

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-NINTH DAY — TUESDAY, MARCH 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 50).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; 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; 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; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; 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.; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Anderson, C.; Hunter; Isaac.

Absent — Murphy; Oliveira; Riddle; Rodriguez, E.; Workman.

The speaker recognized Representative Burkett who introduced Gilbert Davis, associate pastor, Mimosas Lane Baptist Church, Mesquite, who offered the invocation as follows:

Our Father, I am reminded this morning that recently Chuck Swindoll posted a prayer for the National Day of Prayer saying:

"Almighty God, we pause to reflect on your character as we seek wisdom for such a time as this. In these unsafe days, you remain all-powerful and able to protect. In these uncertain times, you remain all-knowing leading us aright. In the unprecedented events we're facing, you remain absolutely sovereign. Our times are in your hands."

Father, I invoke your blessings upon this august body of elected officials that are commissioned by the voters of the State of Texas to provide leadership in these uncertain times. May your Godly wisdom undergird their efforts on our

behalf. Deuteronomy 31:6 states, "Be strong and courageous for it is the Lord our God who goes with you." Be strong and courageous for it is the Lord our God who goes with you. Be strong in the Lord, and be of good courage; your mighty defender is always the same. Mount up with wings as the eagle ascending; victory is sure when you call on his name. God bless America. Amen.

The speaker recognized Representative Schubert 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 the remainder of the week because of a death in the family:

C. Anderson on motion of S. Thompson.

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

Isaac on motion of Frank.

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

E. Thompson on motion of Leach.

(M. White in the chair)

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Galindo and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(Riddle, E. Rodriguez, and Workman now present)

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Juvenile Justice and Family Issues, 10:30 a.m. or upon final adjournment/recess tomorrow, E2.016, for a public hearing, to consider **HB 1490**, **HB 2632**, and the previously posted agenda.

### **HR 461 - PREVIOUSLY ADOPTED**

(by Cook)

The chair laid out the following previously adopted resolution:

**HR 461**, Recognizing March 10, 2015, as Corsicana/Navarro County Day at the State Capitol.

### **HR 713 - ADOPTED**

(by Deshotel)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 713**.

The motion prevailed.

The following resolution was laid before the house:

**HR 713**, Commending Kansas City Chiefs running back and Port Arthur native Jamaal Charles for his charitable work.

**HR 713** was adopted.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Phelan who introduced Jamaal Charles and members of his family.

(Murphy now present)

#### **HR 773 - ADOPTED (by Raney)**

Representative Raney moved to suspend all necessary rules to take up and consider at this time **HR 773**.

The motion prevailed.

The following resolution was laid before the house:

**HR 773**, Recognizing March 10, 2015, as Texas Charity Advocates Day at the State Capitol.

**HR 773** was adopted.

#### **COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to Rule 4, Section 9 of the House Rules, Representative Murphy requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

#### **HR 1028 - ADOPTED (by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1028**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1028**, Honoring the Art of Leadership program and artists Kelley Devine, Mario Gonzalez Figueroa, Jr., Jennifer Hannaford, Robert Hodge, Taft McWhorter, and Steven Silverstein.

**HR 1028** was adopted.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative S. Davis who introduced participants in the Art of Leadership program.

**HR 124 - PREVIOUSLY ADOPTED  
(by Dale, Gonzales, and Farney)**

The chair laid out and had read the following previously adopted resolution:

**HR 124**, In memory of the Honorable Mark Silverstone of Georgetown.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Dale who introduced family members of the Honorable Mark Silverstone.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Dutton moved to suspend the five-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **HB 1490**, **HB 2632**, and the previously posted agenda at 10:30 a.m. or upon final adjournment/recess tomorrow in E2.016.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of a family emergency:

Simmons on motion of Parker.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Blanco who introduced a delegation from Brewster County.

**PROVIDING FOR ADJOURNMENT**

At 10:52 a.m., Representatives Dale and J. White 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 the Honorable Mark Silverstone of Georgetown and Aaron Breed of Kirbyville.

The motion prevailed.

(S. King 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.)

(Zedler 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. 2.)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 5:40 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 1511** (By Peña), Relating to appointment of a municipal judge to serve as a visiting justice of the peace in certain proceedings involving misdemeanor traffic offenses.

To Judiciary and Civil Jurisprudence.

**HB 1512** (By Paul), Relating to the issuance of specialty license plates to honor recipients of certain military awards.

To Defense and Veterans' Affairs.

**HB 1515** (By Canales), Relating to the consideration by employers of the consumer credit reports or other credit information of employees and applicants for employment; providing civil and administrative penalties.

To Business and Industry.

**HB 1516** (By Walle), Relating to the bill of costs provided to a defendant before the costs are payable.

To Criminal Jurisprudence.

**HB 1517** (By Crownover), Relating to the imposition of the student centers fee at Texas Woman's University.

To Higher Education.

**HB 1518** (By S. Turner), Relating to the authority of the governing body of a taxing unit to adopt a local option residence homestead exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead.

To Ways and Means.

