

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTEENTH DAY — WEDNESDAY, FEBRUARY 8, 2017

The house met at 10:09 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 28).

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; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; 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.; 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; Giddings; Keough; Klick; Romero.

Absent — Dukes.

The speaker recognized Representative Turner who introduced Oluwafiropo Ropo-Tusin, Household of Faith Arlington, Arlington, who offered the invocation as follows:

Heavenly Father, I thank you for this opportunity given to me to represent you here today at the 85th Texas Legislative Session. Who is like you, O Lord, among all the gods? Who is like you—glorious in holiness, fearful in praises, doing wonders? Most merciful God, we come together at this moment to ask for your forgiveness and mercy concerning any past mistake, error, and sin against you.

Because there is no authority except from you, O Lord, and everyone in authority that exists today have all been appointed by you, we hereby thank you for the people in authority in the State of Texas: our governor, lieutenant

governor, attorney general, house speaker, and each member of this house. The king's heart is like a stream of water directed by the Lord; he guides it wherever he pleases. Lord, let it please you to direct our leaders and our state, Texas, in righteousness and in your wisdom. As the challenges of our state increase because of our diversity and great resources, let your wisdom also increase. We ask that every decision made in this place today and always will be according to your will and bring glory to your name. We ask for your peace and unity in this house and in our state, Texas.

Bless all our leaders, all the people in authority, and their families. Bless the State of Texas and everyone who calls Texas home. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Klick on motion of Schaefer.

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

Romero on motion of Neave.

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

Giddings on motion of Minjarez.

Keough on motion of Roberts.

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

Farrar on motion of Minjarez.

CAPITOL PHYSICIAN

The speaker recognized Representative White who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

(Murphy 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).

HR 318 - ADOPTED
(by Hunter, Lozano, and Herrero)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 318**.

The motion prevailed.

The following resolution was laid before the house:

HR 318, Recognizing February 8, 2017, as Coastal Bend Day at the State Capitol.

(Lambert in the chair)

HR 318 was read and was adopted.

On motion of Representative Herrero, the names of all the members of the house were added to **HR 318** as signers thereof.

HCR 60 - ADOPTED
(by R. Anderson)

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HCR 60**.

The motion prevailed.

The following resolution was laid before the house:

HCR 60, Congratulating Andrew Anderson of Grand Prairie on attaining the rank of Eagle Scout.

HCR 60 was adopted.

On motion of Representative Koop, the names of all the members of the house were added to **HCR 60** as signers thereof.

HR 194 - ADOPTED
(by Springer)

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

HR 194, Congratulating the Bryson High School theater program on winning the 2016 UIL Class 1A High School One-Act Play state championship.

HR 194 was read and was adopted.

On motion of Representative Frank, the names of all the members of the house were added to **HR 194** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Springer who introduced representatives of Bryson High School.

HR 192 - ADOPTED
(by Bailes)

Representative Bailes moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed.

The following resolution was laid before the house:

HR 192, Recognizing February 8, 2017, as 4-H Day at the State Capitol.

HR 192 was adopted.

On motion of Representatives Ashby and Kacal, the names of all the members of the house were added to **HR 192** as signers thereof.

HR 52 - ADOPTED
(by Schofield, Bell, and Zerwas)

Representative Schofield moved to suspend all necessary rules to take up and consider at this time **HR 52**.

The motion prevailed.

The following resolution was laid before the house:

HR 52, Commemorating the 15th anniversary of Snappy's Café and Grill in Katy.

HR 52 was read and was adopted.

On motion of Representatives Bell and Miller, the names of all the members of the house were added to **HR 52** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Schofield who introduced representatives of Snappy's Café and Grill.

HR 341 - ADOPTED
(by Fallon)

Representative Fallon moved to suspend all necessary rules to take up and consider at this time **HR 341**.

The motion prevailed.

The following resolution was laid before the house:

HR 341, Congratulating the students selected for the House District 106 Internship Program.

HR 341 was read and was adopted.

HR 321 - ADOPTED
(by Price, Moody, Coleman, White, and G. Bonnen)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 321**.

The motion prevailed.

The following resolution was laid before the house:

HR 321, Recognizing February 8, 2017, as Mental Illness Awareness Day at the State Capitol.

HR 321 was adopted.

