

# HOUSE JOURNAL

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EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-FOURTH DAY — TUESDAY, FEBRUARY 28, 2017

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

The roll of the house was called and a quorum was announced present (Record 46).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.(C); 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; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; 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; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Anchia; Farrar; Hernandez; Tinderholt.

Absent — Dukes; Kacal; Price.

(Price now present)

The chair recognized Representative Clardy who introduced David J. Butler, pastor, People's Church, Jacksonville, who offered the invocation.

The chair recognized Representative Dale 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:

Anchia on motion of Blanco.

Hernandez on motion of Walle.

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

Farrar on motion of Howard.

### **CAPITOL PHYSICIAN**

The chair recognized Representative Cortez who presented Dr. Kristi Salinas of San Antonio as the "Doctor for the Day."

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

(Moody in the chair)

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

### **RESOLUTIONS ADOPTED**

Representative Lucio 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 436** (by Clardy), Recognizing February 28, 2017, as Jacksonville Leadership Day at the State Capitol.

**HR 537** (by S. Thompson), Congratulating the Greater Houston Women's Chamber of Commerce on its 10th anniversary.

**HR 539** (by Howard), Recognizing February 28, 2017, as Nurse Day at the State Capitol.

**HR 555** (by Canales), Congratulating Angelisa Rendon on being named the 2017 Youth of the Year by the Boys & Girls Clubs of Edinburg Rio Grande Valley and the South Texas Area Council.

**HR 557** (by Kacal), Recognizing February 28, 2017, as Sheriffs' Association of Texas Day at the Capitol.

**HR 608** (by Roberts), Recognizing February 28, 2017, as Texas Pharmacy Day at the State Capitol.

**HR 609** (by Howard), Recognizing February 28, 2017, as Texas Association of School Business Officials Day at the State Capitol.

**HR 647** (by Phillips), Recognizing February 28, 2017, as Fannin County Day at the State Capitol.

**HR 648** (by Bernal), Recognizing February 28, 2017, as VIVA San Antonio Day at the State Capitol.

**HR 655** (by Landgraf), Recognizing February 28, 2017, as Ward County Day at the State Capitol.

**HR 657** (by Hunter), Recognizing February 28, 2017, as Grammy Texas Music Advocacy Day at the State Capitol.

**HR 665** (by Paul), Congratulating William A. Staples on his retirement as president of the University of Houston-Clear Lake.

**HR 669** (by Dean), Recognizing February 28, 2017, as East Texas Coalition Day at the State Capitol.

**HR 683** (by Phelan), Honoring the Boys & Girls Clubs in Texas for their service to youth.

**HR 687** (by Dutton), Honoring Rushion McDonald for his achievements in the entertainment industry.

**HR 709** (by Stephenson), Recognizing February 28, 2017, as Wharton County Day at the State Capitol.

The resolutions were adopted.

On motion of Representative Lucio, 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.

#### **HR 657 - INTRODUCTION OF GUESTS**

The chair recognized Representative Hunter who introduced representatives of the Texas Chapter of The Recording Academy.

(Kacal now present)

#### **HR 537 - INTRODUCTION OF GUESTS**

The chair recognized Representative S. Thompson who introduced representatives of the Greater Houston Women's Chamber of Commerce.

#### **HR 555 - INTRODUCTION OF GUESTS**

The chair recognized Representative Canales who introduced Angelisa Rendon and representatives of the Boys & Girls Clubs of Edinburg Rio Grande Valley.

#### **HR 618 - PREVIOUSLY ADOPTED**

**(by Gervin-Hawkins)**

The chair laid out the following previously adopted resolution:

**HR 618**, Commemorating the ribbon-cutting ceremony for the Honorable Ruth Jones McClendon Collection at St. Philip's College in San Antonio.

#### **HR 618 - REMARKS**

REPRESENTATIVE GERVIN-HAWKINS: Please join me today as we honor former Representative Ruth Jones McClendon and commemorate an exhibit of her papers, awards, certificates, diplomas, books, and photographs at St. Philip's College. For 20 years, Representative Ruth Jones McClendon was a fierce advocate for her district in San Antonio. During her tenure, she gained

prominence for her advocacy on behalf of children and the elderly. Moreover, she distinguished herself as the chair of the Rules and Resolutions Committee and as chair of budget and oversight for the Pensions and Investments Committee.

