

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTEENTH DAY — THURSDAY, FEBRUARY 9, 2017

The house met at 10:05 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 31).

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; Dukes; 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; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schofield; Schubert; 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 — Lucio; Miller; Oliveira; Romero; Shaheen.

The speaker recognized Representative P. King who introduced Daniel Millner, rabbi, Congregation Tiferet Israel, Austin, who offered the invocation as follows:

Almighty God, eternal guardian who neither slumbers nor sleeps, we assemble before you today in this historic chamber with humble spirits and ready hearts. Lord, we ask that you bless the able men and women of this distinguished body with ears to hear, eyes to see, hearts to feel, and hands to help. We ask that you, God, in your infinite wisdom lovingly bestow upon our elected officials—our leaders and advisers—a spirit to serve rather than be served and a spirit willing to do the good, honest, and most worthy work of our great State of Texas, whose successes and triumphs and whose benevolence and felicity are but a reflection of those who diligently and faithfully toil on its behalf. As the sages of the Talmud say, "It is not incumbent upon you to complete the work, but neither are you at liberty to desist from it."

As the esteemed members of this convocation consider the great responsibilities they have for their fellow citizens, as they reflect on the sacred trust they possess and the high hopes they carry, let them also know that they do not bear this awesome burden alone, as it says: Trust in the Lord with all your heart, and do not lean on your own understanding. In all your ways, acknowledge God, and God will make your paths straight.

May the integrity, kindness, wisdom, and good heart of this stalwart body of friends shine forth for all to see and emulate, and through their faithful efforts may this verse be fulfilled: "But let justice well up like a river, righteousness like an unfailing stream." Kayein yehi ratzon, so may it be God's will. And let us say Amen.

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

LEAVES OF ABSENCE GRANTED

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

Lucio on motion of Hernandez.

Miller on motion of Sheffield.

Oliveira on motion of Cortez.

Romero on motion of Neave.

Shaheen on motion of Schofield.

(Lang 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).

LEAVE OF ABSENCE GRANTED

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

Huberty on motion of Roberts.

HR 336 - ADOPTED (by González)

Representative González moved to suspend all necessary rules to take up and consider at this time **HR 336**.

The motion prevailed.

The following resolution was laid before the house:

HR 336, Recognizing the Texas Seed Trade Association, the Texas Sorghum Association, and the Texas Grain Sorghum Producers Board on the occasion of their legislative conference on February 9, 2017.

HR 336 was read and was adopted.

On motion of Representatives Springer, C. Anderson, and K. King, the names of all the members of the house were added to **HR 336** as signers thereof.

CAPITOL PHYSICIAN

The chair recognized Representative Howard who presented Dr. Brynna Connor of Austin as the "Doctor for the Day."

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

HR 179 - ADOPTED (by Guerra)

Representative Guerra moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

HR 179, Recognizing February 9, 2017, as South Texas ISD Day at the State Capitol.

HR 179 was read and was adopted.

On motion of Representatives Guillen, Muñoz, and Longoria, the names of all the members of the house were added to **HR 179** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guerra who introduced representatives of South Texas Independent School District.

HR 330 - ADOPTED (by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 330**.

The motion prevailed.

The following resolution was laid before the house:

HR 330, Recognizing February 9, 2017, as Texas Food Bank Day at the State Capitol.

HR 330 was read and was adopted.

On motion of Representatives Landgraf and Price, the names of all the members of the house were added to **HR 330** as signers thereof.

SCR 15 - ADOPTED (Cyrier - House Sponsor)

Representative Cyrier moved to suspend all necessary rules to take up and consider at this time **SCR 15**.

The motion prevailed.

The following resolution was laid before the house:

SCR 15, 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.

SCR 15 was read and was adopted by (Record 32): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Huberty; Lucio; Miller; Oliveira; Romero; Shaheen.

Absent — Cosper; Elkins; Stickland; Tinderholt.

(Speaker in the chair)

DEAN OF THE TEXAS HOUSE OF REPRESENTATIVES

The speaker laid before the house and had read the following statement:

The Honorable Tom Craddick, as the longest continuously serving member of the Texas House, is recognized as the dean of the Texas House of Representatives. Dean Craddick has continuously served in the Texas House since the 61st Legislature in 1969, with the result that he has served in over a quarter of the meetings of the Texas House of Representatives since statehood in 1845.

SPEAKER PRO TEMPORE APPOINTED

The speaker laid before the house and had read the following statement:

Pursuant to Rule 1, Section 10 of the House Rules, I appoint the Honorable Dennis Bonnen of Brazoria County to serve as Speaker Pro Tempore of the Texas House of Representatives, 85th Legislature.

