

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FIFTH DAY — WEDNESDAY, MARCH 1, 2017

The house met at 10:07 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 47).

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; 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, 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Farrar; King, P.; Tinderholt.

The speaker recognized Representative Faircloth who introduced Robert Miller, pastor, First Baptist Church, Texas City, who offered the invocation.

The speaker recognized Representative White 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 for today because of important business:

P. King on motion of Morrison.

The following members were granted leave of absence for today because of illness:

Farrar on motion of Moody.

Tinderholt on motion of Biedermann.

CAPITOL PHYSICIAN

The speaker recognized Representative Hinojosa who presented Dr. Stewart Browning of Austin as the "Doctor for the Day."

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

(Cyrier 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).

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Kacal 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:

HCR 77 (by Morrison), Recognizing March 1, 2017, as University of Houston–Victoria Day at the State Capitol.

HR 540 (by Howard), Recognizing March 1, 2017, as United Way Day at the State Capitol.

HR 553 (by Coleman), Recognizing March 1, 2017, as University of Houston Day at the State Capitol.

HR 610 (by Lozano), Recognizing March 1, 2017, as Childhood Cancer Awareness Day at the State Capitol.

HR 624 (by Frullo, Burrows, Holland, K. King, et al.), Recognizing March 1, 2017, as Texas Tech University System Day at the State Capitol.

HR 630 (by VanDeaver), Recognizing March 1, 2017, as Texas A&M University–Texarkana Day at the State Capitol.

HR 646 (by Reynolds), Recognizing March 1, 2017, as Texas Head Start Day at the State Capitol.

HR 656 (by Landgraf), Recognizing March 1, 2017, as Andrews County Day at the State Capitol.

HR 671 (by Holland and Gooden), Honoring Corporal Bryan Shaw of Rockwall and Trooper Danny Shaw of Forney.

HR 677 (by G. Bonnen and Faircloth), Recognizing March 1, 2017, as Galveston County Day at the State Capitol.

HR 678 (by R. Anderson), Recognizing March 1, 2017, as Grand Prairie Day at the State Capitol.

HR 692 (by Nevárez), Recognizing March 1, 2017, as Presidio County Day at the State Capitol.

HR 716 (by Howard), Recognizing March 1, 2017, as Innovation and Technology Day at the State Capitol.

HR 725 (by Thierry), Commemorating the groundbreaking ceremony of Sterling Aviation High School in Houston on March 3, 2017.

HR 728 (by Thierry), Commemorating the groundbreaking ceremony of Codwell Elementary in Houston on March 3, 2017.

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.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Kacal moved to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

HR 677 - INTRODUCTION OF GUESTS

The chair recognized Representatives G. Bonnen and Faircloth who introduced a delegation from Galveston County.

(Burrows in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 6).

HR 624 - INTRODUCTION OF GUESTS

The chair recognized Representative Frullo who introduced representatives of The Texas Tech University System.

(Cyrier in the chair)

HR 189 - INTRODUCTION OF GUESTS

The chair recognized Representative Stucky who introduced a delegation from Denton County.

(Alvarado in the chair)

HR 553 - INTRODUCTION OF GUESTS

The chair recognized Representative Walle who introduced representatives of the University of Houston.

HCR 77 - INTRODUCTION OF GUESTS

The chair recognized Representative Morrison who introduced representatives of the University of Houston–Victoria.

HR 167 - INTRODUCTION OF GUESTS

The chair recognized Representative Ashby who introduced representatives of the Texas Forestry Association.

HR 475 - INTRODUCTION OF GUESTS

The chair recognized Representative Ashby who introduced Ronald H. Hufford, executive director of the Texas Forestry Association, and members of his family.

**HR 538 - ADOPTED
(by Walle)**

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 538**.

The motion prevailed.

The following resolution was laid before the house:

HR 538, Recognizing March 1, 2017, as the Day of the Fallen.

HR 538 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Walle who introduced representatives of the Build a Better Texas Coalition.

**HR 485 - ADOPTED
(by Simmons)**

Representative Simmons moved to suspend all necessary rules to take up and consider at this time **HR 485**.

The motion prevailed.

The following resolution was laid before the house:

HR 485, In memory of Lewisville City Council member Leroy Vaughn.

HR 485 was unanimously adopted by a rising vote.

