

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — TUESDAY, APRIL 14, 2015

The house met at 10:06 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 207).

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; 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; 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; 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; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent — Darby.

The speaker recognized Representative Spitzer who introduced Marty Reid, pastor, Trinity Family Church, Forney, who offered the invocation as follows:

Our Father who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done, on earth as it is in heaven.

Lord, we thank you for all these here who have answered the call to serve you and the people of this great state here in the Texas Legislature. Give them wisdom, courage, and understanding to do the right thing no matter the cost. Help them to govern and legislate in a way that would honor and glorify you and be honoring to the people in the State of Texas. Help them to see every issue from your eyes and from your perspective.

Government is your business. You created it, and you allow us to play this part in your kingdom. As we debate the issues of our day, we ask you, dear Lord, to illuminate our understanding. We see and understand our great need for your intervention in our nation and in our state. From our founding as a republic until

this day, it is not our wisdom that has made this state great, but it is your great mercy and powerful hand that has brought us to this place in history. We still need your powerful hand and assistance more than ever. We have been a great state for many years, but the longer we exist, the more evident it is that you, O God, govern in the affairs of men. And if a sparrow cannot fall to the ground without your notice, it is improbable that we can remain a great state without your aid. We have been assured in your word that, "except the Lord build the house, they labor in vain that build it." We are here this morning to ask your blessing on our endeavors to govern this great state. Help us, O Lord, to do our very best and to be dependent on you for wisdom and understanding. In the mighty name of Jesus, we pray. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative S. Davis who presented Dr. C. Mark Chassay of Houston as the "Doctor for the Day."

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

(Moody 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).

HR 1593 - ADOPTED (by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1593**.

The motion prevailed.

The following resolution was laid before the house:

HR 1593, Commemorating the 175th anniversary of Columbia United Methodist Church in West Columbia.

HR 1593 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced representatives of Columbia United Methodist Church.

FIVE-DAY POSTING RULE SUSPENDED

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 451**, **HB 3577**, and **HB 4173** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 451**, **HB 3577**, **HB 4173**, and the previously posted agenda.

**HR 1696 - ADOPTED
(by Israel)**

Representative Israel moved to suspend all necessary rules to take up and consider at this time **HR 1696**.

The motion prevailed.

The following resolution was laid before the house:

HR 1696, Recognizing April 14, 2015, as REALTOR Appreciation Day at the State Capitol.

HR 1696 was adopted.

On motion of Representatives Button, Burkett, Clardy, Farney, and Leach, the names of all the members of the house were added to **HR 1696** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Israel who introduced representatives of the Texas Association of REALTORS.

LEAVE OF ABSENCE GRANTED

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

E. S. Turner on motion of Leach.

**HR 1953 - ADOPTED
(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1953**.

The motion prevailed.

The following resolution was laid before the house:

HR 1953, Congratulating the members of the San Antonio Young Women's Leadership Academy Class of 2015.

HR 1953 was adopted.

**HR 1213 - PREVIOUSLY ADOPTED
(by Farney)**

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

HR 1213, In memory of Denise Rosalyn Davis Hopkins of Liberty Hill.

INTRODUCTION OF GUESTS

The chair recognized Representative Farney who introduced family members of Denise Rosalyn Davis Hopkins.

**HR 894 - PREVIOUSLY ADOPTED
(by Guillen)**

The chair laid out the following previously adopted resolution:

HR 894, Commemorating the 50th annual Muy Grande Deer Hunting Contest in Freer.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced representatives of the Muy Grande Deer Hunting Contest.

(Darby now present)

(Howard in the chair)

**HR 1782 - ADOPTED
(by Farrar)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1782**.

The motion prevailed.

The following resolution was laid before the house:

HR 1782, Recognizing April 14, 2015, as Blue Ribbon Lobby Day at the State Capitol.

HR 1782 was adopted. (Capriglione and Stephenson recorded voting no.)

On motion of Representatives Martinez Fischer, González, Farrar, Raymond, Giddings, and Allen, the names of all the members of the house were added to **HR 1782** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Farrar who introduced participants in Blue Ribbon Lobby Day.

(Reynolds in the chair)

LEAVE OF ABSENCE GRANTED

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

Anchia on motion of C. Turner.

(Speaker in the chair)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

HB 9 ON THIRD READING**(by Flynn, Otto, Alonzo, S. Turner, D. Bonnen, et al.)**

HB 9, A bill to be entitled An Act relating to member contributions to the Employees Retirement System of Texas.