On motion of Representatives Moody, Rose, and Uresti, the names of all the members of the house were added to **HR 321** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Price who introduced participants in Mental Illness Awareness Day.

HR 350 - ADOPTED (by Holland)

Representative Holland moved to suspend all necessary rules to take up and consider at this time **HR 350**.

The motion prevailed.

The following resolution was laid before the house:

HR 350, Congratulating Brandon Taylor of Rockwall High School on his receipt of the President's Gold Volunteer Service Award.

HR 350 was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Holland who introduced Brandon Taylor.

HR 356 - ADOPTED (by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 356**.

The motion prevailed.

The following resolution was laid before the house:

HR 356, In memory of Hollis Brashear of Dallas.

HR 356 was read and was unanimously adopted by a rising vote.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 356** as signers thereof.

HR 340 - ADOPTED (by E. Rodriguez)

Representative E. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed.

The following resolution was laid before the house:

HR 340, Commending Univision for its success and for its community service.

HR 340 was adopted.

On motion of Representative Hernandez, the names of all the members of the house were added to **HR 340** as signers thereof.

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 209 - ADOPTED (by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 209**.

The motion prevailed.

The following resolution was laid before the house:

HR 209, Congratulating the Economics Research Team of PSJA North Early College High School on winning second place at the Business Professionals of America Regional Leadership Competition.

HR 209 was read and was adopted.

On motion of Representatives Guerra and Canales, the names of all the members of the house were added to **HR 209** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced members of the Economics Research Team of PSJA North Early College High School.

HR 208 - ADOPTED (by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 208**.

The motion prevailed.

The following resolution was laid before the house:

HR 208, Honoring the Valley View Independent School District Board of Trustees on the occasion of School Board Recognition Month.

HR 208 was adopted.

HR 280 - ADOPTED (by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 280**.

The motion prevailed.

The following resolution was laid before the house:

HR 280, Congratulating Pete Jaramillo on being named the 2016 Man of the Year by the Progress Times and the Greater Mission Chamber of Commerce.

HR 280 was adopted.

**HR 271 - ADOPTED
(by Parker)**

Representative Parker moved to suspend all necessary rules to take up and consider at this time **HR 271**.

The motion prevailed.

The following resolution was laid before the house:

HR 271, Recognizing February 8, 2017, as Communities In Schools Day at the State Capitol.

HR 271 was read and was adopted.

On motion of Representatives Stephenson, Uresti, C. Anderson, and Huberty, the names of all the members of the house were added to **HR 271** as signers thereof.

**HR 344 - ADOPTED
(by Thierry)**

Representative Thierry moved to suspend all necessary rules to take up and consider at this time **HR 344**.

The motion prevailed.

The following resolution was laid before the house:

HR 344, Recognizing Sharpstown High School for providing outstanding services for students and families in House District 146.

HR 344 was adopted.

On motion of Representative Uresti, the names of all the members of the house were added to **HR 344** as signers thereof.

**HR 50 - ADOPTED
(by Miller)**

Representative Miller moved to suspend all necessary rules to take up and consider at this time **HR 50**.

The motion prevailed.

The following resolution was laid before the house:

HR 50, Honoring the Texas Chapter of the Academic Language Therapy Association and recognizing February 8, 2017, as Dyslexia Awareness Day.

HR 50 was adopted.

On motion of Representatives Stephenson and Parker, the names of all the members of the house were added to **HR 50** as signers thereof.

HR 354 - ADOPTED
(by Landgraf)

Representative Landgraf moved to suspend all necessary rules to take up and consider at this time **HR 354**.

The motion prevailed.

The following resolution was laid before the house:

HR 354, Recognizing February 8, 2017, as Winkler County Day at the State Capitol.

HR 354 was read and was adopted.

HR 335 - ADOPTED
(by Landgraf and Craddick)

Representative Landgraf moved to suspend all necessary rules to take up and consider at this time **HR 335**.

The motion prevailed.

The following resolution was laid before the house:

HR 335, Recognizing February 7, 2017, as Midland-Odessa Day at the State Capitol.

HR 335 was adopted.

(Kuempel in the chair)

HR 288 - ADOPTED
(by Lambert)

Representative Lambert moved to suspend all necessary rules to take up and consider at this time **HR 288**.

The motion prevailed.

The following resolution was laid before the house:

HR 288, Welcoming the Sweetwater Jaycees to the State Capitol for their Rattlesnake Roundup.

