

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTEENTH DAY — TUESDAY, FEBRUARY 10, 2015

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 29).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; 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.; 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; 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; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; 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; Spitzer.

Absent — Deshotel; Keffer; Murphy.

The speaker recognized Representative Cook who introduced Glen MacDonald, minister, Hillsboro Church of Christ, Hillsboro, who offered the invocation as follows:

Our God and Heavenly Father, it is with a sense of awe and humility that we enter your presence here in this place. We acknowledge that each of us has been lovingly and miraculously created in your image and that our express purpose for being here is so that we may accomplish your will over the course of our lifetime. We are blessed as citizens of Texas to have both the opportunity as well as the privilege of receiving your wisdom and insight, your understanding, and your mercy, grace, and forgiveness. And so for these things, dear Father, we humbly accept your trust and your faith in each of us as your servants.

Dear God, I pray that each person here today, here in this seat of democracy, here in this cathedral of freedom, that all would welcome and embrace your guidance and your plan for the political process, discussion and debate, and ultimately, for the direction of Texas and all her people. May the conversations that take place and the decisions made be to your glory. And so, Father, during those moments of deeply passionate discussion and disagreement, may calm be restored through your peace, which is as real as your presence here among us today. Grant us, dear Lord, the willingness to seek you in all that we say, in our actions, and especially in our hearts. We ask that you protect us from evil. Lord, I ask that you will grant these humble servants the clarity necessary to accomplish your will for Texas.

As the God of peace, justice, mercy, and grace, I pray that all your attributes will bathe this house of representatives throughout this session. I pray that your name will be honored and incorporated into the proceedings here today, amid this session, and beyond.

Knowing the "amen" to this prayer will mark its conclusion, may each person here rest assured that a stream of ceaseless prayers will continue to flow before your throne in the days to come. For that, dear Lord, is one of the many, many blessings of living here in the great State of Texas. I ask and pray these things in the name of your Son and our Savior, Jesus Christ. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

Martinez Fischer on motion of Nevárez.

The following member was granted leave of absence for today because of illness:

Keough on motion of Burns.

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

Spitzer on motion of Tinderholt.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative D. Miller who presented Dr. Francisco Barrera of Boerne as the "Doctor for the Day."

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

(Metcalf in the chair)

**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).

**HR 323 - ADOPTED  
(by D. Bonnen)**

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 323**.

The motion prevailed.

The following resolution was laid before the house:

**HR 323**, Congratulating Keith Brown of the Bay City Independent School District on his selection as 2013 Superintendent of the Year.

**HR 323** was adopted.

On motion of Representative VanDeaver, the names of all the members of the house were added to **HR 323** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative D. Bonnen who introduced Keith Brown and members of his family.

**HR 354 - ADOPTED  
(by Herrero, Hunter, and Lozano)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 354**.

The motion prevailed.

The following resolution was laid before the house:

**HR 354**, Recognizing February 10, 2015, as Texas State Aquarium Day at the State Capitol.

**HR 354** was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 354** as signers thereof.

**HR 322 - ADOPTED  
(by D. Bonnen)**

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 322**.

The motion prevailed.

The following resolution was laid before the house:

**HR 322**, Recognizing February 10, 2015, as Matagorda County Day at the State Capitol.

**HR 322** was adopted.

On motion of Representative Button, the names of all the members of the house were added to **HR 322** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative D. Bonnen who introduced a delegation from Matagorda County.

#### **HR 377 - ADOPTED (by Canales)**

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 377**.

The motion prevailed.

The following resolution was laid before the house:

**HR 377**, Congratulating the Edinburg High School mock trial team on winning the Region One Mock Trial Competition.

**HR 377** was adopted.

#### **HR 376 - ADOPTED (by Canales)**

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 376**.

The motion prevailed.

The following resolution was laid before the house:

**HR 376**, Congratulating the Edinburg High School cheerleading team on winning its division title at the 2015 National Cheerleaders Association Senior and Junior High School National Championship.

**HR 376** was adopted.

On motion of Representative Canales, the names of all the members of the house were added to **HR 376** as signers thereof.

