

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — WEDNESDAY, APRIL 12, 2017

The house met at 10:01 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 221).

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; Deshotel; Dukes; 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; 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 — Keough.

Absent — Oliveira.

The speaker recognized Representative Gonzales who introduced Robert Koke, senior pastor, Shoreline Church, Austin, who offered the invocation as follows:

Heavenly Father, I come before you in the precious name of Jesus. This week, we celebrate the greatest event in all of human history: your sacrificial death on the cross and your miraculous and triumphant resurrection. The cross is a forever reminder of your love for the human race, and the resurrection is a forever reminder of your unlimited power. You are all-loving and all-powerful. I pray that we who are gathered here today will be led and inspired by your sacrificial love and encouraged by your unlimited power.

Guide the activities of this house for the betterment of our great State of Texas. Let us be unified around the purposes of doing what is good and just and noble. We pray your blessing on this land that we love, and we ask for the full measure of your prosperity. Bring protection to all of our citizens and special care to those who are most vulnerable.

There are great challenges facing our country, our state, our cities, and neighborhoods. We would be foolish to try to self-navigate through these difficulties using only our own limited capacity, so we call on you. Guide us with your wisdom and empower us with your strength for your glory and our good. In Jesus' name. Amen.

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:15 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10:15 a.m. today, 3W.15, for a formal meeting, to set a calendar.

(Kacal 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).

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 1314 (by Simmons), Recognizing April 12, 2017, as Autism Awareness Day at the State Capitol.

HR 1351 (by Zerwas), Commending Dr. James W. Kennedy for his service to the dental profession.

HR 1373 (by Burkett), Recognizing April 11 and 12, 2017, as Leadership Mesquite Days at the State Capitol.

HR 1382 (by Nevárez), Recognizing April 12, 2017, as Val Verde County Day at the State Capitol.

HR 1388 (by Craddick), Congratulating Russell Meyers on his receipt of the MS Hope Award from the National Multiple Sclerosis Society.

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.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

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

The motion prevailed.

HR 1382 - INTRODUCTION OF GUESTS

The chair recognized Representative Nevárez who introduced a delegation from Val Verde County.

(Cyrier in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Israel who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

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 final recess.

HR 918 - INTRODUCTION OF GUESTS

The chair recognized Representative Howard who introduced representatives of Boy Scout Troop No. 410.

BILLS RECOMMITTED

Representative Kuempel moved to recommit **HB 47**, **HB 133**, **HB 1555**, **HB 1698**, **HB 2019**, **HB 2097**, and **HB 2113** from the Committee on Calendars to the Committee on Licensing and Administrative Procedures.

The motion prevailed.

Representative Kuempel moved to recommit **HB 442**, **HB 1247**, **HB 2275**, and **HB 2953** from the Committee on Local and Consent Calendars to the Committee on Licensing and Administrative Procedures.

The motion prevailed.

HR 1351 - INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced Dr. James W. Kennedy and members of his family and friends.

(Speaker in the chair)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 280 ON THIRD READING (by Howard, Klick, Coleman, K. King, et al.)

HB 280, A bill to be entitled An Act relating to a grant program for reducing workplace violence against nurses.

HB 280 was passed by (Record 222): 110 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Canales; Clardy; Coleman; Collier; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Klick; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zerwas.

Nays — Bell; Burrows; Button; Cain; Capriglione; Cook; Cyrier; Dean; Faircloth; Fallon; Flynn; Hefner; Holland; King, P.; Krause; Landgraf; Lang; Leach; Metcalf; Murr; Paul; Phillips; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Smithee; Springer; Stickland; Swanson; Tinderholt; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira; Shine.

STATEMENTS OF VOTE

When Record No. 222 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 222 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 222 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 222 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 222 was taken, my vote failed to register. I would have voted yes.

Shine

HB 322 ON THIRD READING

(by Canales, Miller, Wilson, Shine, Blanco, et al.)

HB 322, A bill to be entitled An Act relating to the automatic expunction of arrest records and files for certain veterans and the waiver of fees and costs charged for the expunction.

HB 322 was passed by (Record 223): 146 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENT OF VOTE

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 257 ON THIRD READING

(by Hernandez, Flynn, Blanco, Bernal, J. Rodriguez, et al.)

HB 257, A bill to be entitled An Act relating to a report by the Texas Workforce Commission regarding the transition from military service to employment.

