

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRTY-SIXTH DAY — MONDAY, MARCH 23, 2015

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

The roll of the house was called and a quorum was announced present (Record 81).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Dukes; Laubenberg; Raney; Smithee; Turner, E.S.

The speaker recognized Representative Landgraf who introduced Blake Batte, director, Grace Christian Fellowship, Odessa, who offered the invocation as follows:

Heavenly Father, it is neither trivial nor ceremonial that we deliberately stop our activities and pause at this moment for a word of prayer. As leaders from many different communities have gathered together in this single location to establish agendas and execute legislation that serves the people of this great state, we invite you here to lead and to orchestrate the direction we are to go.

I thank you for the leaders in this room whom you have raised up. I thank you that they have accepted the extraordinary call to work on behalf of your people. May you grant them wisdom and understanding as they debate the myriad issues that concern us in today's world. Help them to distinguish between right and wrong, righteousness and wickedness, acceptable and unacceptable. Give them a boldness to stand for your precepts, the precepts that made this the

greatest country the world has ever known. As these honorable men and women address and resolve the complex issues of education, immigration, taxation, and so forth, remind them of their duty to look after the weaker brother, to care for the sister in need, to empower the disadvantaged, to be a powerful voice for those who cannot speak, and to celebrate the successes of those who have prospered. I pray that Texas, as a result of the decisions made in these chambers, would be recognized throughout the world as a state that does justly, loves mercy, and walks humbly with her God.

May your Holy Spirit find a permanent and unmistakable home in this historic Capitol building. As we bless you, we ask that you continue to bless the United States of America and specifically the great State of Texas. I pray these things in the powerful name of Jesus.

The speaker recognized Representative Frank 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:

Dukes on motion of Allen.

Laubenberg on motion of Sheets.

E. S. Turner on motion of Leach.

The following member was granted leave of absence for today to attend a funeral:

Raney on motion of Burkett.

The following member was granted leave of absence for today because of a death in the family:

Smithee on motion of Flynn.

(Kuempel in the chair)

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

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

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

Pursuant to Rule 4, Section 9 of the House Rules, Representative Isaac 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 1209 - ADOPTED**  
**(by Isaac)**

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 1209**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1209**, Congratulating John Patrick Giberson on his retirement from the Office of the Attorney General of Texas.

**HR 1209** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Isaac who introduced John Patrick Giberson and members of his family.

**LEAVE OF ABSENCE GRANTED**

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

McClendon on motion of Allen.

**CAPITOL PHYSICIAN**

The chair recognized Representative Guillen who presented Dr. Jake Margo, Jr., of Rio Grande City as the "Doctor for the Day."

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

(Speaker in the chair)

**HR 1504 - ADOPTED**  
**(by S. Thompson)**

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1504**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1504**, In memory of Sandra Lee Anderson of Lorena.

**HR 1504** was read and was unanimously adopted by a rising vote.

On motion of Representatives E. Thompson and R. Miller, the names of all the members of the house were added to **HR 1504** as signers thereof.

**HR 1504 - REMARKS**

REPRESENTATIVE S. THOMPSON: Many of us have lost loved ones like Doc Anderson has. We know during Sandra's lifetime that she walked with another set of footsteps along beside her. But now we know she only walks with a single path of steps, and that is her carried by God, in his arms, in heaven where she is serving continuously as she did here on Earth.

REPRESENTATIVE C. ANDERSON: Members, we sure want to thank you for the overwhelming support we've had throughout this whole episode. It sure brings home to roost, when we're doing a memorial resolution, the impact it has on people and a show of support, and I really do appreciate that. And let me say, it also brings home Tuesday's teal day, where we've acknowledged the battles we're fighting with cancer throughout this state and throughout this nation; and it also reinforces that we need to make sure we continue to fight that battle. So with that, Mr. Speaker and members, we're overwhelmed with support from friends here in this chamber, and thank you very much.

**REMARKS ORDERED PRINTED**

Representative Fallon moved to print remarks by Representative S. Thompson and Representative C. Anderson.

The motion prevailed.

(Kuempel in the chair)

**HR 1150 - ADOPTED  
(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1150**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1150**, Recognizing March 23, 2015, as Donate Life Texas Day at the State Capitol.

**HR 1150** was adopted.

**HR 1419 - ADOPTED  
(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1419**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1419**, Recognizing September 28 to October 2, 2015, as Malnutrition Awareness Week in Texas.

