

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY (CONTINUED) — THURSDAY, APRIL 9, 2015

The house met at 10:05 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 179).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocock; 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; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; 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; 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; 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; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — King, S.; Vo.

Absent — Keough.

The speaker recognized Representative Dale who introduced Reverend Kevin J. Hintze, pastor, Zion Lutheran Church, Georgetown, who offered the invocation as follows:

Father, Son, and Holy Spirit, we are thankful for the continued preservation of our country and those who uphold civil duties of leadership within our borders. We daily seek your guidance in prayer upon our country and throughout our blessed State of Texas, and we take comfort in knowing we can do so without fear of intense persecution. Endow your spirit of wisdom upon our leaders—Governor Abbott, our state senators, our state legislators, along with all aides and support staff who assist them—who have been led to faithfully serve the citizens of this state within the authority of government. Encourage our leaders in government to fulfill their elected duties with a spirit of sacrifice for the

common welfare, with mercy and justice, and with uprightness and kindness. We fervently continue to pray that justice and concord abide in our land, that peace and prosperity are safeguarded, and with great courage that we boldly take on the opportunities of telling others about you and your kingdom. On this first week after Easter, we are mindful of the sacrifice you have made for all people and the salvation we receive in you. We thank you most of all for hearing our prayers. In the name of Jesus, we pray and open this legislative session today. Amen.

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

(Keough now present)

LEAVES OF ABSENCE GRANTED

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

Vo on motion of Howard.

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

S. King on motion of Geren.

CAPITOL PHYSICIAN

The speaker recognized Representative Johnson who presented Dr. Dan Sepdham of Dallas as the "Doctor for the Day."

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

(C. Anderson in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 527 - PREVIOUSLY ADOPTED

(by Wu, et al.)

The chair laid out the following previously adopted resolution:

HR 527, Congratulating the Houston Department of Health and Human Services on its receipt of national accreditation through the Public Health Accreditation Board and commending Houston mayor Annise Parker and HDHHS director Stephen Williams for their contributions.

On motion of Representative Elkins, the names of all the members of the house were added to **HR 527** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Wu who introduced representatives of the Houston Department of Health and Human Services.

HR 1591 - ADOPTED
(by S. Thompson and Israel)

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1591**.

The motion prevailed.

The following resolution was laid before the house:

HR 1591, In memory of former Texas state representative Phillip R. Cates of Dripping Springs.

HR 1591 was read and was unanimously adopted by a rising vote.

On motion of Representative Israel, the names of all the members of the house were added to **HR 1591** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. Thompson who introduced family members and friends of the Honorable Phillip R. Cates, speaking as follows:

I'm proud to speak in memory of a son of the Texas Panhandle, my friend and former colleague, Phil Cates. For those of you who knew Phil, just to mention his name would bring a smile to your face. For those of you who missed meeting him, you really missed a treat. Phil grew up in the tiny town of Lefors, south of the Canadian River. He was first elected to the Texas House from his home district at the age of 23 in the landslide victory of two votes. Phil was already here when I arrived in 1973, and we served together until 1979. He was loved and respected by all of us who served with him in the house. That love and respect continued later during his many years as a popular lobbyist.

A strong Baptist, Phil lived his faith every single day of his life. Phil had a loving and loyal heart, and he never forgot his friends. He loved his family, the State of Texas, the Texas Panhandle, and Texas politics. He took great pride in his wonderful wife, Nancy, and his two sons, John and Andrew, and he happily took on the role of a mentor to many young people throughout his life. Phil enjoyed nothing better than a good conversation about Texas politics, especially if it involved a little political gossip. He especially loved talking about the many accomplishments of his wife, Nancy. They were partners in everything for well over 40 years. We are joined today by Nancy, Phil's son John, and close friends Bryan Poff III, Gentry Woodard, and Chuck Girard. We all miss Phil, and when the north wind blows hard down from the Canadian River, I will always think fondly of my friend, Phil Cates, a son of the Texas Panhandle, a fine and a good man.

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

Phil Texas was loved, and he was a wonderful son of the Panhandle. He helped me at a time in my life when I needed somebody to believe in me. He left us too soon, but I thank you all for honoring him today.

REMARKS ORDERED PRINTED

Representative Pickett moved to print remarks by Representative S. Thompson and Representative Israel.

The motion prevailed.

HR 431 - PREVIOUSLY ADOPTED

(by Isaac)

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

HR 431, In memory of Ted Stewart of Dripping Springs.

On motion of Representative Workman, the names of all the members of the house were added to **HR 431** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Isaac who introduced family members and friends of Ted Stewart.

HR 1865 - ADOPTED

(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1865**.

The motion prevailed.

The following resolution was laid before the house:

HR 1865, Congratulating Jim and Linda Parker on their 50th wedding anniversary.

HR 1865 was adopted.

On motion of Representative Metcalf, the names of all the members of the house were added to **HR 1865** as signers thereof.

HR 1607 - ADOPTED

(by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 1607**.

The motion prevailed.

The following resolution was laid before the house:

HR 1607, Commending the members of the Montgomery County Republican Women, North Shore Republican Women, Lake Conroe Area Republican Women, East Montgomery County Republican Women, and The Woodlands Republican Women for their civic engagement.