HB 9 was passed by (Record 208): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez 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, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

STATEMENT OF VOTE

When Record No. 208 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

GENERAL STATE CALENDAR**HOUSE BILLS****THIRD READING**

The following bills were laid before the house and read third time:

HB 751 ON THIRD READING**(by Zerwas, S. Davis, Sheffield, S. Thompson, et al.)**

HB 751, A bill to be entitled An Act relating to the prescription and pharmaceutical substitution of biological products; amending provisions subject to a criminal penalty.

HB 751 was passed by (Record 209): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez 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, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

STATEMENT OF VOTE

When Record No. 209 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

HB 225 ON THIRD READING (by Guillen, Johnson, and S. King)

HB 225, A bill to be entitled An Act relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.

HB 225 was passed by (Record 210): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; 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; 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, S.; King, T.; Klick; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; 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; 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, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bohac; Fletcher; Keough; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

Absent — Koop; White, J.

STATEMENT OF VOTE

When Record No. 210 was taken, I was temporarily out of the house chamber. I would have voted yes.

J. White

HB 767 ON THIRD READING

(by Smith, S. Turner, Lucio, Huberty, Sheffield, et al.)

HB 767, A bill to be entitled An Act relating to cardiac assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

HB 767 was passed by (Record 211): 82 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Aycock; Bernal; Blanco; Bohac; Canales; Coleman; Collier; Cook; Craddick; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Galindo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, T.; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Oliveira; Paddie; Paul; Peña; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Sheffield; Smith; Thompson, E.; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cyrier; Dale; Davis, S.; Elkins; Fallon; Flynn; Frank; Frullo; Goldman; Gonzales; Hughes; Isaac; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Morrison; Murr; Otto; Parker; Phelan; Phillips; Price; Riddle; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Villalba; White, J.; White, M.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

Absent — Harless; Nevárez.

STATEMENTS OF VOTE

When Record No. 211 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 211 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 211 was taken, I was shown voting no. I intended to vote yes.

S. Thompson

When Record No. 211 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

HB 376 ON THIRD READING

(by Simmons)

HB 376, A bill to be entitled An Act relating to the additional tax imposed on land appraised for ad valorem tax purposes as open-space land if a change in use of the land occurs.

HB 376 was passed by (Record 212): 134 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; 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, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; 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; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Burns; Button; Fallon; Keough; Rinaldi; Schofield; Simpson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

Absent — Anderson, C.; Dukes; McClendon; Thompson, S.

STATEMENTS OF VOTE

When Record No. 212 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 212 was taken, I was shown voting no. I intended to vote yes.

Burns

When Record No. 212 was taken, I was shown voting yes. I intended to vote no.

Spitzer

When Record No. 212 was taken, I was in the house but away from my desk. I would have voted yes.

S. Thompson

When Record No. 212 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

When Record No. 212 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

HB 3332 ON THIRD READING

(by Clardy, et al.)

HB 3332, A bill to be entitled An Act relating to the authority of certain public hospitals to construct certain facilities and to provide certain services.

HB 3332 was passed by (Record 213): 131 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; Dukes; Dutton; Elkins; Faircloth; 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; Kuempel; Landgraf; Larson; Laubenberg; Longoria;

Lozano; Lucio; Márquez; Martínez; Martínez Fischer; 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; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Fallon; Krause; Leach; Rinaldi; Schaefer; Shaheen; Simpson; Spitzer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

Absent — McClendon; Reynolds; Sanford; Springer; White, J.

STATEMENTS OF VOTE

When Record No. 213 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

When Record No. 213 was taken, I was excused because of important business in the district. I would have voted no.

E. S. Turner

When Record No. 213 was taken, I was temporarily out of the house chamber. I would have voted yes.

J. White

When Record No. 213 was taken, I was shown voting yes. I intended to vote no.

M. White

HB 456 ON THIRD READING

(by Gutierrez, Villalba, Faircloth, Sheffield, and Zerwas)

HB 456, A bill to be entitled An Act relating to a prohibition on the use and possession of e-cigarettes on school property.

HB 456 was passed by (Record 214): 129 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; 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; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez;

Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Hughes; King, S.; Klick; Metcalf; Morrison; Rinaldi; Schaefer; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; White, M.; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

Absent — Alonzo; Frank; White, J.

STATEMENTS OF VOTE

When Record No. 214 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

When Record No. 214 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 214 was taken, I was shown voting no. I intended to vote yes.

