

# HOUSE JOURNAL

---

---

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

---

---

## PROCEEDINGS

---

SEVENTY-SECOND DAY (CONTINUED) — TUESDAY, MAY 19, 2015

The house met at 10:04 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1195).

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; 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.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; 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, Excused — Riddle.

The speaker recognized Representative Murr who introduced Katherine Megee Lehman, pastor, Trinity Episcopal Church, Junction, who offered the invocation as follows:

O God, the fountain of all wisdom, whose will is good and gracious and whose law is truth. We beseech you so to guide and bless our senators and representatives assembled this day as the legislature of the State of Texas, that they may enact such laws as shall please you to the glory of your name and for the welfare of this, your people. We pray to the honor of your name. Amen.

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

**LEAVES OF ABSENCE GRANTED**

Pursuant to a previous motion, the following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of Geren.

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

Riddle on motion of R. Miller.

(Kacal in the chair)

**CAPITOL PHYSICIAN**

The chair recognized Representative Workman who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**REGULAR ORDER OF BUSINESS SUSPENDED**

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

**HR 2426 - ADOPTED  
(by Krause)**

Representative Krause moved to suspend all necessary rules to take up and consider at this time **HR 2426**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2426**, In memory of Karen Michelle Peterson of Fort Worth.

**HR 2426** was read and was unanimously adopted by a rising vote.

(Krause in the chair)

**HR 2679 - ADOPTED  
(by Kacal)**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 2679**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2679**, Congratulating Tequila 512 on winning Best in Show at the 2015 San Francisco World Spirits Competition.

**HR 2679** was adopted.

**HR 2677 - ADOPTED**  
**(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 2677**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2677**, Congratulating Paul Burka on his retirement from Texas Monthly.

**HR 2677** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2677** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Raymond who introduced Paul Burka.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 21).

(Sheets in the chair)

**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:

**CSHB 1459** (by Bohac), A bill to be entitled An Act relating to the powers and duties of the West Harris County Regional Water Authority.

**HB 4137** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

**HB 4158** (by Bell), A bill to be entitled An Act relating to the creation of the East Waller County Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**Amendment No. 1**

Representative Bell offered the following amendment to **HB 4158**:

Amend **HB 4158** as follows:

(1) On page 12, delete lines 7-14 and replace with "(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county."

(2) On page 12, delete line 18.

(3) On page 16, line 4, delete "Subchapter A, Chapter 372, or".

(4) On page 16, line 19, delete "Subchapter A, Chapter 372, and".

Amendment No. 1 was adopted.

**HB 4178** (by Farney), A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 31; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**Amendment No. 1**

Representative Farney offered the following amendment to **HB 4178**:

Amend **HB 4178** (house committee report) on page 5, by striking lines 9 through 16 and substituting the following:

(d) The district shall convey the public roads constructed by or on behalf of the district under Section 7934.103 to Williamson County for ownership, operation, and maintenance by the county. After the 12th anniversary of the date the county accepts conveyance of the roads, the district shall maintain the public roads located in the district, except that the county shall maintain the east-west arterial roadway located in the district north of the San Gabriel River and south of State Highway 29. The district's obligation to maintain the public roads located in the district ceases if all of the territory of the district is annexed by a municipality.

Amendment No. 1 was adopted.

**HB 4179** (by Farney), A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 32; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**Amendment No. 1**

Representative Farney offered the following amendment to **HB 4179**:

Amend **HB 4179** (house committee report) on page 5, by striking lines 9 through 16 and substituting the following:

(d) The district shall convey the public roads constructed by or on behalf of the district under Section 7935.103 to Williamson County for ownership, operation, and maintenance by the county. After the 12th anniversary of the date the county accepts conveyance of the roads, the district shall maintain the public roads located in the district, except that the county shall maintain the east-west arterial roadway located in the district north of the San Gabriel River and south of State Highway 29. The district's obligation to maintain the public roads located in the district ceases if all of the territory of the district is annexed by a municipality.

Amendment No. 1 was adopted.

**CSHB 4196** (by Stephenson), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 65 of Fort Bend County, Texas; providing authority to issue bonds payable from taxes.

**HB 4204** (by Farney), A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 33; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**Amendment No. 1**

Representative Farney offered the following amendment to **HB 4204**:

Amend **HB 4204** (house committee report) on page 5, by striking lines 9 through 13 and substituting the following:

(d) The district shall convey the public roads constructed by or on behalf of the district under Section 7959.103 to Williamson County for ownership, operation, and maintenance by the county. After the 12th anniversary of the date the county accepts conveyance of the roads, the district shall maintain the public roads located in the district, except that the county shall maintain the east-west arterial roadway located in the district north of the San Gabriel River and south of State Highway 29. The district's obligation to maintain the public roads located in the district ceases if all of the territory of the district is annexed by a municipality.

Amendment No. 1 was adopted.

