

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY — WEDNESDAY, APRIL 5, 2017

The house met at 10:06 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 140).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; 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; Farrar; 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; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough.

Absent — Dukes.

The speaker recognized Representative Guerra who introduced Sister Norma Pimentel, executive director, Catholic Charities of the Rio Grande Valley, San Juan, who offered the invocation.

The speaker recognized Representative Sheffield 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 a death in the family:

D. Bonnen on motion of Geren.

G. Bonnen on motion of Geren.

CAPITOL PHYSICIAN

The speaker recognized Representative Larson who presented Dr. Mark Nadeau of San Antonio as the "Doctor for the Day."

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

(Kacal in the chair)

CORRECTIONS IN REFERRAL

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.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 588 - INTRODUCTION OF GUESTS

The chair recognized Representative Workman who introduced Alan Graham and representatives of Mobile Loaves and Fishes.

(Deshotel in the chair)

RESOLUTIONS ADOPTED

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

The motion prevailed.

The following resolutions were laid before the house:

HR 1176 (by Springer), Congratulating the Muenster High School boys' basketball team on winning the 2017 UIL 2A state championship.

HR 1218 (by Miller and Larson), Recognizing the commemoration of the centennial of World War I.

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 9 a.m. tomorrow.

The motion prevailed.

HR 717 - INTRODUCTION OF GUESTS

The chair recognized Representative Schofield who introduced Fabol R. Hughes, mayor of Katy, and members of his family.

HR 949 - INTRODUCTION OF GUESTS

The chair recognized Representative Schofield who introduced Raymond Boothe, Katy City Council member, and his wife, Shari.

**HR 1078 - ADOPTED
(by Schubert)**

Representative Schubert moved to suspend all necessary rules to take up and consider at this time **HR 1078**.

The motion prevailed.

The following resolution was laid before the house:

HR 1078, Recognizing April 5, 2017, as Austin County Day at the State Capitol.

HR 1078 was adopted.

On motion of Representative Kacal, the names of all the members of the house were added to **HR 1078** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

S. Thompson on motion of C. Anderson.

(Speaker in the chair)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 10 ON THIRD READING
(by Price, G. Bonnen, Rose, Muñoz, Coleman, et al.)**

HB 10, A bill to be entitled An Act relating to access to and benefits for mental health conditions and substance use disorders.

HB 10 was passed by (Record 141): 130 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel;

Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Hefner; Lang; Leach; Rinaldi; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes; Lozano.

STATEMENTS OF VOTE

When Record No. 141 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 141 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 1619 ON THIRD READING (by Shine)

HB 1619, A bill to be entitled An Act relating to the prosecution and punishment of certain outdoor burning violations.

HB 1619 was passed by (Record 142): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; 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; Farrar; 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; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes.

HB 630 ON THIRD READING (by Howard)

HB 630, A bill to be entitled An Act relating to the Internet broadcast and archiving of open meetings of the Health and Human Services Commission, health and human services agencies, and related advisory entities.

HB 630 was passed by (Record 143): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; 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; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes.

HB 544 ON THIRD READING (by C. Anderson, Ashby, et al.)

HB 544, A bill to be entitled An Act relating to the use of the rural water assistance fund.

HB 544 was passed by (Record 144): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; 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; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes.

HB 1062 ON THIRD READING
(by Gooden)

HB 1062, A bill to be entitled An Act relating to the governing board of the Trinity Valley Community College District.

HB 1062 was passed by (Record 145): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; 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; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1021 ON SECOND READING
(by Smithee and Farrar)**

HB 1021, A bill to be entitled An Act relating to county law libraries.

HB 1021 was passed to engrossment.

**HB 206 ON SECOND READING
(by Flynn)**

HB 206, A bill to be entitled An Act relating to the Texas Veterans Land Board.

Representative Flynn moved to postpone consideration of **HB 206** until 9 a.m. Monday, April 24.

The motion prevailed.

**CSHB 1729 ON SECOND READING
(by Neave, S. Thompson, S. Davis, Price, Moody, et al.)**

CSHB 1729, A bill to be entitled An Act relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

Amendment No. 1

Representative Neave offered the following amendment to **CSHB 1729**:

Amend **CSHB 1729** (house committee report) on page 3, line 21, by striking "disperse" and substituting "disburse".

