

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-EIGHTH DAY — TUESDAY, MARCH 7, 2017

The house met at 10:03 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 61).

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; Dutton; Elkins; Faircloth; Fallon; Farrar; 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; 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; 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 — Nevárez; Tinderholt.

Absent — Deshotel; Dukes; Giddings.

The speaker recognized Representative D. Bonnen who introduced David Catoe, senior pastor, Danbury Baptist Church, Danbury, who offered the invocation as follows:

God, we love you and thank you for a day like today set aside to honor you in our labors. Even children know to pray "God is great, and God is good" and so we echo that prayer this morning. You are great, and you have made this nation great, and you have made this nation great by making the State of Texas great. So may our leaders in this great state honor you today by doing great things. May the decisions and the discussion from this delegation reflect your great mercy, your great kindness, and your great justice. We yield this morning to your power, your authority, and your holy will. For great is the Lord and greatly to be praised.

We believe your will is good because you are good. Yes, God is great, and God is good. So we pause to thank you for your goodness. Your provision and your protection bring with it your peace and the reminder that you are good. Being reminded of your goodness is a gift that helps us remember you are good and do good when difficult times do come. May you prepare these officials today to lead in times of plenty and times of lean and to be the leaders you have equipped them to be. May you grow each of them in faithfulness, in fruitfulness, and in their fondness for this great state.

God is great, and God is good and for that we are grateful. In Christ's name, I pray. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Tinderholt on motion of Biedermann.

(Moody in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative E. Thompson who presented Dr. Mary Campbell-Fox of Houston as the "Doctor for the Day."

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

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 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 659 (by Schubert, Kacal, and Raney), Recognizing March 7, 2017, as Blinn College Day at the State Capitol.

HR 721 (by Hernandez), Honoring the Houston East End Chamber of Commerce for its contributions to the community.

HR 738 (by D. Bonnen), Recognizing March 7, 2017, as Brazoria County Day at the State Capitol.

HR 739 (by D. Bonnen), Commemorating the 80th anniversary of Danbury Baptist Church.

HR 740 (by D. Bonnen), Honoring Sandra Shaw of Lake Jackson on her 40 years of service to the Brazosport Area Chamber of Commerce.

HR 742 (by Muñoz), Recognizing March 7, 2017, as Palmview Day at the State Capitol.

HR 748 (by Guillen), Recognizing March 7, 2017, as Freer Day at the State Capitol.

The resolutions were adopted.

(Burkett in the chair)

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.

(Speaker in the chair)

**HR 548 - PREVIOUSLY ADOPTED
(by Geren and Craddick)**

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

HR 548, In memory of Dee J. Kelly of Fort Worth.

On motion of Representatives Craddick and Clardy, the names of all the members of the house were added to **HR 548** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Geren who introduced family members of Dee J. Kelly.

(Giddings now present)

(Kacal in the chair)

HR 739 - INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced representatives of Danbury Baptist Church.

HR 740 - INTRODUCTION OF GUEST

The chair recognized Representative D. Bonnen who introduced Sandra Shaw, president and CEO of the Brazosport Area Chamber of Commerce.

HR 738 - INTRODUCTION OF GUESTS

The chair recognized Representative D. Bonnen who introduced a delegation from Brazoria County.

HR 45 - INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced A. C. Gonzalez and members of his family.

HR 421 - INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced a delegation from Van Zandt County.

HR 742 - INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced a delegation from Palmview.

HR 362 - INTRODUCTION OF GUESTS

The chair recognized Representative Paul who introduced representatives of NASA.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative White 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.

HR 748 - INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced a delegation from Freer.

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **HB 35** at 10:30 a.m. or upon final adjournment/recess tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, 10:30 a.m. or upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **HB 35** and the previously posted agenda.

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

Criminal Jurisprudence, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

Human Services, during bill referral today, 3W.9, for a formal meeting, to consider pending bills.

HR 774 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 774**.

The motion prevailed.

The following resolution was laid before the house:

HR 774, Congratulating F. J. Scott Elementary School in Roma on its selection as a National Title 1 Distinguished School.

HR 774 was adopted.

On motion of Representative Lucio, the names of all the members of the house were added to **HR 774** as signers thereof.