HR 288 was read and was adopted.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 288** as signers thereof.

HR 327 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 327**.

The motion prevailed.

The following resolution was laid before the house:

HR 327, Congratulating Don Jefferies on his retirement as superintendent of the Greenville Independent School District.

HR 327 was read and was adopted.

(Speaker in the chair)

HOUSE AT EASE

At 11:44 a.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 12 p.m.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting with the governor:

Button on motion of Hunter.

Gooden on motion of Hunter.

Kuempel on motion of Cook.

Lozano on motion of Hunter.

Phillips on motion of Hunter.

Price on motion of Cook.

Smithee on motion of Hunter.

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

Elkins on motion of T. King.

Kacal on motion of Cook.

Nevárez on motion of Gutierrez.

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

Ashby on motion of Hunter.

Holland on motion of Hunter.

The following member was granted leave of absence for the remainder of today because of a dental appointment:

G. Bonnen on motion of D. Bonnen.

(Klick now present)

HCR 67 - MOTION TO SUSPEND RULES (by Krause)

Representative Krause moved to suspend all necessary rules to take up and consider at this time **HCR 67**.

The motion was lost by (Record 29): 78 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Faircloth; Fallon; Flynn; Frank; Geren; Goldman; Gonzales; Hefner; Huberty; Hunter; Isaac; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Dutton; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ashby; Bonnen, G.; Button; Deshotel; Elkins; Farrar; Giddings; Gooden; Holland; Kacal; Keough; Kuempel; Lozano; Nevárez; Phillips; Price; Romero; Smithee.

Absent — Dukes; Frullo; King, K.; Zedler.

STATEMENTS OF VOTE

When Record No. 29 was taken, I was excused because of a dental appointment. I would have voted yes.

G. Bonnen

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

(D. Bonnen in the chair)

PARLIAMENTARY INQUIRY

REPRESENTATIVE RINALDI: Because of the vote defeating the motion to suspend all necessary rules and take up the house concurrent resolution by Representative Krause, does that mean that Representative Krause's resolution was not presented for a vote in this house of the legislature today?

CHAIR (D. Bonnen in the chair): A motion to suspend the rules was certainly—then—have been presented for a vote, and that failed.

RINALDI: The motion to suspend the rules was presented for a vote, but the concurrent resolution by Representative Krause was not presented for a vote, correct?

CHAIR: Mr. Krause's suspension was a request to suspend the rules to bring up his resolution which in turn failed.

RINALDI: Which in turn was not brought up, correct? The resolution was not presented for a vote.

CHAIR: Only the suspension of the rules was brought forward for a vote.

REMARKS ORDERED PRINTED

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

The motion prevailed by (Record 30): 84 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Burkett; Burns; Burrows; Cain; Capriglione; Clardy; Coleman; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Guillen; Gutierrez; Hefner; Howard; Huberty; Hunter; Isaac; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Parker; Paul; Phelan; Pickett; Raney; Raymond; Rinaldi; Roberts; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Collier; Cortez; Davis, Y.; Gervin-Hawkins; González; Guerra; Hernandez; Herrero; Hinojosa; Israel; Johnson, E.; Longoria; Lucio; Martinez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Sheffield; Thierry; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Minjarez.

Absent, Excused — Ashby; Bonnen, G.; Button; Deshotel; Elkins; Farrar; Giddings; Gooden; Holland; Kacal; Keough; Kuempel; Lozano; Nevárez; Phillips; Price; Romero; Smithee.

Absent — Bohac; Dukes; Dutton; Johnson, J.; King, K.; Larson; Paddie; Zedler.

STATEMENTS OF VOTE

When Record No. 30 was taken, I was shown voting no. I intended to vote yes.

Herrero

When Record No. 30 was taken, I was shown voting present, not voting. I intended to vote no.

Minjarez

ADJOURNMENT

Representative White moved that the house adjourn until 10 a.m. tomorrow in memory of Cathy Smith of Tyler County.

The motion prevailed.

The house accordingly, at 12:35 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
Wednesday, February 8, 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:

HCR 65 Ashby SPONSOR: Schwertner
Recognizing the Stop the Bleed campaign.

SB 14 Taylor, Van
Relating to the ethics of public officers and related requirements; creating criminal offenses.

Respectfully,
Patsy Spaw
Secretary of the Senate