During her time in the legislature, she won a multitude of awards such as the 2006 Regional and State Legislator of the Year Award from the Texas Council of Child Welfare Boards and the 2009 Outstanding Leadership Award from the Texas Criminal Justice Coalition. In 2015, she was named one of the top 10 legislators by *Texas Monthly*. During the last few years of her time here in the legislature, she was diagnosed with cancer. During that time, she served as a model of bravery and did not let her condition stop her from pushing for reforms in the criminal justice system.

Today, I read this resolution, **HR 618**, to honor her once again for her years of service and to commemorate an exhibit of her papers, awards, certificates, diplomas, books, and photographs that will be exhibited at St. Philip's College in San Antonio. As the only institution of higher education in the country to be designated as both a historically black college and a Hispanic-serving institution, St. Philip's college is the ideal institution to house the effects of one of San Antonio's most beloved public figures. So I ask my fellow house representatives to join me once again in thanking Representative Ruth Jones McClendon for her years of service and for being an outstanding Texan. And we do have St. Philip's College here.

REPRESENTATIVE S. THOMPSON: I want to thank Ruth for the many years of service that she rendered to this house and to her house district. I know San Antonio loves her, and they talk so highly about her, but Ruth is from Fifth Ward, Texas. Those are her roots—from Houston.

One of the things that was remarkable about her, she was a good student of the Appropriations Committee. But you know, in her last session that she was here, you know how we watched her. She never missed a day. She made all her committee meetings timely. And she was always on the floor no matter how long we were here. She stayed right here. Even though she remained the chairman of her committee, she always held her calendars committee, resolutions, memorial resolutions, and everything. She was a really dedicated servant.

We miss her presence from being here. We're happy, Barbara, that you are here to take her place. Even though you know that those are big shoes to fill, you are beginning to fill them anyway. But I just want to thank the people of San Antonio, from the district that she came, for allowing us to work with her and for her gracing us with her presence each day that she was here with us in this chamber. I thank God every day that he allows her to live. The last time I had a chance to go and see her last summer and visit with her in the facility where she was, she told me: "You know, I'm going to miss you all, but I'm going to be watching you on television." So I'm hoping that this is one of those moments that she's watching us on television. She's a Tall Texan, and I don't have the ability to induct her into the Tall Texan club. But I would say that, in my opinion, she's already there.

**REMARKS ORDERED PRINTED**

Representative Leach moved to print all remarks on **HR 618**.

The motion prevailed.

**HR 609 - INTRODUCTION OF GUESTS**

The chair recognized Representative Howard who introduced representatives of the Texas Association of School Business Officials.

**HR 683 - INTRODUCTION OF GUESTS**

The chair recognized Representative Phelan who introduced representatives of the Texas Alliance of Boys & Girls Clubs.

**HR 557 - INTRODUCTION OF GUESTS**

The chair recognized Representative Kacal who introduced representatives of the Sheriffs' Association of Texas.

**HR 648 - INTRODUCTION OF GUESTS**

The chair recognized Representative Bernal who introduced representatives of the San Antonio Chamber of Commerce.

**HR 655 - INTRODUCTION OF GUESTS**

The chair recognized Representative Landgraf who introduced a delegation from Ward County.

**HR 687 - INTRODUCTION OF GUEST**

The chair recognized Representative Dutton who introduced Rushion McDonald.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider budget recommendations for Articles IV, V, VI, and VIII at 7:30 a.m. Friday, March 3 in E1.030.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Appropriations, 7:30 a.m. Friday, March 3, E1.030, for a public hearing, to consider budget recommendations for Articles IV, V, VI, and VIII.

Rules and Resolutions, during bill referral today, 1W.14, for a formal meeting, to set a calendar.

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to Rule 4, Section 9 of the House Rules, Representative Springer 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 11:13 a.m., Representative Clardy 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.