HB 257 was passed by (Record 224): 130 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; 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; 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, T.; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; 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.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Biedermann; Cain; Fallon; Frank; King, P.; Klick; Krause; Lang; Laubenberg; Leach; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENTS OF VOTE

When Record No. 224 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 224 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 224 was taken, I was shown voting yes. I intended to vote no.

Shaheen

HB 2007 ON THIRD READING
(by Cosper, Oliverson, Cortez, Blanco, Fallon, et al.)

HB 2007, A bill to be entitled An Act relating to the licensing and regulation of certain military dentists and dental hygienists who provide voluntary charity dental or dental hygiene care.

HB 2007 was passed by (Record 225): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; 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, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanfor; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Bohac; Dukes; Lucio; Oliveira.

STATEMENTS OF VOTE

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

HB 1862 ON THIRD READING**(by Lucio)**

HB 1862, A bill to be entitled An Act relating to the designation of certain river or stream segments as being of unique ecological value.

HB 1862 was passed by (Record 226): 91 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Burkett; Burns; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cospers; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Farrar; Frank; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Ortega; Paddie; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Stephenson; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu.

Nays — Anderson, C.; Anderson, R.; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Button; Cain; Clardy; Craddick; Cyrier; Dale; Darby; Faircloth; Fallon; Flynn; Frullo; Geren; Goldman; Hefner; Holland; Huberty; King, P.; Klick; Krause; Landgraf; Lang; Laubenberg; Leach; Metcalf; Miller; Morrison; Murr; Oliverson; Parker; Paul; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENTS OF VOTE

When Record No. 226 was taken, I was shown voting yes. I intended to vote no.

Burkett

When Record No. 226 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 226 was taken, I was shown voting no. I intended to vote yes.

Holland

When Record No. 226 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 226 was taken, I was shown voting no. I intended to vote yes.

Stucky

HB 281 ON THIRD READING

(by Howard, Guillen, Canales, Alvarado, Stickland, et al.)

HB 281, A bill to be entitled An Act relating to establishing a statewide electronic tracking system for evidence of a sex offense.

HB 281 was passed by (Record 227): 146 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENT OF VOTE

When Record No. 227 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 1178 ON THIRD READING

(by Kuempel, Moody, Zerwas, Sheffield, and Holland)

HB 1178, A bill to be entitled An Act relating to the punishment for burglary and theft of controlled substances.

HB 1178 was passed by (Record 228): 139 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; 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; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Clardy; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira; Rodriguez, J.

STATEMENTS OF VOTE

When Record No. 228 was taken, I was shown voting no. I intended to vote yes.

Clardy

When Record No. 228 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 228 was taken, I was shown voting yes. I intended to vote no.

Israel

When Record No. 228 was taken, my vote failed to register. I would have voted yes.

J. Rodriguez

HB 878 ON THIRD READING (by K. King)

HB 878, A bill to be entitled An Act relating to the extension and modification of a public school district depository contract.

HB 878 was passed by (Record 229): 146 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENT OF VOTE

When Record No. 229 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 2005 ON THIRD READING (by Larson and Fallon)

HB 2005, A bill to be entitled An Act relating to the duty of the Texas Water Development Board to conduct studies of and prepare and submit reports on aquifer storage and recovery.

HB 2005 was passed by (Record 230): 143 Yeas, 3 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; 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; 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; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENT OF VOTE

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 271 ON THIRD READING

(by Miller, Zerwas, Sheffield, Blanco, et al.)

HB 271, A bill to be entitled An Act relating to the establishment of the Veterans Recovery Pilot Program to provide certain veterans with hyperbaric oxygen treatment.

HB 271 was passed by (Record 231): 140 Yeas, 6 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; 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; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; 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.

Nays — Craddick; Lang; Laubenberg; Rinaldi; Schaefer; Shaheen.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Oliveira.

STATEMENTS OF VOTE

When Record No. 231 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 231 was taken, I was shown voting no. I intended to vote yes.

Schaefer

POSTPONED BUSINESS

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

HB 486 ON SECOND READING (by VanDeaver and Howard)

HB 486, A bill to be entitled An Act relating to school district ad valorem tax rates.

HB 486 was read second time on April 11 and was postponed until 10 a.m. today.