On motion of Representatives Parker and Fallon, the names of all the members of the house were added to **HR 485** as signers thereof.

HR 678 - INTRODUCTION OF GUESTS

The chair recognized Representative R. Anderson who introduced a delegation from Grand Prairie.

HR 671 - INTRODUCTION OF GUESTS

The chair recognized Representative Holland who introduced peace officers Bryan Shaw and Danny Shaw.

HR 656 - INTRODUCTION OF GUESTS

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

(Speaker in the chair)

**EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING**

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

CSHB 5 ON SECOND READING

(by Frank, Raymond, Burkett, Keough, Minjarez, et al.)

CSHB 5, A bill to be entitled An Act relating to the powers and duties of the Department of Family and Protective Services and the transfer of certain powers and duties from the Health and Human Services Commission.

Amendment No. 1

Representative Frank offered the following amendment to **CSHB 5**:

Floor Packet Page No. 2

Amend **CSHB 5** (house committee printing) as follows:

(1) On page 12, line 17, strike "abuse or neglect" and substitute "abuse, neglect, or exploitation".

(2) On page 22, line 10, following "services," insert "subject to approval by the governor,".

(3) On page 22, line 12, strike ", subject to the approval of the governor,".

(4) On page 23, line 7, strike "Subchapter C,".

(5) Add the following appropriately numbered Section to the bill and renumber subsequent Sections accordingly:

SECTION _____. Chapter 266, Family Code, is amended by adding Section 266.013 to read as follows:

Sec. 266.013. CONTINUITY OF SERVICES PROVIDED BY COMMISSION. (a) In addition to the requirements of Section 266.003(d), the commission shall continue to provide any services to children in the conservatorship of the department that the commission provided to those children before September 1, 2017.

(b) Subsection (a) does not apply to any services provided by the commission in relation to a child's education passport created under Section 266.008.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Raymond offered the following amendment to **CSHB 5**:

Floor Packet Page No. 3

Amend **CSHB 5** on page 12, line 7, by striking "other than" and substituting "including [other than]".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Anchia offered the following amendment to **CSHB 5**:

Floor Packet Page No. 4

Amend **CSHB 5** (house committee printing) as follows:

(1) On page 16, strike lines 1-5 and substitute the following:

(b) The council is composed of the following nine members:

(1) three members of the public appointed by the governor;

(2) three members of the public appointed by the lieutenant governor;

and

(3) three members of the public appointed by the speaker of the house of representatives.

(b-1) To be eligible for appointment to the council, a person must have demonstrated an interest in and knowledge of problems and available services related to the functions of the department.

(2) On page 16, between lines 20 and 21, insert the following:

(h) A person may not be a member of the council if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving money from the department;

(2) owns or controls, directly or indirectly, an interest in a business entity or other organization receiving money from the department; or

(3) uses or receives a substantial amount of tangible goods, services, or money from the department.

(i) A person appointed to the council shall disclose to the department each political contribution to a candidate for a state or federal office of \$1,000 or more made by the person in the five years preceding the person's appointment and each year after the person's appointment until the person's term expires. The department annually shall post a report of the political contributions made by council members on the department's publicly accessible Internet website and post a link to the report on the council's main Internet web page.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Turner offered the following amendment to **CSHB 5**:

Floor Packet Page No. 15

Amend **CSHB 5** (house committee printing) as follows:

(1) On page 16, line 17, strike "If after".

(2) Strike page 16, lines 18-20.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Turner offered the following amendment to **CSHB 5**:

Floor Packet Page No. 18

Amend **CSHB 5** (house committee printing) as follows:

- (1) On page 21, line 19, strike "and".
- (2) On page 21, line 27, strike ":" and substitute "; and".
- (3) On page 21, immediately after line 27, add the following:

(6) a division to oversee department programs and outreach for youth in the conservatorship of the department who are transitioning from foster care to independent living.

Representative Frank moved to table Amendment No. 5.

The motion to table prevailed by (Record 48): 90 Yeas, 56 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; King, P.; Tinderholt.

STATEMENT OF VOTE

When Record No. 48 was taken, I was shown voting yes. I intended to vote no.

