

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FIFTH DAY — TUESDAY, JULY 25, 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 5).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; 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 — Bell; Dukes; Gervin-Hawkins.

The speaker recognized Representative Faircloth who offered the invocation.

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

(Roberts in the chair)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Gervin-Hawkins now present)

(Speaker in the chair)

HR 22 - ADOPTED
(by Ashby)

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 22**.

The motion prevailed.

The following resolution was laid before the house:

HR 22, Congratulating the Groveton High School baseball team on a successful 2016-2017 season.

HR 22 was adopted.

On motion of Representative Kacal, the names of all the members of the house were added to **HR 22** as signers thereof, with the understanding that a member may remove his or her name from the resolution.

REGULAR ORDER OF BUSINESS SUSPENDED

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

INTRODUCTION OF GUESTS

The speaker recognized Representative Perez who introduced Amir Khan and members of his family and friends.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bills were laid before the house and read third time:

HB 1 ON THIRD READING

(by Gonzales, Burkett, Raymond, Flynn, S. Thompson, et al.)

HB 1, A bill to be entitled An Act relating to avoiding the abolishment of certain agencies subject to the Texas Sunset Act on September 1, 2017.

HB 1 was passed by (Record 6): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent — Bell; Dukes.

STATEMENT OF VOTE

When Record No. 6 was taken, my vote failed to register. I would have voted yes.

Bell

(Bell now present)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Raymond requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

At 10:24 a.m., Representative Zerwas moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(Geren in the chair)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:19 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 29 (By Ortega), Relating to pregnancy information on death certificates.
To Public Health.

HB 288 (By White), Relating to an exemption from ad valorem taxation by a school district of a portion of the appraised value of a residence homestead based on the median market value of all residence homesteads in this state, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect any increase in the exemption amount, and the protection of school districts against any resulting loss in local revenue.

To Ways and Means.

HB 289 (By Fallon), Relating to the verification of citizenship of an applicant for voter registration.

To Elections.

HB 290 (By Springer), Relating to the sparsity adjustment for certain school districts under the Foundation School Program.

To Public Education.

HB 292 (By Fallon), Relating to the suspension of annuity payments for certain former legislators engaged in lobbying activities.

To General Investigating and Ethics.

HB 294 (By Fallon), Relating to the early voting period.

To Elections.

HB 296 (By Stickland), Relating to the carrying of a firearm by a person who is not otherwise prohibited from possessing the firearm and to criminal offenses otherwise related to the carrying of a firearm; creating criminal offenses.

To Homeland Security and Public Safety.

HB 297 (By Phillips), Relating to the creation of the Joint Committee to Review the Sunset Advisory Commission.

To State Affairs.

HB 299 (By Metcalf), Relating to the selection and administration of an appraisal review board; authorizing a fee.

To Ways and Means.

HB 300 (By Herrero), Relating to the salary paid to classroom teachers employed by public schools; making an appropriation.

To Appropriations.

HB 301 (By Krause), Relating to the substitution of a local sales and use tax for property taxes imposed by certain local governments; authorizing the imposition of a tax.

To Ways and Means.

HB 302 (By Fallon), Relating to the disclosure of certain family members who are required to register as lobbyists in personal financial statements filed by public officers and candidates.

To General Investigating and Ethics.

HB 303 (By Morrison), Relating to the definition of new property value for purposes of the calculation of certain ad valorem tax rates for a county.

To Ways and Means.

HB 305 (By Ortega), Relating to the screening of certain women for substance use and postpartum depression.

To Public Health.

HJR 42 (By White), Proposing a constitutional amendment providing for an exemption from ad valorem taxation for public school purposes of a portion of the market value of a residence homestead based on the median market value of all residence homesteads in the state and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

To Ways and Means.

HJR 43 (By Cospers), Proposing a constitutional amendment to authorize the legislature to establish a lower limit on the maximum appraised value of residence homesteads for ad valorem tax purposes and to establish a limit on the value of other real property for those purposes.

To Ways and Means.

List No. 2

HB 281 (By Fallon), Relating to the determination of resident status of students by public institutions of higher education.

To Higher Education.

HB 282 (By Larson), Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.

To Natural Resources.