HB 486 - POINT OF ORDER

Representative Leach raised a point of order against further consideration of **HB 486** under Rule 8, Section 1 of the House Rules on the grounds that the bill caption is inaccurate.

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

HB 486 has a long legislative pedigree. The first version was introduced as **HB 671** by Representative Ratliff in the 83rd Session and was refiled as **HB 964** by Representative Howard in the 84th Session, each time with the caption "relating to the calculation of the rollback tax rate of a school district." Indeed, that caption, under the rules of each respective legislative session, accurately describes what the bill, which passed out of the house in both previous sessions before dying in the senate finance committee, related to when it was introduced.

Currently, school districts must seek voter approval to raise their maintenance and operations (M&O) tax rate above a certain threshold, up to a maximum allowable rate of \$1.17 per \$100 property valuation. That threshold number, which a school district may not exceed without triggering an election to approve the number, is the "rollback tax rate." The phrase "rollback tax rate" is a misnomer. No Texan is assessed or pays a "rollback tax rate." The legislature uses the phrase to denote a threshold number for calling an election. To say that a "rollback tax rate" is in fact a tax rate that imposes, authorizes, increases, or changes the rate or amount of a tax, assessment, surcharge or fee solely because it contains the word "tax rate" in the wording is equivalent to saying a lightning bug contains actual lightning because that word appears in the name.

The rollback tax rate can vary by district but falls between about \$1.04 and \$1.17. The bill introduced this session by Representative VanDeaver, both in past sessions and in its current incarnation as **HB 486**, would provide for a method of calculating the rollback tax rate using the highest M&O rate approved by voters for the 2007 tax year or later. Representative VanDeaver explained that the bill's purpose is to allow school boards to lower tax rates when financial conditions are favorable without the threat of having to hold a costly election to raise M&O tax rates back to a rate previously approved by voters if financial conditions require it at a future point.

Before the bill left the house floor in the 84th Session, an amendment was added to provide for a study to determine the number of districts that lower their tax rates in one year and raise them the following year. That study was included in the bill as it was filed this session. Perhaps to accommodate the addition of the incidental study, the caption of the bill in the 85th Session was broadened from its previous accurate description to its current caption, "relating to school district ad valorem tax rates."

Representative Leach argues that the bill does something to a tax rate, and as such, the bill's caption should have contained a statement indicating the effect of the bill on the tax. He also asserts that the current caption failed to give fair notice to house members or to the public of what the bill did. Under Rule 8, Section 1(b) of the House Rules, "[a] house bill that would impose, authorize, increase, or change the rate or amount of a tax . . . must include a short statement at the end of its title or caption indicating the general effect of the bill on the tax. . . ." As noted above, the bill does not impose or authorize a tax rate; it merely provides for a method of calculation of the trigger point ("rollback tax rate") for calling certain school district elections. No one argues that the bill will always increase the tax rate, although Representative Leach emphasizes that the fiscal note, a third-party analysis that is outside the house's control, mentions that, as a result of the ability to raise the M&O rate without an election, it is possible for the rate for some districts to increase without the currently required ratification election.

It should also be noted, as explained below, that in reviewing points of order under Rule 8, Section 1(b), the chair looks only to the "four corners" of the bill (and not other extrinsic documents) for a direct expression (within the four corners of the bill) of the imposition, authorization, or change of the rate or amount of a tax, assessment, surcharge, or fee, as well as to bills that have an equivalent purpose, such as a bill whose primary purpose is to repeal a tax or to extend a temporary fee. See 84 H.J. Reg. 1405-1406 (Stickland point of order on **CSHB 4**); 83 H.J. Reg. 1615-1616 (Simpson point of order on **CSHB 63**).

Representative Leach does contend, however, that the bill changes the tax rate because if a school district lowers their M&O rate (which is currently permissible under current law), they would then be able to raise the M&O rate (which is also permissible, if ratified by an election), but would not be required to hold an election to do so. The quandary faced by the chair is whether Rule 8, Section 1(b) requires "a short statement . . . indicating the general effect of the bill on the tax" when the bill might have no effect whatsoever and when the

caption, in its entirety, already states that the bill "relat[es] to school district ad valorem tax rates." See 83 H.J. Reg. 1615-1616 (Simpson point of order on **CSHB 63**).

