

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SECOND DAY — WEDNESDAY, FEBRUARY 25, 2015

The house met at 10:02 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 41).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocock; 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; 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; Martinez Fischer; 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; 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; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Gutierrez; Phillips; Rinaldi.

Absent — Farrar; McClendon; Vo.

The speaker recognized Representative Naishtat who introduced Kerry Baker, rabbi, Everybody Needs a Rabbi, Austin, who offered the invocation.

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

LEAVE OF ABSENCE GRANTED

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

Rinaldi on motion of Sheets.

CAPITOL PHYSICIAN

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

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

(Schofield 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).

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Allen.

HR 344 - PREVIOUSLY ADOPTED (by Huberty)

The chair laid out the following previously adopted resolution:

HR 344, Recognizing February 24, 2015, as Texas Building Owners and Managers Association Advocacy Day at the State Capitol.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 344** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Huberty who introduced representatives of the Texas Building Owners and Managers Association.

HR 644 - ADOPTED (by Hunter and Herrero)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 644**.

The motion prevailed.

The following resolution was laid before the house:

HR 644, Recognizing February 25, 2015, as Naval Air Station Corpus Christi Day at the State Capitol.

HR 644 was adopted.

On motion of Representative R. Miller, the names of all the members of the house were added to **HR 644** as signers thereof.

HR 654 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 654**.

The motion prevailed.

The following resolution was laid before the house:

HR 654, Recognizing February 25, 2015, as Transit Day at the State Capitol.

HR 654 was adopted.

**HR 655 - ADOPTED
(by Hunter and Herrero)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 655**.

The motion prevailed.

The following resolution was laid before the house:

HR 655, Recognizing February 25, 2015, as Coastal Bend Day at the State Capitol.

HR 655 was adopted.

On motion of Representatives Lozano and Herrero, the names of all the members of the house were added to **HR 655** as signers thereof.

(McClendon now present)

**HR 436 - PREVIOUSLY ADOPTED
(by Walle)**

The chair laid out the following previously adopted resolution:

HR 436, Recognizing February 25, 2015, as the Day of the Fallen.

On motion of Representative González, the names of all the members of the house were added to **HR 436** as signers thereof.

**HR 582 - ADOPTED
(by T. King)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 582**.

The motion prevailed.

The following resolution was laid before the house:

HR 582, Recognizing February 25, 2015, as Uvalde County Day at the State Capitol.

HR 582 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced a delegation from Uvalde County.

**HR 692 - ADOPTED
(by Button)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 692**.

The motion prevailed.

The following resolution was laid before the house:

HR 692, Honoring the Fort Bend Global Initiative for its contributions to Fort Bend County.

HR 692 was adopted.

On motion of Representatives Hunter and Reynolds, the names of all the members of the house were added to **HR 692** as signers thereof.

HR 697 - ADOPTED

(by Reynolds, Zerwas, Stephenson, and R. Miller)

Representative Reynolds moved to suspend all necessary rules to take up and consider at this time **HR 697**.

The motion prevailed.

The following resolution was laid before the house:

HR 697, Recognizing February 25, 2015, as Fort Bend County Day at the State Capitol.

HR 697 was adopted.

On motion of Representative R. Miller, the names of all the members of the house were added to **HR 697** as signers thereof.

RESOLUTIONS ADOPTED

Representative Meyer 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 593 (by Meyer), Honoring Gene Jones and Charlotte Jones Anderson for their service as co-chairs of the 2015 Texas Medal of Arts Awards.

HR 594 (by Meyer), Congratulating Margaret McDermott of Dallas on being named the 2015 Texas Medal of Arts honoree for Individual Arts Patron by the Texas Cultural Trust.

HR 595 (by Meyer), Congratulating Ruth Altshuler of Dallas on earning the 2015 Texas Medal of Arts Standing Ovation Award from the Texas Cultural Trust.

HR 596 (by Meyer), Congratulating Booker T. Washington High School for the Performing and Visual Arts in Dallas on its receipt of a Texas Medal of Arts Award from the Texas Cultural Trust.

The resolutions were adopted.

On motion of the Dallas delegation, the names of all the members of the house were added to **HR 593**, **HR 594**, **HR 595**, and **HR 596** as signers thereof.

HR 618 - ADOPTED
(by Longoria)

Representative Longoria moved to suspend all necessary rules to take up and consider at this time **HR 618**.

The motion prevailed.

The following resolution was laid before the house:

HR 618, Commemorating the 10th anniversary of the Women's Business Center in Edinburg.

HR 618 was adopted.

On motion of Representatives Guerra and Canales, the names of all the members of the house were added to **HR 618** as signers thereof.

