

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TENTH DAY — THURSDAY, FEBRUARY 2, 2017

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 24).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Keough; King, P.; Smithee; Swanson.

Absent — Dukes.

The speaker recognized Representative Schaefer who introduced Glenn Jones, minister of forerunners and pastoral care, Green Acres Baptist Church, Tyler, who offered the invocation.

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

LEAVES OF ABSENCE GRANTED

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

Keough on motion of Dean.

The following members were granted leaves of absence for today because of important business:

P. King on motion of Burkett.

Smithee on motion of Burkett.

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

Swanson on motion of S. Davis.

(Hefner in the chair)

(Swanson now present)

SCR 12 - ADOPTED
(Kacal - House Sponsor)

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **SCR 12**.

The motion prevailed.

The following resolution was laid before the house:

SCR 12, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 1, 2017, and ending on Monday, February 6, 2017.

SCR 12 was adopted by (Record 25): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Keough; King, P.; Smithee.

Absent — Alvarado; Deshotel; Dukes; Giddings; Johnson, E.; Muñoz.

STATEMENT OF VOTE

When Record No. 25 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

**HR 210 - ADOPTED
(by Kacal)**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 210**.

The motion prevailed.

The following resolution was laid before the house:

HR 210, Recognizing February 2017 as National Career and Technical Education Month.

HR 210 was adopted.

On motion of Representative VanDeaver, the names of all the members of the house were added to **HR 210** as signers thereof.

**HR 259 - ADOPTED
(by Hunter, Herrero, and Kacal)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 259**.

The motion prevailed.

The following resolution was laid before the house:

HR 259, Commemorating the 50th anniversary of Boy Scouts of America Troop No. 157 in Corpus Christi.

HR 259 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Wu who introduced representatives of the Johnson High School PTSA Smart Driving Club.

PARLIAMENTARY INQUIRY

REPRESENTATIVE STICKLAND: Mr. Speaker, yesterday I asked a series of parliamentary inquiries. I was wondering if we had the answers to that yet?

CHAIR (Hefner in the chair): Those issues are still being researched, Mr. Stickland.

STICKLAND: Do we have an estimation on how long that may take to get those?

CHAIR: We're looking at decades of house records and senate records, so not at this time.

STICKLAND: Do we anticipate getting them in the next couple of weeks?

CHAIR: We are trying to do this as quickly as possible.

STICKLAND: The parliamentarian, Mr. Griesel, is a licensed Texas attorney. To whom in this body, if anyone, does the parliamentarian owe a duty of loyalty or confidentiality?

CHAIR: Yes.

STICKLAND: Yes to what?

CHAIR: The reading clerk will read Rule 2, Section 9, regarding the parliamentarian's duties.

STICKLAND: When I was first elected, I was led to believe that the parliamentarian acts as an attorney for each of the members individually. Is that a correct understanding based on that rule that was just read?

CHAIR: The rule explains the parliamentarian's duty in writing.

STICKLAND: If a member seeks the advice of the parliamentarian regarding a procedural matter, does that parliamentarian owe a duty of confidentiality to that member regarding the matters discussed and the advice given?

CHAIR: The reading clerk will read the pertinent section of Rule 2, Section 9.

STICKLAND: Does the parliamentarian owe any duty to the members to clarify his personal relationship with them as their attorney?

CHAIR: We're fairly certain that the members of the house were aware of this when the rules were adopted.

STICKLAND: Does the chair feel that anything needs to be done between the parliamentarian and the members individually outside of the rules that were adopted at the start of this session in regard to the relationship?

(Speaker in the chair)

SPEAKER STRAUS: Good morning, Mr. Stickland. Will you restate the inquiry?

STICKLAND: Does the chair feel that anything needs to be done outside of the rules between each member and the parliamentarian in regard to our relationship from an attorney's standpoint?

SPEAKER: The chair feels that your relationship with the parliamentarian is your business, and you should take care of that.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between the chair and Representative Stickland.

The motion prevailed.

(Hefner in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Dale who presented Dr. Rogelio Trevino of Georgetown as the "Doctor for the Day."

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

(Rose in the chair)

HR 291 - ADOPTED
(by Collier)

Representative Collier moved to suspend all necessary rules to take up and consider at this time **HR 291**.

The motion prevailed.

The following resolution was laid before the house:

HR 291, Honoring Representative Toni Rose on the occasion of her birthday.

(Hefner in the chair)

HR 291 was read and was adopted.

On motion of Representative E. Johnson, the names of all the members of the house were added to **HR 291** as signers thereof.

ADJOURNMENT

Representatives Y. Davis and Giddings moved that the house adjourn until 2 p.m. Monday, February 6 in memory of Debbie Marie Johnson of Dallas and Rosa Parks of Detroit, Michigan.

The motion prevailed.

The house accordingly, at 9:38 a.m., adjourned until 2 p.m. Monday, February 6.

APPENDIX

ENROLLED

February 1 - HCR 50