(Cyrier 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.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 11:36 a.m., adjourned until 10 a.m. tomorrow.

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### **ADDENDUM**

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### **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 569** (By Israel), Relating to unprofessional conduct by mental health providers who attempt to change the sexual orientation of a child; providing penalties.

To State Affairs.

**HB 627** (By Gutierrez), Relating to the regulation of licensed specialists in school psychology.

To Public Health.

**HB 629** (By Howard, Raney, and Blanco), Relating to leave for certain veterans obtaining medical and mental health care.

To Public Health.

**HB 697** (By Wu), Relating to the inadmissibility of certain information in court as evidence of abuse or neglect of a child.

To Juvenile Justice and Family Issues.

**HB 759** (By Burkett), Relating to the establishment of a tuition and fee payment program for certain adopted children enrolled in career schools or colleges.

To Higher Education.

**HB 775** (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 792** (By Capriglione), Relating to the exception from disclosure under the public information law for information related to competition or bidding.

To General Investigating and Ethics.

**HB 876** (By Turner), Relating to a prohibition against certain forms of employment discrimination by state contractors; providing an administrative penalty.

To State Affairs.

**HB 887** (By Raymond), Relating to recusal of a justice of the supreme court or judge of the court of criminal appeals based on political contributions accepted by the justice or judge from a person involved in a case before the justice or judge.

To General Investigating and Ethics.

**HB 943** (By Howard), Relating to the establishment of the Transgender Healthcare Advisory Committee.

To State Affairs.

**HB 985** (By Wray), Relating to the required vote by a presidential elector; providing a civil penalty.

To Elections.

**HB 998** (By Alvarado), Relating to the confidentiality of certain information stored as part of the preparation of campaign finance reports required to be filed with the clerk of certain counties or municipalities.

To General Investigating and Ethics.

**HB 1116** (By Kacal and Shaheen), Relating to the repeal of certain state procurement advisory and approval procedures.

To Appropriations.

**HB 1118** (By Kacal and Shaheen), Relating to the abolishment of the State Council on Competitive Government and the transfer of its functions to the comptroller.

To Appropriations.

**HB 1131** (By Miller and Bernal), Relating to the requirement that a person obtain a dyslexia therapist license.

To Public Health.

**HB 1202** (By Blanco), Relating to a study on the effectiveness of Operation Secure Texas.

To Appropriations.

**HB 1203** (By Blanco), Relating to a requirement that certain state agencies report on border security operations.

To Appropriations.

**HB 1230** (By Blanco), Relating to franchise tax credits for businesses that employ veterans.

To Ways and Means.

**HB 1265** (By Oliverson), Relating to training of peace officers employed by the Department of Public Safety concerning the enforcement of federal immigration laws.

To Homeland Security and Public Safety.

**HB 1272** (By Schofield), Relating to the posting of election notices on bills or invoices sent to residents by municipal utility districts.

To Special Purpose Districts.

**HB 1279** (By Shaheen), Relating to the authority of a county or municipality to adopt or enforce a smoking ban on the premises of certain businesses.

To Public Health.

**HB 1347** (By Fallon), Relating to requiring a voter to be affiliated with a political party to vote in that party's primary election or otherwise participate in that party's affairs; creating a criminal offense; amending provisions subject to a criminal penalty.

To Elections.

**HB 1369** (By Clardy), Relating to the Jobs and Education for Texans (JET) Grant Program.

To Higher Education.

**HB 1370** (By Springer), Relating to sales and use tax information provided to certain local governmental entities.

To Ways and Means.

**HB 1371** (By VanDeaver), Relating to the small-sized district adjustment under the Foundation School Program.

To Public Education.

**HB 1373** (By S. Davis), Relating to the capacity of certain minors to consent to examination or medical treatment related to contraception.

To State Affairs.

**HB 1375** (By S. Davis, Stucky, and C. Anderson), Relating to treatment and care provided by licensed medical professionals to animals in certain facilities.

To Public Health.



**HB 1376** (By S. Davis), Relating to a study on the state certification of music therapists.

To Public Health.

**HB 1378** (By S. Davis), Relating to restrictions on political contributions and political expenditures by general-purpose political committees.