HR 195 - PREVIOUSLY ADOPTED
(by Naishtat)

The chair laid out the following previously adopted resolution:

HR 195, Recognizing February 28, 2015, as Rare Disease Day.

HR 663 - ADOPTED
(by Dukes)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 663**.

The motion prevailed.

The following resolution was laid before the house:

HR 663, Honoring Back on My Feet Austin for its humanitarian endeavors.

HR 663 was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 663** as signers thereof.

HR 116 - PREVIOUSLY ADOPTED
(by Clardy and Simpson)

The chair laid out the following previously adopted resolution:

HR 116, Commemorating the 75th anniversary of the founding of the Kilgore College Rangerettes.

On motion of Representative Schaefer, the names of all the members of the house were added to **HR 116** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Simpson who introduced representatives of the Kilgore College Rangerettes.

HR 652 - ADOPTED
(by Larson)

Representative Larson moved to suspend all necessary rules to take up and consider at this time **HR 652**.

The motion prevailed.

The following resolution was laid before the house:

HR 652, Honoring the Real Estate Councils of Texas for its service to the real estate industry.

HR 652 was adopted.

On motion of Representative Israel, the names of all the members of the house were added to **HR 652** as signers thereof.

HR 685 - ADOPTED
(by S. Thompson)

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 685**.

The motion prevailed.

The following resolution was laid before the house:

HR 685, Congratulating Dr. John E. Cameron, Sr., on his 45th pastoral anniversary with Greater Mt. Calvary Baptist Church in Jackson, Mississippi.

HR 685 was adopted.

On motion of Representative S. Thompson, the names of all the members of the house were added to **HR 685** as signers thereof.

HR 177 - PREVIOUSLY ADOPTED
(by E. Thompson, Allen, Paul, Reynolds, and Kacal)

The chair laid out the following previously adopted resolution:

HR 177, Recognizing February 25, 2015, as Pearland Day at the State Capitol.

On motion of Representatives Reynolds and Paul, the names of all the members of the house were added to **HR 177** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative E. Thompson who introduced a delegation from Pearland.

HR 717 - ADOPTED
(by Collier)

Representative Collier moved to suspend all necessary rules to take up and consider at this time **HR 717**.

The motion prevailed.

The following resolution was laid before the house:

HR 717, Recognizing February 25, 2015, as MillerCoors Fort Worth Brewery Day at the State Capitol.

HR 717 was adopted.

HR 699 - ADOPTED
(by Lozano, Anchia, Darby, Wu, Hunter, et al.)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 699**.

The motion prevailed.

The following resolution was laid before the house:

HR 699, Recognizing February 25, 2015, as Liquefied Natural Gas (LNG) Day at the State Capitol.

HR 699 was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 699** as signers thereof.

HR 592 - ADOPTED
(by R. Anderson and Rinaldi)

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 592**.

The motion prevailed.

The following resolution was laid before the house:

HR 592, Recognizing February 25, 2015, as City of Irving Day at the State Capitol.

HR 592 was adopted.

On motion of Representatives Alonzo and Giddings, the names of all the members of the house were added to **HR 592** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative R. Anderson who introduced a delegation from Irving.

HR 700 - ADOPTED
(by Landgraf)

Representative Landgraf moved to suspend all necessary rules to take up and consider at this time **HR 700**.

The motion prevailed.

The following resolution was laid before the house:

HR 700, Honoring Leslie Boggs of Odessa for her service to Texas PTA.

HR 700 was adopted.

HR 710 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 710**.

The motion prevailed.

The following resolution was laid before the house:

HR 710, Honoring the Texas Cultural Trust and the recipients of the 2015 Texas Medal of Arts Awards.

HR 710 was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 710** as signers thereof.

PROVIDING FOR ADJOURNMENT

At 11:41 a.m., Representative Price 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.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(J. White in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:46 a.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 439 (By Gonzales), Relating to the definition of a motorcycle.
To Transportation.

HB 891 (By Klick), Relating to establishing an interstate voter registration crosscheck program.

To Elections.

HB 892 (By Klick, Zerwas, and Zedler), Relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals; requiring a dispensing organization to obtain a license to dispense low-THC cannabis and any employee of a dispensing organization to obtain a registration; authorizing fees.

To Public Health.

HB 894 (By R. Miller), Relating to waiver programs for veterans provided by toll project entities.

To Defense and Veterans' Affairs.

HB 895 (By R. Miller), Relating to a franchise or insurance premium tax credit for contributions made to certain educational assistance organizations.

To Ways and Means.

HB 898 (By Ashby), Relating to the confidentiality of certain water well reports.

To Natural Resources.