PROVIDING FOR ADJOURNMENT

At 11:35 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 in memory of the Honorable Roy M. Blake Sr. of Nacogdoches and Sandra Lee Anderson of Lorena, wife of Representative C. Anderson.

The motion prevailed.

(Blanco in the chair)

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

(Muñoz in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:14 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 1004 (By Cain), Relating to the use of legislatively produced audio or visual materials in political advertising.

To General Investigating and Ethics.

HB 1008 (By Alonzo), Relating to a study on early detection and early intervention in cases of children with autism spectrum disorders.

To Public Health.

HB 1019 (By Keough), Relating to residency requirements for voting in certain municipal utility district elections.

To Special Purpose Districts.

HB 1021 (By Smithee and Farrar), Relating to county law libraries.

To Judiciary and Civil Jurisprudence.

HB 1026 (By Hernandez), Relating to the authorized uses of county law library funds.

To Judiciary and Civil Jurisprudence.

HB 1038 (By Rinaldi and Meyer), Relating to the award of costs and attorney's fees in a motion to dismiss for certain actions that have no basis in law or fact.

To Judiciary and Civil Jurisprudence.

HB 1043 (By Blanco), Relating to a court order authorizing temporary care of a minor child.

To Juvenile Justice and Family Issues.

HB 1184 (By Bohac, Frank, Workman, Villalba, and Zerwas), Relating to an insurance premium tax credit for contributions made to certain educational assistance organizations.

To Public Education.

HB 1451 (By Guillen), Relating to the public high school graduation credit requirements for a language other than English.

To Public Education.

HB 1453 (By G. Bonnen), Relating to requiring state contractors and political subdivisions of this state to participate in the federal electronic verification of employment authorization program, or E-verify, and authorizing the suspension of certain licenses held by private employers for the knowing employment of persons not lawfully present in this state; authorizing a fee.

To State Affairs.

HB 1454 (By Rinaldi), Relating to the information required to be provided in or with a school district ad valorem tax bill.

To Ways and Means.

HB 1455 (By Bohac), Relating to the creation of the Harris County Municipal Utility District No. 552; 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 1457 (By Raymond, Kuempel, R. Anderson, Herrero, and White), Relating to fantasy sports contests.

To Licensing and Administrative Procedures.

HB 1458 (By Workman), Relating to the management and operation of certain municipally owned electric utilities.

To State Affairs.

HB 1460 (By Workman), Relating to electricity service provided by municipally owned utilities.

To State Affairs.

HB 1461 (By Workman), Relating to the partition and transfer of a geographic portion of service area certificate of convenience and necessity by municipally owned electric utility systems.

To State Affairs.

HB 1462 (By G. Bonnen and Fallon), Relating to temporary branch polling place hours of operation.

To Elections.

HB 1463 (By Smithee), Relating to procedures for asserting claims under the Americans with Disabilities Act; providing a civil penalty.

To Judiciary and Civil Jurisprudence.

HB 1464 (By G. Bonnen, Parker, S. Thompson, Bernal, and Villalba), Relating to step therapy protocols required by a health benefit plan in connection with prescription drug coverage.

To Insurance.

HB 1466 (By Hernandez), Relating to coverage for mammography and supplemental breast cancer screening under certain health benefit plans.

To Insurance.

HB 1468 (By S. Thompson), Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

To Public Health.

HB 1469 (By Bailes), Relating to qualifications for certain teachers employed by open-enrollment charter schools.

To Public Education.

HB 1470 (By Villalba), Relating to the public sale of real property under a power of sale in a security instrument.

To Business and Industry.

HB 1472 (By Capriglione and Goldman), Relating to investment by a public junior college district of public funds received from the management and development of mineral rights.

To Higher Education.

HB 1473 (By Bohac, Cain, J. Johnson, and Capriglione), Relating to an exemption from ad valorem taxation of the total appraised value of the residence homesteads of certain elderly persons and their surviving spouses.

To Ways and Means.

HB 1474 (By González), Relating to the public school finance system.

To Public Education.

HB 1475 (By Y. Davis), Relating to electricity service provided by retail electric providers; creating a criminal offense.

To State Affairs.

HB 1476 (By Guillen), Relating to reporting the performance on assessment instruments of students enrolled in the state virtual school network.

To Public Education.

HB 1477 (By Walle), Relating to required workers' compensation insurance coverage for building and construction contractors.