S. Davis

Amendment No. 6

Representative Minjarez offered the following amendment to **CSHB 5**:

Floor Packet Page No. 19

Amend **CSHB 5** (house committee printing) as follows:

- (1) On page 21, line 19, strike "and".
- (2) On page 21, line 27, strike ":", and substitute "; and".
- (3) On page 21, after line 27, insert the following:

(6) a division of fair treatment that oversees a child's freedom from unfair treatment because of the child's gender, gender identity, race, ethnicity, religion, national origin, disability, medical status, or sexual orientation.

Representative Frank moved to table Amendment No. 6.

The motion to table prevailed by (Record 49): 92 Yeas, 53 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; 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 — Farrar; King, P.; Tinderholt.

Absent — Romero.

STATEMENTS OF VOTE

When Record No. 49 was taken, I was shown voting yes. I intended to vote no.

S. Davis

When Record No. 49 was taken, I was in the house but away from my desk. I would have voted no.

Romero

Amendment No. 7

Representative Metcalf offered the following amendment to **CSHB 5**:

Floor Packet Page No. 30

Amend **CSHB 5** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 264.004, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The department may use state and federal funds to provide grants to charitable and faith-based organizations to provide the benefits or services to children and families described by Subsection (c). The executive commissioner shall adopt rules to implement this subsection, including rules governing the procedures for applying for and awarding grants.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Raymond offered the following amendment to **CSHB 5**:
Floor Packet Page No. 34

Amend **CSHB 5** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 531.102(a), Government Code, is amended to read as follows:

(a) The commission's office of inspector general is responsible for the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including services through any state-administered health or human services program that is wholly or partly federally funded or services provided by the Department of Family and Protective Services, and the enforcement of state law relating to the provision of those services. The commission may obtain any information or technology necessary to enable the office to meet its responsibilities under this subchapter or other law.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Walle offered the following amendment to **CSHB 5**:
Floor Packet Page No. 35

Amend **CSHB 5** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The Department of Family and Protective Services, using funds appropriated for that purpose, shall collaborate with the Legislative Budget Board to:

(1) conduct a study to develop professional and other caseload standards and recommendations for minimum and maximum caseloads, for the purpose of improving case outcomes for each type of caseworker employed by the department, including but not limited to each type of employee of a single source continuum contractor providing case management services; and

(2) make recommendations based on the study to the executive commissioner of the Health and Human Services Commission, the commissioner of the Department of Family and Protective Services, the standing committees of the senate and house of representatives with jurisdiction over appropriation of state treasury funds to the department, and the standing committees of the senate and house of representatives having primary jurisdiction over the department not later than September 1, 2018.

LEAVE OF ABSENCE GRANTED

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

Vo on motion of Bernal.

CSHB 5 - (consideration continued)

Representative Frank moved to table Amendment No. 9.

The motion to table prevailed by (Record 50): 89 Yeas, 54 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

Absent — Deshotel; Dukes.

STATEMENT OF VOTE

When Record No. 50 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

Amendment No. 10

Representative Anchia offered the following amendment to **CSHB 5**:
Floor Packet Page No. 4

Amend **CSHB 5** (house committee printing) as follows:

(1) On page 16, strike lines 1-5 and substitute the following:

(b) The council is composed of the following nine members:

(1) three members of the public appointed by the governor;

(2) three members of the public appointed by the lieutenant governor;

and

(3) three members of the public appointed by the speaker of the house of representatives.

(b-1) To be eligible for appointment to the council, a person must have demonstrated an interest in and knowledge of problems and available services related to the functions of the department.

(2) On page 16, between lines 20 and 21, insert the following:

(h) A person may not be a member of the council if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving money from the department;

(2) owns or controls, directly or indirectly, an interest in a business entity or other organization receiving money from the department; or

(3) uses or receives a substantial amount of tangible goods, services, or money from the department.

(i) A person appointed to the council shall disclose to the department each political contribution to a candidate for a state or federal office of \$1,000 or more made by the person in the five years preceding the person's appointment and each year after the person's appointment until the person's term expires. The department annually shall post a report of the political contributions made by council members on the department's publicly accessible Internet website and post a link to the report on the council's main Internet web page.