#### **HR 309 - ADOPTED (by Lozano)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 309**.

The motion prevailed.

The following resolution was laid before the house:

**HR 309**, Recognizing February 10, 2015, as Bee County Day at the State Capitol.

**HR 309** was adopted.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Lozano who introduced a delegation from Bee County.

**HR 355 - ADOPTED**  
**(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 355**.

The motion prevailed.

The following resolution was laid before the house:

**HR 355**, Recognizing February 10, 2015, as Rita L. Littlefield Kidney Day at the State Capitol.

**HR 355** was adopted.

**RESOLUTIONS ADOPTED**

Representative Paddie moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

**HR 374** (by Paddie), Recognizing February 10, 2015, as Panola County Day at the State Capitol.

**HR 381** (by Paddie), Honoring David L. Anderson for his service as county judge of Panola County.

**HR 383** (by Paddie), Congratulating the Carthage High School football team on winning the 2013 UIL 3A Division 1 state championship.

The resolutions were adopted.

On motion of Representative Clardy, the names of all the members of the house were added to **HR 374**, **HR 381**, and **HR 383** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Paddie who introduced a delegation from Panola County.

**HR 306 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 306**.

The motion prevailed.

The following resolution was laid before the house:

**HR 306**, Honoring World War II veteran and former Howard County commissioner William Burgess Crooker.

**HR 306** was adopted.

On motion of Representative Crownover, the names of all the members of the house were added to **HR 306** as signers thereof.

**HR 308 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 308**.

The motion prevailed.

The following resolution was laid before the house:

**HR 308**, Recognizing February 10, 2015, as Howard County Day at the State Capitol.

**HR 308** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Darby who introduced a delegation from Howard County.

(Murphy now present)

**HR 174 - ADOPTED**  
**(by Guerra)**

Representative Guerra moved to suspend all necessary rules to take up and consider at this time **HR 174**.

The motion prevailed.

The following resolution was laid before the house:

**HR 174**, In memory of McAllen Commissioner Scott Crane.

**HR 174** was read and was unanimously adopted by a rising vote.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 174** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Guerra who introduced family members of Scott Crane.

**HR 441 - ADOPTED**  
**(by Springer)**

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 441**.

The motion prevailed.

The following resolution was laid before the house:

**HR 441**, Recognizing February 10, 2015, as Graham Day at the State Capitol.

**HR 441** was adopted.

**HR 303 - ADOPTED**  
**(by Israel)**

Representative Israel moved to suspend all necessary rules to take up and consider at this time **HR 303**.

The motion prevailed.

The following resolution was laid before the house:

**HR 303**, Commending Charlie Betts on his service as executive director of the Downtown Austin Alliance.

**HR 303** was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 303** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Israel who introduced Charlie Betts and his wife, Sylvia.

**HR 443 - ADOPTED**  
**(by Muñoz)**

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 443**.

The motion prevailed.

The following resolution was laid before the house:

**HR 443**, Recognizing February 10, 2015, as Rio Grande Valley Day at the State Capitol.

**HR 443** was adopted.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 443** as signers thereof.

(Deshotel now present)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Muñoz who introduced a delegation from the Rio Grande Valley.

(Keffer now present)

**HR 324 - ADOPTED**  
**(by Guerra)**

Representative Guerra moved to suspend all necessary rules to take up and consider at this time **HR 324**.

The motion prevailed.

The following resolution was laid before the house:

**HR 324**, Recognizing February 10, 2015, as South Texas ISD Day at the State Capitol.

**HR 324** was adopted.

### INTRODUCTION OF GUESTS

The chair recognized Representative Guerra who introduced representatives of the South Texas Independent School District.

### SCR 7 - ADOPTED (Price - House Sponsor)

Representative Price moved to suspend all necessary rules to take up and consider at this time **SCR 7**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 7**, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 4, 2015, and ending on Monday, February 9, 2015.

**SCR 7** was adopted by (Record 30): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; 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; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Keough; Martinez Fischer; Spitzer.

Absent — Oliveira; Thompson, S.