To Business and Industry.

HB 1478 (By White), Relating to emergency placements of children by the Department of Family and Protective Services.

To Human Services.

HB 1479 (By Bailes), Relating to the small-sized district adjustment under the Foundation School Program.

To Public Education.

HB 1480 (By S. Thompson), Relating to a writ of mandamus by a court of appeals against an associate judge in certain cases.

To Judiciary and Civil Jurisprudence.

HB 1482 (By Shaheen), Relating to the dispensing of certain drugs by physicians.

To Public Health.

HB 1483 (By Landgraf), Relating to the designation of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.

To Defense and Veterans' Affairs.

HB 1484 (By Guerra), Relating to economic impact reviews conducted by the Texas Transportation Commission.

To Transportation.

HB 1485 (By Swanson), Relating to academic freedom for public school teachers providing science instruction.

To Public Education.

HB 1487 (By Smithee and Murr), Relating to the security of courts and judges in the state.

To Judiciary and Civil Jurisprudence.

HB 1490 (By E. Johnson), Relating to prohibiting the use of credit scoring in certain lines of personal insurance.

To Insurance.

HB 1491 (By S. Thompson), Relating to the possession of a child on the child's birthday under a standard possession order in a suit affecting the parent-child relationship.

To Juvenile Justice and Family Issues.

HB 1492 (By Miller), Relating to the creation of the National Museum of the Pacific War museum fund.

To Culture, Recreation, and Tourism.

HB 1493 (By González), Relating to requirements for the construction of a natural gas pipeline in a municipality.

To Energy Resources.

HB 1495 (By S. Thompson), Relating to the rendition of certain temporary orders during the pendency of a suit for modification of an order that provides for the conservatorship, support, or possession of or access to a child.

To Juvenile Justice and Family Issues.

HB 1496 (By G. Bonnen), Relating to the date for holding an election to ratify the ad valorem tax rate of a school district.

To Ways and Means.

HB 1497 (By Turner), Relating to the study of certain municipal transit systems by The University of Texas at Arlington.

To Transportation.

HB 1498 (By Turner), Relating to the appropriation of money from the economic stabilization fund for maintenance and repairs at institutions of higher education.

To Appropriations.

HB 1499 (By Turner), Relating to the appropriation of money from the economic stabilization fund for maintenance, renovation, and repair of certain state buildings.

To Appropriations.

HB 1500 (By Giddings and Guillen), Relating to indicators of achievement under the public school accountability system.

To Public Education.

HB 1644 (By Springer), Relating to transferring charge and control of a painting entitled "The Spirit of the Alamo Lives On."

To Land and Resource Management.

HB 1646 (By Lozano and Herrero), Relating to the waiver of certain fees for an assumed name certificate or a statement of abandonment of use of an assumed name filed by a military veteran.

To Defense and Veterans' Affairs.

HJR 64 (By Bohac), Proposing a constitutional amendment to exempt from ad valorem taxation the total market value of the residence homesteads of certain elderly persons and their surviving spouses.

To Ways and Means.

HCR 51 (By Lang), Designating the 1847 Colt Walker pistol as the official state handgun of Texas.

To Culture, Recreation, and Tourism.

HCR 52 (By Flynn, P. King, Shine, D. Bonnen, and Longoria), Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border.

To Select State and Federal Power and Responsibility.

HCR 53 (By Gooden), Authorizing the State Preservation Board, subject to state law and rules of the board, to approve and permit the relocation of the Texas Game Warden Memorial to a site at the State Capitol, south of the Sam Houston Building, just outside of the historic grounds.

To House Administration.

HCR 54 (By Reynolds), Urging Congress to keep the Patient Protection and Affordable Care Act.

To Select State and Federal Power and Responsibility.

HCR 57 (By Wu), Encouraging Texans to donate bone marrow and blood and to register as organ donors.

To Public Health.

HCR 59 (By Bailes), Urging Congress to pass a budget.

To Select State and Federal Power and Responsibility.

HCR 64 (By Turner), Recognizing the important role of vaccinations in preventing meningococcal disease.

To Public Health.

SB 4 to State Affairs.

SB 500 to General Investigating and Ethics.

SB 501 to General Investigating and Ethics.

SB 502 to General Investigating and Ethics.

SB 503 to General Investigating and Ethics.

SB 504 to General Investigating and Ethics.