STANDING COMMITTEES APPOINTED

Speaker Straus appointed the following standing committees of the house:

COMMITTEE ON AGRICULTURE AND LIVESTOCK

T. King, chair; González, vice-chair.

Seniority appointments: Burrows and González.

Speaker appointments: C. Anderson, Cyrier, Rinaldi, and Stucky.

COMMITTEE ON APPROPRIATIONS

Zerwas, chair; Longoria, vice-chair.

Seniority appointments: Ashby, S. Davis, Dukes, Giddings, Gonzales, Howard, Longoria, Muñoz, Sheffield, Simmons, Walle, and Zerwas.

Speaker appointments: G. Bonnen, Capriglione, Cospers, Dean, González, Koop, Miller, Perez, Phelan, Raney, Roberts, J. Rodriguez, Rose, VanDeaver, and Wu.

COMMITTEE ON BUSINESS AND INDUSTRY

Oliveira, chair; Shine, vice-chair.

Seniority appointments: Collier and Shine.

Speaker appointments: Romero, Stickland, Villalba, and Workman.

COMMITTEE ON CALENDARS

Hunter, chair; Howard, vice-chair.

Speaker appointments: Alonzo, Ashby, Cook, S. Davis, Geren, Giddings, Kacal, K. King, Koop, Nevárez, Paddie, Phelan, and Rose.

COMMITTEE ON CORRECTIONS

White, chair; Allen, vice-chair.

Seniority appointments: Tinderholt and White.

Speaker appointments: S. Davis, Romero, Sanford, and Schaefer.

COMMITTEE ON COUNTY AFFAIRS

Coleman, chair; Springer, vice-chair.

Seniority appointments: Stickland.

Speaker appointments: Biedermann, Hunter, Neave, Roberts, Thierry, and Uresti.

COMMITTEE ON CRIMINAL JURISPRUDENCE

Moody, chair; Hunter, vice-chair.

Seniority appointments: Gervin-Hawkins and Moody.

Speaker appointments: Canales, Hefner, Lang, and Wilson.

COMMITTEE ON CULTURE, RECREATION, AND TOURISM

Frullo, chair; Faircloth, vice-chair.

Seniority appointments: Fallon and Krause.

Speaker appointments: D. Bonnen, Gervin-Hawkins, and Martinez.

COMMITTEE ON DEFENSE AND VETERANS' AFFAIRS

Gutierrez, chair; Blanco, vice-chair.

Seniority appointments: Arévalo and Lambert.

Speaker appointments: Cain, Flynn, and Wilson.

**COMMITTEE ON ECONOMIC
AND SMALL BUSINESS DEVELOPMENT**

Button, chair; Vo, vice-chair.

Seniority appointments: Button, Leach, and Villalba.

Speaker appointments: Bailes, Deshotel, Hinojosa, Metcalf, and Ortega.

COMMITTEE ON ELECTIONS

Laubenberg, chair; Israel, vice-chair.

Seniority appointments: Israel and Swanson.

Speaker appointments: R. Anderson, Fallon, Larson, and Reynolds.

COMMITTEE ON ENERGY RESOURCES

Darby, chair; C. Anderson, vice-chair.

Seniority appointments: C. Anderson, Craddick, Darby, Isaac, and P. King.

Speaker appointments: G. Bonnen, Canales, Clardy, Guerra, Lambert, Landgraf, Schubert, and Walle.

COMMITTEE ON ENVIRONMENTAL REGULATION

Pickett, chair; E. Thompson, vice-chair.

Seniority appointments: Kacal, Lozano, and Reynolds.

Speaker appointments: Cyrier, Dale, Landgraf, and E. Rodriguez.

COMMITTEE ON GENERAL INVESTIGATING AND ETHICS

S. Davis, chair; Moody, vice-chair.

Speaker appointments: Capriglione, Nevárez, Price, Shine, and Turner.

**COMMITTEE ON GOVERNMENT
TRANSPARENCY AND OPERATION**

Elkins, chair; Capriglione, vice-chair.

Seniority appointments: Shaheen.

Speaker appointments: Gonzales, Lucio, Tinderholt, and Uresti.

COMMITTEE ON HIGHER EDUCATION

Lozano, chair; Raney, vice-chair.

Seniority appointments: Alonzo, Alvarado, and Morrison.

Speaker appointments: Button, Clardy, Howard, and Turner.

**COMMITTEE ON HOMELAND SECURITY
AND PUBLIC SAFETY**

P. King, chair; Nevárez, vice-chair.

Seniority appointments: Metcalf, Nevárez, and Schaefer.

Speaker appointments: Burns, Hinojosa, Holland, J. Johnson, and Wray.

COMMITTEE ON HOUSE ADMINISTRATION

Geren, chair; VanDeaver, vice-chair.

Speaker appointments: Bernal, Cyrier, Goldman, Hinojosa, Howard, Oliverson, Raney, Schubert, and Vo.

