or suspension without pay of certain school district employees.

To Public Education.

HB 55 (By Martinez), Relating to the use of the Texas Enterprise Fund for veterans hospitals.

To Economic and Small Business Development.

HB 56 (By González), Relating to the creation of a task force to evaluate the English language proficiency standards used in public schools.

To Public Education.

HB 57 (By González), Relating to the review by a school district board of trustees of a hearing examiner's determination regarding good cause to suspend a teacher without pay or terminate the teacher's contract.

To Public Education.

HB 58 (By Martinez), Relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.

To Business and Industry.

HB 59 (By Lucio), Relating to the establishment of a public law school in the Rio Grande Valley.

To Higher Education.

HB 60 (By Martinez), Relating to firefighters and emergency medical technicians who bring certain claims for benefits or compensation.

To Urban Affairs.

HB 61 (By McClendon), Relating to a single common course numbering system for public institutions of higher education in this state.

To Higher Education.

HB 62 (By Martinez), Relating to the transportation of certain mental health patients.

To Public Health.

HB 63 (By González), Relating to state collaboration with federally recognized Indian tribes.

To State Affairs.

HB 64 (By Lucio), Relating to the use of a portable wireless communication device while operating a motor vehicle; creating an offense; providing penalties.

To Transportation.

HB 65 (By McClendon), Relating to disease control pilot programs to reduce the risk of certain communicable diseases; authorizing a fee.

To County Affairs.

HB 66 (By González), Relating to the consideration of the performance of certain students of limited English proficiency on state assessment instruments.

To Public Education.

HB 67 (By González), Relating to the issuance of specialty license plates to honor recipients of certain military medals.

To Defense and Veterans' Affairs.

HB 68 (By Alonzo), Relating to the creation of a Texas resident driver's permit, provisional Texas resident driver's permit, and Texas resident driver's instruction permit; creating an offense.

To State Affairs.

HB 69 (By McClendon), Relating to the creation of the Juvenile Court Jurisdiction Task Force.

To Juvenile Justice and Family Issues.

HB 70 (By González), Relating to prevention of discrimination and harassment in public schools.

To Public Education.

HB 71 (By González), Relating to the prosecution of the offense of indecency with a child.

To Criminal Jurisprudence.

HB 72 (By Goldman), Relating to a prohibition on the sale or transfer of certain law enforcement vehicles before removal of certain equipment and insignia.

To Homeland Security and Public Safety.

HB 73 (By González), Relating to academic assessment of public school students with significant disabilities.

To Public Education.

HB 74 (By González), Relating to financial assistance administered by the Texas Department of Housing and Community Affairs in certain rural areas.

To Urban Affairs.

HB 75 (By González), Relating to the exemption from vehicle registration for certain farm vehicles owned by a farmers' cooperative society or marketing association.

To Transportation.

HB 76 (By Israel), Relating to electronic voter registration.

To Elections.

HB 77 (By González, Anchia, Leach, Rose, and Villalba), Relating to a study of the Dallas Men Against Abuse program.

To Human Services.

HB 78 (By González), Relating to human sexuality education in public schools.

To Public Education.

HB 79 (By Guillen), Relating to exemptions from the sales and use tax and the franchise tax for certain businesses during an initial period of operation in the state.

To Ways and Means.

HB 80 (By Craddick, Cook, Lucio, Harless, and Menéndez), Relating to the use of a portable wireless communication device while operating a motor vehicle; creating an offense; providing penalties.

To Transportation.

HB 83 (By J. White), Relating to the computation of cost of goods sold for purposes of the franchise tax by taxable entities primarily engaged in the business of harvesting trees for wood.

To Ways and Means.

HB 84 (By J. White), Relating to the exclusion of certain funds in determining total revenue for purposes of the franchise tax by taxable entities engaged in the business of harvesting trees for wood.

To Ways and Means.

HB 85 (By Craddick), Relating to a sales and use tax exemption for telecommunications services used for the navigation of certain farm and ranch machinery and equipment.

To Ways and Means.

HB 86 (By J. White), Relating to the creation of a select committee to evaluate the effects of a reduction in or the elimination of federal funding on the state budget due to federal fiscal policy.

To Appropriations.

HB 87 (By González), Relating to the collection and recycling of computer and television equipment by certain retailers; providing for the imposition of administrative penalties.

To Environmental Regulation.

