

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWELFTH DAY — TUESDAY, FEBRUARY 7, 2017

The house met at 10:01 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 27).

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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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; Keough; King, K.; King, P.; 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; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Farrar.

Absent — Dukes.

The speaker recognized Representative Dale who introduced Marie Betcher, chaplain, Austin Police Department, Austin, who offered the invocation as follows:

Dearest Lord and God of all. You are God of the wealthy and the poor, God of the downtrodden and the protector, God of believers and of those that do not have any belief. We come together today in this great chamber, praying for our house of representatives and officials. We are a nation of laws, and we realize that without law there is no freedom. In each generation of the house, you are challenged to pursue peace; to help the widow and the orphan; to help those with limbs that cannot walk, with eyes and ears that cannot see and hear (both

figuratively and literally). All of you here are so fortunate to be able to pray together and work together for the good of all. We ask that God continue to grant you wisdom and forbearance. May you govern with justice and compassion.

The people you serve have entrusted their way of life, their families and businesses, and their very dreams to all of you. What an intimidating responsibility you are given. You are charged with and have been entrusted to choose good over evil, calm over frenzy, concord over friction. All the while, we pray God guides you in your decisions for all of us and that they are made in the image of God.

It was written long ago: I believe in the sun even when it is not shining. I believe in love even when feeling it not. I believe in God even when God is silent. There may be times when you pray to God for answers and hear not a reply. Always know that God is with you in each decision you make.

So we thank you, God, for the blessed freedom of our land to go where we wish, with whom we wish, when we wish. We pray for our military, both serving and retired, as our country counts on her very existence because of their sacrifice. We give thanks for and pray for our police, fire, and EMS. We realize that without them working to keep us safe all these beautiful freedoms we enjoy would be gone. Please, Lord, protect our first responders and keep them safe under your wings of peace. We remember and honor both military and first responders who have given the ultimate sacrifice so that we may live. Theirs is a debt we can never repay, but we know the Lord shields them with his wings in the high heavens.

May God bless you and guard you: Y'vare'checha Adonai v'yis'merecha. May the light of God shine upon you, and may God be gracious to you: Ya'eir Adonai panav eilecha, vi'chuneka. May the presence of God be with you and give you peace: Yisa Adonai panav eilecha, v'ya'seim l'cha shalom.

May the one who makes peace on high bring peace to our city, our state, our nation, and our world. And we ask for God's blessing on this house of representatives and on us all. We pray in the name of the Lord. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Burkett.

(Holland in the chair)

PARLIAMENTARY INQUIRY

REPRESENTATIVE STICKLAND: Last week I had some questions in regard to house bill numbers that have been skipped over. I was wondering what the progress was on getting the information we requested.

CHAIR (Holland in the chair): Mr. Stickland, we have an answer for you if you'd like to speak with the parliamentarian.

STICKLAND: I had asked that the answers to those be placed in the journal when we had them. Can we do that as well?

CHAIR: Yes, sir.

The following statement was submitted for inclusion in the journal:

By parliamentary inquiry, a member raised questions about numbering bills. Rule 2, Section 1(a)(2) of the House Rules states: The chief clerk shall number in the order of their filing, with a separate sequence for each category, all bills, joint resolutions, concurrent resolutions, and house resolutions. The senate has a similar rule. See Senate Rule 7.04. The purpose of this provision of the rule is to ensure that each legislative document is uniquely numbered and can be distinguished from other legislative documents in the same class.

Since the 70th Legislature (1987) in the house (and perhaps earlier) and the 73rd Legislature (1993) in the senate, the practice of reserving bill numbers has been observed by both bodies. The practice impacted over 76,000 bills filed in both chambers, including over 52,000 bills in the house, over the course of four decades, five speakers, and four lieutenant governors. A review of contemporary news clippings indicates this practice is well understood. There are examples of bills being filed and then refiled to achieve a different bill number, the most prominent of those examples are bills which have been filed as **HB 666**. A brief review of bill statistics suggests that the ultimate fate of the bill is not determined by its bill number.

STICKLAND: What legislative day are we on?

CHAIR: The 12th legislative day.

STICKLAND: Committee assignments have not yet been released, is that correct?

CHAIR: Mr. Stickland, that is correct.

STICKLAND: When we adopted the rules on the second day of session, we did not amend Rule 3. Do we have the same standing committees as last session?

CHAIR: Parts of Rule 3 were amended.

STICKLAND: Do we have the same standing committees as last session?

CHAIR: The same standing committees exist.