Even the fiscal note Representative Leach relies on concludes that the "instances in which the proposed new rollback rate calculation procedure would result in a higher school district tax rate cannot be predicted" and the probability of a school board lowering the tax rate based on the flexibility to raise it in the future "cannot be estimated." Each of these possibilities is an item that may (or may not) indirectly affect the payment or application of an existing tax, assessment, surcharge, or fee and are not within the contemplation of the rule. See 84 H.J. Reg. 1405-1406; 83 H.J. Reg. 1615-1616 ("However, the rule does not apply to bills that indirectly affect the payment or application of an existing tax, assessment, surcharge, or fee, such as a bill changing a due date, repealing or otherwise eliminating a program or agency that includes fee or assessment authority, modifying or adopting a tax exemption, or modifying a class of persons or transactions subject to an existing tax or fee.").

While adding a verb to the caption to have it read ". . . affecting (or possibly affecting) school district ad valorem tax rates (in certain circumstances)" or ". . . changing school district ad valorem tax rates," on the basis of some future action not directly required in the four corners of the bill might be more informative and accurate, consistent with rulings in each of the previous sessions, the addition of warnings of hypothetical possibilities is neither required by the letter or the spirit of Rule 8, Section 1(b).

However, in the time spent reviewing the bill, the history of which appears roughly coextensive with that of Rule 8, Section 1(b), the chair has determined that Representative Leach is correct that the bill's current caption does not provide adequate notice that the bill relates to the calculation of the rollback tax rate of a school district and provides for a related study. Although a caption need not detail every element of a bill, it also may not be so broad as to obscure the subject of the bill. See 78 H.J. Reg. 1676 (Burnam point of order on **CSHB 1567**); 74 H.J. Reg. 2186 (Moreno point of order on **HB 2646**). Accordingly, the point of order is sustained under Rule 8, Section 1(a).

HB 486 was returned to the Committee on Ways and Means.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

HB 915 ON SECOND READING

(by E. Thompson, Muñoz, C. Anderson, G. Bonnen, et al.)

HB 915, A bill to be entitled An Act relating to named driver insurance policies and certain related exclusions.

HB 915 was passed to engrossment by (Record 232): 133 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; 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; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; 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; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Cain; Lang; Metcalf; Rinaldi; Schaefer; Shaheen; Stickland; Tinderholt; Villalba; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Dukes; Guillen; Oliveira; Swanson.

STATEMENTS OF VOTE

When Record No. 232 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 232 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 232 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 232 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

HB 13 ON SECOND READING (by Price, Turner, White, Clardy, Moody, et al.)

HB 13, A bill to be entitled An Act relating to the creation of a matching grant program to support community mental health programs for individuals experiencing mental illness.

Amendment No. 1

Representative Price offered the following amendment to **HB 13**:

Amend **HB 13** (house committee printing) on page 4 by striking lines 3-15 and substituting the following:

(h) A nonprofit or governmental entity that applies for a grant under this section must notify each local mental health authority with a local service area that is covered wholly or partly by the entity's proposed community mental health program and must provide in the entity's application a letter of support from each local mental health authority with a local service area that is covered wholly or partly by the entity's proposed community mental health program. The commission and the administrator shall consider a local mental health authority's written input before awarding a grant under this section and may take any recommendations made by the authority.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Price offered the following amendment to **HB 13**:

Amend **HB 13** (house committee printing) as follows:

(1) On page 5, line 11, strike "From money appropriated to the commission" and substitute "Except as provided by Subsection (l), from money appropriated to the commission for each fiscal year".

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

(1) To the extent money appropriated to the commission to implement this section for a fiscal year remains available to the commission after the commission selects grant recipients for the fiscal year, the commission shall make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by Subsection (k).

(3) Reletter subsequent subsections of added Section 531.0999, Government Code, accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Murr offered the following amendment to **HB 13**:

Amend **HB 13** (house committee printing) as follows:

(1) On page 5, line 7, after the semicolon, strike "and".

(2) On page 5, line 10, strike the period and substitute "; and".

(3) On page 5, between lines 10 and 11, insert the following:

(6) equal to the percentage of the grant amount otherwise required by this subsection for the largest county in which a community mental health program is located if the community mental health program is located in more than one county.

Amendment No. 3 was adopted.

HB 13, as amended, was passed to engrossment. (Rinaldi recorded voting no.)

HB 1495 ON SECOND READING
(by S. Thompson)

HB 1495, A bill to be entitled An Act 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.

