

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTH DAY — TUESDAY, JANUARY 22, 2019

The house met at 2:02 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 15).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

The invocation was offered by Emily Wright, senior pastor, Westlake Hills Presbyterian Church, Austin, as follows:

Gracious and loving God, we praise you for this day and all it will hold for each of us. We pray for wisdom—give us discernment that seeks to consider wholeness and peace. We pray for patience, especially when ours is feeling so thin. We pray for understanding, especially when we feel we are so right.

Holy God, I pray for the people gathered here today. I pray you bless them for their service and their desire to help the people in their care. I pray for simple things: I pray for their marriages, families, and children, especially those who this day might find it difficult to be present here mentally because they are so very worried about their loved ones who are struggling with sickness, depression, addiction, and despair. I pray for their health, that you, O God, would remind them to offer the same grace they offer to others to themselves. I pray for their sleep. I pray that they feel more rested than the hours on their smart watch show

they had. And God, I pray you remind them that for some reason you have called each of them to this place, for this time, for a purpose. Help each of them feel a renewed sense of calling to serve. In the name of our creator. Amen.

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

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).

LEAVE OF ABSENCE GRANTED

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

Oliverson on motion of Springer.

CAPITOL PHYSICIAN

The chair recognized Representative Israel who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

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

Gervin-Hawkins on motion of Minjarez.

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

Bohac on motion of Miller.

REMARKS

REPRESENTATIVE K. KING: Members, some of you have noticed, and some of you are actually already doing it, this is Teal Tuesday. Teal Tuesday is to support ovarian cancer research. Representative Kacal and I both lost our mothers in 2013 to that horrible disease, and we created the KK125 Ovarian Cancer Research Foundation. Since then, we've given hundreds of thousands of dollars away to ovarian cancer research, but more importantly, this body helped us pass two major pieces of legislation in 2015. And those were—Kyle authored a "right to try" bill that actually gives a patient the right to take any kind of drug that his doctor would prescribe, and it only has to be Phase 1 FDA approved. Before, if you had the wrong diagnosis and your doctor wanted to give you something, you weren't even allowed to take it. So that was the first bill. The second bill we did is we passed an insurance bill that made a CA 125 part of a well-woman exam where insurance will pay for it. The reason for that is it's an early detection—it's a blood test. It's an \$80 blood test. I'm telling you, members, my mother's

medical care was \$2 million. If she had spent \$80 four years before her diagnosis, she'd still be here. It's treatable. It's preventable. But we got to keep working on it.

We have more work to do this session. You're going to get a goody bag this week with a reminder—some teal ties, some teal scarves, some stuff. Please join us on Tuesdays, and help us with our work going forward of preventing not just ovarian cancer but all kinds of cancers. I can't tell you how much it means to have this body's support on the work we do. I know this is a school finance session. I know this is a property tax session. But this body has done some great work in preventing horrible diseases over the last three sessions, and Kyle and I would just ask that you would continue helping us with that work. I won't take any more of your time. I'm looking forward to talking to you more one-on-one about what our goals are for this session concerning ovarian cancer. Now, I'd like to recognize my friend Drew Springer.

REPRESENTATIVE SPRINGER: Tan and I would, from the bottom of our hearts, as those of you who were with us last session remember, near the end of session we talked about stem cells and **HB 810**. And it's done some fantastic things. We've got some cleanups. We're going to want to continue that, but it's in that same spirit of the "right to try." It's giving those Texans the ability, with their doctors, to find the things that heal them. And members, I want to share with you one thing that did happen. While Tan worked diligently with the rulemaking authorities to make sure we got those in place, we found out that we could use them under emergency treatment. There was a football coach that was given weeks to live. He wasn't going to get to see his team start the season. That team not only had that coach finish the season with them, but they won the state championship. And that man would be dead if it wasn't for what this body did and what Tan did and everybody in here did, and I appreciate everything.

REPRESENTATIVE PARKER: Thank you, Drew. The thanks is to everybody in this room, this body, for having the vision and the support of these incredibly important innovations. The reality is we need to continue to promote this culture, if you will, of medical freedom, that we continue to push to protect people. And the reality is that the leadership that you just heard about from Ken and Kyle with regard to KK125 really extends down to so many things that we can talk about. And I just want to thank them for their initial leadership with "right to try," because the bill that we just talked about, that Drew just referenced—Charlie's Law, as you remember we honored our dear friend and former colleague Charlie Howard when we named it after him—the reality is that it will save lives, not just of those that are terminally ill but of the chronically ill as well. And so I'm very proud of that. With this body's work, we're having great support. A lot of the national legislative conferences are now embracing **HB 810** and Charlie's Law as a model for the country, and I've been having conversations in Washington as well about it being adopted. So it's very exciting for the future.