Amendment No. 1 was adopted.

CSHB 1729, as amended, was passed to engrossment.

**HB 890 ON SECOND READING
(by Geren, Gutierrez, Minjarez, Holland, and Lambert)**

HB 890, A bill to be entitled An Act relating to providing information to the public and to purchasers of real property regarding the impact of military installations.

HB 890 was passed to engrossment by (Record 146): 131 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; 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; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Dale; Lang; Leach; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes; Frank; King, K.

STATEMENTS OF VOTE

When Record No. 146 was taken, I was in the house but away from my desk. I would have voted yes.

Frank

When Record No. 146 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 146 was taken, I was shown voting yes. I intended to vote no.

Shaheen

When Record No. 146 was taken, I was shown voting no. I intended to vote yes.

Zedler

HB 2379 ON SECOND READING
(by Price, Raymond, Burkett, and Rose)

HB 2379, A bill to be entitled An Act relating to the provision of legal services to the office of inspector general of the Health and Human Services Commission.

HB 2379 was passed to engrossment.

HB 678 ON SECOND READING
(by Wu)

HB 678, A bill to be entitled An Act relating to the procedure for the entering of a plea or a stipulation of evidence by a child subject to a determinate sentence.

HB 678 was passed to engrossment.

HB 1829 ON SECOND READING
(by Geren)

HB 1829, A bill to be entitled An Act relating to the preservation, maintenance, and improvement of the Capitol and the Capitol grounds.

HB 1829 was passed to engrossment.

CSHB 1227 ON SECOND READING
(by Smithee)

CSHB 1227, A bill to be entitled An Act relating to the transparency of certain information related to prescription drug coverage provided by certain health benefit plans.

CSHB 1227 was passed to engrossment.

CSHB 1697 ON SECOND READING
(by Price, Burkett, Sheffield, S. Thompson, Longoria, et al.)

CSHB 1697, A bill to be entitled An Act relating to the establishment of a pediatric health tele-connectivity resource program for rural Texas.

Amendment No. 1

Representative Price offered the following amendment to **CSHB 1697**:

Amend **CSHB 1697** (house committee report) by inserting between "Pediatrics" and the underlined period "or American Osteopathic Board of Pediatrics" in each of the following places:

- (1) page 1, line 16; and
- (2) page 1, line 19.

Amendment No. 1 was adopted.

CSHB 1697, as amended, was passed to engrossment by (Record 147): 136 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; 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; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Lang; Rinaldi; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen, D.; Bonnen, G.; Keough; Thompson, S.

Absent — Dukes; Frank; Zedler.

STATEMENTS OF VOTE

When Record No. 147 was taken, I was shown voting no. I intended to vote yes.

Lang

When Record No. 147 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

CSHB 284 ON SECOND READING

(by Springer)

CSHB 284, A bill to be entitled An Act relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

CSHB 284 was passed to engrossment.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 402 ON SECOND READING

(by Huberty)

HB 402, A bill to be entitled An Act relating to money used by certain counties for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects.

HB 402 was read second time on April 4, amendments were offered and disposed of, and **HB 402** was postponed until 12 p.m. today.

Amendment No. 4

Representative Geren offered the following amendment to **HB 402**:

Amend **HB 402** (house committee report) on page 2, line 24, by striking "four million" and substituting "1.75 million".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Pickett offered the following amendment to **HB 402**:

Amend **HB 402** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 382.209, Health and Safety Code, is amended by adding Subsections (k), (l), and (m) to read as follows:

(k) The commissioners court of a participating county may adopt a resolution to end the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program in the county. The commissioners court shall submit the resolution to the commission and to the county tax assessor-collector. The resolution must include a date on which a fee may not be imposed under Section 382.202 or 382.302 for the purposes of the county's low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program on vehicles being inspected or registered in the county. The date must be:

(1) the first day of a month; and

(2) at least 30 days after the date the resolution is submitted to the commission.