HR 1607 was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1607** as signers thereof.

HR 1777 - ADOPTED
(by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 1777**.

The motion prevailed.

The following resolution was laid before the house:

HR 1777, Congratulating Scott Smith of Lone Star Executive Airport in Conroe for being named the 2015 Reliever Airport Manager of the Year by the aviation division of the Texas Department of Transportation.

HR 1777 was adopted.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 1777** as signers thereof.

(Speaker pro tempore in the chair)

ADDRESS BY THE SPEAKER PRO TEMPORE

Representative D. Bonnen addressed the house, speaking as follows:

We're going to begin the local and consent calendar. I want to remind the members that Ms. Thompson—Chair Thompson, wants you to be alert and prepared when your bill comes up. The committee works hard to manage the floor to make sure that we're able to move the local and consent calendar through efficiently. It is the discretion of the chair whether a member desires to knock a bill off, whether they speak the full 10 minutes or not. Today, the discretion is that you will speak a full 10 minutes. Next week, we may have a different decision, but it is up to the chair to make that decision. If you have five signatures, those five signatures will be read so that the members have the ability to know who has requested their bill to be taken away from the calendar.

PARLIAMENTARY INQUIRY

REPRESENTATIVE VILLALBA: The 10 minutes that will have to be spoken, can you describe for us the content of that? Is there any particular rule or regulation that requires that that 10 minutes be comprised of content?

CHAIR (Speaker pro tempore in the chair): Mr. Villalba, like all speeches on the floor and most particularly from the back mic, they have to be on the bill.

VILLALBA: On the bill, relating to the bill, speaking about the bill, and only about the bill?

CHAIR: That is correct.

VILLALBA: What about esoteric discussions of why a bill may be proposed? Must it be specifically on the bill?

CHAIR: Correct.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption), and the following resolutions were laid before the house on committee report:

HB 77 was deferred until the end of today's local, consent, and resolutions calendar.

HB 115 (by Dale, Aycock, Sheffield, M. White, Larson, et al.), A bill to be entitled An Act relating to the criteria for awarding the Texas Purple Heart Medal to members of the armed forces wounded or killed at Fort Hood on November 5, 2009.

HB 157 (by Larson and Springer), A bill to be entitled An Act relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes. (Stickland and Tinderholt recorded voting no.)

HB 181 (by Bell and Krause), A bill to be entitled An Act relating to information printed by school districts on high school diplomas.

HB 194 (by Price, et al.), A bill to be entitled An Act relating to creating a recognition day in honor of Gold Star Mothers.

HB 75 (by González), A bill to be entitled An Act relating to the exemption from vehicle registration for certain farm vehicles owned by a farmers' cooperative society or marketing association. (Stickland recorded voting no.)

HB 197 (by Price, Burkett, and Márquez), A bill to be entitled An Act relating to requiring a public institution of higher education to post information regarding mental health resources on the institution's Internet website. (Rinaldi, Schaefer, and Stickland recorded voting no.)

HB 230 (by Farrar), A bill to be entitled An Act relating to recovery of attorney's fees in certain civil cases. (Crownover, Fallon, Flynn, Goldman, Phillips, Schaefer, Simmons, Springer, Stickland, and Wray recorded voting no.)

CSHB 418 (by Wu, Allen, Harless, S. Thompson, Burkett, et al.), A bill to be entitled An Act relating to child victims of trafficking who are placed in secure foster homes.

CSHB 440 (by Gonzales, Márquez, Simmons, and Villalba), A bill to be entitled An Act relating to adapting the public school physical education curriculum to accommodate the needs of students with mental disabilities.

HB 442 (by Gonzales), A bill to be entitled An Act relating to assignment of certain death benefits payable by the Employees Retirement System of Texas. (Tinderholt recorded voting no.)

HB 456 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

ADDRESS BY REPRESENTATIVE S. THOMPSON

The chair recognized Representative S. Thompson who addressed the house, speaking as follows:

When a bill is knocked off a local and consent calendar, it comes back to Local and Consent Calendars. If it moves then to the general calendar, it is at the discretion of the Local and Consent Committee. If we place that bill back on the local and consent calendar for the second time and that bill is again knocked off, at that particular time, we are to send it to the general calendar. But this bill that Mr. Stickland knocked off will come back—according to the rules that we adopted in January 2015—back to Local and Consent Calendars. It is the committee's discretion whether or not at that time they want to reset that bill on the local and consent calendar or send it to the general calendar.

HB 463 (by Springer), A bill to be entitled An Act relating to the ability to mow, bale, shred, or hoe material on a state highway right-of-way. (Schaefer and Tinderholt recorded voting no.)

HB 495 (by Howard), A bill to be entitled An Act relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs. (Crownover, Fallon, Flynn, Goldman, Phillips, Schaefer, Simmons, Springer, Tinderholt, and Wray recorded voting no.)

HB 504 (by Guillen), A bill to be entitled An Act relating to designating the second full week in September as Direct Support Professionals Week.

