

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY — MONDAY, APRIL 10, 2017

The house met at 2:03 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 214).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; 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, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Anderson, C.; Keough; King, P.; Miller; Thompson, E.

Absent — Dukes.

The speaker recognized Representative Craddick who introduced Mark Dettman, chaplain, Midland Police Department, Midland, who offered the invocation as follows:

Our heavenly Father, we thank you for this day and for all that you have granted us. We thank you for the freedoms we enjoy in this nation and in this great state. Father, we thank you for the men and women who give of their time and talents to serve the people of Texas and keep our state safe and prosperous.

Father, this day, may we remember the goodness expected of each of us, for indeed the fruit of the spirit is love, joy, peace, patience, kindness, generosity, faithfulness, gentleness, and self-control. May we always be courteous with one another, may we always be understanding of our brothers and sisters, and should

we be offended, may we always be quick to forgive, remembering that you daily forgive each one of us for our own faults. And in everything that we do, may we always do so with the spirit of love.

Father, bless the men and women in this body. Grant them wisdom in their legislative duties, provide them with courage to do what is right, and give them peace each night with the decisions they have made. And may you bless each and every person in this Capitol. May you bless the men and women who serve in our military, and may you bless the members of our law enforcement who protect us daily. Watch over each of them and their families. We love you, and we thank you, Father, and we pray these things in the name of your blessed son. Amen.

The speaker recognized Representative Turner 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 illness:

Keough on motion of Metcalf.

P. King on motion of Metcalf.

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

C. Anderson on motion of Sheffield.

Miller on motion of Sheffield.

E. Thompson on motion of Sheffield.

(Simmons in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 2:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 2:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

LEAVE OF ABSENCE GRANTED

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

Kacal on motion of K. King.

CAPITOL PHYSICIAN

The chair recognized Representative Lucio who presented Dr. Javier "Jake" Margo Jr. of Rio Grande City as the "Doctor for the Day."

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

(Miller now present)

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

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. 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.)

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 1195 (by Farrar, Alonzo, et al.), Recognizing April 10, 2017, as Blue Ribbon Lobby Day at the State Capitol.

HR 1253 (by Gutierrez), Commemorating the Project Hero and UnitedHealthcare Texas Challenge bicycle ride from April 2 to April 8, 2017.

HR 1360 (by Thierry), Recognizing April 10, 2017, as Blue Ribbon Lobby Day at the State Capitol.

HR 1361 (by Thierry), Recognizing the Texas Coalition of Black Democrats.

HR 1365 (by Lucio), Congratulating Frutoso Gomez on his retirement as chief appraiser for the Cameron Appraisal District.

The resolutions were adopted.

On motion of Representative Lucio, the names of all the members of the house were added to the resolutions as signers thereof, with the understanding that a member may remove his or her name from any resolution.

(E. Thompson now present)

HR 228 - INTRODUCTION OF GUESTS

The chair recognized Representative Shine who introduced LaGay Pittenger, nominee for Texas Elementary Teacher of the Year by the Texas Association of School Administrators, members of her family, and representatives of the Belton Independent School District.

(Cyrier in the chair)

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative S. Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, April 13.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 2:30 p.m. or upon adjournment today, 1W.14, for a formal meeting, to set a calendar.

HR 1361 - INTRODUCTION OF GUESTS

The chair recognized Representative Reynolds who introduced representatives of the Texas Coalition of Black Democrats.

**HR 848 - PREVIOUSLY ADOPTED
(by T. King)**

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

HR 848, In memory of Dr. Rosemarie Rivera Garza of Uvalde.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced family members of Dr. Rosemarie Rivera Garza.

HR 778 - NAMES ADDED

On motion of Representatives Leach and Flynn, the names of all the members of the house were added to **HR 778** as signers thereof.

HR 777 - INTRODUCTION OF GUESTS

The chair recognized Representative Fallon who introduced BethAnn Telford, 2017 World Marathon Challenge finisher, members of her family, and friends.

FIVE-DAY POSTING RULE SUSPENDED

Representative Darby moved to suspend the five-day posting rule to allow the Select Committee on State and Federal Power and Responsibility to consider **SJR 38** at 8 a.m. Thursday, April 13 in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on State and Federal Power and Responsibility, 8 a.m. Thursday, April 13, E2.036, for a public hearing, to consider **SJR 38** and the previously posted agenda.

(C. Anderson now present)

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, House List No. 10).

(Speaker in the chair)

ADDRESS BY REPRESENTATIVE FRULLO

The chair recognized Representative Frullo who addressed the house, speaking as follows:

It's with a heavy heart that I want to announce, I know some of you have heard, that coach Spike Dykes passed away earlier today. I just want to keep him in your thoughts and prayers and also would like to hear from a former athlete that he had.

Representative Darby addressed the house, speaking as follows:

Members, Spike Dykes was one of those people in your life that you always remember. He was my position coach at San Angelo Central High School when I was a sophomore. I attended my first pep rally, and he came walking by. I was really excited and said, "Spike, isn't this fun? I'm having so much fun." And he said, "Darby, come see me in my office after the pep rally." So I did. I went into his office. He closed the door, and he said, "You called me Spike." And I said, "Yes, sir, and I meant no disrespect." He said, "I know you didn't, but I'm always Coach Dykes to you, so bend over and take three licks." And I did that.