**HR 1419** was adopted.

**ADDRESS BY REPRESENTATIVE MOODY**

The chair recognized Representative Moody who addressed the house, speaking as follows:

Members, if I could have your brief attention. I am up here with other members of the El Paso delegation to share some sad news with you. Members, we all know the sacrifices that our men and women in law enforcement make on a day-to-day basis. Sometimes that puts them in harm's way, and sometimes that takes them from us far too soon. A tragedy struck late last week in El Paso taking the life of Officer Adrian Arellano. He was working an off-duty detail as part of a motorcycle escort protecting a funeral procession. He was a 10-year veteran of the police department, and his family described him in his obituary as an honest, forthright, and dependable person. Those are the type of characteristics that we want from our law enforcement, and they are the ones that he exemplified. He left behind a wife of 13 years and a son. His family noted that everything he did in his life as a law enforcement officer was to ensure that he was a good example to his son. We can ask no more from our law enforcement, those who do so much for us. We are saddened by his loss. He will be laid to rest tomorrow in El Paso. I ask that you join with me in a moment of silence in Officer Arellano's memory.

**HR 539 - PREVIOUSLY ADOPTED**

(by Huberty)

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

**HR 539**, In memory of Dr. Jane Nelson, former Humble ISD principal.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Huberty who introduced family members and friends of Dr. Jane Nelson.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Meyer who introduced Sophia Price and members of her family.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 3175** at 10:30 a.m. or upon final adjournment Thursday, March 26 in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 10:30 a.m. or upon final adjournment Thursday, March 26, E2.016, for a public hearing, to consider **HB 3175** and the previously posted agenda.

**REMARKS ORDERED PRINTED**

Representative Herrero moved to print remarks by Representative Moody.

The motion prevailed.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Villalba moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Business and Industry to consider the previously posted agenda at 11:30 a.m. or upon final adjournment/recess tomorrow in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Business and Industry, 11:30 a.m. or upon final adjournment/recess tomorrow, E2.016, for a public hearing, to consider the previously posted agenda.

**PROVIDING FOR ADJOURNMENT**

At 2:51 p.m., Representative Moody 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 Adrian Arellano of El Paso.

The motion prevailed.

(Burns 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.)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 5:30 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 1912** (By Elkins), Relating to employment of a statewide data coordinator in the Department of Information Resources.

To Government Transparency and Operation.

**HB 2572** (By S. Turner, Hernandez, and Walle), Relating to the firefighters relief and retirement fund in certain municipalities.

To Pensions.

**HB 2608** (By Murphy), Relating to municipal control of certain public retirement systems established for the benefit of municipal employees.

To Pensions.

**HB 2924** (By Landgraf), Relating to information regarding Down syndrome.

To State Affairs.

**HB 3002** (By Martinez), Relating to the fee collected for the provision of providing street lights in a subdivision in the unincorporated area of certain counties and the authority of said county to obtain a lien against property of a landowner to secure payment of a fee for the installation, operation, and maintenance of street lights.

To County Affairs.

**HB 3003** (By S. Thompson), Relating to the appointment of counsel in certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

**HB 3019** (By Kuempel), Relating to the competitive bid process for construction during contracting and delivery of construction projects.

To Government Transparency and Operation.

**HB 3039** (By Darby), Relating to requiring metal building, roof, and component retailers to register with the comptroller; imposing a civil penalty; authorizing a fee.

To Licensing and Administrative Procedures.

**HB 3040** (By Martinez), Relating to the authority of certain economic development corporations to undertake and operate transportation-related projects.

To Economic and Small Business Development.

**HB 3340** (By Bohac), Relating to the designation, functions, accreditation, and continuing education of floodplain administrators; adding provisions subject to a civil or criminal penalty.

To Natural Resources.

**HB 3342** (By Kuempel), Relating to purchase of goods and services by the state.

To Government Transparency and Operation.

**HB 3478** (By Elkins), Relating to a breach of system security of a business that exposes consumer credit card or debit card information; providing a civil penalty.

To Business and Industry.

**HB 3549** (By Walle), Relating to the review, approval, and monitoring of and reporting on state agency contracts.

To State Affairs.

**HB 3567** (By Sanford, Krause, R. Miller, and Keough), Relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.

To State Affairs.

**HB 3585** (By Alonzo), Relating to identification documents for title and vehicle registration applications.

To State Affairs.

**HB 3602** (By Bell and Springer), Relating to the religious freedom of a conscientious objector to act or fail to act with respect to certain issues of marriage, sexual relations, and gender.

To State Affairs.

**HB 3607** (By Alvarado), Relating to notifying a state senator and state representative about the creation of a district and acquiring road powers for a district.

To Special Purpose Districts.

**HB 3618** (By Isaac), Relating to prohibiting camping and building fires in certain areas; creating a criminal offense.

To Culture, Recreation, and Tourism.

**HB 3634** (By Reynolds), Relating to the authority of a municipality to impose a local tax on the sale of certain motor fuel and to the use of the tax revenue by the municipality; authorizing penalties.