(l) On receipt of a resolution under Subsection (k), the commission shall notify, in writing, the Texas Department of Motor Vehicles, the Department of Public Safety, and the Legislative Budget Board that a fee may not be imposed under Section 382.202 or 382.302 for the purposes of the county's low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program on vehicles being inspected or registered in the county after the date established under Subsection (k).

(m) To the extent practicable, the commission shall distribute to the county money collected in the county before the date established under Subsection (k) from a fee authorized under Section 382.202 or 382.302 for the purposes of the county's low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program. The county may use money distributed to the county under this subsection for remaining expenses of the program or for any other purpose.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Reynolds offered the following amendment to **HB 402**:

Amend **HB 402** (house committee printing) as follows:

(1) On page 3, line 16, between "county" and the underlined period, insert ", except that the county must use at least 50 percent of the money made available to the county for the county's program under Section 382.209".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 382.220, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) A participating county that receives money made available under Section 382.202 or 382.302 must use at least 50 percent of the money for the county's program under Section 382.209.

Representative Huberty moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Leach offered the following amendment to **HB 402**:

Amend **HB 402** on page 1, line 2, by striking "2.2 million" and substituting "900,000".

Amendment No. 8

Representatives Howard, E. Rodriguez, and Israel offered the following amendment to Amendment No. 7:

Amend the Leach amendment to **HB 402** (on page 1, line 2) by striking "900,000" and substituting "420,000".

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

HB 402, as amended, was passed to engrossment.

FIVE-DAY POSTING RULE SUSPENDED

Representative Springer moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 2359**, **HB 2825**, **HB 4110**, and **HB 4117** at 8 a.m. tomorrow in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider pending business.

Government Transparency and Operation, upon adjournment today, 3W.9, for a formal meeting, to consider pending business.

Pensions, upon adjournment today, Desk 9, for a formal meeting, to consider pending business.

Elections, upon adjournment today, Desk 30, for a formal meeting, to consider pending business.

Environmental Regulation, upon adjournment today, Desk 15, for a formal meeting, to consider pending bills.

Special Purpose Districts, upon adjournment today, Desk 98, for a formal meeting, to consider pending business.

Corrections, 8 a.m. tomorrow, 1W.14, for a formal meeting, to consider pending business.

County Affairs, 8 a.m. tomorrow, E2.026, for a public hearing, to consider **HB 2359, HB 2825, HB 4110, and HB 4117.**

PARLIAMENTARY INQUIRY

REPRESENTATIVE BLANCO: Mr. Speaker, last Thursday, this body adopted floor rules pertaining to **SB 1** and its debate on the floor tomorrow. The rules that were adopted stated: one, that all original amendments that will be offered during the second reading consideration of **SB 1** must be filed with the chief clerk by 10 a.m. on Monday, April 3, and two, the give and take rules requiring amendments to take from somewhere to fund something else. Is that correct, Mr. Speaker?

SPEAKER STRAUS: As for the timing, yes.

BLANCO: Were amendments time-stamped when they were received by the clerk's office?

SPEAKER: They were time-stamped. Mr. Blanco, some of the people who were in line at 10 a.m., their timestamp will reflect 10:04 by the time they got in and the stamp was applied.

BLANCO: Mr. Speaker, will the chair recognize for consideration tomorrow any amendments that violate the give or take rule or that were time-stamped after 10 a.m. this past Monday, April 3, 2017?

SPEAKER: Amendments time-stamped after 10:05 will be considered untimely.

REPRESENTATIVE CAIN: Could the speaker tell us why 10:05 is the cutoff line?

SPEAKER: Mr. Cain, we were accommodating members who were in the chamber before 10 a.m.

CAIN: How can we be sure that they were in the chamber before 10:05?

SPEAKER: Mr. Cain, the chief clerk and the parliamentarian's entire office was here.

CAIN: What is the purpose of setting a prefilings rule at 10 a.m. if we're going to later change it to 10:05?

SPEAKER: Mr. Cain, the rule was complied with.

CAIN: Will the speaker be sustaining points of order on things that are time-stamped at 10:06 a.m.?

SPEAKER: Mr. Cain, typically, we would ask the body if they would be open to taking up those amendments and if not they would be subject to point of order.