For the rest of his life, he and I've been friends. We played a lot of rounds of golf together. Every time I would call him Coach Dykes, he said "Well, Drew, why don't you just call me Spike?" I said, "No, I learned a long time ago, you are always Coach Dykes." We are going to miss Coach Dykes. He was a wonderful man, a wonderful mentor to lots of young men in our state, and I'd like to have this house adjourn in his memory when we adjourn today.

REMARKS ORDERED PRINTED

Representative Frullo moved to print remarks by Representative Darby and Representative Frullo.

The motion prevailed.

(Morrison in the chair)

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 295, HB 1288, HB 1409, HB 2309, HB 2685, HB 2762, HB 2841, HB 3504, HB 3639, HB 3844, HB 4024, HB 4104, and HB 4114** at 10:30 a.m. or upon final adjournment/recess Thursday, April 13 in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 10:30 a.m. or upon final adjournment/recess Thursday, April 13, E2.026, for a public hearing, to consider **HB 295**, **HB 1288**, **HB 1409**, **HB 2309**, **HB 2685**, **HB 2762**, **HB 2841**, **HB 3504**, **HB 3639**, **HB 3844**, **HB 4024**, **HB 4104**, and **HB 4114**.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 3:16 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 4308 (By Faircloth), Relating to the Gulf Coast Waste Disposal Authority and expanding the territory and powers of the authority; authorizing fees and the issuance of bonds.

To Special Purpose Districts.

HB 4309 (By Isaac), Relating to the creation of the Driftwood Municipal Utility District No. 1; 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 4310 (By Isaac), Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 1; providing authority to impose an assessment.

To Special Purpose Districts.

HB 4311 (By Isaac), Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 2; providing authority to impose an assessment.

To Special Purpose Districts.

HB 4312 (By Isaac), Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 3; providing authority to impose an assessment.

To Special Purpose Districts.

HB 4313 (By Isaac), Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment.

To Special Purpose Districts.

HB 4314 (By Isaac), Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 5; providing authority to impose an assessment.

To Special Purpose Districts.

HB 4315 (By Deshotel), Relating to the creation of the Beaumont Municipal Management District No. 1; providing authority to issue bonds and impose assessments, fees, or taxes.

To Special Purpose Districts.

SB 11 to Human Services.

SB 12 to Homeland Security and Public Safety.

SB 21 to Select State and Federal Power and Responsibility.

SCR 43 to Rules and Resolutions.

SCR 44 to Rules and Resolutions.

SCR 45 to Rules and Resolutions.

SJR 2 to Select State and Federal Power and Responsibility.

SJR 38 to Select State and Federal Power and Responsibility.

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

HB 2345 (By Workman), Relating to the performance and appeal of utilization review by and under the direction of physicians.

To Insurance.

HB 2938 (By Reynolds), Relating to the Sienna Plantation Levee Improvement District of Fort Bend County, Texas.

To Special Purpose Districts.

HB 3272 (By Wray), Relating to the suspension, revocation, or cancellation of a driver's license or personal identification certificate and to certain conduct constituting contempt of court that may result in the suspension or denial of a driver's license.

To Homeland Security and Public Safety.

HB 3324 (By E. Rodriguez and Capriglione), Relating to the establishment of a grocery access investment fund program.

To Urban Affairs.

HB 3478 (By Hinojosa), Relating to the issuance of and the requirements for obtaining certain driver's licenses or identification certificates; authorizing a fee.

To Homeland Security and Public Safety.

HB 3867 (By Smithee), Relating to unconscionable prices charged by certain health care facilities for medical care.

To Judiciary and Civil Jurisprudence.

SIGNED BY THE SPEAKER

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

House List No. 10

HCR 95

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 6

Business and Industry - **HB 317, HB 451, HB 522, HB 923, HB 1859, HB 1909**

Culture, Recreation, and Tourism - **HB 550, HB 1260, HB 2417, HCR 32**

Environmental Regulation - **HB 2386, HB 3090**

General Investigating and Ethics - **HB 505, HB 1090, HB 1377**

Government Transparency and Operation - **HB 563, HB 1118, HB 1898, HB 2305, HB 3107**

Investments and Financial Services - **HB 2648, HB 2928, HB 2964, HJR 37**

Judiciary and Civil Jurisprudence - **HB 478, HB 487, HB 1761**

Juvenile Justice and Family Issues - **HB 122**

Public Health - **HB 1486, HB 3451**

State Affairs - **HB 29**

Ways and Means - **HB 513, HB 518, HB 755, HB 1370**

April 7

Criminal Jurisprudence - **HB 913**

Defense and Veterans' Affairs - **HB 1117, HB 1221, HB 1641, HB 1802, HB 1934, HB 2308**

Higher Education - **HB 655, HB 1198**

Homeland Security and Public Safety - **HB 56, HB 106, HB 421**

Insurance - **HB 2437**

Judiciary and Civil Jurisprudence - **HB 240**

Public Education - **HB 21, HB 657, HB 789**

State Affairs - **HB 89**

Urban Affairs - **HB 714**

ENGROSSED

April 6 - HB 284, HB 402, HB 678, HB 890, HB 1021, HB 1227, HB 1697, HB 1729, HB 1829, HB 2379

April 7 - HB 2