Morrison

When Record No. 214 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

When Record No. 214 was taken, I was temporarily out of the house chamber. I would have voted yes.

J. White

HB 599 ON THIRD READING (by Clardy)

HB 599, A bill to be entitled An Act relating to energy savings performance contracts entered into by public institutions of higher education.

HB 599 was passed by (Record 215): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; 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; 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; 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; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Turner, E.S.

STATEMENT OF VOTE

When Record No. 215 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

HB 903 ON THIRD READING

(by Capriglione, Otto, Simmons, G. Bonnen, Meyer, et al.)

HB 903, A bill to be entitled An Act relating to the investment of a percentage of the economic stabilization fund balance in excess of the sufficient balance.

HB 903 was passed by (Record 216): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycok; 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; 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; 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; Smith; Smithee; Springer;

Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson; Spitzer.

Present, not voting — Mr. Speaker(C); Stickland.

Absent, Excused — Anchia; Turner, E.S.

Absent — Dukes; Keough.

STATEMENTS OF VOTE

When Record No. 216 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 216 was taken, I was shown voting present, not voting. I intended to vote yes.

Stickland

When Record No. 216 was taken, I was excused because of important business in the district. I would have voted yes.

E. S. Turner

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1680 ON SECOND READING (by Raymond, Burkett, Price, Zerwas, and Keough)

CSHB 1680, A bill to be entitled An Act relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.

CSHB 1680 was read second time on April 8 and was postponed until 10 a.m. today.

Representative Raymond moved to postpone consideration of **CSHB 1680** until 9 a.m. Thursday, April 16.

The motion prevailed.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 1945 ON SECOND READING (by G. Bonnen, Simpson, Fallon, et al.)

CSHB 1945, A bill to be entitled An Act relating to the provision of direct primary care.

CSHB 1945 was passed to engrossment.

HB 1546 ON SECOND READING**(by Allen)**

HB 1546, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

Amendment No. 1

Representative Allen offered the following amendment to **HB 1546**:

Amend **HB 1546** (house committee printing) by striking page 1, lines 9-22, and substituting the following:

in a state jail felony facility, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, the Texas Department of Criminal Justice shall report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. ~~[The contents of a report submitted under this subdivision are not subject to challenge by a defendant.]~~

(6) A judge, based on the report received under Subdivision (5), may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. If the judge does not take action under this subdivision on or before the 30th day after the date the judge receives the report, the department shall credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program. A time

Amendment No. 1 was adopted.

HB 1546, as amended, was passed to engrossment. (Bohac and Fletcher recorded voting no.)

HB 479 ON SECOND READING**(by Bell and Metcalf)**

HB 479, A bill to be entitled An Act relating to transfer of the regional emergency medical dispatch resource centers program to the Commission on State Emergency Communications.

HB 479 was passed to engrossment.

HB 2430 ON SECOND READING**(by Kuempel and Fallon)**

HB 2430, A bill to be entitled An Act relating to food and beverage consumption in certain public swimming pools.

HB 2430 was passed to engrossment.

CSHB 1454 ON SECOND READING
(by Raney, Fallon, and Guerra)

CSHB 1454, A bill to be entitled An Act relating to notice, reporting, and records requirements for holders of certain personal property that is or may be presumed abandoned.

CSHB 1454 was passed to engrossment.

CSHB 1219 ON SECOND READING
(by Raymond and Keough)

CSHB 1219, A bill to be entitled An Act relating to a provisional license to practice funeral directing or embalming; amending provisions subject to a criminal penalty.

CSHB 1219 was passed to engrossment.

CSHB 40 ON SECOND READING
(by Darby, Keffer, P. King, S. Thompson, Oliveira, et al.)

CSHB 40, A bill to be entitled An Act relating to the exclusive jurisdiction of this state to regulate oil and gas operations in this state and the express preemption of local regulation of those operations.

Representative Darby moved to postpone consideration of **CSHB 40** until 11:45 a.m. today.

The motion prevailed.

CSHB 910 ON SECOND READING
(by Phillips, Flynn, J. White, Riddle, Guillen, et al.)

CSHB 910, A bill to be entitled An Act 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; amending provisions subject to a criminal penalty.

CSHB 910 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 910** under Rule 4, Section 20 of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker sustained the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 910** under Rule 4, Section 20 of the House Rules on the grounds that the bill's automatically generated change position report inaccurately reflects two witnesses. The point of order is sustained.

