

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWELFTH DAY — TUESDAY, FEBRUARY 14, 2023

The house met at 2:19 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 30).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

The invocation was offered by the Reverend Jakob N. Hurlimann, chaplain, as follows:

Merciful Father, we thank you for the countless blessings that you have given to us already on this day, those we recognize and those we may never know. May the reminders we have of this day of the love we bear for one another, the love we receive from one another, bring us to have compassion for those who have no such persons in their lives to show them concern. Incline our hearts to you, to hear your voice at all times, and to be a reflection of your charity to those whom we serve. This I ask through Christ our Lord. Amen.

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

CAPITOL PHYSICIAN

The chair presented Dr. Paraag Kumar of Austin as the "Doctor for the Day."

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 3).

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).

PARLIAMENTARY INQUIRY

REPRESENTATIVE C.J. HARRIS: Mr. Speaker, is it accurate to say that until we start having calendars on the floor, the only items of business that will come before the house are resolutions, suspensions, and recognitions?

SPEAKER PHELAN: Mr. Harris, that is generally accurate. Yes, sir.

C.J. HARRIS: I'd like to ask a couple of questions regarding the memo from Chairman Metcalf and the parliamentarians that discusses the procedures for these items of business. The first question is, was Chairman Metcalf's memo related to the provision in the housekeeping resolution prohibiting the use of public resources for political purposes?

SPEAKER: I do not believe so, Mr. Harris, but you would have to visit with Mr. Metcalf or the parliamentarians.

C.J. HARRIS: Mr. Speaker, then was the memo related to house rules that require members to confine their remarks to the purpose for which they were recognized?

SPEAKER: That is how I read the memo, Mr. Harris, but you would have to confer with Mr. Metcalf or the parliamentarians.

C.J. HARRIS: Mr. Speaker, what is the vote requirement to suspend the rules to take up a resolution?

SPEAKER: Two-thirds of those members present.

C.J. HARRIS: What is the vote requirement to recognize guests?

SPEAKER: Mr. Harris, I don't understand that question. There is no threshold for recognizing guests because there is no rule prohibiting the recognition of guests.

REMARKS ORDERED PRINTED

Representative Cain moved to print remarks between the chair and Representative C.J. Harris.

The motion prevailed.

SCR 18 - ADOPTED
(Goldman - House Sponsor)

The following resolution was laid before the house:

SCR 18, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 15, 2023, and ending on Tuesday, February 21, 2023.

SCR 18 was adopted by (Record 31): 146 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Toth; Troclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Slaton; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen.

STATEMENT OF VOTE

When Record No. 31 was taken, I was shown voting yes. I intended to vote present, not voting.

DeAyala

HR 82 - ADOPTED
(by Lozano)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 82**.

The motion prevailed.

The following resolution was laid before the house:

HR 82, Granting permission for the use of the chamber of the Texas House of Representatives by Skills USA on February 20, 2023.

HR 82 was adopted by (Record 32): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchiá; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen; Lopez, R.

HR 116 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed.

The following resolution was laid before the house:

HR 116, Commemorating the bicentennial of the Texas Rangers.

HR 116 was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 116** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Geren who introduced representatives of the Texas Rangers.

HR 217 - ADOPTED
(by Patterson)

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **HR 217**.

The motion prevailed.

The following resolution was laid before the house:

HR 217, Congratulating Averie Bishop of The Colony on her selection as Miss Texas 2022.

HR 217 was adopted.

On motion of Representative Leach, the names of all the members of the house were added to **HR 217** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Patterson who introduced Miss Texas Averie Bishop.

HR 88 - ADOPTED
(by Metcalf, C. Bell, Toth, and Bailes)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 88**.

The motion prevailed.

The following resolution was laid before the house:

HR 88, Recognizing February 14, 2023, as Montgomery County Day at the State Capitol.

HR 88 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Metcalf who introduced a delegation from Montgomery County.

HR 119 - ADOPTED
(by Lozano)

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 119**.

The motion prevailed.

The following resolution was laid before the house:

HR 119, Recognizing February 14, 2023, as Jim Wells County Day at the State Capitol.

HR 119 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Lozano who introduced a delegation from Jim Wells County.

HR 161 - ADOPTED
(by C.J. Harris)

Representative C.J. Harris moved to suspend all necessary rules to take up and consider at this time **HR 161**.

The motion prevailed.

The following resolution was laid before the house:

HR 161, Recognizing February 14, 2023, as Jacksonville Leadership Day at the State Capitol.

HR 161 was adopted.

On motion of Representative Clardy, the names of all the members of the house were added to **HR 161** as signers thereof.

HR 212 - ADOPTED
(by K. Bell)

Representative K. Bell moved to suspend all necessary rules to take up and consider at this time **HR 212**.

The motion prevailed.

The following resolution was laid before the house:

HR 212, Recognizing February 14, 2023, as Cedar Creek Lake Day at the State Capitol.

HR 212 was adopted.

(C.J. Harris in the chair)

HR 172 - ADOPTED
(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed.

The following resolution was laid before the house:

HR 172, Congratulating Ambassador Esteban Moctezuma Barragán on being named the 2023 Señor Internacional by LULAC Council No. 12 in Laredo.

HR 172 was adopted.

HR 173 - ADOPTED
(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 173**.

The motion prevailed.

The following resolution was laid before the house:

HR 173, Congratulating Dr. Maria-Elena Giner on being named the 2023 Señora Internacional by LULAC Council No. 12 in Laredo.

(Speaker in the chair)

HR 173 was adopted.

**HR 135 - ADOPTED
(by Leo-Wilson)**

Representative Leo-Wilson moved to suspend all necessary rules to take up and consider at this time **HR 135**.

The motion prevailed.

The following resolution was laid before the house:

HR 135, Commemorating the dedication of a water tower in the San Leon Municipal Utility District in honor of the late Joseph Lynn Manchaca.

HR 135 was adopted.

**HR 151 - ADOPTED
(by Leo-Wilson)**

Representative Leo-Wilson moved to suspend all necessary rules to take up and consider at this time **HR 151**.

The motion prevailed.

The following resolution was laid before the house:

HR 151, Commemorating the 150th anniversary of the Bolivar Point Lighthouse.

HR 151 was adopted.

ADJOURNMENT

Representatives Lambert and Leo-Wilson moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Robert D. "Bob" Hunter of Abilene and Andrew Wesley Jefferies of Galveston.

The motion prevailed.

The house accordingly, at 3:03 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

**PERMANENT OFFICERS OF THE HOUSE
OATH OF OFFICE ADMINISTERED**

Pursuant to Section 301.006, Government Code, Parliamentarian Sharon Carter, a notary public, administered the constitutional oath of office to the following appointed officer of the House of Representatives of the Eighty-Eighth Legislature of the State of Texas:

February 10 - Assistant Chaplain the Reverend Fernando Ricaud

SIGNED BY THE SPEAKER

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

Senate List No. 3**SCR 14****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, February 14, 2023

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:**SCR 18**

Whitmire

SPONSOR: Goldman

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 15, 2023, and ending on Tuesday, February 21, 2023.

Respectfully,

Patsy Spaw

Secretary of the Senate