HB 1495 was passed to engrossment.

(Murr in the chair)

CSHB 66 ON SECOND READING
(by Guillen and Blanco)

CSHB 66, A bill to be entitled An Act relating to determining eligibility for a Texas Armed Services Scholarship and to the appointment by certain elected officials of students to receive that scholarship.

CSHB 66 was passed to engrossment.

CSHB 9 ON SECOND READING
(by Capriglione, Elkins, Blanco, et al.)

CSHB 9, A bill to be entitled An Act relating to cybercrime; creating criminal offenses.

Amendment No. 1

Representative Capriglione offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (house committee printing) as follows:

(1) On page 2, line 21, between "provider" and "acting", insert "or online service provider".

(2) On page 2, line 22, strike "network operation or protection" and substitute "business".

(3) On page 3, strike lines 5 through 14 and substitute the following:
section, "ransomware" means a computer contaminant or lock

(4) On page 3, line 22, strike "knowingly" and substitute "intentionally".

(5) On page 3, lines 24-25, strike "without the effective consent of the owner" and substitute "through deception and without a legitimate business purpose".

(6) On page 3, lines 26-27, strike "knowingly introduces malware or" and substitute "intentionally introduces".

(7) On page 4, line 1, strike "without the effective consent of the owner" and substitute "through deception".

(8) On page 4, line 5, strike "or alter, appropriate, damage, or delete property".

(9) Strike page 5, line 9, through page 6, line 2.

(10) On page 6, line 4, between "person" and "decrypts", insert "intentionally".

(11) On page 6, strike line 5 and substitute "through deception and without a legitimate business purpose."

(12) On page 6, line 8, strike "or alter, appropriate, damage, or delete property."

(13) On page 6, line 24, strike "a contract" and substitute "an agreement".

(14) On page 7, line 9, strike ", 33.022, or 33.023(b)" and substitute "or 33.022".

Amendment No. 1 was adopted.

CSHB 9, as amended, was passed to engrossment.

CSHB 827 ON SECOND READING

(by **Blanco, Minjarez, Cortez, Gutierrez, Miller, et al.**)

CSHB 827, A bill to be entitled An Act relating to a database for prospective employers to qualify veterans' military service experience and employment qualifications.

(Speaker in the chair)

CSHB 827 was passed to engrossment. (Hunter recorded voting no.)

CSHB 3451 ON SECOND READING

(by **Stucky, González, Ashby, Springer, Cyrier, et al.**)

CSHB 3451, A bill to be entitled An Act relating to the study and approval of lethal pesticides for feral hog control.

(Oliveira now present)

Representative Stucky moved to postpone consideration of **CSHB 3451** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 394 ON SECOND READING

(by **Howard, Workman, and Alonzo**)

CSHB 394, A bill to be entitled An Act relating to the designation of the Lady Bird Johnson Wildflower Center at The University of Texas at Austin as the state botanical garden and arboretum.

CSHB 394 was passed to engrossment.

HB 1699 ON SECOND READING

(by **Geren**)

HB 1699, A bill to be entitled An Act relating to the participation by qualified persons in the Department of Public Safety's driver record monitoring pilot program.

HB 1699 was passed to engrossment by (Record 233): 131 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper;

Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; 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; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Biedermann; Blanco; Bonnen, D.; Cain; Gonzales; Lang; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Guillen; King, T.; Sanford.

STATEMENTS OF VOTE

When Record No. 233 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

HB 791 ON SECOND READING (by Lozano)

HB 791, A bill to be entitled An Act relating to allowing certain individuals appointed by the governor to state office to file required financial statements by certified mail.

HB 791 was passed to engrossment.

HB 1559 ON SECOND READING (by Frullo)

HB 1559, A bill to be entitled An Act relating to the provision of surplus lines insurance to certain commercial insureds.

Amendment No. 1

Representative Phelan offered the following amendment to **HB 1559**:

Amend **HB 1559** (house committee printing) on page 1, by striking lines 10-15 and substituting the following:

(1) employs or retains a qualified risk manager to negotiate insurance coverage; and

(2) either:

(A) has paid aggregate nationwide commercial property and casualty insurance premiums of more than \$25,000 in the immediately preceding 12 months; or

(B) employs at least 25 full-time employees.

Amendment No. 1 was adopted.

HB 1559, as amended, was passed to engrossment.