(Darby in the chair)

Amendment No. 11

Representative Anchia offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by Anchia to **CSHB 5** by striking the text of the amendment and substituting the following:

Amend **CSHB 5** (house committee printing) on page 16, by striking lines 1-5 and substituting the following:

(b) The council is composed of the following nine members:

(1) three members of the public appointed by the governor, at least one of whom must be either a court-appointed volunteer advocate or a staff member or volunteer of a children's advocacy center;

(2) three members of the public appointed by the lieutenant governor, at least one of whom must be a current or former foster parent; and

(3) three members of the public appointed by the speaker of the house of representatives, at least one of whom must be a current or former foster child.

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

CSHB 5, as amended, was passed to engrossment by (Record 51): 144 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; Cospser; Craddick; Cyrier; Dale; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; 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, 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.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

STATEMENT OF VOTE

When Record No. 51 was taken, I was excused because of illness. I would have voted yes.

Tinderholt

(Speaker in the chair)

HB 4 ON SECOND READING

(by Burkett, Raymond, Frank, Klick, S. Davis, et al.)

HB 4, A bill to be entitled An Act relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

Amendment No. 1

Representative Burkett offered the following amendment to **HB 4**:

Floor Packet Page No. 2

Amend **HB 4** (house committee printing) on page 4, line 13, by striking "executive commissioner" and substituting "commissioner of the department".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Minjarez offered the following amendment to **HB 4**:

Floor Packet Page No. 4

Amend **HB 4** (house committee printing) as follows:

(1) On page 1, lines 7-8, strike "(b-1) and (b-2)" and substitute "(b-1), (b-2), and (f)".

(2) On page 2, line 2, strike "on" and substitute "not later than the 60th day after the date of [en]".

(3) On page 2, line 13, between "caregiver" and ".", insert "who is not placed as part of a sibling group".

(4) On page 2, line 15, between "group." and "[", insert "The executive commissioner, with assistance from the department and the commission, shall adopt a rule governing the method for allocating the one-time cash payment between the department and the commission."

(5) On page 3, between lines 18 and 19, insert the following:

(f) The department shall reimburse a relative or other designated caregiver annually for expenses permitted under Subsection (c)(6). The department shall issue the initial reimbursement as soon as possible but not later than the 180th day after the date the child or sibling group is placed with the relative or designated caregiver. If the department does not receive an initial request for reimbursement from the relative or designated caregiver before the 180th day after the date of placement, the department shall:

(1) make a good faith effort, as part of the department's regular contact with the relative or designated caregiver, to request submission of the initial reimbursement request; and

(2) issue the reimbursement as soon as possible after the department receives the request for reimbursement.

(6) On page 4, line 16, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(7) On page 5, between lines 2 and 3, insert the following:

(c) Section 264.755(f), Family Code, as added by this Act, applies only to the reimbursement of a relative or other designated caregiver for expenses for which a completed request for reimbursement is submitted to the Department of Family and Protective Services on or after the effective date of this Act.

Amendment No. 3

Representative Minjarez offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Minjarez to **HB 4** as follows:

- (1) Strike page 1, lines 2-3.
- (2) On page 1, line 4, strike "(2)" and substitute "(1)".
- (3) Strike page 1, line 6 through page 2, line 8.

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

Amendment No. 4

Representative Howard offered the following amendment to **HB 4**:

Floor Packet Page No. 7

Amend **HB 4** (house committee printing) as follows:

- (1) On page 1, line 18, strike "family" and substitute "kinship household".
- (2) On page 1, line 19, strike "may" and substitute "shall".
- (3) On page 1, line 22, strike "family" and substitute "kinship household".
- (4) On page 1, line 24, strike "may" and substitute "shall".
- (5) On page 2, line 4, strike "family" and substitute "kinship household".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Stickland offered the following amendment to **HB 4**:

Floor Packet Page No. 8

Amend **HB 4** (house committee printing) on page 1, line 20, by striking "50" and substituting "75".

Amendment No. 6

Representative Dutton offered the following amendment to Amendment No. 5:

Amend the Stickland amendment as follows:

On line 2, substitute "100" for "75".

Amendment No. 6 was adopted.

Representative Burkett moved to table Amendment No. 5, as amended.

The motion to table prevailed by (Record 52): 88 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dukes; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg;

Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Roberts; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; VanDeaver; Villalba; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Arévalo; Bernal; Biedermann; Blanco; Bohac; Cain; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Gervin-Hawkins; Giddings; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Krause; Leach; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Pickett; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Stickland; Swanson; Thompson, S.; Turner; Uresti; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

STATEMENTS OF VOTE

When Record No. 52 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 52 was taken, I was shown voting yes. I intended to vote no.