To General Investigating and Ethics.

**HB 1379** (By S. Davis), Relating to the reporting of political contributions and political expenditures by out-of-state political committees.

To General Investigating and Ethics.

**HB 1380** (By S. Davis), Relating to the disclosure to a law enforcement agency of confidential information relating to a complaint filed with the Texas Ethics Commission; creating a criminal offense.

To General Investigating and Ethics.

**HB 1381** (By S. Davis), Relating to the provision of notice by the Texas Ethics Commission.

To General Investigating and Ethics.

**HB 1383** (By Alvarado), Relating to establishing a statewide electronic tracking system for evidence of a sex offense.

To Homeland Security and Public Safety.

**HB 1384** (By S. Davis), Relating to contributions and expenditures made in connection with a campaign for speaker of the house of representatives.

To General Investigating and Ethics.

**HB 1386** (By Guillen), Relating to the use of earnest money contracts and other offers for the sale of land before a subdivision plat is filed in certain border counties.

To Land and Resource Management.

**HB 1387** (By Meyer), Relating to the membership, powers, and duties of the Sunset Advisory Commission.

To State Affairs.

**HB 1388** (By Giddings), Relating to calculation of average daily attendance for school districts providing certain full-day prekindergarten programs.

To Public Education.

**HB 1389** (By Giddings), Relating to class size limits for prekindergarten classes in public schools.

To Public Education.

**HB 1390** (By Ashby, Cook, Springer, VanDeaver, and Phillips), Relating to the small-sized district adjustment under the Foundation School Program.

To Public Education.

**HB 1391** (By Fallon), Relating to requiring a presidential elector to vote for the candidates for president and vice-president who won the popular vote in this state for those offices; providing a civil penalty.

To Elections.

**HB 1393** (By Reynolds), Relating to records filed with the clerk of a district court.

To Judiciary and Civil Jurisprudence.

**HB 1397** (By Phillips), Relating to the creation of the Joint Committee to Review the Sunset Advisory Commission.

To State Affairs.

**HB 1398** (By Muñoz), Relating to the processing and payment of claims for reimbursement by certain providers under the Medicaid program.

To Public Health.

**HB 1399** (By Zedler), Relating to the release of confidential physician-patient communications to the Texas Medical Board.

To Public Health.

**HB 1401** (By Zedler), Relating to allowing a person to register a motor vehicle when delinquent in the payment of certain civil penalties.

To Transportation.

**HB 1402** (By Muñoz), Relating to requirements regarding the withdrawal by certain insurers from the market for certain lines of insurance.

To Insurance.

**HB 1403** (By Isaac), Relating to the prosecution of the offense of improper relationship between educator and student.

To Public Education.

**HB 1404** (By Allen), Relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.

To Criminal Jurisprudence.

**HB 1405** (By Gutierrez), Relating to charitable raffles conducted by certain professional sports team charitable foundations.

To Licensing and Administrative Procedures.

**HB 1406** (By Blanco), Relating to the authority of the asset management division of the General Land Office to sell real property to a federally recognized Indian tribe.

To Land and Resource Management.

**HB 1410** (By Ortega), Relating to the ability of foster parents to intervene in certain suits affecting the parent-child relationship.

To Juvenile Justice and Family Issues.

**HB 1411** (By Turner), Relating to sales and use taxes on e-cigarette vapor products to fund grants for local law enforcement mental health staff; imposing taxes.

To Ways and Means.

**HB 1412** (By Arévalo), Relating to the continuation of medical assistance benefits for individuals after release from confinement in a county jail.

To Human Services.

**HB 1413** (By Arévalo), Relating to the overseas military e-mail ballot program.

To Elections.

**HB 1414** (By Cortez and Arévalo), Relating to the overseas military e-mail ballot program.

To Elections.

**HB 1415** (By Klick, Howard, Darby, and Coleman), Relating to the licensing and authority of advanced practice registered nurses.

To Public Health.

**HB 1416** (By Stephenson), Relating to authorizing public retirement systems to study the cost-effectiveness and feasibility of implementing certain pension revenue enhancement strategies.

