

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTEENTH DAY — MONDAY, FEBRUARY 16, 2015

The house met at 2:02 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 34).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; 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; 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; Keough; 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; Phillips; 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.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Anderson, C.; Martinez Fischer.

Absent — Farrar; Turner, S.

The speaker recognized Representative Elkins who introduced Mark Collins, senior pastor, First Baptist Church, Yorktown, who offered the invocation, excerpted from the journal of George Washington, as follows:

Almighty God and most merciful Father, who commanded the children of Israel to offer a daily sacrifice to you, that thereby they might glorify and praise you for thy protection both night and day, receive, O Lord, our humble offering of prayer. Direct our thoughts, words, and work, and purge our hearts by thy Holy Spirit from the dross of our natural corruption, that we may with more freedom of mind and liberty of will serve thee, the everlasting God, in righteousness and holiness this day and all the days of our lives. Increase our faith in the sweet promises of the gospel; give us repentance from dead works; pardon our wanderings; and direct our thoughts unto thyself, the God of our salvation.

Let us live according to those holy rules which you have this day prescribed in thy holy word; make us to know what is acceptable in thy holy word; make us to know what is acceptable in thy sight, and therein to delight. Open the eyes of our understanding, and help us thoroughly to examine ourselves concerning our knowledge, faith, and repentance. Increase our faith, and direct us to the true object, Jesus Christ: the way, the truth, and the life.

Bless, O Lord, all the people of this land, from the highest to the lowest, particularly those whom you have appointed to rule over us in church and state. Continue thy goodness to us this day. These weak petitions I humbly implore thee to hear, accept, and answer for the sake of thy dear Son, Jesus Christ, our Lord. Amen.

The speaker recognized Representative Landgraf 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 and tomorrow 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 important business in the district:

C. Anderson on motion of R. Miller.

CAPITOL PHYSICIAN

The speaker recognized Representative E. Thompson who presented Dr. Maria Reyes of Pearland as the "Doctor for the Day."

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

(Phelan in the chair)

HR 497 - ADOPTED

(by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 497**.

The motion prevailed.

The following resolution was laid before the house:

HR 497, Commemorating the 50th anniversary of the Go Texan Parade in Conroe.

HR 497 was adopted.

RESOLUTIONS ADOPTED

Representative P. King moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 447 (by P. King), In memory of Donald Joe Clark of Chico.

HR 448 (by P. King), In memory of Wise County Justice of the Peace Terri Lynn Johnson.

HR 449 (by P. King), In memory of George Houston Parker of Runaway Bay.

HR 450 (by P. King), In memory of Wise County Judge Bill McElhaney of Bridgeport.

The resolutions were unanimously adopted by a rising vote.

LEAVE OF ABSENCE GRANTED

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

Clardy on motion of Ashby.

(S. Turner now present)

**HR 507 - ADOPTED
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 507**.

The motion prevailed.

The following resolution was laid before the house:

HR 507, Recognizing February 18, 2015, as Substance Abuse Prevention and Treatment Advocacy Day at the State Capitol.

HR 507 was adopted.

**HR 496 - ADOPTED
(by E. Rodriguez)**

Representative E. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 496**.

The motion prevailed.

The following resolution was laid before the house:

HR 496, Honoring Representative Elliott Naishtat of Austin on his 70th birthday.

HR 496 was adopted.

(Burkett in the chair)

HR 485 - ADOPTED
(by Phelan)

Representative Phelan moved to suspend all necessary rules to take up and consider at this time **HR 485**.

The motion prevailed.

The following resolution was laid before the house:

HR 485, In memory of Joseph Vincent Tortorice, Sr., of Beaumont.

HR 485 was read and was unanimously adopted by a rising vote.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 485** as signers thereof.

(Phelan in the chair)

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, February 19.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

PROVIDING FOR ADJOURNMENT

On motion of Representative Phelan, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house, at 2:35 p.m., adjourned until 10 a.m. tomorrow in memory of Joseph Vincent Tortorice, Sr., of Beaumont.

The motion prevailed.

(Dukes in the chair)

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

Bills and joint resolutions were at this time laid before the house, read first time, and 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.)

(Isaac in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:49 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 391 (By Muñoz), Relating to providing free full-day prekindergarten for certain children.

To Public Education.

HB 392 (By McClendon), Relating to authorizing an optional county fee for vehicle registration to fund certain transportation projects.

To Transportation.

HB 393 (By McClendon), Relating to the registration fee for motor vehicles with a gross weight of 6,000 pounds or less.

To Transportation.

HB 394 (By McClendon), Relating to the information in ad valorem tax appraisal records that may not be posted on the Internet by an appraisal district.

To Ways and Means.

HB 397 (By Sheffield), Relating to the use of fireworks at certain Texas Department of Transportation rest areas; providing a penalty.

To Transportation.

HB 398 (By Sheffield), Relating to the creation of an additional judicial district composed of Coryell County.

To Judiciary and Civil Jurisprudence.