CAIN: Does the chair not agree that a timestamp of 10:01 a.m. is *prima facie* evidence that a document was filed after 10 a.m.?

SPEAKER: The chair does not agree.

CAIN: Would the chair please explain why he does not agree?

SPEAKER: Mr. Cain, the process works very much like voting. If you were in line and in the chamber at that time, the amendment was time-stamped.

CAIN: Are we not a body of laws? A body of rules?

SPEAKER: Please restate your question.

CAIN: Is this not a body of rules and laws?

SPEAKER: Mr. Cain, we are a body that follows the rules.

CAIN: Do you believe that if we do not follow those laws, that they are not laws at all?

SPEAKER: Mr. Cain, this is not a proper parliamentary inquiry, thank you.

REPRESENTATIVE STICKLAND: Mr. Speaker, I'm trying to understand. We specifically voted on 10 a.m. and now are you telling us that it's 10:05? Did we not suspend the rules for 10 a.m.?

SPEAKER: We did—

STICKLAND: Did we suspend the rules for 10:05?

SPEAKER: We did not suspend the rules at all.

STICKLAND: Mr. Speaker, who has decided that we're going to now change what we voted on at 10 a.m. to 10:05?

SPEAKER: Mr. Stickland, we're enforcing the calendar rule as we always have.

STICKLAND: Okay, but Mr. Speaker, we passed a rule for 10 a.m., and now you're changing it to 10:05. And I would like to know who or when that was voted on.

SPEAKER: That is incorrect.

STICKLAND: What is incorrect, Mr. Speaker?

SPEAKER: We are enforcing the calendar rule.

STICKLAND: At 10 a.m.?

SPEAKER: That's correct.

STICKLAND: Mr. Speaker, if there is a bill that has a timestamp of 10:04 a.m., and I call a point of order, will you sustain it?

SPEAKER: The amendment would be timely stamped at 10:04.

STICKLAND: Timely—but who determined or ruled that it's timely?

SPEAKER: The clerk's office and the parliamentarian's staff who was here. They were here to observe who was in the chamber and in line at 10 a.m.

STICKLAND: Do they have any documentation to prove that? Because, Mr. Speaker, it seems that the timestamp is contrary to that.

SPEAKER: Mr. Stickland, the timestamp reflects the time at which the clerk's office was able to process the amendment.

STICKLAND: I understand that. And did we vote that they had to be turned in to the clerk's office before 10 a.m.?

SPEAKER: Yes.

STICKLAND: But now you're changing that?

SPEAKER: No, we're not changing that.

STICKLAND: Can you please explain to the body how you're not changing that?

SPEAKER: Mr. Stickland, we've explained it at least once or twice.

STICKLAND: But Mr. Speaker, no one's voted on this. You're telling me that we're changing the time. We're changing time, Mr. Speaker, and I'm just curious—

SPEAKER: Mr. Stickland, we're following the calendar rule, thank you.

STICKLAND: You're following the calendar rule. When did we vote on the calendar rule to say that the timestamp was 10:05?

SPEAKER: Mr. Stickland, we voted on the calendar rule last week, and we're enforcing it as we have in the past.

STICKLAND: Mr. Speaker, did we not have an amendment that tried—did we not make a motion to try and give the members more time, anticipating that this may be a problem after a long weekend—to change it to 5 p.m.?

SPEAKER: The journal will reflect that that motion was made, yes.

STICKLAND: Mr. Speaker, did the members who may be affected by this change that's coming out of left field, did they not have the opportunity to change it to 5 p.m. timestamp on a vote and declined to do so?

SPEAKER: Mr. Stickland, there was no change on the time.

STICKLAND: There was no change on the time because it stayed at 10 a.m., correct?

SPEAKER: That's right.

STICKLAND: Does the calendar rule that we suspended not apply to the timestamp? It only matters if you were in this room? Is that how you interpret it?

SPEAKER: If the members or their people were in line at 10 a.m.—in the chamber, in line—they were processed.

STICKLAND: Mr. Speaker, did those who apparently observed this being in line, did they take a picture that has anything or a timestamp? Or are we just supposed to take their word on it?