To Pensions.

**HB 1417** (By Rinaldi and Bernal), Relating to the sale of fireworks during and before the Diwali holiday.

To County Affairs.

**HB 1418** (By Raymond, Kuempel, R. Anderson, and White), Relating to the regulation of fantasy games; authorizing a civil penalty; requiring the registration of fantasy game operators; requiring a fee.

To Licensing and Administrative Procedures.

**HB 1419** (By Bohac), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

**HB 1421** (By J. Johnson), Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.

To Corrections.

**HB 1422** (By Raymond), Relating to the regulation of fantasy games; authorizing a civil penalty; requiring a fee.

To Licensing and Administrative Procedures.

**HB 1423** (By Isaac), Relating to signs along certain roads in Hays County.

To Transportation.

**HB 1424** (By Murphy), Relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

To Criminal Jurisprudence.

**HB 1425** (By Swanson), Relating to a requirement that public and private institutions of higher education provide certain cost and employment opportunity data for degree programs.

To Higher Education.

**HB 1427** (By Fallon), Relating to a municipality's ability to enforce zoning and other land use regulations against electric companies.

To Urban Affairs.

**HB 1429** (By Isaac), Relating to the authority of certain holders of a wine and beer retailer's permit to manufacture and sell wine and engage in certain related activities.

To Licensing and Administrative Procedures.

**HB 1431** (By Moody and Arévalo), Relating to the prosecution of the offense of sexual assault.

To Criminal Jurisprudence.

**HB 1432** (By Vo), Relating to allowing the Texas Workforce Commission (Commission) to cash a warrant with a restricted or conditional endorsement without settling the amount of money due to the Commission.

To Economic and Small Business Development.

**HB 1433** (By Vo), Relating to suspending the statute of limitations in the Texas Unemployment Compensation Act during a lawsuit.

To Economic and Small Business Development.

**HB 1435** (By Wu), Relating to the commencement and prosecution of certain actions by county and district attorneys under the Deceptive Trade Practices-Consumer Protection Act.

To Judiciary and Civil Jurisprudence.

**HB 1436** (By Wu), Relating to the offense of possessing an open container of alcohol in a motor vehicle.

To Criminal Jurisprudence.

**HB 1437** (By Wu), Relating to the use of funding in local initiative projects for litter reduction.

To Environmental Regulation.

**HB 1438** (By Wu), Relating to the creation of additional judicial districts in Harris County.

To Judiciary and Civil Jurisprudence.

**HB 1439** (By Bell), Relating to providing road district powers to the Wood Trace Municipal Utility District No. 3 of Montgomery County, Texas; providing authority to issue bonds.

To Special Purpose Districts.

**HB 1440** (By Bell), Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

**HB 1441** (By Wu), Relating to a defendant's discharge of fines and costs through confinement in jail or community service.

To Criminal Jurisprudence.

**HB 1442** (By Wu), Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.

To Criminal Jurisprudence.

**HB 1444** (By Wu), Relating to the court's review of the placement of a child in certain court orders relating to a suit affecting the parent-child relationship involving a child in the conservatorship of the Department of Family and Protective Services.

To Human Services.

**HB 1445** (By Bell), Relating to providing road district powers to the Montgomery County Municipal Utility District No. 130; providing authority to issue bonds.

To Special Purpose Districts.

**HB 1446** (By Wu), Relating to the placement of a child in the possession of the Department of Family and Protective Services with a nonoffending parent or absentee parent of the child.

To Human Services.

**HB 1447** (By Wu), Relating to the creation of a certificate program to promote travel to and throughout this state; authorizing fees.

To Culture, Recreation, and Tourism.

**HB 1448** (By Bell), Relating to providing road district powers to the Montgomery County Municipal Utility District No. 131; providing authority to issue bonds.

To Special Purpose Districts.

**HB 1450** (By González), Relating to state collaboration with federally recognized Indian tribes.

To State Affairs.

**HB 1818** (By Gonzales, Raymond, Darby, S. Thompson, and Flynn), Relating to the continuation and functions of the Railroad Commission of Texas; providing for the imposition of fees.

To Energy Resources.