HB 970 ON SECOND READING
(by Cortez)

HB 970, A bill to be entitled An Act relating to the establishment of a state plan for Streptococcus pneumoniae education and prevention.

Amendment No. 1

Representative Cortez offered the following amendment to **HB 970**:

Amend **HB 970** (house committee report) as follows:

(1) On page 2, line 11, strike "and".

(2) On page 2, line 13, strike the underlined period and substitute the following:

; and

(7) a statewide professional association of nurses.

Amendment No. 1 was adopted.

HB 970, as amended, was passed to engrossment by (Record 234): 126 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; Klick; Koop; Kuempel; Lambert; 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; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Bell; Biedermann; Cain; Fallon; Frank; Gooden; Hefner; Krause; Landgraf; Lang; Leach; Phillips; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keough.

Absent — Hunter; King, T.; Sanford.

STATEMENTS OF VOTE

When Record No. 234 was taken, my vote failed to register. I would have voted no.

Hunter

When Record No. 234 was taken, I was in the house but away from my desk. I would have voted no.

Sanford

HB 1731 ON SECOND READING

(by K. King)

HB 1731, A bill to be entitled An Act relating to the inclusion of students receiving treatment in a residential facility in the determination of dropout rates for purposes of public school accountability.

HB 1731 was passed to engrossment.

PARLIAMENTARY INQUIRY

REPRESENTATIVE TINDERHOLT: Sir, Rule 7, Section 17 references a motion to refer. Is that correct, sir?

SPEAKER STRAUS: Yes, it's titled "Motion to Refer."

TINDERHOLT: And Rule 7, Section 19 also references motion to refer, along with and apart from a motion to commit, recommit, and the motion to rerefer. Is that correct also, sir?

SPEAKER: That's correct.

TINDERHOLT: On Monday, the speaker said, "The chair is planning to make all referrals this session." Is it the chair's position that Rule 7, Section 17 and Section 19 do not acknowledge the right of elected individual members to make a motion to refer legislation to committee prior to first reading in the house?

SPEAKER: That's correct. The speaker is planning to make all the referrals.

TINDERHOLT: So you're saying we cannot make those motions?

SPEAKER: It's the intention of the speaker to make all the referrals.

TINDERHOLT: To what is the phrase "motion to refer" in Rule 7 and listed apart from the motions to commit, recommit, and referencing, if it's not referencing a motion that may be brought by an individual member to direct a bill to a standing committee? What is that rule for?

SPEAKER: Mr. Tinderholt, there is a complete discussion of bill referrals in Rule 1.

TINDERHOLT: Rule 1, Section 4, I believe, but there's also another rule that I'll get to. Is it the chair's position, and I want to make it clear, that you will make all referrals to committee and will not allow members to do so?

SPEAKER: We are not going to recognize members to do so. That's correct.

TINDERHOLT: In light of the text rule of Section 17 and Section 19, on what basis does the chair conclude that motions to refer legislation cannot be brought by members?

SPEAKER: The chair has not reached that conclusion.

TINDERHOLT: Texas House Rule 13, Section 2 says, "Senate bills announced as passed shall be read for the first time and referred to the appropriate committee as soon as practicable." If there is a motion or mechanism available to that member, that the member can use to either compel the speaker to act or to make the referral directly—is there a way for us to compel you to do so, or may we do it on our own?

SPEAKER: Mr. Tinderholt, "as soon as practicable" does not impose a hard deadline. We are currently working on bill referrals, Mr. Tinderholt. Just as the senate is working on bill referrals as well.

TINDERHOLT: I talked with them yesterday as well, and they're doing a very good job. Mr. Speaker, is there a time when equally elected members of the body will be afforded the opportunity, according to Rule 7, Section 17 and Section 19—the rules that the entire body voted on—to make routine motions? Because this is a routine motion to refer a bill.

SPEAKER: Mr. Tinderholt, we are not going to recognize the motion to refer.

TINDERHOLT: Is there a time during this session that you will allow us to do so?

SPEAKER: The speaker has every intention of referring all the bills.

TINDERHOLT: Mr. Speaker, Rule 7, Section 17 and Section 19 are very clear, and they say that we are afforded the opportunity to do referrals in the absence of a referral. So I'm asking you, why are we not following Rule 7 that the body voted on together as a group?