SB 505 to General Investigating and Ethics.

List No. 2

HCR 55 (By Hunter), Congratulating Betty Lamb on her retirement from the Coastal Bend Council of Governments.

To Rules and Resolutions.

HCR 61 (By Ashby), Recognizing the Stop the Bleed campaign.

To Rules and Resolutions.

HCR 62 (By Isaac), In memory of William Parks Johnson of Wimberley.

To Rules and Resolutions.

HCR 63 (By Isaac), Commemorating the inaugural season of the Dripping Springs Pop Warner football and cheerleading program.

To Rules and Resolutions.

HCR 66 (By Gonzales), Honoring Eugene Adrian Van Zelfden Jr. of Austin for his outstanding civic engagement.

To Rules and Resolutions.

HCR 68 (By Smithee), In memory of Will David Davis Sr. of Austin.

To Rules and Resolutions.

HCR 69 (By Smithee), In memory of Brenda Nation of Austin.

To Rules and Resolutions.

HR 752 (By Alonzo), Commending Chief Stuart Parsons Sr., Vice Chief Wynnfred Batey, and Secretary Andrew Parsons Jr. for their service to the Echota Cherokee of Texas.

To Rules and Resolutions.

HR 772 (By Oliveira and Lucio), Commemorating the 80th anniversary of the Brownsville Chamber of Commerce.

To Rules and Resolutions.

HR 773 (By Muñoz), Congratulating State Senator Eddie Lucio Jr. on being named the 2017 Border Texan of the Year.

To Rules and Resolutions.

HR 775 (By Nevárez), In memory of Elizabeth Castaneda Pope of Iraan.

To Rules and Resolutions.

HR 776 (By Schubert), Congratulating Samantha Grace Perko of Sealy on winning the girls' breakaway roping competition at the 2017 Lester Meier Open Pro Rodeo in Gonzales.

To Rules and Resolutions.

HR 777 (By Fallon), Congratulating BethAnn Telford on completing the 2017 World Marathon Challenge.

To Rules and Resolutions.

HR 778 (By Fallon), In memory of Jonny Wade of Jerseyville, Illinois.

To Rules and Resolutions.

HR 779 (By Dutton), Congratulating Ira Beruix Scott of Houston on his 100th birthday.

To Rules and Resolutions.

HR 780 (By Bailes), Honoring the Alpha Omega Academy in Huntsville on the occasion of its 20th anniversary.

To Rules and Resolutions.

HR 781 (By Fallon), Honoring Rolf Benirschke for his achievements as an NFL player and as a health advocate and philanthropist.

To Rules and Resolutions.

HR 782 (By Sheffield), Congratulating the McCulloch County 4-H team on winning the 2017 Western National Roundup parliamentary procedure championship.

To Rules and Resolutions.

HR 783 (By Sheffield), Congratulating Dr. George N. Smith on being named Family Physician of the Year by the American College of Osteopathic Family Physicians.

To Rules and Resolutions.

HR 784 (By Dutton), Commemorating the 76th Southwestern Regional Conference of Sigma Gamma Rho Sorority, Inc.

To Rules and Resolutions.

HR 785 (By Herrero), Congratulating the Robstown ISD School Board on being named a 2016 Regional School Board of the Year by the Texas Association of School Administrators.

To Rules and Resolutions.

HR 786 (By Springer), Recognizing March 8, 2017, as Wilbarger County and City of Vernon Day at the State Capitol.

To Rules and Resolutions.

HR 787 (By Cyrier), In memory of Colonel Joe Tom Haney, former band director for Texas A&M University.

To Rules and Resolutions.

HR 788 (By Paddie), In memory of Terry and Pamela Bailey of Center.

To Rules and Resolutions.

HR 790 (By Button), Commemorating the opening of the William E. Dollar Municipal Building in Garland.

To Rules and Resolutions.

HR 791 (By White), Commemorating the 100th anniversary of the American Red Cross of Southeast and Deep East Texas.

To Rules and Resolutions.

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
Tuesday, March 7, 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:

SB 49 Zaffirini

Relating to the appointment by certain elected officials of students to receive a Texas Armed Services Scholarship.

SB 413 Taylor, Van

Relating to the maintenance of information entered into a fee record in certain counties.

Respectfully,

Patsy Spaw

Secretary of the Senate

