

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SEVENTEENTH DAY — THURSDAY, AUGUST 10, 2017

The house met at 9:10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 104).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; 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 — Anchia; Burrows; Cortez; Deshotel; Farrar; González; Hernandez; Keough; Leach; Oliveira; Phelan; Shaheen.

Absent — Canales.

The speaker recognized Representative Neave who introduced Reginald Jefferson, senior pastor, New Hope Baptist Church, Mesquite, who offered the invocation as follows:

Gracious and eternal God, our Father and creator of all things. We are so privileged to approach your throne by way of prayer, seeking mercy and the grace to help in this time of need. Father, we recognize that you are a holy and righteous God; therefore, we come confessing our sin asking that you would forgive our sins, cleansing our hearts and minds.

Father, we bless you and we praise you for who you are. You are our battle-ax in the time of battle. You are our way out of no way. Besides you, there is no other God. You are omnipresent—everywhere at the same time. You are omnipotent—all power is in your hands. You are omniscience—you know all things. Then Father, you are immutable—your love is unchanged for us.

Lord, we thank you for the many blessings you've showered upon us—life, shelter, health, and prosperity—for we know that every good and perfect gift comes from above, the Father of Light. Now Father, we welcome you afresh in this place to have free course. I lift to you each representative that you have chosen to help your people. Crown their heads with wisdom and knowledge, that they may be able to make decisions to glorify your name and that everything done will have your thumbprint of approval upon it. Father, I pray for unity, peace, and continued prosperity. Then Father, since you have begun a good work in us, we are asking that you would bring that good work to perfection in the name of Jesus. Amen.

The speaker recognized Representative C. Anderson 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:

Burrows on motion of Hefner.

Keough on motion of Metcalf.

Phelan on motion of Metcalf.

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

Anchia on motion of Blanco.

Canales on motion of Perez.

Cortez on motion of Blanco.

Farrar on motion of Blanco.

González on motion of Blanco.

Hernandez on motion of Blanco.

Shaheen on motion of Schofield.

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

Leach on motion of Goldman.

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

Deshotel on motion of Blanco.

Oliveira on motion of Blanco.

(Cyril in the chair)

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.

RESOLUTIONS ADOPTED

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 144 (by Springer), Congratulating Gene's Photos on its 50th anniversary and its receipt of a 2017 Texas Treasure Business Award.

HR 145 (by Springer), Congratulating Estes Exterminating of Gainesville for its receipt of a 2017 Texas Treasure Business Award.

HR 151 (by Springer), Congratulating Kinne's Jewelers in Gainesville on its receipt of a Texas Treasure Business Award from the Texas Historical Commission.

HR 162 (by Y. Davis), Congratulating the DeSoto High School girls' track team on winning the 2017 UIL 6A state championship.

HR 273 (by C. Anderson), Congratulating the law firm of Naman, Howell, Smith and Lee on its centennial.

HR 278 (by Martinez), Congratulating Toribio Garza Jr. on his retirement from the Texas Department of Transportation.

The resolutions were adopted.

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

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 216 (by Hinojosa, Israel, E. Rodriguez, and Howard), In memory of Suzanne Coleman of Austin.

HR 226 (by Zerwas), In memory of James Edward Vasek of Austin.

HR 281 (by Faircloth), In memory of George Frederick Black of Galveston.

The resolutions were unanimously adopted by a rising vote.

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

LEAVES OF ABSENCE GRANTED

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

J. Rodriguez on motion of Collier.

Romero on motion of Collier.

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

Smithee on motion of Flynn.

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

Gutierrez on motion of Collier.

(Deshotel and Oliveira now present)

**HR 273 - PREVIOUSLY ADOPTED
(by C. Anderson)**

The chair laid out and had read the following previously adopted resolution:

HR 273, Congratulating the law firm of Naman, Howell, Smith and Lee on its centennial.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Anderson who introduced representatives of the law firm of Naman, Howell, Smith and Lee.

(Gutierrez now present)

LEAVE OF ABSENCE GRANTED

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

Guerra on motion of Blanco.

INTRODUCTION OF GUESTS

The chair recognized Representative Bernal who introduced 2017 National Hispanic Institute Ambassador Great Debate winners.

HR 278 - INTRODUCTION OF GUESTS

The chair recognized Representative Martinez who introduced Toribio Garza Jr. and members of his family.

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of Allen.

HR 216 - PREVIOUSLY ADOPTED
(by Hinojosa, Israel, E. Rodriguez, and Howard)

The chair laid out and had read the following previously adopted resolution:

HR 216, In memory of Suzanne Coleman of Austin.

