

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTIETH DAY — TUESDAY, MARCH 28, 2023

The house met at 10:23 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 58).

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; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; 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; 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.

Absent, Excused — Dean; Gervin-Hawkins; Schaefer.

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

Father of mercies, you know the hearts of us all. Grant a spirit of repentance, true contrition for our sins, and a desire to follow you more closely this day, filled with the hope of your promise of eternal life for those who walk in your ways. In a particular way we ask you to watch over those who have traveled to be present for Catholic Advocacy Day, especially the students. May their witness and prayers for these legislators and the work they do bear fruit in the enactment of laws in accordance with your divine plan. We ask this in the name of your son, Jesus Christ. Amen.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today and the remainder of the week because of illness:

Dean on motion of Shine.

The following members were granted leaves of absence for today because of important business in the district:

Gervin-Hawkins on motion of Morales Shaw.

Schaefer on motion of Metcalf.

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).

CAPITOL PHYSICIAN

The chair presented Dr. Olubunmi Ojelade of Rowlett as the "Doctor for the Day."

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

COMMITTEE MEETING ANNOUNCEMENT

At 10:28 a.m., the following committee meeting was announced:

Defense and Veterans' Affairs, upon adjournment today, Desk 36, for a formal meeting, to consider pending and referred business.

HR 685 - ADOPTED **(by Tinderholt)**

Representative Tinderholt moved to suspend all necessary rules to take up and consider at this time **HR 685**.

The motion prevailed.

The following resolution was laid before the house:

HR 685, Congratulating the Texas Rangers on their 51st anniversary in Arlington.

HR 685 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Tinderholt who introduced representatives of the Texas Rangers baseball team.

HR 544 - ADOPTED **(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 544**.

The motion prevailed.

The following resolution was laid before the house:

HR 544, Recognizing March 28, 2023, as Aransas County Day at the State Capitol.

HR 544 was adopted.

HR 722 - ADOPTED
(by Anderson)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 722**.

The motion prevailed.

The following resolution was laid before the house:

HR 722, Recognizing March 28, 2023, as Waco Day at the State Capitol.

HR 722 was adopted.

HR 686 - ADOPTED
(by Jetton)

Representative Jetton moved to suspend all necessary rules to take up and consider at this time **HR 686**.

The motion prevailed.

The following resolution was laid before the house:

HR 686, Honoring the members of the eighth-grade class of St. Laurence Catholic School in Sugar Land on the occasion of their visit to the State Capitol.

HR 686 was adopted.

HR 623 - ADOPTED
(by Moody)

Representative Moody moved to suspend all necessary rules to take up and consider at this time **HR 623**.

The motion prevailed.

The following resolution was laid before the house:

HR 623, Recognizing April 2, 2023, as Education and Sharing Day in honor of Rabbi Menachem Schneerson.

HR 623 was adopted.

On motion of Representative Oliverson, the names of all the members of the house were added to **HR 623** as signers thereof.

HR 593 - ADOPTED
(by Howard)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 593**.

The motion prevailed.

The following resolution was laid before the house:

HR 593, Recognizing September 23, 2023, as Fourth Trimester Care Day.

HR 593 was adopted.

HR 667 - ADOPTED
(by Thierry)

Representative Thierry moved to suspend all necessary rules to take up and consider at this time **HR 667**.

The motion prevailed.

The following resolution was laid before the house:

HR 667, Commending Bobbie Cohen for her service to the Greater Houston Section of the National Council of Jewish Women.

HR 667 was adopted.

HR 806 - ADOPTED
(by Talarico)

Representative Talarico moved to suspend all necessary rules to take up and consider at this time **HR 806**.

The motion prevailed.

The following resolution was laid before the house:

HR 806, Commemorating Library Day in the State of Texas.

HR 806 was adopted.

HB 5330 - PERMISSION TO INTRODUCE

Representative Reynolds requested permission to introduce and have placed on first reading a house bill relating to the service area of the Houston Community College System District.