STICKLAND: Rule 4, Section 2, Subsection (a) says that "Membership on the standing committees shall be determined at the beginning of each regular session." Subsection (c) of that rule provides that members who have "not taken the oath of office by the end of the ninth day of the regular session" are not "entitled to a select committee on the basis of seniority." Does that provision not imply that committees will be appointed sometime around the ninth legislative day? And if not, is there any precedent on what the beginning of each regular session means under Rule 4?

CHAIR: Mr. Stickland, committees have been appointed in the house over a number of different days.

STICKLAND: What does the chair believe "beginning of each regular session" means?

CHAIR: The chair believes that committee appointments are proceeding as they have in the past.

STICKLAND: If members object to the pace the speaker is taking in appointing committees, is there any mechanism the members can take to compel the speaker to appoint committees in a timely manner?

CHAIR: Mr. Stickland, the chair is certainly welcoming a conversation with the parliamentarian.

STICKLAND: Is there any mechanism that the members of this body can take to compel the speaker to appoint the committees in a timely manner?

CHAIR: The chair has tried to answer your question the best that we could.

STICKLAND: And the answer is that you want me to come down there and discuss it?

CHAIR (D. Bonnen in the chair): Mr. Stickland, your question has been asked and answered.

STICKLAND: And so the answer is that I need to come down there and talk to you about it?

CHAIR: The parliamentarian.

STICKLAND: The parliamentarian. And what if I would like to have that dialogue for the benefit of the public rather than in private?

CHAIR: Mr. Stickland, I don't believe that is a purpose of a parliamentary inquiry.

STICKLAND: Will you not answer the question that I have asked in public, or do you demand that we do it in private?

CHAIR: Mr. Stickland, the question has been answered. It's been answered multiple times. You've asked, it's been answered; you've asked, it's been answered.

STICKLAND: Could you please answer the question again? Do the members of this body—is there anything that we can do to compel the speaker to appoint committees in a timely manner?

CHAIR: Mr. Stickland, there is absolutely no indication or nowhere within the rules that it suggests that the speaker is not appointing members of committees or in a non-timely manner.

STICKLAND: But those have not been released yet, correct?

CHAIR: Just as they have not been released in prior sessions at this time, Mr. Stickland.

STICKLAND: So am I to believe that they're being worked on? Do we have any indication of when those may—?

CHAIR: I can't suggest what you believe.

STICKLAND: Are you aware that the senate already has bills that have been heard in committee and voted upon?

CHAIR: I don't pay a lot of attention to the senate. I don't know.

STICKLAND: Are you aware of that?

CHAIR: No.

STICKLAND: Can you tell me in the last 50 years when it took this long to get committee assignments in any legislative session?

CHAIR: Absolutely, Mr. Stickland. We can get you that answer.

STICKLAND: Do you have it available now?

CHAIR: No, sir.

STICKLAND: How long do you think it will take to get that answer?

CHAIR: A prudent amount of time.

STICKLAND: Since the sitting speaker has been the head of this body, has he taken any longer than he has this session to publicly put out the committee assignments? In the five sessions he has served the body?

CHAIR: Mr. Stickland, you are asking us to do a research project. We're glad to do it for you, and we'll jump right on it.

(Holland in the chair)

REMARKS ORDERED PRINTED

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

The motion prevailed.

INTRODUCTION OF GUESTS

The chair recognized Representative Gervin-Hawkins who introduced members of Phi Beta Sigma Fraternity and Zeta Phi Beta Sorority.

HR 320 - ADOPTED (by Gervin-Hawkins)

Representative Gervin-Hawkins moved to suspend all necessary rules to take up and consider at this time **HR 320**.

The motion prevailed.

The following resolution was laid before the house:

HR 320, Commemorating Phi Beta Sigma Fraternity and Zeta Phi Beta Sorority Blue and White Day at the State Capitol.

HR 320 was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 320** as signers thereof.

HR 221 - ADOPTED
(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 221**.

The motion prevailed.

The following resolution was laid before the house:

HR 221, Recognizing February 7, 2017, as Workforce Day at the State Capitol.

HR 221 was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 221** as signers thereof.

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 281 - ADOPTED
(by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 281**.

The motion prevailed.

The following resolution was laid before the house:

HR 281, Recognizing February 7, 2017, as Matagorda County Day at the State Capitol.

HR 281 was adopted.

On motion of Representative G. Bonnen, the names of all the members of the house were added to **HR 281** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced a delegation from Matagorda County.

HR 316 - ADOPTED
(by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 316**.

The motion prevailed.

The following resolution was laid before the house:

HR 316, Honoring Tom Ward for 35 years of service to Matagorda County.

HR 316 was read and was adopted.

On motion of Representative G. Bonnen, the names of all the members of the house were added to **HR 316** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced Tom Ward and members of his family and friends.

HR 313 - ADOPTED **(by Thierry)**

Representative Thierry moved to suspend all necessary rules to take up and consider at this time **HR 313**.