SPEAKER: Mr. Tinderholt, we are following the rules, and pursuant to the rules, the speaker will be making all referrals.

TINDERHOLT: Mr. Speaker, I respectfully disagree with that. I feel like the referrals of these bills seems to be somewhat dictatorship in fashion in the way that the members, according to the rules, in the absence of a bill being referred to committee, the rules are very clear and say that we can and are afforded that opportunity. So when will I be able to do a routine motion, sir, to refer a bill that has not been referred? When will that happen?

SPEAKER: Mr. Tinderholt, the chair has answered your question. I'm sorry you feel that way. Thank you for the questions.

(White in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Transparency and Operation, upon recess today, Desk 18, for a formal meeting, to consider pending business.

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

Business and Industry, upon recess today, Desk 71, for a formal meeting, to consider pending business.

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

Environmental Regulation, upon recess today, 1W.14, for a formal meeting, to consider pending bills.

Public Education, upon recess today, 3W.9, for a formal meeting, to consider pending business.

House Administration, upon recess today, 3W.9, for a formal meeting, to consider pending business.

REMARKS ORDERED PRINTED

Representative Biedermann moved to print remarks between Representative Tinderholt and the speaker.

The motion prevailed.

(Deshotel in the chair)

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

Representative Turner moved that the house recess until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 12:17 p.m., recessed 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 4317 (By Bailes), Relating to the creation of River Ranch Improvement District of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Special Purpose Districts.

HB 4318 (By Bailes), Relating to the creation of the River Ranch Municipal Utility District of Liberty County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Special Purpose Districts.

HB 4319 (By Bell), Relating to the creation of the Montgomery County Municipal Utility District No. 159; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

SB 5 to Elections.

SB 27 to Public Health.

SB 73 to General Investigating and Ethics.

SB 74 to Public Health.

SB 301 to Pensions.

SB 302 to Judiciary and Civil Jurisprudence.

SB 303 to Judiciary and Civil Jurisprudence.

SB 304 to Public Health.

SB 312 to Transportation.

SB 680 to Insurance.

SB 763 to Culture, Recreation, and Tourism.

SB 969 to Higher Education.

SB 1172 to Agriculture and Livestock.

SB 1305 to Energy Resources.

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 12, 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 111 Shine SPONSOR: Buckingham
Commemorating the 75th anniversary of Fort Hood.

HCR 114 Hefner SPONSOR: Hughes
Congratulating Pastor Robbie Keith Caldwell on his 50 years in the ministry.

HCR 115 Dean SPONSOR: Hughes
Commemorating the 100th anniversary of Boy Scout Troop No. 201 in Longview.

SB 75 Nelson
Relating to the requirement for parental consent for a minor to join a labor union.

SB 313 Schwertner
Relating to the continuation and functions of the State Board of Dental Examiners; imposing fees.

SB 409 Huffines
Relating to the jurisdiction of county and justice courts in civil matters.

SB 612 Birdwell
Relating to complaints filed with and certain other filings submitted to the Texas Ethics Commission.

SB 822 Estes
Relating to the transfer of certain property from The University of Texas System to the Parks and Wildlife Department.

SB 970 Watson
Relating to a sexual assault policy at public and private institutions of higher education.

SB 988 Zaffirini
Relating to the participation of a county judge in a meeting of a commissioners court conducted by videoconference call.

SB 1383 Perry
Relating to the operation of vehicles transporting fluid milk; authorizing a fee.

SB 1634 Taylor, Larry
Relating to a reduction in required days of service for educators in public schools under certain circumstances.

SB 1987 Lucio
Relating to the notice requirements for bills proposing the creation of or annexation of land to certain special purpose districts.

SCR 49 Hughes
In memory of the life of Robert Russell Barnett.

SCR 50 Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 12, 2017, and ending on Tuesday, April 18, 2017.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 11

County Affairs - **HB 555, HB 594, HB 640, HB 1107, HB 2040, HB 2504, HB 2995**

General Investigating and Ethics - **HB 578**

Government Transparency and Operation - **HB 2328, HB 3027**

Insurance - **HB 849**

SENT TO THE GOVERNOR

April 11 - HCR 95

RECOMMENDATIONS FILED WITH THE SPEAKER

April 11 - HB 2681, HB 2687, HB 2744, HB 2748, HB 2851, HB 2881, HB 2912, HB 2936, HB 2952, HB 2987