HB 900 (By Isaac, Lucio, Parker, and E. Rodriguez), Relating to a clarification of the law governing eligibility of certain events for funding under the Major Events trust fund.

To Economic and Small Business Development.

HB 901 (By Canales), Relating to a student election to select the athletics nickname of The University of Texas Rio Grande Valley.

To Higher Education.

HB 902 (By Parker), Relating to a clarification of the law governing eligibility of National Association for Stock Car Auto Racing events for funding under the Major Events trust fund.

To Economic and Small Business Development.

HB 904 (By Smith and S. Thompson), Relating to the transfer of certain inmates to the Texas Department of Criminal Justice following pronouncement of the inmate's sentence.

To Corrections.

HB 906 (By Paddie), Relating to the qualifications for appointment as a veterans county service officer.

To Defense and Veterans' Affairs.

HB 907 (By Phillips), Relating to the authority of a county or municipality to regulate the location of halfway houses; providing a criminal penalty; authorizing fees.

To County Affairs.

HB 908 (By Phillips), Relating to the continuation and duties of the Red River Boundary Commission.

To Natural Resources.

HB 910 (By Phillips, Flynn, J. White, Riddle, and Guillen), Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating a criminal offense; providing penalties.

To Homeland Security and Public Safety.

HB 911 (By Sheets and Harless), Relating to the composition of the Public Utility Commission of Texas.

To State Affairs.

HB 912 (By Isaac), Relating to the dismissal of protests against certain decisions and actions of the Texas Commission on Environmental Quality regarding wastewater discharge permits.

To Environmental Regulation.

HB 913 (By Israel), Relating to the requirements pertaining to a ballot to be voted by mail and materials accompanying the official carrier envelope.

To Elections.

HB 916 (By Spitzer, Wray, and Flynn), Relating to the governing board of the Trinity Valley Community College District.

To Higher Education.

HB 917 (By Villalba), Relating to school marshals for private schools, notifying a parent or guardian whether an employee of a public or private school is appointed school marshal, and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal.

To Public Education.

HB 918 (By Blanco, Pickett, Márquez, Moody, and González), Relating to authorizing the issuance of revenue bonds to fund capital projects at the Texas Tech University Health Sciences Center at El Paso.

To Higher Education.

HB 919 (By Flynn), Relating to provisional special education funding for certain students in public schools.

To Public Education.

HB 920 (By Sheets), Relating to additional primary election ballot information for judicial candidates.

To Judiciary and Civil Jurisprudence.

HB 921 (By Price), Relating to limitations on increases in fees and designated tuition charged by public institutions of higher education.

To Higher Education.

HB 922 (By Leach), Relating to the authority of a person who is licensed to carry a handgun to openly carry the handgun; creating an offense; providing penalties.

To Homeland Security and Public Safety.

HB 923 (By Flynn), Relating to the issuance of 36th Infantry Division specialty license plates and souvenir license plates.

To Defense and Veterans' Affairs.

HB 924 (By Guillen), Relating to the authority of a county to adopt a fire code.

To County Affairs.

HB 925 (By Guillen), Relating to the balance maintained in a school district's general fund and associated requirements regarding the general fund.

To Public Education.

HB 926 (By Canales), Relating to a study and report regarding the use of open-source instructional materials at public institutions of higher education.

To Higher Education.

HB 927 (By Canales), Relating to requiring certain textbook publishers to offer electronic textbooks.

To Public Education.

HB 928 (By Guillen), Relating to state and local planning for and responses to drought.

To Natural Resources.

HB 929 (By Huberty), Relating to exclusion of certain public school student disciplinary actions from reports required by state or federal law.

To Public Education.

HB 935 (By Guillen), Relating to the approval by the Texas Higher Education Coordinating Board of baccalaureate degree programs offered by public junior colleges.

To Higher Education.

HB 936 (By Murphy), Relating to the operation of a neighborhood electric vehicle.

To Transportation.

HB 938 (By Rose), Relating to increased oversight by the Department of State Health Services of hospitals that commit certain violations.

To Public Health.

HB 939 (By Dale), Relating to unenforceable restrictive covenants regarding standby electric generators affecting residential homes.

To Business and Industry.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 483 (By Capriglione, Fletcher, and Flynn), Relating to the establishment and administration of a state bullion depository; authorizing fees.
To Investments and Financial Institutions.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, February 25, 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 58 Bonnen, Dennis SPONSOR: Huffman
Commemorating the life of Charlie Brown.

SCR 17 Whitmire
In memory of Bob Lanier.

SCR 18 Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 25, 2015, and ending on Monday, March 2, 2015.

Respectfully,
Patsy Spaw
Secretary of the Senate