COMMITTEE ON HUMAN SERVICES

Raymond, chair; Frank, vice-chair.

Seniority appointments: Keough, Klick, and Rose.

Speaker appointments: Miller, Minjarez, Swanson, and Wu.

COMMITTEE ON INSURANCE

Phillips, chair; Muñoz, vice-chair.

Seniority appointments: Sanford, Turner, and Vo.

Speaker appointments: R. Anderson, Gooden, Oliverson, and Paul.

**COMMITTEE ON INTERNATIONAL TRADE
AND INTERGOVERNMENTAL AFFAIRS**

Anchia, chair; Keough, vice-chair.

Speaker appointments: Dukes, Ortega, Parker, Shaheen, and White.

COMMITTEE ON INVESTMENTS AND FINANCIAL SERVICES

Parker, chair; Stephenson, vice-chair.

Seniority appointments: Parker and Stephenson.

Speaker appointments: Burrows, Dean, Holland, E. Johnson, and Longoria.

COMMITTEE ON JUDICIARY AND CIVIL JURISPRUDENCE

Smithee, chair; Farrar, vice-chair.

Seniority appointments: Laubenberg, Rinaldi, and Schofield.

Speaker appointments: Gutierrez, Hernandez, Murr, and Neave.

COMMITTEE ON JUVENILE JUSTICE AND FAMILY ISSUES

Dutton, chair; Dale, vice-chair.

Seniority appointments: Cain.

Speaker appointments: Biedermann, Moody, Schofield, and Thierry.

COMMITTEE ON LAND AND RESOURCE MANAGEMENT

Herrero, chair; Bell, vice-chair.

Seniority appointments: Bell.

Speaker appointments: Bailes, Blanco, Faircloth, Krause, and Stucky.

**COMMITTEE ON LICENSING
AND ADMINISTRATIVE PROCEDURES**

Kuempel, chair; Guillen, vice-chair.

Seniority appointments: Guillen, Hernandez, and Herrero.

Speaker appointments: Frullo, Geren, Goldman, Paddie, and S. Thompson.

COMMITTEE ON LOCAL AND CONSENT CALENDARS

S. Thompson, chair; Clardy, vice-chair.

Speaker appointments: Burkett, Capriglione, Collier, Dean, Frank, Gonzales, Landgraf, Longoria, Minjarez, Murr, and Simmons.

COMMITTEE ON NATURAL RESOURCES

Larson, chair; Phelan, vice-chair.

Seniority appointments: T. King, Larson, Lucio, and Price.

Speaker appointments: Ashby, Burns, Frank, Kacal, Nevárez, and Workman.

COMMITTEE ON PENSIONS

Flynn, chair; Alonzo, vice-chair.

Seniority appointments: Flynn and J. Rodriguez.

Speaker appointments: Anchia, Hefner, Huberty, and Paul.

COMMITTEE ON PUBLIC EDUCATION

Huberty, chair; Bernal, vice-chair.

Seniority appointments: Allen, Deshotel, Dutton, and Gooden.

Speaker appointments: Bohac, K. King, Koop, Meyer, and VanDeaver.

COMMITTEE ON PUBLIC HEALTH

Price, chair; Sheffield, vice-chair.

Seniority appointments: Burkett, Coleman, Guerra, and Zedler.

Speaker appointments: Arévalo, Collier, Cortez, Klick, and Oliverson.

COMMITTEE ON REDISTRICTING

Burkett, chair; E. Johnson, vice-chair.

Speaker appointments: Darby, Hernandez, Martinez, Metcalf, Parker, E. Rodriguez, and Springer.

COMMITTEE ON RULES AND RESOLUTIONS

Lucio, chair; Kacal, vice-chair.

Speaker appointments: Arévalo, Bailes, Burns, Faircloth, Gervin-Hawkins, Paul, Romero, Sheffield, and Wray.

COMMITTEE ON SPECIAL PURPOSE DISTRICTS

Murphy, chair; Perez, vice-chair.

Seniority appointments: Lang.

Speaker appointments: Bell, Cortez, Cosper, and Schubert.

COMMITTEE ON STATE AFFAIRS

Cook, chair; Giddings, vice-chair.

Seniority appointments: Cook, Farrar, Oliveira, E. Rodriguez, and Smithee.

Speaker appointments: Craddick, Geren, Guillen, K. King, Kuempel, Meyer, and Paddie.

COMMITTEE ON TRANSPORTATION

Morrison, chair; Martinez, vice-chair.

Seniority appointments: Y. Davis, Martinez, Phillips, Pickett, and S. Thompson.

Speaker appointments: Burkett, Goldman, Israel, Minjarez, Simmons, E. Thompson, and Wray.

COMMITTEE ON URBAN AFFAIRS

Alvarado, chair; Leach, vice-chair.