Perez

When Record No. 52 was taken, I was shown voting yes. I intended to vote no.

Thierry

Amendment No. 7

Representative Dutton offered the following amendment to **HB 4**:

Floor Packet Page No. 9

Amend **HB 4** (house committee printing) on page 1, line 20, by striking "50" and substituting "75".

(Kacal in the chair)

Amendment No. 8

Representative Wu offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Dutton to **HB 4** by striking the text of the amendment and substituting the following:

Amend **HB 4** (house committee printing) by striking page 1, lines 18-21, and substituting the following:

(1) a caregiver that has a family income that is less than or equal to 300 percent of the federal poverty level may receive monetary assistance from the department as follows:

(A) a caregiver that has a family income that is less than or equal to the federal poverty level may receive monetary assistance not exceeding 75 percent of the department's daily basic foster care rate for the child;

(B) a caregiver that has a family income that is greater than the federal poverty level but that is less than or equal to 200 percent of the federal poverty level may receive monetary assistance not exceeding 50 percent of the department's daily basic foster care rate for the child; and

(C) a caregiver that has a family income that is greater than 200 percent of the federal poverty level but that is less than or equal to 300 percent of the federal poverty level may receive monetary assistance not exceeding 25 percent of the department's daily basic foster care rate for the child.

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

Amendment No. 9

Representative Moody offered the following amendment to **HB 4**:

Floor Packet Page No. 11

Amend **HB 4** (house committee printing) as follows:

In SECTION 2 of the bill, strike added Section 264.7551 (b) (page 3, line 27 and page 4, lines 1-3) and substitute the following:

(b) An offense under this section is:

(1) a Class C misdemeanor if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is less than \$100;

(2) a Class B misdemeanor if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$750 or more but less than \$2,500;

(4) a state jail felony if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if:

(A) the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$30,000 or more but less than \$150,000; or

(B) the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is less than \$30,000 and it is shown on the trial of the offense that the person has previously been convicted under this section;

(6) a felony of the second degree if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$150,000 or more but less than \$300,000;
or

(7) a felony of the first degree if the amount of any monetary assistance that is disbursed to or for which the person would have been eligible under a caregiver assistance agreement the person entered into or attempted to enter into as a result of the conduct is \$300,000 or more.

Representative Burkett moved to table Amendment No. 9.

The motion to table prevailed by (Record 53): 86 Yeas, 58 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Biedermann; Blanco; Burrows; Cain; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Krause; Leach; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Stickland; Thierry; Turner; Uresti; Walle; White; Wilson; Wu.

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

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

Amendment No. 10

Representative Minjarez offered the following amendment to **HB 4**:
Floor Packet Page No. 13

Amend **HB 4** (house committee printing) on page 5, between lines 2 and 3, by inserting the following:

(c) If a person who has a family income that is less than or equal to 300 percent of the federal poverty level enters into a caregiver assistance agreement with the Department of Family and Protective Services, obtains permanent managing conservatorship of a child before the effective date of this Act, and meets all other eligibility requirements, the person may continue to receive the \$500 annual reimbursement until the earlier of:

- (1) the third anniversary of the date the person was awarded permanent managing conservatorship of the child; or
- (2) the child's 18th birthday.

Amendment No. 10 was adopted.

(Speaker in the chair)

Amendment No. 11

Representative Keough offered the following amendment to **HB 4**:

Floor Packet Page No. 3

Amend **HB 4** (house committee printing) as follows:

(1) On page 1, lines 7-8, strike "(b-1) and (b-2)" and substitute "(b-1), (b-2), and (g)".

(2) On page 3, between lines 18 and 19, insert the following:

(g) The department may not provide monetary assistance to a relative or designated caregiver under this section who is not lawfully present in the United States.

Amendment No. 12

Representative Wu offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Keough, on page 1, line 8, by striking "," and substituting ", unless the relative or designated caregiver submits a signed affidavit to the department attesting to the household income of the relative or designated caregiver.".