**HR 353 - ADOPTED  
(by Faircloth)**

Representative Faircloth moved to suspend all necessary rules to take up and consider at this time **HR 353**.

The motion prevailed.

The following resolution was laid before the house:

**HR 353**, Recognizing February 10, 2015, as Chambers County Day at the State Capitol.

**HR 353** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Faircloth who introduced a delegation from Chambers County.

**HR 319 - ADOPTED  
(by Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 319**.

The motion prevailed.

The following resolution was laid before the house:

**HR 319**, Recognizing February 10, 2015, as Kennedale Day at the State Capitol.

**HR 319** was adopted.

**HR 363 - ADOPTED  
(by Nevárez)**

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 363**.

The motion prevailed.

The following resolution was laid before the house:

**HR 363**, Recognizing Pecos County Day at the State Capitol.

**HR 363** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Nevárez who introduced a delegation from Pecos County.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Sheffield who introduced representatives of Tarleton State University.

### PROVIDING FOR ADJOURNMENT

At 11:26 a.m., Representatives Guerra, Darby, and S. King 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 Scott Crane of McAllen and William Burgess Crooker of Big Spring and in honor of Rita L. Littlefield Kidney Day.

The motion prevailed.

(Sanford 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.)

(Alvarado in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 11:42 a.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### HOUSE COMMITTEE SCHEDULE

84th Legislature - Regular Session  
Effective Tuesday, February 10, 2015

#### MONDAY

##### 7 a.m.

Appropriations E1.030

##### 10 a.m.

International Trade and Intergovernmental Affairs E1.014

##### 10:30 a.m. or upon adjournment

Local and Consent Calendars Agricultural Museum, 1W.14

Rules and Resolutions 3W.15

##### 2 p.m. or upon adjournment

Elections E1.026

Energy Resources E2.010

Human Services E2.030

Land and Resource Management E2.016

Licensing and Administrative Procedures E2.026

Pensions E2.028

**TUESDAY**

**8 a.m.**

Environmental Regulation	E1.026
Homeland Security and Public Safety	E2.014
Public Health	E2.012
Ways and Means	E2.010

**10:30 a.m. or upon adjournment**

Urban Affairs	E2.028
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**2 p.m. or upon adjournment**

Business and Industry	E2.016
Culture, Recreation, and Tourism	E1.010
Judiciary and Civil Jurisprudence	E2.026
Public Education	E2.036

**WEDNESDAY**

**8 a.m.**

Agriculture and Livestock	E1.010
Defense and Veterans' Affairs	E2.026
Higher Education	E2.014
Special Purpose Districts	E2.012

**10:30 a.m. or upon adjournment**

Criminal Jurisprudence	E2.030
Juvenile Justice and Family Issues	E2.016
State Affairs	JHR 140

**2 p.m. or upon adjournment**

Government Transparency and Operation	E1.014
Insurance	E2.036
Investments and Financial Services	E2.028
Natural Resources	E2.010

**THURSDAY**

**8 a.m.**

Economic and Small Business Development	E2.010
Transportation	E2.012

**10:30 a.m. or upon adjournment**

Corrections	E2.028
County Affairs	E2.016
Select Emerging Issues in Texas Law Enforcement	E2.030
General Investigating and Ethics	E2.026
Redistricting	E1.010
Select State and Federal Power and Responsibility	E2.036

**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 189** (By S. Thompson), Relating to the elimination of the statute of limitations for the offenses of sexual assault and aggravated sexual assault.

To Criminal Jurisprudence.

**HB 190** (By Burkett), Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

To Environmental Regulation.

**HB 191** (By Murphy), Relating to enhancing the penalties for certain repeat and habitual misdemeanor offenders.

To Criminal Jurisprudence.

**HB 192** (By Dutton), Relating to convictions considered for purposes of enhancing the punishment for certain intoxication offenses.

To Criminal Jurisprudence.

**HB 193** (By Murphy), Relating to the phaseout and repeal of the franchise tax; lowering the rates of the tax.

To Ways and Means.

**HB 194** (By Price), Relating to creating a recognition day in honor of Gold Star Mothers.

To Culture, Recreation, and Tourism.