HB 402 (By Sheffield), Relating to the terms of court for the 52nd District Court.

To Judiciary and Civil Jurisprudence.

HB 403 (By Dutton), Relating to the penalty for certain offenders for possession of a small amount of certain controlled substances.

To Criminal Jurisprudence.

HB 404 (By Sheffield), Relating to prohibitions on certain employment and volunteer activity for sex offenders required to register for life.

To Criminal Jurisprudence.

HB 405 (By González), Relating to the creation of a task force to evaluate training provided to members of a school district board of trustees.

To Public Education.

HB 406 (By González), Relating to the creation of a task force to determine alternative methods of assessing the performance of public school students and school districts.

To Public Education.

HB 407 (By González), Relating to school district selection of an alternative assessment method in place of state-administered assessment instruments.

To Public Education.

HB 409 (By C. Turner), Relating to liability insurance for persons holding certain alcoholic beverage permits.

To Licensing and Administrative Procedures.

HB 410 (By C. Turner), Relating to the amount of unclaimed lottery prize money to be deposited in the fund for veterans' assistance.

To Appropriations.

HB 411 (By C. Turner), Relating to prohibiting telemarketing calls by a credit access business.

To Business and Industry.

HB 413 (By Goldman), Relating to protection of the right to keep and bear arms within the State of Texas.

To Select State and Federal Power and Responsibility.

HB 414 (By Dutton), Relating to the penalties for possession of one ounce or less of marijuana or a synthetic cannabinoid.

To Criminal Jurisprudence.

HB 415 (By Riddle and Phillips), 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 416 (By Riddle, Clardy, Bohac, and R. Miller), Relating to requiring personnel of abortion facilities and certain other facilities performing abortions to complete training on human trafficking.

To Judiciary and Civil Jurisprudence.

HB 420 (By Wu), Relating to the availability of information from the federal Election Assistance Commission on the secretary of state's Internet website.

To Elections.

HB 421 (By Krause), Relating to exempting the intrastate manufacture of a firearm, a firearm accessory, or ammunition from federal regulation.

To Select State and Federal Power and Responsibility.

HB 422 (By Krause), Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

To Select State and Federal Power and Responsibility.

HB 423 (By Farias), Relating to prohibiting the land disposal of computer equipment and certain television equipment.

To Environmental Regulation.

HB 424 (By Dutton), Relating to providing free full-day prekindergarten for certain children.

To Public Education.

HB 427 (By Howard), Relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas Redistricting Commission.

To Redistricting.

HB 428 (By Howard and Stickland), Relating to allowing a person who will be 18 years of age on the date of the general election for state and county officers to vote in the preceding primary elections.

To Elections.

HB 429 (By Howard), Relating to the nonpartisan election of members to the State Board of Education; providing for a fee.

To Elections.

HB 430 (By Howard), Relating to a study on the feasibility of online voting.

To Elections.

HB 431 (By J. White), Relating to the creation of an advisory committee to examine the retention of juvenile justice records.

To Juvenile Justice and Family Issues.

HB 432 (By Muñoz), Relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 433 (By S. Thompson), Relating to qualifications and registration of certain voters on probation.

To Elections.

HB 435 (By Raymond), Relating to the instruction of American Sign Language in public high schools.

To Public Education.

HB 436 (By Raymond), Relating to honesty in state taxation.

To Ways and Means.

HB 440 (By Gonzales), Relating to adapting the public school physical education curriculum to accommodate the needs of students with mental disabilities.

To Public Education.

HB 491 (By Hernandez), Relating to exempting textbooks purchased, used, or consumed by university and college students from the sales and use tax for limited periods.

To Ways and Means.

HB 493 (By Canales), Relating to prohibiting the purchase of energy drinks under the supplemental nutrition assistance program.

To Human Services.

HB 494 (By Hernandez), Relating to the institutions of higher education eligible to participate in the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

To Higher Education.

HB 495 (By Howard), Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

To Higher Education.

HB 496 (By González), Relating to civil and criminal liability for the disclosure or promotion of certain intimate visual material; creating an offense.

To Criminal Jurisprudence.

HB 497 (By Wu), Relating to the applicability of the law governing saltwater pipeline facilities located in the vicinity of public roads.

To Energy Resources.

HB 499 (By Guillen), Relating to the public transportation advisory committee.

To Transportation.

HB 501 (By Guillen), Relating to the exemption of rural transit districts from motor fuel taxes.

To Ways and Means.

HB 502 (By Guillen), Relating to the re-creation of the Chronic Kidney Disease Task Force.

To Public Health.

HB 504 (By Guillen), Relating to designating the second full week in September as Direct Support Professionals Week.

To Culture, Recreation, and Tourism.

HB 505 (By E. Rodriguez and Workman), Relating to a prohibition of limitations on the number of dual credit courses or hours in which a public high school student may enroll.

To Public Education.

HB 506 (By E. Rodriguez), Relating to the issuance of tax-supported bonds by certain school districts and increasing the tax rate limitation on the issuance of those bonds.