Amendment No. 11 - Point of Order

Representative Herrero raised a point of order against further consideration of Amendment No. 11 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker overruled the point of order and submitted the following statement:

HB 4 provides for needs-based cash assistance to relative or other caregivers who enter into caregiver assistance agreements with the Department of Family and Protective Services. The bill categorizes caregivers based on income. For caregivers in the lowest income bracket, the bill replaces assistance in the form of a one-time cash payment with ongoing payments. Caregivers who fall into a more moderate income bracket continue to receive one-time integrative payments. Caregivers in a third category, who have income above a certain threshold, are ineligible for assistance.

Amendment No. 11 seeks to prohibit the payment of cash assistance to any caregiver "who is not lawfully present in the United States." Representative Herrero argues that Amendment No. 11 contravenes the purpose of **HB 4** such that it is neither germane to nor consistent with the purpose of **HB 4**. Specifically, he asserts that creating a category based on citizenship falls outside the scope of the bill, which categorizes caregivers based on income alone. He argues that the bill's intended purpose is to increase the number of children who are placed in care with relatives and that the amendment would decrease the number of available placements. He further urges that the bill provides levels of support for the benefit of children and does not intend to deprive children of that care or support based on an additional attribute of the caregiver who actually receives the money.

HB 4 divides caregivers into categories of persons excluded from receiving payments and persons who are eligible to receive payments. Amendment No. 11 would create another category of persons excluded from receiving assistance based on the caregivers legal status. Although it may be the case that the amendment would decrease the number of caregivers receiving payments, the bill would nonetheless provide assistance to caregivers who are lawfully present in the United States. Adding the fourth category of caregivers to the bill, and thereby making assistance unavailable to the caregivers who fall into that category and, correspondingly, unavailable to the children whose caregivers fall into that category, would not impermissibly change the bill's purpose. See 83 H.J. Reg. 2829 (2013) (Nevárez point of order on Amendment No. 4 to **CSHB 1790**).

Amendment No. 12 was adopted by (Record 54): 79 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bell; Bernal; Blanco; Burkett; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; Frank; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Huberty; Isaac; Johnson, E.; Keough; King, K.; King, T.; Kuempel; Lambert; Longoria; Lucio; Martinez; Metcalf; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Oliveira; Ortega; Parker; Perez; Phelan; Pickett; Raney; Raymond; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Alonzo; Anderson, R.; Bailes; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; Cyrier; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Flynn; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Hefner; Howard; Israel; Kacal; Koop; Krause; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Murr; Nevárez; Oliverson; Paddie; Paul; Phillips; Price; Reynolds; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stickland; Swanson; Thompson, E.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

Absent — Holland; Hunter; Johnson, J.; Klick.

STATEMENTS OF VOTE

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Burkett

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Cosper

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Dale

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Darby

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted no.

Holland

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Huberty

When Record No. 54 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted yes.

J. Johnson

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Lambert

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Morrison

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Murphy

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Raney

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Roberts

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Stephenson

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

White

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Wilson

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Workman

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Wray

When Record No. 54 was taken, I was shown voting yes. I intended to vote no.

Zerwas

Amendment No. 11, as amended, was withdrawn.

HB 4, as amended, was passed to engrossment by (Record 55): 145 Yeas, 0 Nays, 1 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; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; 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, 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.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; King, P.; Tinderholt; Vo.

STATEMENT OF VOTE

When Record No. 55 was taken, I was excused because of illness. I would have voted yes.

Tinderholt

REASON FOR VOTE

Under current law, Chapter 264 of the Family Code provides for a caregiver assistance agreement for families of children in the CPS system to care for their relatives. As the authors of **HB 4** note, the families who participate in the kinship program receive less payment than non-relatives in the system. This bill attempts to help offset the cost to families of taking in relatives in the system by increasing the amount of money they are eligible to receive. This is a laudable goal.

There are, however, as many as 200,000 children in our state being cared for by relatives outside the CPS or foster care system. These relatives take on this responsibility without help from the government or being subject to inspection or regulation by the state, out of love for their relatives and a sense of familial duty. I am concerned that by increasing the amount of money families can receive from the state for caring for the children of their relatives, we likely will create the perverse incentive for families who currently care for relatives outside the state system to inject the children into the system in order to qualify for the financial aid, thus subjecting themselves to regulation by the state and interposing the state between children in need and their relatives.

Although I am voting for the bill in the hope that the authors are correct that this will not be the result, my concern is that past experience with programs such as AFDC have shown that government programs can create unanticipated incentives that can be detrimental to the families they are designed to aid.