**HB 195** (By Stickland), Relating to the carrying of handguns; providing for the open carrying of handguns; removing the requirement that a person who may lawfully possess handguns obtain a Concealed Handgun License in order to carry a handgun lawfully in the state of Texas, and conforming changes.

To Homeland Security and Public Safety.

**HB 197** (By Price and Burkett), Relating to requiring a public institution of higher education to post information regarding mental health resources on the institution's Internet website.

To Higher Education.

**HB 199** (By Huberty), Relating to specialty license plates for county tax assessor-collectors.

To Transportation.

**HB 204** (By Leach), Relating to the first day of instruction at a public school.

To Public Education.

**HB 205** (By Leach), Relating to the provision of human sexuality and family planning instruction in public schools.

To Public Education.

**HB 206** (By Leach, Keffer, P. King, Ashby, and Springer), Relating to an exemption from the sales tax for firearms and hunting supplies for a limited period.

To Ways and Means.

**HB 207** (By Leach), Relating to creating the offense of voyeurism; providing a penalty.

To Criminal Jurisprudence.

**HB 210** (By Rose), Relating to victim-offender mediation services offered by the victim services division of the Texas Department of Criminal Justice.

To Corrections.

**HB 211** (By Rose), Relating to resuming a criminal case after a defendant is determined to be competent to stand trial.

To Criminal Jurisprudence.

**HB 212** (By Rose), Relating to consent to the immunization of certain children.

To Juvenile Justice and Family Issues.

**HB 214** (By Harless), Relating to the use of a portable wireless communication device while operating a motor vehicle; creating an offense; providing penalties.

To Transportation.

**HB 215** (By Harless and Kacal), Relating to waiving the fee for a fishing license for residents of this state who are at least 65 years of age.

To Culture, Recreation, and Tourism.

**HB 216** (By J. White), Relating to the eligibility of a person for a license to carry a concealed handgun.

To Homeland Security and Public Safety.

**HB 218** (By Márquez), Relating to certification requirements for teachers in bilingual education.

To Public Education.

**HB 219** (By J. White), Relating to the designation of Farm-to-Market Road 1293 in Hardin County as the Game Warden Wesley W. Wagstaff Memorial Highway.

To Transportation.

**HB 221** (By Stephenson), Relating to the eligibility of a person to serve as a campaign treasurer of a general-purpose political committee.

To Elections.

**HB 222** (By Guillen), Relating to the offense of continuous violence against the family.

To Criminal Jurisprudence.

**HB 223** (By Guillen), Relating to acceptable conduct of students in kindergarten through grade five.

To Public Education.

**HB 224** (By Guillen), Relating to the name and governance of the Railroad Commission of Texas.

To Energy Resources.

**HB 225** (By Guillen), Relating to the prosecution of certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia.

To Criminal Jurisprudence.

**HB 228** (By Guillen), Relating to the optional flexible school day program provided by school districts.

To Public Education.

**HB 230** (By Farrar), Relating to recovery of attorney's fees in certain civil cases.

To Judiciary and Civil Jurisprudence.

**HB 232** (By Farrar), Relating to the promotion of breast-feeding and the prohibition against interference with or restriction of the right to breast-feed.

To Business and Industry.

**HB 234** (By Farrar), Relating to the costs associated with proceedings regarding cruelly treated animals; authorizing fees and costs.

To Judiciary and Civil Jurisprudence.

**HB 235** (By Farrar), Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.

To Criminal Jurisprudence.

**HB 237** (By Springer), Relating to the licensure or certification of volunteer firefighters and members of industrial emergency response teams.

To Licensing and Administrative Procedures.

**HB 238** (By Springer), Relating to the first day of instruction in certain school districts.

To Public Education.

**HB 240** (By S. Thompson), Relating to the issuance of specialty license plates to honor recipients of certain military medals.

To Defense and Veterans' Affairs.

### 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

Tuesday, February 10, 2015 - 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:

**HCR 53** Landgraf SPONSOR: Whitmire  
Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 18th, 2015.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