To Transportation.

**HB 3644** (By Guillen), Relating to establishing a student grant program administered by the Texas Higher Education Coordinating Board funded by depository interest and earnings on certain unclaimed original land grant mineral proceeds.

To Appropriations.

**HB 3666** (By Workman), Relating to the withdrawal of the territory of an emergency services district from the territory of a metropolitan rapid transit authority.

To Transportation.

**HB 3668** (By Workman), Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation conducted by an arson investigating unit.

To Homeland Security and Public Safety.

**HB 3679** (By Muñoz), Relating to the certification requirements of lifeguards and swimming instructors in the state of Texas.

To Urban Affairs.

**HB 3680** (By Geren), Relating to electronic reports in the Texas Ethics Commission's storage location.

To Government Transparency and Operation.

**HB 3681** (By Geren), Relating to the categorization of violations by the Texas Ethics Commission.

To General Investigating and Ethics.

**HB 3682** (By Geren), Relating to the resolution of violations by the Texas Ethics Commission.

To General Investigating and Ethics.

**HB 3683** (By Geren), Relating to the requirement of electronic filing by the Texas Ethics Commission.

To General Investigating and Ethics.

**HB 3684** (By Geren), Relating to political advertising.

To Elections.

**HB 3733** (By Burkett), Relating to the establishment of a tuition and fee reimbursement program for certain adopted children enrolled in career schools or colleges.

To Higher Education.

**HB 3877** (By Sanford), Relating to active duty personnel.

To Defense and Veterans' Affairs.

**HB 4013** (By S. Turner), Relating to studies on homeless veterans and youth.

To Human Services.

**HB 4125** (By Bell), Relating to the powers and duties of the Montgomery County Municipal Utility District No. 111; providing authority to issue bonds and impose fees and taxes.

To Special Purpose Districts.

**HB 4126** (By Zerwas), Relating to the creation of the Fort Bend County Municipal Utility District No. 218; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4127** (By Metcalf), Relating to the creation of the Foster Municipal Utility District No. 1 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4128** (By Metcalf), Relating to the creation of the Montgomery County Municipal Utility District No. 147; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4129** (By Bell), Relating to the creation of the Waller County Municipal Utility District No. 22; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4130** (By Gonzales), Relating to the qualifications and method of electing directors of the Jonah Water Special Utility District.

To Natural Resources.

**HB 4131** (By Wu), Relating to competitive bidding procedures and election requirements for the Westchase District.

To Urban Affairs.

**HB 4132** (By Bell), Relating to the creation of the Waller County Municipal Utility District No. 21; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4133** (By Bell), Relating to the creation of the Waller County Municipal Utility District No. 23; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4134** (By Bell), Relating to the creation of the Waller County Municipal Utility District No. 20; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 4136** (By Vo), Relating to the board of directors and territory of the International Management District.

To Special Purpose Districts.

**HB 4137** (By Allen), Relating to the qualifications of directors of the Spectrum Management District.

To Special Purpose Districts.

**HB 4138** (By Fletcher), Relating to the territory included in, the composition of the board of directors of, and the powers of the Harris County Improvement District No. 17.

To Special Purpose Districts.

**HR 1188** (By Herrero), Commemorating the 80th anniversary of the CITGO Corpus Christi Refinery.

To Rules and Resolutions.

**HR 1222** (By Herrero), Congratulating Libby Averyt of the Corpus Christi Caller-Times for being promoted to vice president regional publisher of the Journal Media Group.

To Rules and Resolutions.

**HR 1226** (By Farney), Congratulating Daniel E. Garcia on his appointment as auxiliary bishop for the Catholic Diocese of Austin.

To Rules and Resolutions.

**HR 1230** (By Herrero), In memory of Jimmy Wayne Granderson of Robstown.

To Rules and Resolutions.

**HR 1237** (By Herrero), Congratulating the Class of 2015 at Robstown High School on their graduation.

To Rules and Resolutions.

**HR 1443** (By Galindo), Endorsing the nomination of San Antonio's Spanish colonial missions as a World Heritage site.

To Culture, Recreation, and Tourism.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**March 19**

Corrections - **HB 372, HB 904**

Culture, Recreation, and Tourism - **HB 194, HB 323, HB 584**

Homeland Security and Public Safety - **HB 479**

Judiciary and Civil Jurisprudence - **HB 230, HB 1080**

Public Health - **HB 661, HB 819**

Ways and Means - **HB 157, HB 376, HB 706**

**March 20**

Homeland Security and Public Safety - **HB 226, HB 503**

### ENGROSSED

**March 19 - HB 11, HB 437, HB 834**