Schofield

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative D. Bonnen 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 3:11 p.m., Representatives Bell and Simmons 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 in memory of Ira Dell Bell of Centerville and Leroy Vaughn of Lewisville.

The motion prevailed.

(Howard in the chair)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:20 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 99 (By Keough, Metcalf, and Bell), Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition; creating a criminal offense.

To Select State and Federal Power and Responsibility.

HB 110 (By Krause), Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

To Select State and Federal Power and Responsibility.

HB 307 (By Burrows), Relating to disclosure of certain health care costs and shared savings between certain health benefit plans and enrollees.

To Insurance.

HB 312 (By J. Johnson), Relating to the creation and administration of a disaster recovery fund.

To Appropriations.

HB 401 (By Villalba), Relating to civil or criminal liability for leaving certain animals unattended in or removing certain individuals or animals from a motor vehicle.

To Criminal Jurisprudence.

HB 492 (By Craddick), Relating to a waiver for certain programs from youth camp licensing.

To Public Health.

HB 525 (By Villalba, Alvarado, and Morrison), Relating to a central database containing information about offenders who have committed certain violent offenses against children or offenses involving family or dating violence.

To Criminal Jurisprudence.

HB 555 (By Springer, Frank, K. King, Phillips, and VanDeaver), Relating to an additional fee for issuing a marriage license to applicants who are not residents of this state.

To County Affairs.

HB 573 (By S. Thompson), Relating to certain statutory changes to reflect and address same-sex marriages and parenting relationships and to the removal of provisions regarding the criminality or unacceptability of homosexual conduct.

To State Affairs.

HB 574 (By S. Thompson), Relating to a limitation on the authority to arrest a person for certain misdemeanors punishable by a fine only.

To Criminal Jurisprudence.

HB 580 (By Dale), Relating to information included on certain driver's licenses.

To State Affairs.

HB 581 (By Dale), Relating to the issuance of, eligibility for, and use of limited term personal identification certificates and driver's licenses.

To State Affairs.

HB 582 (By Dale), Relating to driver's licenses and personal identification certificates issued to refugees or asylees lawfully admitted into the United States.

To State Affairs.

HB 651 (By Clardy), Relating to the election date of the board of directors of the Rusk County Groundwater Conservation District.

To Natural Resources.

HB 664 (By Canales), Relating to the release on bail of a defendant arrested following a violation of a condition of community supervision.

To Corrections.

HB 683 (By Wu), Relating to the creation of the offense of possession or use of law enforcement identification, insignia, or vehicles in certain populous municipalities and the clarification of the offenses of false identification as a peace officer and misrepresentation of property.

To Homeland Security and Public Safety.

HB 684 (By Wu), Relating to the required notice of a surcharge assessed under the driver responsibility program.

To Homeland Security and Public Safety.

HB 715 (By Wu), Relating to evidence in a suit to abate certain common nuisances.

To Judiciary and Civil Jurisprudence.

HB 717 (By Wu), Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Insurance.

HB 730 (By Bohac), Relating to a disclosure by an attorney before accepting representation of a client in a suit for the dissolution of marriage.

To Juvenile Justice and Family Issues.

HB 754 (By Fallon), Relating to the enforcement by certain governmental entities of state and federal laws governing immigration and to the duties of law enforcement agencies concerning certain arrested persons.

To State Affairs.

HB 762 (By Shaheen), Relating to the enforcement by certain governmental entities of state and federal laws governing immigration.

To State Affairs.

HB 763 (By Shaheen), Relating to the duties of a law enforcement agency regarding the immigration status of an arrested person and the enforcement of an immigration detainer.

To State Affairs.

HB 764 (By Shaheen), Relating to civil liability of a local government for failure to comply with an immigration detainer.

To State Affairs.

HB 765 (By Shaheen), Relating to requiring political subdivisions to participate in the federal electronic verification of employment authorization program or E-verify.

To State Affairs.

HB 773 (By E. Johnson), Relating to information on projected changes in weather, water availability, and climate variability in strategic plans of certain state agencies.

To State Affairs.

HB 818 (By Cortez), Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee; authorizing a fee.

To County Affairs.

HB 825 (By Blanco), Relating to a prohibition on certain law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To State Affairs.