PARLIAMENTARY INQUIRY

REPRESENTATIVE STICKLAND: I would prefer to continue the questions to the author of the bill.

CHAIR (Speaker pro tempore in the chair): The challenge, Mr. Stickland, with that is that Mr. Clardy has yielded the floor.

STICKLAND: So what is the current status of the bill?

CHAIR: The status of the bill is that it's here before us with four minutes and 38 seconds having expired of conversation and doing math in my head would mean that you have five minutes and 22 seconds left to talk.

STICKLAND: Are we aware of any precedent where this has ever been done before? When a member intends to kill a bill, that they have been asked to stop questioning and come to the front?

CHAIR: Mr. Stickland, I could probably spend 10 minutes giving you the precedent of where this has happened.

STICKLAND: How much time is left from the 10 minutes did you say?

CHAIR: I said it was five minutes and 22 seconds.

STICKLAND: If I come up to the front microphone and speak against it does that count toward the 10 minutes required to kick a bill off the local and consent?

CHAIR: I apologize, Mr. Stickland, if I was not clear, but that's exactly what is allowed. It is that Mr. Clardy has the opportunity to yield the floor and then you have the opportunity to come to the front mic and talk for the time you desire.

HB 599 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

CSHB 685 (by Sheets), A bill to be entitled An Act relating to the production of public information available on the website of a political subdivision of this state. (Tinderholt recorded voting no.)

Amendment No. 1

Representative Sheets offered the following amendment to **CSHB 685**:

Amend **CSHB 685** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) On page 1, between lines 16 and 17, insert the following:

(b-2) If an officer for public information for a political subdivision provides by e-mail an Internet location or uniform resource locator (URL) address as permitted by Subsection (b-1), the e-mail must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as provided by Subsection (b).

Amendment No. 1 was adopted.

HB 706 (by Farrar), A bill to be entitled An Act relating to the procedure for claiming an exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed. (Crownover, Fallon, Flynn, Goldman, Phillips, Rinaldi, Schaefer, Simmons, and Stickland recorded voting no.)

CSHB 766 (by Kuempel), A bill to be entitled An Act relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.

CSHB 801 (by K. King), A bill to be entitled An Act relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department. (Stickland recorded voting no.)

HB 908 (by Phillips), A bill to be entitled An Act relating to the continuation and duties of the Red River Boundary Commission. (Tinderholt recorded voting no.)

HB 1016 (by T. King), A bill to be entitled An Act relating to the designation of certain river or stream segments as being of unique ecological value. (Klick, Rinaldi, Schaefer, Springer, and Stickland recorded voting no.)

HB 1186 (by Craddick), A bill to be entitled An Act relating to the validation of certain actions relating to municipal airport zoning regulations. (Stickland and Tinderholt recorded voting no.)

HB 1221 (by Lucio), A bill to be entitled An Act relating to seller's disclosures in connection with residential real property subject to groundwater regulation. (Flynn and Wray recorded voting no.)

HB 1235 (by P. King), A bill to be entitled An Act relating to the annexation of certain territory by the Wise County Water Control and Improvement District No. 1. (Tinderholt recorded voting no.)

HB 1443 (by Geren), A bill to be entitled An Act relating to the Texas Identification Number system. (Stickland and Tinderholt recorded voting no.)

HB 1890 (by Elkins), A bill to be entitled An Act relating to the development and implementation of a statewide strategy for legacy system modernization. (Tinderholt recorded voting no.)

HB 2000 (by Gutierrez), A bill to be entitled An Act relating to the purchase of certain commodity items by an entity other than a state agency. (Flynn recorded voting no.)

HR 937 (by Larson), Encouraging safe boating practices and paying tribute to the life of Kali Gorzell of San Antonio.

HB 77 (by González, Anchia, Leach, Rose, and Villalba), A bill to be entitled An Act relating to a study of the Dallas Men Against Abuse program. (Crownover, Fallon, Flynn, Krause, Murphy, Rinaldi, Schaefer, Simmons, Simpson, Springer, Stickland, Tinderholt, and Wray recorded voting no.)

REMARKS ORDERED PRINTED

Representative Schofield moved to print remarks between Representative Stickland and the chair regarding the procedure of the local and consent calendar.

The motion prevailed.

The chair moved to print remarks by Representative S. Thompson and the chair regarding the procedure of the local and consent calendar.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, upon first adjournment today, Desk 12, for a formal meeting, to consider pending business.

Government Transparency and Operation, upon first adjournment today, Desk 18, for a formal meeting, to consider pending business.

Investments and Financial Services, upon first adjournment today, Desk 111, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon first adjournment today, Desk 16, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **HB 840**, **HB 1541**, **HB 2039**, and **HB 2683** at 2 p.m. or upon final adjournment/recess Monday, April 13 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 2 p.m. or upon final adjournment/recess Monday, April 13, E2.030, for a public hearing, to consider **HB 840**, **HB 1541**, **HB 2039**, **HB 2683**, and the previously posted agenda.

ADJOURNMENT

Representative E. S. Turner moved that the house adjourn until 12:30 p.m. today.

The motion prevailed.

The house accordingly, at 12:05 p.m., adjourned until 12:30 p.m. today.