HB 283 (By Moody), Relating to an application for a writ of habeas corpus based on certain relevant scientific evidence that was not available at the applicant's trial.

To Criminal Jurisprudence.

HB 284 (By Morrison), Relating to the designation of a common area for on-premise consumption by a holder of certain alcoholic beverage permits and licenses.

To Licensing and Administrative Procedures.

HB 285 (By Murr), Relating to elimination of certain property taxes for school district maintenance and operations and providing public education funding through an increase in the state sales and use tax rate.

To Ways and Means.

HB 286 (By Murr), Relating to making an appropriation to provide grants to assist counties in providing indigent defense services.

To Appropriations.

HB 287 (By Murr), Relating to the payment of certain costs associated with certain assignments of a statutory probate court judge.

To Judiciary and Civil Jurisprudence.

HB 291 (By Collier), Relating to the collection of consumer debt by debt buyers.

To Investments and Financial Institutions.

HB 293 (By J. Johnson), Relating to the licensing and regulation of group homes for recovering substance abusers; authorizing a fee.

To Human Services.

HB 295 (By Anchia), Relating to establishing the Texas Climate Change Mitigation and Adaptation Commission to study and address the impacts of climate change in this state.

To State Affairs.

HB 298 (By Cosper), Relating to limitations on increases in the appraised value for ad valorem tax purposes of residence homesteads and other real property.

To Ways and Means.

HB 304 (By Morrison), Relating to a prohibition of the land application of grease or grit trap waste.

To Environmental Regulation.

HB 306 (By González), Relating to an annual adjustment to the basic allotment under the foundation school program to reflect inflation.

To Public Education.

HB 307 (By Fallon), Relating to the drug testing of certain persons seeking benefits under the Temporary Assistance for Needy Families (TANF) program.

To Human Services.

HB 308 (By Bell), Relating to the acquisition of property by an entity with eminent domain authority.

To Land and Resource Management.

HB 309 (By Moody), Relating to the creation of the offense of indecent assault, to judicial protection for victims of that offense, and to certain criminal acts committed in relation to that offense.

To Criminal Jurisprudence.

HB 310 (By Herrero), Relating to certain sentencing procedures in a capital case.

To Criminal Jurisprudence.

HB 311 (By Fallon), Relating to money transmissions sent to destinations outside the United States; imposing a fee.

To Investments and Financial Institutions.

HB 312 (By Swanson), Relating to prohibited acts for a physician or applicant for a medical license.

To State Affairs.

HB 313 (By White), Relating to allocating a portion of oil and gas production tax revenue to the counties from which the oil and gas originated.

To Ways and Means.

HB 314 (By Gervin-Hawkins), Relating to an exemption from ad valorem taxation of the total appraised value of the residence homestead of an eligible peace officer who resides in a qualified high crime area.

To Ways and Means.

HB 315 (By Fallon), Relating to a prohibition against the knowing employment of persons not lawfully present in the United States and the suspension of licenses held by certain employers for the knowing employment of those persons; authorizing a fee.

To State Affairs.

HJR 41 (By Uresti), Proposing a constitutional amendment to limit the amount of ad valorem taxes that a municipality may impose for a temporary period on property located in an area annexed by the municipality.

To Ways and Means.

HJR 44 (By Gervin-Hawkins), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation all or part of the market value of the residence homestead of a peace officer who resides in a high crime area.

To Ways and Means.

HR 29 (By Guillen), In memory of Starr County commissioner Raul "Roy" Peña Jr.

To Rules and Resolutions.

HR 111 (By D. Bonnen), Congratulating Edward Pisklak of Brazoria on his 100th birthday.

To Rules and Resolutions.

HR 112 (By Paddie), In memory of Pamela M. Phelps of Center.

To Rules and Resolutions.

HR 113 (By Martinez), In memory of U.S. Navy Gunner's Mate 2nd Class Noe Hernandez of Weslaco.

To Rules and Resolutions.

HR 114 (By Hefner), Congratulating Al and Ruth Burkhalter of Mount Pleasant on their 50th wedding anniversary.

To Rules and Resolutions.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 24

International Trade and Intergovernmental Affairs - **HCR 19**