HB 826 (By Blanco), Relating to an annual report on the financial impact of undocumented immigrants on the state budget and economy.

To State Affairs.

HB 1088 (By Muñoz), Relating to the creation of the offense of prohibited conduct of a bail bond surety.

To Criminal Jurisprudence.

HB 1113 (By Smithee), Relating to health plan and health benefit plan coverage for abortions.

To State Affairs.

HB 1141 (By Muñoz), Relating to the licensing and regulation of bail bond sureties in certain counties.

To County Affairs.

HB 1166 (By Stephenson and Reynolds), Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

To Judiciary and Civil Jurisprudence.

HB 1285 (By Rose), Relating to the delegation of death certification to attending physicians in certain counties.

To Criminal Jurisprudence.

HB 1286 (By Rose), Relating to the disposition of organs, organ parts, or medically implanted devices on completion of an autopsy.

To Criminal Jurisprudence.

HB 1303 (By Stephenson), Relating to the designation of a portion of State Highway 71 in Wharton County as the Roy P. Benavidez Memorial Highway.

To Transportation.

HB 1345 (By Dale), Relating to a photograph on a driver's license.

To Homeland Security and Public Safety.

HB 1364 (By S. Thompson), Relating to repealing civil asset forfeiture provisions and establishing criminal asset forfeiture in this state.

To Criminal Jurisprudence.

HB 1374 (By S. Thompson), Relating to the authority of a court to return certain fees to a person who is the subject of an order of nondisclosure of criminal history record information.

To Judiciary and Civil Jurisprudence.

HB 1377 (By S. Davis), Relating to the contents of and recordkeeping requirements relating to personal financial statements filed with the Texas Ethics Commission.

To General Investigating and Ethics.

HB 1385 (By Muñoz), Relating to the membership of the Texas Transportation Commission.

To Transportation.

HB 1392 (By S. Thompson), Relating to the use of an electronic recovery and access to data prepaid card reader to seize forfeitable property.

To Criminal Jurisprudence.

HB 1408 (By Cortez), Relating to the period of continuous eligibility for the medical assistance program.

To Human Services.

HB 1409 (By Israel), Relating to reporting concerning certain inmates who are confined in county jails for misdemeanor offenses.

To County Affairs.

HB 1420 (By Martinez), Relating to the imposition of a late payment penalty against Medicaid managed care organizations that fail to timely pay certain physician and provider claims.

To Human Services.

HB 1426 (By Allen), Relating to the issuance of a certificate of relief from collateral consequences to persons convicted of or placed on deferred adjudication community supervision for certain offenses.

To Corrections.

HB 1428 (By Smithee), Relating to mediation of the settlement of certain out-of-network health benefit claims involving balance billing for members of the Teacher Retirement System of Texas.

To Insurance.

HB 1430 (By S. Thompson), Relating to the indigent status of a person for the purposes of the driver responsibility program.

To Homeland Security and Public Safety.

HB 1434 (By Simmons), Relating to displaying certain informational materials and videos in driver's license offices.

To Homeland Security and Public Safety.

HB 1443 (By Wu), Relating to the issuance of a notice to appear for certain misdemeanors.

To Criminal Jurisprudence.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 342 (By Canales), Relating to notice provided to a court regarding certain defendants placed on state jail felony community supervision.

To Corrections.

HB 974 (By Cortez), Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee; authorizing a fee.

To County Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 6

SCR 23

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, March 1, 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 40 White SPONSOR: Nichols
Recognizing February 15, 2017, as Alabama-Coushatta Tribe of Texas Day at the State Capitol.

HCR 80 Uresti, Tomas SPONSOR: Uresti
In memory of Choco Gonzalez Meza of San Antonio.

SB 21 Birdwell
Relating to the qualifications, duties, and limitations of Texas delegates to a convention called under Article V of the United States Constitution; providing a criminal penalty.

SB 44 Zaffirini
Relating to petition requirements for an application for a place on the general primary election ballot for certain judicial offices.

SJR 2 Birdwell
Applying to the Congress of the United States to call a convention under Article V of the United States Constitution for the limited purpose of proposing one or more amendments to the constitution to impose fiscal restraints on the federal

government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.

SJR 38

Estes

Rescinding certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that Constitution.

Respectfully,

Patsy Spaw

Secretary of the Senate