The motion prevailed.

The following resolution was laid before the house:

HR 313, Recognizing February 7, 2017, as Texas Senior Day at the State Capitol.

HR 313 was adopted.

On motion of Representative Collier, the names of all the members of the house were added to **HR 313** as signers thereof.

HR 282 - ADOPTED **(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 282**.

The motion prevailed.

The following resolution was laid before the house:

HR 282, Recognizing February 7, 2017, as Community College Day at the State Capitol.

HR 282 was adopted.

On motion of Representatives C. Anderson, Perez, and Murphy, the names of all the members of the house were added to **HR 282** as signers thereof.

HR 347 - ADOPTED **(by Huberty)**

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 347**.

The motion prevailed.

The following resolution was laid before the house:

HR 347, Recognizing the Texas Computer Education Association.

HR 347 was adopted.

LEAVE OF ABSENCE GRANTED

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

Deshotel on motion of Phelan.

HR 134 - ADOPTED
(by Bailes)

Representative Bailes moved to suspend all necessary rules to take up and consider at this time **HR 134**.

The motion prevailed.

The following resolution was laid before the house:

HR 134, In memory of Chief Warrant Officer 2 Lucas Maurice Lowe of Hardin.

HR 134 was read and was unanimously adopted by a rising vote.

On motion of Representative Leach, the names of all the members of the house were added to **HR 134** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Bailes who introduced family members of Chief Warrant Officer 2 Lucas Maurice Lowe.

HR 293 - ADOPTED
(by Burkett)

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 293**.

The motion prevailed.

The following resolution was laid before the house:

HR 293, Recognizing February 7, 2017, as Child Protection and Home Visiting Day at the State Capitol.

HR 293 was adopted.

On motion of Representatives Button, Koop, and Ortega, the names of all the members of the house were added to **HR 293** as signers thereof.

HCR 65 - ADOPTED
(by Ashby)

Representative Ashby moved to suspend all necessary rules to take up and consider at this time **HCR 65**.

The motion prevailed.

The following resolution was laid before the house:

HCR 65, Recognizing the Stop the Bleed campaign.

HCR 65 was adopted.

HR 301 - ADOPTED
(by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 301**.

The motion prevailed.

The following resolution was laid before the house:

HR 301, Paying tribute to the memory of Anthony James Hawkins of Bay City.

HR 301 was read and was unanimously adopted by a rising vote.

On motion of Representative G. Bonnen, the names of all the members of the house were added to **HR 301** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced family members of Anthony James Hawkins.

HR 278 - ADOPTED (by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 278**.

The motion prevailed.

The following resolution was laid before the house:

HR 278, Recognizing February 7, 2017, as Athens Day at the State Capitol.

HR 278 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Gooden who introduced a delegation from Henderson County.

CAPITOL PHYSICIAN

The chair recognized Representative Biedermann who presented Dr. Francisco Barrera of San Antonio as the "Doctor for the Day."

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

HR 339 - ADOPTED (by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HR 339**.

The motion prevailed.

The following resolution was laid before the house:

HR 339, Recognizing February 7, 2017, as Midland-Odessa Day at the State Capitol.

HR 339 was adopted.

On motion of Representative Landgraf, the names of all the members of the house were added to **HR 339** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Landgraf who introduced a delegation from the Permian Basin.

**HR 294 - ADOPTED
(by Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 294**.

The motion prevailed.

The following resolution was laid before the house:

HR 294, In memory of Ryne Erickson of Dumas.

HR 294 was read and was unanimously adopted by a rising vote.

On motion of Representative K. King, the names of all the members of the house were added to **HR 294** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Price who introduced family members of Ryne Erickson.

**HR 264 - ADOPTED
(by Lang)**

Representative Lang moved to suspend all necessary rules to take up and consider at this time **HR 264**.

The motion prevailed.

The following resolution was laid before the house:

HR 264, Recognizing February 7, 2017, as Brown County Day at the State Capitol.

HR 264 was adopted.

On motion of Representative Schaefer, the names of all the members of the house were added to **HR 264** as signers thereof.

**HR 312 - ADOPTED
(by Oliveira)**

Representative Oliveira moved to suspend all necessary rules to take up and consider at this time **HR 312**.

The motion prevailed.

The following resolution was laid before the house:

HR 312, Recognizing February 7, 2017, as Rio Grande Valley Day at the State Capitol.

HR 312 was adopted.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 312** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guerra who introduced a delegation from the Rio Grande Valley.