HB 88 (By J. White), Relating to requiring state contractors to participate in the federal electronic verification of employment authorization program, or E-verify.

To State Affairs.

HB 89 (By González), Relating to a limitation on the amount of tuition charged by public institutions of higher education.

To Higher Education.

HB 90 (By González), Relating to eligibility for benefits under the Texas women's health program.

To Public Health.

HB 91 (By Flynn), Relating to the regulation of raw milk and raw milk products.

To Public Health.

HB 92 (By J. White), Relating to the definition of an illegal knife.

To Criminal Jurisprudence.

HB 93 (By J. White), Relating to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.

To Juvenile Justice and Family Issues.

HB 94 (By González), Relating to a database of employers penalized for failure to pay wages or convicted of certain offenses involving wage theft.

To Business and Industry.

HB 95 (By Fletcher), Relating to the exclusion of certain witnesses during a criminal proceeding.

To Criminal Jurisprudence.

HB 96 (By Flynn), Relating to the authority of the Cash Special Utility District to issue bonds.

To Special Purpose Districts.

HB 97 (By Guillen), Relating to the elimination of the statute of limitations for the offenses of sexual assault and aggravated sexual assault.

To Criminal Jurisprudence.

HB 98 (By Flynn), Relating to the Texas Balance of Powers Act.

To Select State and Federal Power and Responsibility.

HB 99 (By Guillen), Relating to tracking career information for graduates of Texas medical schools and persons completing medical residency programs in Texas.

To Higher Education.

HB 101 (By Guillen), Relating to the creation of the offense of unlawful disclosure of certain visual material.

To Criminal Jurisprudence.

HB 102 (By Fletcher, R. Anderson, Burkett, Y. Davis, and Leach), Relating to the creation of the offense of cargo theft.

To Criminal Jurisprudence.

HB 103 (By Guillen), Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

To Ways and Means.

HB 104 (By J. White and Israel), Relating to the practice of barbering and cosmetology at certain events.

To Licensing and Administrative Procedures.

HB 106 (By Flynn), Relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun; providing penalties.

To Homeland Security and Public Safety.

HB 107 (By J. White), Relating to the fine imposed on a student convicted of truancy.

To Juvenile Justice and Family Issues.

HB 108 (By Guillen), Relating to certain lottery prize winners' choice to remain anonymous.

To Licensing and Administrative Procedures.

HB 110 (By J. White), Relating to the punishment by confinement for contempt of court for failure to obey a court order related to truancy.

To Juvenile Justice and Family Issues.

HB 111 (By Martinez Fischer), Relating to providing for voter registration at a polling place during early voting by personal appearance and related procedures.

To Elections.

HB 112 (By J. White), Relating to the prosecution of murder committed in the course of committing or attempting to commit trafficking of persons.

To Criminal Jurisprudence.

HB 113 (By Fletcher), Relating to prohibiting abortion that is based on the sex of the unborn child; creating an offense.

To State Affairs.

HB 115 (By Dale, Aycock, Sheffield, M. White, and Larson), Relating to the criteria for awarding the Texas Purple Heart Medal to members of the armed forces wounded or killed at Fort Hood on November 5, 2009.

To Defense and Veterans' Affairs.

HB 116 (By Martinez Fischer), Relating to expanding eligibility for benefits under the Medicaid program

To Appropriations.

HB 121 (By Fletcher), Relating to an alternative means of payment of certain criminal fines and court costs.

To Criminal Jurisprudence.

HB 126 (By Fletcher), Relating to parking placards for vehicles of persons with disabilities.

To Transportation.

HB 127 (By McClendon), Relating to the issuance of specialty license plates to honor recipients of certain military medals.

To Defense and Veterans' Affairs.

HB 128 (By Goldman), Relating to the exemption from ad valorem taxation of mineral interests having a value of less than a certain amount.

To Ways and Means.

HB 136 (By Stickland), Relating to availability of professional liability insurance under a self-insurance trust for health care.

To Insurance.

HB 137 (By Stickland), Relating to grants of appropriated money to certain peace officer organizations.

To Homeland Security and Public Safety.

HB 138 (By Flynn), Relating to the posting of the Ten Commandments in public school classrooms.

To Public Education.

HB 139 (By Stickland), Relating to the posting of certain notices for political subdivisions on the comptroller's Internet website.

To Government Transparency and Operation.

HB 140 (By Menéndez), Relating to driver's licenses and personal identification certificates issued to veterans; reducing certain fees.