As Drew said, we're going to work on some cleanup this session, so we appreciate your support on that. And we're also going to continue to focus on things that help the chronically ill. It's so important. The vast majority of us all will face some type of chronic condition ourselves, or one of our loved ones, in

our lifetime. So with that, I'm just incredibly grateful from the bottom of my heart for all of the support that you guys have given in this body. It was an extraordinary moment last session that brought us together. As Ken said, this session will be about school finance and property tax relief. The reality is this is another critical topic for us as legislators in a bipartisan fashion to tackle. So I thank all of you for your tremendous support.

REPRESENTATIVE ZERWAS: I'd like to speak to, just a minute here, about another very important thing that this body was involved in in 2007 and that was the establishment of CPRIT, the Cancer Prevention and Research Institute of Texas. It's hard to believe that we are 10 years down the road on this very big and very bold step that the State of Texas took to attribute \$3 billion over 10 years toward prevention and research in an effort to ultimately cure any number of the cancers, including ovarian cancer. Cancers are a huge portfolio of diseases out there, and during these 10 years there have been some incredibly positive strides that have occurred. Probably the most evident one that you've seen recently is the Nobel Prize in Medicine being given to Jim Allison at MD Anderson. That is an incredible accomplishment as an individual for sure. But his accomplishment in defining immunotherapy mechanisms as a possible not just treatment—a cure to cancers—is phenomenal. It's going to change the landscape of cancer treatment for any number of cancers out there, because it's going to basically trigger your body's ability to fight that cancer the same way a vaccination would basically give your body the ability to fight communicable diseases. And so there is much more to be done in the area of cancer prevention and research.

Ten years has been a great jump-start for this process, but there needs to be another 10 years. And **HB 39**, which I have the privilege to author—and I look forward to having as many of you all on as coauthors as possible—is going to basically give CPRIT another 10-year extension to continue to build on what they've done but also to find new areas of treatment and research out there and stuff. So every session is a health care session. I've had the personal opportunity to be very deeply involved in some of these things. I know many of you all have also. This is no different. And each session we've had a headline issue out there, if you will, that we've dealt with, and most times it's not a health care issue, but yet health care continues to be front and center of what we talk about. Because the policies that we adopt in this body are the policies that make a difference in health care, and CPRIT is one of those examples, and the others that you've heard up here are examples of that. So take great pride in what this body has done over recent years, over the past 10 years, and really set the landscape right now for making the next 10 years great strides in health care.

K. KING: Members, thank you for your attention. And for you new members, I think you can tell we're all from different walks of life. We have a little bit different priority, but it all works together. And I can't tell you how important what Dr. Zerwas is talking about is. Kyle and I have a foundation—we raise money, and we have made a lot of strides, and the money has gone to a good cause. Dr. Allison's research would not have been where it was without CPRIT.

So that's number one, and if you don't know much about it, educate yourself. If you want to be part of this, this is a club that's open to anybody that wants to help.

REMARKS ORDERED PRINTED

Representative Leach moved to print remarks by Representatives K. King, Springer, Parker, and Zerwas.

The motion prevailed.

HCR 32 - ADOPTED (by Hernandez)

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HCR 32**.

The motion prevailed.

The following resolution was laid before the house:

HCR 32, Recognizing members of the 2018-2019 Galena Park ISD Superintendent's Student Advisory Board on the occasion of their visit to the State Capitol.

HCR 32 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HCR 32** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hernandez who introduced representatives of the Galena Park ISD Superintendent's Student Advisory Board.

HR 89 - ADOPTED (by P. King)

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 89**.

The motion prevailed.

The following resolution was laid before the house:

HR 89, Congratulating Major General Robert J. Bodisch Sr. on his induction as commander of the Texas State Guard.

HR 89 was adopted.

SCR 9 - ADOPTED (S. Thompson - House Sponsor)

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **SCR 9**.

The motion prevailed.

The following resolution was laid before the house:

SCR 9, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 23, 2019, and ending on Monday, January 28, 2019.

SCR 9 was adopted by (Record 16): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Gervin-Hawkins; Oliverson.

Absent — Anchia.

ADJOURNMENT

Representative Hefner moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 2:39 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, January 22, 2019

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 9 Whitmire SPONSOR: Thompson,
Senfronia

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 23, 2019, and ending on Monday, January 28, 2019.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

January 16 - HCR 6, HCR 26

SENT TO THE GOVERNOR

January 16 - HCR 26

SIGNED BY THE GOVERNOR

January 17 - HCR 26