To Public Education.

HB 507 (By Moody), Relating to a civil penalty for possession of certain small amounts of marihuana and an exception to prosecution for possession of associated drug paraphernalia.

To Criminal Jurisprudence.

HB 508 (By Raney), Relating to an exemption for certain law enforcement and military personnel from the requirement to complete a hunter education program; authorizing a fee.

To Culture, Recreation, and Tourism.

HB 509 (By Raney), Relating to the process for establishing speed limits on roads near certain schools.

To Transportation.

HB 510 (By Moody), Relating to disclosure of certain information about expert witnesses in a criminal case.

To Criminal Jurisprudence.

HB 511 (By Moody), Relating to the prosecution of certain offenses committed against a person in custody.

To Criminal Jurisprudence.

HB 513 (By Moody), Relating to educator financial incentives and salary contingencies based on student performance on certain assessment instruments.

To Public Education.

HB 514 (By Moody), Relating to the creation of an advisory council to research and make recommendations on the use of assessment instruments in public schools.

To Public Education.

HB 515 (By Moody), Relating to the notice to the parent or other person having lawful control of a public school student concerning the student's class performance.

To Public Education.

HB 516 (By Moody), Relating to venue for the offense of failure to attend school.

To Juvenile Justice and Family Issues.

HB 517 (By Moody), Relating to evidence or testimony given by certain witnesses in a criminal case based on the trafficking of persons.

To Criminal Jurisprudence.

HB 518 (By Moody), Relating to certain waivers by a defendant regarding a community supervision revocation hearing.

To Criminal Jurisprudence.

HB 519 (By Moody), Relating to venue for the offense of a parent contributing to a child's failure to attend school.

To Juvenile Justice and Family Issues.

HB 520 (By Moody), Relating to the assignment of certain judges as a visiting judge.

To Judiciary and Civil Jurisprudence.

HB 521 (By Raymond), Relating to the punishment for the offense of manslaughter.

To Criminal Jurisprudence.

HB 522 (By Raymond), Relating to establishing a pilot program in designated public high schools in certain municipalities for placement of students in Junior Reserve Officers' Training Corps programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.

To Public Education.

HB 524 (By Burkett), Relating to a suit for possession of or access to a child by a grandparent.

To Juvenile Justice and Family Issues.

HB 526 (By Riddle), Relating to financial eligibility for the Texas home living (TxHmL) waiver program.

To Human Services.

HB 527 (By Larson), Relating to requiring certain metropolitan rapid transit authorities to hold a referendum before spending any money for a fixed rail transit system.

To Transportation.

HB 529 (By Larson), Relating to the composition of the Texas Transportation Commission and the selection of members of that commission.

To Transportation.

HB 530 (By Hernandez), Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

To Criminal Jurisprudence.

HB 531 (By G. Bonnen), Relating to the constitutional limit on the rate of growth of appropriations.

To Appropriations.

HB 533 (By Ashby), Relating to the impoundment of a motor vehicle operated without financial responsibility and involved in an accident or traffic violation; authorizing a fee.

To Transportation.

HB 534 (By Nevárez), Relating to acceptable forms of identification for voting.

To Elections.

HB 535 (By Nevárez), Relating to acceptable forms of identification for voting.

To Elections.

HB 536 (By Nevárez), Relating to acceptable forms of identification for voting for persons who are 65 years of age or older.

To Elections.

HB 538 (By Spitzer), Relating to municipal judicial and law enforcement authority on a segment of a highway or street that abuts property located in a municipality.

To Criminal Jurisprudence.

HR 250 (By Lozano), Recognizing February 26, 2015, as Kingsville Day at the State Capitol.

To Rules and Resolutions.

HR 256 (By Muñoz), Honoring the Food Bank of the Rio Grande Valley for its service.

To Rules and Resolutions.

HR 258 (By C. Anderson), Congratulating Dale and Janice Blackburn of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 271 (By C. Anderson), Congratulating Jack and Marceline Aaron of China Spring on their 60th wedding anniversary.

To Rules and Resolutions.

HR 275 (By C. Anderson), Commemorating the 2014 Veterans Day appreciation ceremony hosted by Crestview HealthCare Residence in Waco.

To Rules and Resolutions.

HR 277 (By C. Anderson), Commemorating the 2014 Veterans Day appreciation ceremony hosted by Crestview HealthCare Residence in Waco.

To Rules and Resolutions.

HR 278 (By C. Anderson), Congratulating Natalie James and DeeAnn Hoffman on their induction into the honor society Phi Kappa Phi.

To Rules and Resolutions.

HR 279 (By C. Anderson), Congratulating Texas State Technical College on its receipt of a grant from the U.S. Department of Labor.

To Rules and Resolutions.

HR 280 (By Keffer), Congratulating Jerry VanNatta for being named Firefighter of the Year by the Mineral Wells Volunteer Fire Department.

To Rules and Resolutions.