To Defense and Veterans' Affairs.

HB 141 (By Menéndez), Relating to the use of a wireless communication device while operating a motor vehicle; creating an offense and providing penalties.

To Transportation.

HB 142 (By Stickland), Relating to the authority of the governing body of a local authority to impose a civil penalty for certain violations recorded by an automated traffic control system or a photographic traffic signal enforcement system.

To Transportation.

HB 143 (By Menéndez), Relating to the local regulation of distance requirements for the possession or consumption of alcoholic beverages near public transportation stops.

To Licensing and Administrative Procedures.

HB 146 (By Menéndez), Relating to requiring photo identification for certain credit card purchases.

To Investments and Financial Institutions.

HB 147 (By Menéndez), Relating to the prosecution of the offense of improper photography or visual recording.

To Criminal Jurisprudence.

HB 148 (By Menéndez), Relating to the consumption of alcoholic beverages on certain premises; providing a penalty and authorizing a fee.

To Licensing and Administrative Procedures.

HB 149 (By Menéndez), Relating to photo identification requirements for certain stored value card purchases.

To Investments and Financial Institutions.

HB 150 (By Flynn), Relating to daylight saving time.

To Government Transparency and Operation.

HB 151 (By Guillen), Relating to authorizing a credit representing motor fuels taxes against, and imposing, a mileage tax and to the use of revenue from that tax; providing penalties.

To Ways and Means.

HB 152 (By Harless), Relating to the authority of the voters of certain counties to authorize the county to regulate the sale and use of fireworks; providing penalties.

To County Affairs.

HB 153 (By Harless), Relating to the adoption of noise regulations by certain counties; providing a criminal penalty; authorizing a fee.

To County Affairs.

HB 154 (By Johnson), Relating to a prohibition on certain law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To State Affairs.

HB 155 (By Johnson), Relating to the use of force in defense of property.

To Criminal Jurisprudence.

HB 157 (By Larson), Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

To Ways and Means.

HB 159 (By Larson and Sheffield), Relating to the reimbursement of state funds used on out-of-state travel by elected officers.

To State Affairs.

HB 161 (By Larson), Relating to housing prisoners in a tent or other facility in lieu of a county jail.

To County Affairs.

HB 163 (By Larson), Relating to interstate cooperation to address regional water issues.

To Natural Resources.

HB 164 (By J. White, Leach, Guillen, Bohac, and Phelan), Relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun; providing penalties.

To Homeland Security and Public Safety.

HB 166 (By Larson), Relating to the issuance of a safety belt exemption placard.

To Transportation.

HB 167 (By Larson), Relating to the adoption of a county charter by Bexar County.

To County Affairs.

HB 168 (By Larson), Relating to privileged parking for Distinguished Flying Cross medal recipients.

To Defense and Veterans' Affairs.

HB 169 (By Larson), Relating to requiring that members of the governing board of certain metropolitan rapid transit authorities be elected.

To Transportation.

HB 170 (By Alvarado), Relating to regulation of vapor products; authorizing fees; creating offenses; providing a penalty.

To Public Health.

HB 171 (By Alvarado), Relating to limits on the size of fifth grade classes in public schools.

To Public Education.

HB 173 (By Alvarado), Relating to information reported by a public school district regarding prekindergarten classes.

To Public Education.

HB 174 (By Martinez Fischer), Relating to requiring a living wage for those that do business with the state.

To Business and Industry.

HB 177 (By Zedler), Relating to the research, collection, and use of adult stem cells.

To State Affairs.

HB 178 (By Zedler), Relating to the authority of a justice of the peace to waive the waiting period for a marriage ceremony.

To Juvenile Justice and Family Issues.

HB 179 (By Zedler), Relating to the investigation and resolution of complaints filed against physicians.

To Public Health.

HB 181 (By Bell), Relating to information printed by school districts on high school diplomas.

To Public Education.

HB 183 (By Dale), Relating to requiring state agencies to participate in the federal electronic verification of employment authorization program, or E-verify.

To State Affairs.

HB 185 (By Zedler), Relating to benefits for a refill of a prescription drug by a health benefit plan issuer.

To Insurance.

HB 186 (By S. Thompson), Relating to the availability of free prekindergarten programs in public schools.
To Public Education.

APPENDIX

SIGNED BY THE GOVERNOR

February 5 - HCR 44, HCR 45, HCR 48