HR 312 - REMARKS

REPRESENTATIVE CANALES: There's a lot of people in this Capitol that want you to think border security when you think of the Rio Grande Valley, but our delegation wants you to think about economic security. While sales tax revenue drops around the state, revenue is continuing to increase in the Rio Grande Valley. South Texas, like every one of your districts, faces unique challenges, and we are prepared to face those challenges with every member in this chamber. But do not miss the forest for the trees.

We must focus on the economic engine that is South Texas: from the tourist mecca that is South Padre Island to the SpaceX rocket facility at Boca Chica Beach to some of the largest ports of entry, like the Pharr Bridge which puts produce in almost every supermarket across Texas and the United States, to Edinburg, the home of UTRGV, the second largest Hispanic-serving institution in the nation and home of our state's newest medical school that this very legislative body helped create last session. We sit strategically near large untapped oil and gas shale areas, and wind turbines are turning the Rio Grande Valley into a renewable energy generation giant for this state.

South Texas is not a war zone; it is a trade zone. It's not a third world country; it is the life blood to our country. Time and time again we hear that we need to secure the border. I tell you today, if you invest in South Texas rather than denigrate it, the border will secure us and our economy. So as I ask you to help me welcome our region's leaders, I also ask that you see South Texas for what it is, an economic engine that will drive our state's economy to stability further and greater than any of us can imagine.

I represent part of the city of Pharr, where the Pharr International Bridge sits. That bridge is the busiest port of entry for the import of fruits and vegetables in this country. Sixty percent of all fresh produce enters the country through that port of entry before it is distributed to grocery stores and restaurants in every state in our country. With just a small part of the money we have allocated in the budget for border security, we could better connect that bridge to our state highway system. That is a smart investment that directly helps the Rio Grande Valley but also the entire state.

Which one of you will lead the charge with us? Show me the same passion that you have for economic development as you do for buying gunboats for the Rio Grande. Members, as you welcome the people in the gallery from South Texas and the Rio Grande Valley, welcome them not only with your applause today but with your actions, for they know the border and their issues are your issues.

REMARKS ORDERED PRINTED

Representative Turner moved to print remarks by Representative Canales.

The motion prevailed.

HR 269 - ADOPTED
(by Bell)

Representative Bell moved to suspend all necessary rules to take up and consider at this time **HR 269**.

The motion prevailed.

The following resolution was laid before the house:

HR 269, Honoring Student Leadership Magnolia ISD for its efforts to develop future civic leaders.

HR 269 was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 269** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Bell who introduced representatives of Magnolia Independent School District.

HR 315 - ADOPTED
(by Canales)

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 315**.

The motion prevailed.

The following resolution was laid before the house:

HR 315, Recognizing February 7, 2017, as Run, Ride & Share Day.

HR 315 was adopted.

HR 325 - ADOPTED
(by Paddie)

Representative Paddie moved to suspend all necessary rules to take up and consider at this time **HR 325**.

The motion prevailed.

The following resolution was laid before the house:

HR 325, Recognizing February 7, 2017, as Panola County Day at the State Capitol.

HR 325 was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 325** as signers thereof.

HR 299 - ADOPTED
(by Paddie)

Representative Paddie moved to suspend all necessary rules to take up and consider at this time **HR 299**.

The motion prevailed.

The following resolution was laid before the house:

HR 299, Congratulating the Carthage High School football team on winning the 2016 UIL 4A Division 1 state championship.

HR 299 was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 299** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Paddie who introduced a delegation from Panola County.

HR 345 - ADOPTED (by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 345**.

The motion prevailed.

The following resolution was laid before the house:

HR 345, Congratulating Carson Brown and Stella Oliver of Panhandle High School on being named to the ATSSB 2017 All-State Band.

HR 345 was adopted.

HR 277 - ADOPTED (by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 277**.

The motion prevailed.

The following resolution was laid before the house:

HR 277, Recognizing February 7, 2017, as Cedar Creek Lake Area Day at the State Capitol.

HR 277 was adopted.

On motion of Representative Wray, the names of all the members of the house were added to **HR 277** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Wray and Gooden who introduced a delegation from the Cedar Creek Lake area.

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, Senate List No. 3).

HR 131 - ADOPTED
(by Lozano)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed.

The following resolution was laid before the house:

HR 131, Recognizing February 7, 2017, as Jim Wells County Day at the State Capitol.

HR 131 was adopted.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 131** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Lozano who introduced a delegation from Jim Wells County.

ADJOURNMENT

Representative Price moved that the house adjourn until 10 a.m. tomorrow in memory of Ryne Erickson of Dumas.

The motion prevailed.

The house accordingly, at 11:59 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 3

SCR 12

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, February 7, 2017

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:

SCR 15 Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 8, 2017, and ending on Monday, February 13, 2017.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

SENT TO THE SECRETARY OF THE STATE

February 6 - HCR 50