**HB 1520** (By S. Thompson), Relating to the assignment to a trial court of a judge or justice who was defeated in a primary or general election.

To Judiciary and Civil Jurisprudence.

**HB 1522** (By Farrar), Relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression.

To State Affairs.

**HB 1525** (By Farrar), Relating to a central database containing information about certain offenders who have committed certain offenses involving family or dating violence.

To Homeland Security and Public Safety.

**HB 1526** (By Farrar), Relating to the construction of detention ponds by the Texas Department of Transportation.

To Transportation.

**HB 1527** (By Farrar), Relating to abolishing the death penalty.

To Criminal Jurisprudence.

**HB 1528** (By Farrar), Relating to the provision of services to certain HIV-infected individuals.

To County Affairs.

**HB 1529** (By Peña), Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

To Corrections.

**HB 1534** (By Villalba), Relating to the hours for the sale of liquor.

To Licensing and Administrative Procedures.

**HB 1535** (By Frullo, Huberty, Phelan, Deshotel, and Otto), Relating to rates of and certificates of convenience and necessity for certain non-ERCOT electric utilities.

To State Affairs.

**HB 1536** (By Dutton and Schaefer), Relating to state interventions and sanctions against public school campuses with unacceptable performance and the establishment of the Texas Opportunity School District.

To Public Education.

**HB 1538** (By Meyer), Relating to the eligibility for service retirement annuities from a public retirement system of public officers or employees convicted of certain offenses.

To Pensions.

## **List No. 2**

**HB 1395** (By Burkett), Relating to the protection of certain children through the operation of the child safety check alert list.

To Human Services.

**HB 1396** (By Workman), Relating to strict construction of certain statutes that create or define criminal offenses and penalties.

To Criminal Jurisprudence.

**HB 1405** (By Leach), Relating to the availability on the Internet of reports of political contributions or expenditures filed in connection with certain offices.

To Government Transparency and Operation.

**HB 1410** (By Miles), Relating to consideration of a bidder's principal place of business by public junior college districts in awarding certain contracts.

To Government Transparency and Operation.

**HB 1417** (By Elkins), Relating to peace officer identification cards.

To Homeland Security and Public Safety.

**HB 1419** (By Clardy), Relating to contested cases conducted under the Administrative Procedure Act.

To Judiciary and Civil Jurisprudence.

**HB 1425** (By Fletcher and J. White), Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*.

To Homeland Security and Public Safety.

**HB 1427** (By Raymond), Relating to a review of state laws requiring an action or proceeding to be brought in Travis County or a Travis County court.

To General Investigating and Ethics.

**HB 1433** (By Smithee), Relating to prompt payment of health care claims, including payment for immunizations, vaccines, and serums.

To Judiciary and Civil Jurisprudence.

**HB 1435** (By Smithee, Tinderholt, and Hughes), Relating to health plan and health benefit plan coverage for abortions.

To Insurance.

**HB 1437** (By S. Turner), Relating to certain dedicated accounts in the general revenue fund that fund trauma facilities and emergency medical services.

To Appropriations.

**HB 1439** (By Hernandez), Relating to the creation of an educational publication for judicial guidance on cases involving a child who may be eligible for special immigrant juvenile status.

To Judiciary and Civil Jurisprudence.

**HB 1501** (By Guillen), Relating to a study concerning the presence and effects of plastic microbeads in water in the state.

To Natural Resources.

**HB 1509** (By Sheets), Relating to the prosecution of the offense of unlawful carrying of weapons.

To Homeland Security and Public Safety.

**HB 1510** (By S. Thompson), Relating to liability of persons who lease dwellings to persons with criminal records.

To Judiciary and Civil Jurisprudence.

**HB 1513** (By Fletcher), Relating to the ad valorem taxation of qualified open-space land.

To Agriculture and Livestock.

**HB 1514** (By Sheffield), Relating to health insurance identification cards issued by qualified health plan issuers.

To Insurance.

**HB 1519** (By S. Turner), Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district and the increase of the exemption amount in subsequent years to reflect inflation, 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 a disabled or elderly person to reflect the increased exemption amounts, and the protection of school districts against the resulting loss in local revenue.

To Ways and Means.

**HB 1530** (By Peña, J. White, and Moody), Relating to the punishment for certain offenses against property or against public administration.

To Criminal Jurisprudence.

**HB 1531** (By Geren), Relating to the making and receiving of referrals for legal services by certain legislators and executive officers; providing a criminal penalty.

To General Investigating and Ethics.

**HB 1537** (By Dutton), Relating to the sunset review of the authority of the governing bodies of taxing units to contract with attorneys to represent the taxing units in enforcing the collection of delinquent ad valorem taxes on property in the taxing units.

To Ways and Means.

**HB 1540** (By S. Thompson), Relating to renewing the application to receive ballots to be voted by mail for certain elections held during a calendar year.

To Elections.

**HB 1665** (By D. Bonnen), Relating to notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.

To Natural Resources.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:



**March 9**

Public Education - **HB 66, HB 181, HB 256, HB 370, HB 440, HB 456, HB 505**