SPEAKER: The chair is not advised about photography.

STICKLAND: Mr. Speaker, why did you determine that it was at 10:05 and not 10:06?

SPEAKER: The chair did not make that determination.

STICKLAND: Who did?

SPEAKER: The house officers made the determination based on who was here and who could be processed at 10 a.m.

STICKLAND: Mr. Speaker, who are the house officers that you speak of? And from which district were they elected?

SPEAKER: The chief clerk and the parliamentarian.

STICKLAND: Mr. Speaker, I'm very upset that the rules and the vote that we took apparently don't matter. Can we object to your ruling?

SPEAKER: Mr. Stickland, it's not a ruling.

STICKLAND: What is it, sir?

SPEAKER: Mr. Stickland, it's an answer to a parliamentary inquiry.

STICKLAND: Who determined that those who entered the room go up until 10:05 a.m.?

SPEAKER: Mr. Stickland, as we have said repeatedly, it was the chief clerk and the parliamentarian's office.

STICKLAND: What standing do those folks have on this floor and this body when it comes to the House Rules? Are they allowed to vote on the House Rules, Mr. Speaker?

SPEAKER: Their job is to dutifully enforce the House Rules.

STICKLAND: Unless it's a timestamp, Mr. Speaker? And then it's up to their own determination?

SPEAKER: The timestamp reflects when the chief clerk processed the amendments.

STICKLAND: I'm sorry, could you repeat that?

SPEAKER: The chief clerk's timestamp reflects the time that the amendments were processed.

STICKLAND: But you're asking them not to enforce that, correct? Which you just stated is their duty?

SPEAKER: Would you please repeat your question?

STICKLAND: Mr. Speaker, you stated that it's the officers' duty to enforce the rules and the procedures of the house, and I'm asking is there an exemption for holding them to the timestamp?

SPEAKER: Mr. Stickland, if you have a point of order you'd like to raise tomorrow, you may raise it tomorrow.

STICKLAND: What does the timestamp in the clerk's office—why do we even have it?

SPEAKER: Thank you, Mr. Stickland. That's not a parliamentary inquiry.

STICKLAND: What is the purpose of a timestamp on a bill from the clerk's office, and what does it mean?

SPEAKER: That's still not a proper parliamentary inquiry.

STICKLAND: How is it not, sir?

SPEAKER: Because it doesn't relate to the rules or the process of the body.

STICKLAND: The timestamp is not involved in the rules, Mr. Speaker? And the way in which the clerk's office operates is not dictated by the rules, Mr. Speaker?

SPEAKER: It's a method for processing the amendments.

REPRESENTATIVE MURPHY: Mr. Speaker, I just want to try to catch up in this conversation we're having. I'm not sure it's a parliamentary inquiry; it's a little bit misleading. Mr. Speaker, my understanding of the way the rule was practiced was members who were in the chamber at 10 a.m. were allowed to file their amendments. Those that came in after 10 a.m. were not allowed to file their amendments. Mr. Speaker, am I correct in that understanding?

SPEAKER: Members who came in after 10 a.m. were allowed to file their amendments, but they were untimely. And those will be time-stamped after 10:05 or after.

MURPHY: Mr. Speaker, aren't we following the rules very much as we do for voting—that people who were in line to vote at 7 p.m., even it takes you two hours to get through that line, you were timely in line so you will get to vote?

SPEAKER: It's similar, yes.

MURPHY: Same principle. And Mr. Speaker, didn't we have 400 amendments filed?

SPEAKER: Four hundred and two.

MURPHY: To be exact—and thank you, Mr. Speaker—402. And I, for one, who's worked with both our parliamentarian and our clerk for a number of sessions, want to assert their professionalism, their character, and their ability to follow the rules that we impose.

CAIN: Is the speaker familiar with election law?

SPEAKER: Not particularly, no.

CAIN: Well, Mr. Speaker, you actually just answered a question about people waiting in line at polls and said he was correct.

SPEAKER: It was similar.

CAIN: Are you aware that when polls are closing that a poll watcher goes out and stands at the end of the line in order to mark who was in line at that time?

SPEAKER: Yes, we're familiar.