HR 226 - PREVIOUSLY ADOPTED
(by Zerwas)

The chair laid out and had read the following previously adopted resolution:

HR 226, In memory of James Edward Vasek of Austin.

INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced family members of James Edward Vasek.

(Speaker in the chair)

HR 351 - ADOPTED
(by S. Thompson, Y. Davis, Smithee, Dutton, Oliveira, et al.)

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 351**.

The motion prevailed.

The following resolution was laid before the house:

HR 351, In memory of former governor Mark White.

HR 351 was read and was unanimously adopted by a rising vote.

On motion of Representative Coleman, the names of all the members of the house were added to **HR 351** as signers thereof.

HR 351 - REMARKS

REPRESENTATIVE S. THOMPSON: I had the privilege and the pleasure of knowing Governor White since Governor Dolph Briscoe appointed him secretary of state in 1973. I was witness to the groundbreaking changes he supported as governor that affected all Texans and, most particularly, members of minority groups. He appointed more minorities and women to government positions than all of the governors before him combined.

Governor White was a dedicated public servant who embodied Sam Houston's famous quote, "Do right and risk the consequences." He boldly proposed to pay for education reform by asking the legislature to raise taxes knowing that he alone would be held responsible. Governor White's legacy lives on in many ways, but he will always be remembered for changing Texas education for the better by increasing teacher pay, limiting class size, and placing academics over sports. He had courage and fortitude beyond measure.

To his wife, Linda Gale; to his children, Mark, Andrew, and Elizabeth; and to his grandchildren, please accept our most heartfelt condolences. The house of representatives mourns with you. We give thanks for the vision and courageous leadership of this most extraordinary man. He was truly a Tall Texan.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 5 ON THIRD READING
(Goldman - House Sponsor)**

SB 5, A bill to be entitled An Act relating to the prevention of fraud in the conduct of an election; creating a criminal offense; increasing criminal penalties.

SB 5 was passed by (Record 105): 92 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Arévalo; Bernal; Blanco; Coleman; Collier; Davis, Y.; Dukes; Dutton; Gervin-Hawkins; Gutierrez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; Perez; Raymond; Reynolds; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Burrows; Canales; Cortez; Farrar; Giddings; González; Guerra; Hernandez; Keough; Leach; Phelan; Rodriguez, J.; Romero; Shaheen; Smithee.

Absent — Deshotel; Oliveira.

STATEMENTS OF VOTE

When Record No. 105 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 105 was taken, I was shown voting no. I intended to vote yes.

Neave

When Record No. 105 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

When Record No. 105 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

REASON FOR VOTE

I voted for **SB 5** with reservations. I hoped that we could improve the bill, which is why I voted in favor of several amendments that would have improved it by, for example, providing greater access to the ballot for senior citizens. There are problems with our mail-in ballot system in Texas; and I believe we need to study this issue in-depth, invite stakeholders to give public testimony, and work together to create a bipartisan solution to this issue.

Neave

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 20 ON SECOND READING (Gonzales - House Sponsor)

SB 20, A bill to be entitled An Act relating to avoiding the abolishment of certain agencies subject to the Texas Sunset Act.

SB 20 was passed to third reading.

SB 60 ON SECOND READING (Gonzales - House Sponsor)

SB 60, A bill to be entitled An Act relating to the repeal of certain riders for the Texas Medical Board and the Texas State Board of Examiners of Psychologists from the General Appropriations Act that are contingent upon the approval of certain Acts continuing those agencies during the 85th Regular Session.

SB 60 was passed to third reading.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 331 ON THIRD READING (by S. Davis, Guillen, and Burkett)

HB 331, A bill to be entitled An Act relating to the reappraisal for ad valorem tax purposes of property damaged in a disaster.

HB 331 was passed by (Record 106): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rose; Sanford; Schaefer; Schofield; Schubert; 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(C).

Absent, Excused — Anchia; Burrows; Canales; Cortez; Farrar; Giddings; González; Guerra; Hernandez; Keough; Leach; Phelan; Rodriguez, J.; Romero; Shaheen; Smithee.

Absent — Sheffield.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 11**.

ADJOURNMENT

Representative White moved that the house adjourn until 10 a.m. tomorrow in memory of Jay Hinkie of Silsbee.

The motion prevailed.

The house accordingly, at 10:21 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 9

Appropriations - **HB 367**

Land and Resource Management - **SB 6**

Public Education - **HB 130, HB 290, HB 374, HB 387**

State Affairs - **HJR 31** (corrected)

ENGROSSED

August 9 - HB 115, HB 129, HB 214