Seniority appointments: Bernal and J. Johnson.

Speaker appointments: Elkins, Isaac, and Zedler.

COMMITTEE ON WAYS AND MEANS

D. Bonnen, chair; Y. Davis, vice-chair.

Seniority appointments: Bohac, E. Johnson, Murphy, and Raymond.

Speaker appointments: Darby, Murr, Shine, Springer, and Stephenson.

PROCLAMATION BY THE SPEAKER

SELECT COMMITTEE ON

STATE AND FEDERAL POWER AND RESPONSIBILITY

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16 of the House Rules, I, Joe Straus, speaker of the Texas House of Representatives, create the Select Committee on State and Federal Power and Responsibility.

This committee shall monitor actions of the federal government, including federal legislation and regulations that require or advise that states take certain actions or pass legislation or the actions of the federal government in providing or

failing to provide services to this state. The committee may assess the economic impact on the state of the federal government actions or inactions. The committee may also consider issues related to the federal budget and its impact on Texas. The committee shall examine unfunded federal mandates and their impact on the state. The committee shall also consider proposals to amend the United States Constitution.

The committee shall have nine members. The following members are hereby appointed to the Select Committee on State and Federal Power and Responsibility: Darby, chair; Murr, vice-chair; Anchia, Gonzales, E. Johnson, K. King, Paddie, S. Thompson, and Turner.

**PROCLAMATION BY THE SPEAKER
SELECT COMMITTEE ON
TEXAS PORTS, INNOVATION, AND INFRASTRUCTURE**

The speaker laid before the house and had read the following proclamation:

Pursuant to Rule 1, Section 16 of the House Rules, I, Joe Straus, speaker of the Texas House of Representatives, create the Select Committee on Texas Ports, Innovation, and Infrastructure.

Texas ports connect to global markets across a vast array of industries. The advent of "megaships," expansion of the Panama Canal, and Mexico's project to reform its energy sector are transforming global transportation networks and markets. To ensure Texas is able to take full advantage of these innovations and other economic opportunities presented by its ports, the committee shall review Texas ports' infrastructure including border ports of entry. The committee shall also analyze changes to the global trade landscape and the preparedness of Texas ports and border ports of entry to capitalize on those changes. Further, the committee shall identify the near- and long-term challenges facing Texas ports and border points of entry and propose solutions to address those needs.

This committee may request the assistance of other committees in obtaining information.

The committee shall have 11 members. The following members are hereby appointed to the Select Committee on Texas Ports, Innovation, and Infrastructure: Deshotel, chair; Paul, vice-chair; Faircloth, Goldman, T. King, Morrison, Oliveira, Ortega, Phelan, Roberts, and J. Rodriguez.

FIVE-DAY POSTING RULE SUSPENDED

Representative Geren moved to suspend the five-day posting rule to allow the Committee on House Administration to adopt committee budgets during an organizational meeting at 12:30 p.m. Monday, February 13 in E1.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 12:30 p.m. Monday, February 13, E1.010, for a public hearing, to adopt committee budgets during an organizational meeting.

HR 355 - ADOPTED
(by E. Rodriguez)

Representative E. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 355**.

The motion prevailed.

The following resolution was laid before the house:

HR 355, Recognizing February 9, 2017, as Craft Brewers Day at the State Capitol.

(Hefner in the chair)

HR 355 was adopted.

On motion of Representatives Dale, Springer, and Isaac, the names of all the members of the house were added to **HR 355** as signers thereof.

HR 365 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 365**.

The motion prevailed.

The following resolution was laid before the house:

HR 365, In memory of Ruby Lee O'Neal Greene.

HR 365 was unanimously adopted by a rising vote.

FIVE-DAY POSTING RULE SUSPENDED

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Appropriations to hear invited testimony on budget matters at 7:30 a.m. Monday, February 13 in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 7:30 a.m. Monday, February 13, E1.030, for a public hearing to hear invited testimony on budget matters.

PROVIDING FOR ADJOURNMENT

At 11:05 a.m., Representative Giddings moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday, February 13 in memory of Jean Frances Milligan of Dallas.

The motion prevailed.

(Goldman in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:36 a.m., adjourned until 2 p.m. Monday, February 13.

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

Thursday, February 9, 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:

SB 4 Perry

Relating to the enforcement by certain state and local governmental entities and campus police departments of state and federal laws governing immigration and to related duties of certain law enforcement and judicial entities in the criminal justice system; providing civil and criminal penalties.

SB 500 Taylor, Van

Relating to the effect of certain felony convictions of public elected officers.

SB 501 Taylor, Van

Relating to the disclosure of certain contracts, services, and compensation in personal financial statements filed by public officers and candidates.

Respectfully,

Patsy Spaw

Secretary of the Senate