CAIN: Is the speaker aware of the locations in the House Rules whereby a timestamp is supposed to be placed on a document at the time it is filed?

SPEAKER: I believe we have some rules that relate to that, Mr. Cain.

CAIN: Would the speaker allow me to direct the speaker's attention to the location of those rules?

SPEAKER: That's not a proper parliamentary inquiry.

CAIN: After I'm finished, may I come down and give you the location of those rules?

SPEAKER: Mr. Cain, you're always welcome to come down and visit.

CAIN: Do you believe that it's fair to this body of members that came down earlier than 10 a.m. and had their stuff time-stamped before 10 a.m. to allow others—

SPEAKER: Mr. Cain, that's not a parliamentary inquiry.

REMARKS ORDERED PRINTED

Representative Blanco moved to print all parliamentary inquiries.

The motion prevailed.

ADJOURNMENT

Representatives Guerra and Cospers moved that the house adjourn until 9 a.m. tomorrow in memory of Roel "Roy" Martinez of McAllen and Albert Pedro Gonzales of Bell County.

The motion prevailed.

The house accordingly, at 12:07 p.m., adjourned until 9 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

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

HB 2200 (By Hinojosa), Relating to the medical use of marihuana; providing a defense to prosecution for possession of marihuana.

To Criminal Jurisprudence.

HB 2343 (By Workman, C. Anderson, and Villalba), Relating to prerequisites to asserting certain claims arising from certain construction defects.

To Business and Industry.

HB 2952 (By Deshotel), Relating to the powers and duties of the Sabine-Neches Navigation District of Jefferson County.

To Natural Resources.

HB 4042 (By Paddie), Relating to the sale by certain alcoholic beverage permit holders of alcoholic beverages at auction.

To Licensing and Administrative Procedures.

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, April 5, 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 19 Seliger

Relating to performance-based tuition limitations for and a temporary limitation on the amount of tuition and fees charged by certain public institutions of higher education.

SB 42 Zaffirini

Relating to the security of courts and judges in the state; establishing a fee.

SB 301 Watson

Relating to the operations and functions of the Employees Retirement System of Texas and the sunset review date for, financial management of, and programs administered by the agency.

SB 302 Watson

Relating to the continuation and functions of the state bar.

SB 303 Watson

Relating to the continuation and functions of the Board of Law Examiners.

SB 440 Rodríguez

Relating to the use by certain municipalities of hotel occupancy tax revenue to improve or expand certain airports.

SB 452 Hancock

Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

SB 570 Rodríguez

Relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.

SB 573 Estes

Relating to the disposition of proceeds from the sale of freshwater fishing stamps issued by the Parks and Wildlife Department.

SB 576 Huffman

Relating to a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education; creating a criminal offense; authorizing administrative penalties.

SB 613 Whitmire

Relating to services provided by the Health and Human Services Commission to sexually violent offenders who are incompetent to attend sex offender treatment.

SB 706 Birdwell

Relating to the abolishment of the State Council on Competitive Government and the transfer of its functions to the comptroller.

SB 799 Rodríguez

Relating to the authority of certain counties to impose a hotel occupancy tax.

SB 823 Burton

Relating to the powers and compensation of criminal law magistrates in Tarrant County.

SB 1305 Nichols

Relating to the grant program using money from the transportation infrastructure fund.

SB 1575 Perry

Relating to the prosecution of the offenses of assault and harassment by persons committed to certain facilities; increasing a criminal penalty.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 4

Agriculture and Livestock - **HB 572**

Corrections - **HB 618, HB 1426**

Criminal Jurisprudence - **HB 491, HB 591, HB 669, HB 1218, HB 1686**

General Investigating and Ethics - **HB 1379, HB 1381, HB 1384**

Higher Education - **HB 836, HB 846**

Human Services - **HB 249, HB 2335**

Juvenile Justice and Family Issues - **HB 1216**

Natural Resources - **HB 965, HB 1083, HB 1862, HB 2005**

Transportation - **HB 1140, HB 1223, HB 1355, HB 1570**

RECOMMENDATIONS FILED WITH THE SPEAKER

April 4 - HB 2740