**HB 4206** (by Riddle), A bill to be entitled An Act relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

**SB 60** (Price - House Sponsor), A bill to be entitled An Act relating to video recordings made by children's advocacy centers.

**SB 292** (Crownover - House Sponsor), A bill to be entitled An Act relating to a request for a waiver of the waiting period before human remains may be cremated.

**SB 308** (Coleman - House Sponsor), A bill to be entitled An Act relating to the powers and duties of campus police departments at private institutions of higher education. (Schaefer, Simpson, and Stickland recorded voting no.)

**SB 363** (Murr - House Sponsor), A bill to be entitled An Act relating to the election dates for directors of the Bandera County River Authority and Groundwater District.

**SB 383** (Bernal - House Sponsor), A bill to be entitled An Act relating to the time of delivery to the early voting ballot board for ballots voted by mail in certain counties.

**SB 408** (Blanco - House Sponsor), A bill to be entitled An Act relating to consideration of a bidder's principal place of business in awarding certain county contracts. (Burrows recorded voting no.) (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 431** (Phelan - House Sponsor), A bill to be entitled An Act relating to the deadline for filing a candidate's personal financial statement.

**SB 450** (Sheets - House Sponsor), A bill to be entitled An Act relating to the liability of a political subdivision of this state for certain claims relating to land acquired by the political subdivision under certain circumstances.

**CSSB 462** (Farrar - House Sponsor), A bill to be entitled An Act relating to authorizing a revocable deed that transfers real property at the transferor's death.

**SB 463** (Kuempel - House Sponsor), A bill to be entitled An Act relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.

**SB 540** (S. Thompson - House Sponsor), A bill to be entitled An Act relating to the hours during which a holder of a retail dealer's on-premise late hours license may sell beer.

**SB 607** (Alvarado - House Sponsor), A bill to be entitled An Act relating to the Texas Interagency Council for the Homeless.

**SB 680** (Capriglione - House Sponsor), A bill to be entitled An Act relating to the sale of alcoholic beverages in areas annexed or owned by certain municipalities.

**SB 685** (Raney - House Sponsor), A bill to be entitled An Act relating to the applicability of open meetings and public information laws to the education research center advisory board.

**SB 737** (Moody - House Sponsor), A bill to be entitled An Act relating to certain protective orders and magistrate's orders for emergency protection.

**SB 783** (Frullo - House Sponsor), A bill to be entitled An Act relating to the development of antifraud educational programs by the Texas Department of Insurance and acceptance of gifts, grants, and donations for the department's fraud unit. (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 853** (Button - House Sponsor), A bill to be entitled An Act relating to the signature requirement for a sales tax permit application filed electronically.

**SB 854** (Lucio - House Sponsor), A bill to be entitled An Act relating to the renewal or amendment of certain permits issued by groundwater conservation districts.

**SB 862** (Keffer - House Sponsor), A bill to be entitled An Act relating to voting methods in a property owners' association election or vote.

**SB 864** (Keffer - House Sponsor), A bill to be entitled An Act relating to secret ballots in a property owners' association election or vote.

**CSSB 866** (G. Bonnen, D. Bonnen, and Faircloth - House Sponsors), A bill to be entitled An Act relating to the regulation of amusement redemption machine game rooms in certain counties. (Krause, Rinaldi, Stickland, Tinderholt, and M. White recorded voting no.)

**Amendment No. 1**

Representative G. Bonnen offered the following amendment to **CSSB 866**:

Amend **CSSB 866** (house committee printing) as follows:

(1) On page 1, line 14, strike "and".

(2) On page 1, line 16, between "four million or more" and the period, insert the following:

; and

(4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more

Amendment No. 1 was adopted.

**SB 871** (Cyrier - House Sponsor), A bill to be entitled An Act relating to the compensation of county auditors for certain counties.

**SB 875** (Flynn - House Sponsor), A bill to be entitled An Act relating to the regulation of state trust companies. (Krause and Schaefer recorded voting no.)

**SB 914** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 949** (Naishtat - House Sponsor), A bill to be entitled An Act relating to the release of certain child fatality and near-fatality information for abused or neglected children.

**SB 956** (Muñoz - House Sponsor), A bill to be entitled An Act relating to the delivery of personal automobile and residential property insurance policies; adding provisions that may be subject to a criminal penalty. (Tinderholt and M. White recorded voting no.)

**SB 978** (Sheets - House Sponsor), A bill to be entitled An Act relating to public information regarding workers' compensation insurance rate filings.

**SB 1008** (Frullo - House Sponsor), A bill to be entitled An Act relating to the authority of certain domestic life, health, and accident insurance companies to make investments in mezzanine real estate loans.

**SB 1020** (Murr - House Sponsor), A bill to be entitled An Act relating to the designation of the trustee of an express trust as a beneficiary of a trust account or a P.O.D. payee of a P.O.D. account.

**SB 1075** (Flynn - House Sponsor), A bill to be entitled An Act relating to criminal history record information obtained by the consumer credit commissioner. (Rinaldi and Schaefer recorded voting no.)