One purpose of Rule 4, Section 20 of the House Rules is to ensure that a committee has accurate witness information. Prior to implementation of the electronic witness affirmation form system, when a witness changed positions on a bill, the committee clerk would note the change by hand on the witness's paper witness affirmation form. Beginning in the 83rd Legislative Session, paper

witness affirmation forms were replaced by an electronic system, which, rather than allowing clerks to record the history of a witness changing positions directly on the witness affirmation form, provided the same function by means of an automatically generated change position report that could be requested from the committee coordinator's office.

In advance of the 84th Legislative Session, the electronic witness affirmation form system was updated to accommodate the instances in which a committee lays out multiple measures at one time. However, when this option of laying out multiple bills at once is utilized, the change position report does not accurately aggregate the data for the witnesses who have changed their positions on the bills. Instead, even when data is accurately entered into the system, the system incorrectly generates change position reports that list all of the witnesses who have changed their positions on any of the bills laid out together as having testified and changed their positions on the first bill listed in the report. Meanwhile, all of the other bills laid out at the same time are reported as having no witnesses that changed positions.

As a result of this error, **CSHB 910's** change position report reads:

	Last Name	First Name	Original Position	New Position	Audit Time Stamp
<u>HB 910</u>	Pangborn	George	On	For	3/17/2015 1:19:20 PM
	Hamouie	Angie	Against	On	3/17/2015 12:31:03 PM
	Sieli	Tony	On	For	3/17/2015 12:28:09 PM

HB 937 ***No witness position changes were made for this item***

However, two of the witnesses listed as having testified and changed positions on **CSHB 910**—Angie Hamouie and Tony Sieli—did not testify on **CSHB 910**; they testified only on **HB 937**. Had the change position report accurately compiled the data, the report would have reflected the following:

	Last Name	First Name	Original Position	New Position	Audit Time Stamp
<u>HB 910</u>	Pangborn	George	On	For	3/17/2015 1:19:20 PM
<u>HB 937</u>	Hamouie	Angie	Against	On	3/17/2015 12:31:03 PM
	Sieli	Tony	On	For	3/17/2015 12:28:09 PM

The error in this instance was not caused by entry of any inaccurate data or other actions taken by a house member or staff. Instead, it was solely an error in the system's aggregation of otherwise accurate information. The Texas Legislative Council forthrightly took responsibility for this failure. Unfortunately, because the change position report inaccurately reflects the history of the electronic witness affirmation forms that were changed, the report, which substitutes for the notations previously made to paper affirmation forms, is misleading and violates Rule 4, Section 20 of the House Rules.

This error in the change position report was not isolated; it reflects a systemic problem with the potential to have affected any measure laid out in a hearing in which multiple measures were considered at one time. Over 40 witness affirmation forms relating to 21 measures were already found to have been impacted. Due to the systematic nature of this problem, house members requested from the floor and I have directed the Texas Legislative Council (TLC) to take the following remedial measures:

TLC should provide in writing to all members no later than 5 p.m. today a detailed written explanation to all house members of the error that currently exists in the witness affirmation system, which causes the change position report to inaccurately list witnesses who have changed positions to appear as though they testified on the first bill listed, regardless of whether they actually testified on that bill. TLC will also provide a written explanation to all members of precisely how that error has been or will be fixed. TLC has assured the committee coordinator's office that the work to fix this error has already been done, so TLC should implement and have tested that repair no later than 5 p.m. today. TLC will, by 8 a.m. on Monday, April 20, provide a written report to the Committee on House Administration that confirms the accuracy of the reports generated by TLC systems that affect house legislation, including the systems of the committee coordinator, chief clerk's office, house journal, or any other house offices.

CSHB 910 was returned to the Committee on Homeland Security and Public Safety.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 40 ON SECOND READING

(by Darby, Keffer, P. King, S. Thompson, Oliveira, et al.)

CSHB 40, A bill to be entitled An Act relating to the exclusive jurisdiction of this state to regulate oil and gas operations in this state and the express preemption of local regulation of those operations.

CSHB 40 was read second time earlier today and was postponed until this time.

CSHB 40 - RECOMMITTED

Representative Darby moved to recommit **CSHB 40** to the Committee on Energy Resources.

The motion prevailed.

GENERAL STATE CALENDAR
(consideration continued)
CSHB 796 ON SECOND READING
(by Geren and Lucio)

CSHB 796, A bill to be entitled An Act relating to the purchase of certain insurance coverage and the performance of related risk management services for the Texas State University System and the component institutions of that system.

CSHB 796 was passed to engrossment.

HB 984 ON SECOND READING
(by Deshotel, Parker, Riddle, Keffer, S. Thompson, et al.)

HB 984, A bill to be entitled An Act relating to birth records of adopted persons; authorizing a fee.

HB 984 was passed to engrossment.

STATEMENT BY THE SPEAKER

The speaker had read the following statement:

The Texas Legislative Council (TLC) should provide in writing to all members no later than 5 p.m. today a detailed written explanation to all house members of the error that currently exists in the witness affirmation system, which causes the change position report to inaccurately list witnesses who have changed positions to appear as though they testified on the first bill listed, regardless of whether they actually testified on that bill. TLC will also provide a written explanation to all members of precisely how that error has been or will be fixed. TLC has assured the committee coordinator's office that the work to fix this error has already been done, so TLC should implement and have tested that repair no later than 5 p.m. today. TLC will, by 8 a.m. on Monday, April 20, provide a written report to the Committee on House Administration that confirms the accuracy of the reports generated by TLC systems that affect house legislation, including the systems of the committee coordinator, chief clerk's office, house journal, or any other house offices.

(Simmons in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Frullo moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **HB 1132** at 2 p.m. or upon final adjournment/recess tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 2 p.m. or upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **HB 1132** and the previously posted agenda.

HR 1955 - ADOPTED
(by M. White)

Representative M. White moved to suspend all necessary rules to take up and consider at this time **HR 1955**.

The motion prevailed.

The following resolution was laid before the house:

HR 1955, Honoring the Fraternal Alliance of Texas on the occasion of Join Hands Day, May 2, 2015.

HR 1955 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Homeland Security and Public Safety, upon adjournment today, 3W.15, for a formal meeting, to consider **HB 910**.

Energy Resources, upon adjournment today, 1W.14, for a formal meeting, to consider **HB 40**.

ADJOURNMENT

Speaker Straus moved that the house adjourn until 10 a.m. tomorrow in memory of Stephanie "Steffie" Odle of Houston.

The motion prevailed.

The house accordingly, at 12:16 p.m., adjourned until 10 a.m. tomorrow.

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
Tuesday, April 14, 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:

SB 204 Hinojosa
Relating to the functions and operations of the Department of Aging and Disability Services; increasing penalties.

SB 206 Schwertner
Relating to the functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.

SB 413 Seliger
Relating to the qualifications for membership on the Texas Water Development Board.

SB 444 Hall
Relating to the exercise of eminent domain by certain toll road corporations.

SB 1214 Taylor, Van
Relating to the use of human remains for forensic science education, including the training of search and rescue animals.

SB 1465 Watson
Relating to creating limited purpose disaster declaration authority for the governor.

SCR 1 Creighton
Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 13

Agriculture and Livestock - **HB 946**

Corrections - **HB 710, HB 941, HB 1595, HB 3387**

County Affairs - **HB 2476**

Economic and Small Business Development - **HB 996**

Government Transparency and Operation - **HB 1912, HB 3707**

Higher Education - **HB 3062**

Homeland Security and Public Safety - **HB 937**

Human Services - **HB 3327**

Insurance - **HB 1038, HB 1947, HB 1948, HB 2317, HB 2491, HB 3031, HB 3237, HB 3238**

Judiciary and Civil Jurisprudence - **HB 704, HB 1040, HB 1050, HB 1129, HB 1306, HB 1560, HB 2419, HB 2428**

Juvenile Justice and Family Issues - **HB 1195, HB 1704, HB 2630**

Licensing and Administrative Procedures - **HB 2049**

Natural Resources - **HB 1042, HB 2230, HB 2832**

Public Education - **SB 149**

Public Health - **HB 170, HB 2171**

Special Purpose Districts - **HB 2552, HB 4129, HB 4132, HB 4133, HB 4134**

Ways and Means - **HB 35, HB 994, HB 1022, HB 1463, HB 1717, HB 1841, HB 1857, HB 1905, HB 1933, HB 1946, HB 1964, HB 2083, HB 2113, HB 2177, HB 2709, HB 2712, HB 2844, HB 2853, HB 3052, HB 3630, HJR 43**

ENROLLED

April 13 - HCR 38, HCR 86, HCR 87, HCR 92

SENT TO THE GOVERNOR

April 13 - HCR 86, HCR 87

RECOMMENDATIONS FILED WITH THE SPEAKER

April 13 - HB 3152