**CSSB 1148** (Geren - House Sponsor), A bill to be entitled An Act relating to the functions of the Public Utility Commission of Texas in relation to the economic regulation of water and sewer service. (Krause and Tinderholt recorded voting no.)

**SB 1203** (Pickett - House Sponsor), A bill to be entitled An Act relating to exemptions from the applicability of the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 and other laws applicable to residential mortgage loan originators.

**SB 1204** (Márquez - House Sponsor), A bill to be entitled An Act relating to a waiver of fees by the Department of Agriculture and the Parks and Wildlife Department for certain educational programs involving aquaculture and hydroponics.

**SB 1235** (Fletcher - House Sponsor), A bill to be entitled An Act relating to defining the duties and to the penalties concerning pain management clinics. (Simpson and M. White recorded voting no.)

**SB 1279** (Morrison - House Sponsor), A bill to be entitled An Act relating to designated emergency infant care providers for certain abandoned children.

**SB 1281** (Coleman - House Sponsor), A bill to be entitled An Act relating to the authority of a local government to participate in a cooperative purchasing program with local governments of this state or another state.

**SB 1427** (Smithee - House Sponsor), A bill to be entitled An Act relating to authorizing an insurer's deposit of certain money and other assets with the Texas Department of Insurance.

**SB 1448** (R. Miller - House Sponsor), A bill to be entitled An Act relating to holding a primary election for a political party in a county without party leadership. (Rinaldi recorded voting no.) (Springer requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

**SB 1485** (Guillen - House Sponsor), A bill to be entitled An Act relating to the availability of death records of unidentified persons.

**SB 1554** (Meyer - House Sponsor), A bill to be entitled An Act relating to the regulation of rates for certain personal automobile insurance.

**SB 1587** (VanDeaver, Simpson, Paddie, and Clardy - House Sponsors), A bill to be entitled An Act relating to the creation and operations of health care provider participation programs in certain counties. (Flynn, Schaefer, and Zedler recorded voting no.)

**SB 1654** (Sheets - House Sponsor), A bill to be entitled An Act relating to the standard valuation for life insurance, accident and health insurance, and annuities and the nonforfeiture requirements of certain life insurance policies; amending provisions that may be subject to a criminal penalty.

**SB 1766** (Metcalf - House Sponsor), A bill to be entitled An Act relating to exemptions from certain regulation for small honey production operations.

**SB 1779** (Minjarez - House Sponsor), A bill to be entitled An Act relating to the order of candidate names on a runoff expedited election ballot.

**SB 1853** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

**SB 2054** (Cook - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Juvenile Justice Department to the State Orphans Home Alumni Association.

**SCR 33** (Blanco - House Sponsor), Designating September 8 as Major Jefferson Van Horne Day for a 10-year period beginning in 2015.

**SCR 33** was adopted by (Record 1196): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; 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; 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.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets(C); 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Riddle.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Collier; Dukes; Fallon; Fletcher; Nevárez.

#### STATEMENTS OF VOTE

When Record No. 1196 was taken, my vote failed to register. I would have voted yes.

Collier

When Record No. 1196 was taken, I was temporarily out of the house chamber. I would have voted yes.

Fletcher

**SB 914** (Schubert, Raymond, and Naishtat - House Sponsors), A bill to be entitled An Act relating to a council on long-term care facility surveys and informal dispute resolution. (Tinderholt recorded voting no.)

**RESOLUTIONS ADOPTED**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

**HR 2938** (by Martinez Fischer), Paying tribute to Sister Norma Gutierrez on the occasion of her posthumous recognition as an *Unsung Hero* by the Westside Development Corporation at its 2015 Westside Honors Exitos en Nuestro Barrio Gala.

**HR 2939** (by Martinez Fischer), Congratulating Frank Herrera, Jr., on his recognition by the Westside Development Corporation at the organization's 2015 Westside Honors Exitos en Nuestro Barrio Gala in San Antonio.

**HR 2940** (by Martinez Fischer), Congratulating Maria Berriozábal on her recognition by the Westside Development Corporation at the organization's 2015 Westside Honors Exitos en Nuestro Barrio Gala in San Antonio.

**HR 2941** (by Martinez Fischer), Congratulating Brother Cletus Behlmann on his recognition by the Westside Development Corporation at the organization's 2015 Westside Honors Exitos en Nuestro Barrio Gala in San Antonio.

The resolutions were adopted.

On motion of Representative Galindo, the names of all the members of the house were added to **HR 2938**, **HR 2939**, **HR 2940**, and **HR 2941** as signers thereof.

**ADJOURNMENT**

Representative S. Thompson moved that the house adjourn until 11:25 a.m. today.

The motion prevailed.

The house accordingly, at 11:18 a.m., adjourned until 11:25 a.m. today.

---

**ADDENDUM**

---

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 21**

**HB 158, HB 495, HB 2208, HB 2476, HB 2813**