Permission to introduce was granted by (Record 59): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bungarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; 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.; 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; 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, Excused — Dean; Gervin-Hawkins; Schaefer.

Absent — King, T.

HB 5331 - PERMISSION TO INTRODUCE

Representative Murr requested permission to introduce and have placed on first reading a house bill relating to authorizing certain cities to change the date on which their general election for officers is held.

Permission to introduce was granted by (Record 60): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; 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.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; 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, Excused — Dean; Gervin-Hawkins; Schaefer.

Absent — Dorazio; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted yes.

Dorazio

When Record No. 60 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 446 ON SECOND READING
(by Craddick, Rose, Leach, Frank, Davis, et al.)**

HB 446, A bill to be entitled An Act relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies.

Amendment No. 1

Representative Craddick offered the following amendment to **HB 446**:

Amend **HB 446** (house committee report) as follows:

- (1) On page 4, line 20, strike "a severe" and substitute "an".
- (2) On page 5, line 16, strike "a severe" and substitute "an".
- (3) On page 6, line 3, strike "a severe" and substitute "an".
- (4) On page 6, line 18, strike "a severe" and substitute "an".
- (5) On page 6, line 20, strike "severe".
- (6) On page 7, line 1, strike "a severe" and substitute "an".
- (7) On page 8, line 3, strike "a severe" and substitute "an".

Amendment No. 1 was adopted.

HB 446, as amended, was passed to engrossment.

**HB 300 ON SECOND READING
(by Howard, Button, Neave Criado, Thierry, Leach, et al.)**

HB 300, A bill to be entitled An Act relating to an exemption from sales and use taxes for certain family care items.

HB 300 was passed to engrossment.

**HB 590 ON SECOND READING
(by Bailes, Lambert, Kuempel, Cain, S. Thompson, et al.)**

HB 590, A bill to be entitled An Act relating to the labeling and sale of Texas honey.

Amendment No. 1

Representatives C. Bell, Harrison, and Leo-Wilson offered the following amendment to **HB 590**:

Amend **HB 590** (house committee printing) on page 1, line 9, by striking "exclusively" and substituting "predominantly".

A record vote was requested by Representative Harrison.

Amendment No. 1 failed of adoption by (Record 61): 30 Yeas, 108 Nays, 2 Present, not voting.

Yeas — Bell, C.; Bucy; Cain; Canales; Collier; Dorazio; Flores; Gates; González, J.; Harrison; Isaac; Jones, J.; Lalani; Leo-Wilson; Lopez, J.; Lujan; Manuel; Metcalf; Morales Shaw; Plesa; Schatzline; Schofield; Sherman; Slaton; Swanson; Tepper; Tinderholt; Toth; Troxclair; Vasut.

Nays — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Longoria; Lopez, R.; Lozano; Martinez; Martinez Fischer; Meyer; Morales, E.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Dean; Gervin-Hawkins; Schaefer.

Absent — DeAyala; Goldman; González, M.; Jetton; Meza; Moody; Morales, C.

STATEMENTS OF VOTE

When Record No. 61 was taken, I was in the house but away from my desk. I would have voted no.

DeAyala

When Record No. 61 was taken, I was in the house but away from my desk. I would have voted no.

Jetton

When Record No. 61 was taken, I was shown voting yes. I intended to vote no.

Lalani

When Record No. 61 was taken, I was shown voting yes. I intended to vote no.

Plesa

HB 590 was passed to engrossment.

HB 608 ON SECOND READING (by Shaheen)

HB 608, A bill to be entitled An Act relating to the sale of fireworks before and during the Diwali holiday.

HB 608 was passed to engrossment.

ADJOURNMENT

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

The motion prevailed.

The house accordingly, at 11:33 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, March 28, 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:

SB 24 Kolkhorst
Relating to the powers and duties of the Health and Human Services Commission and the transfer to the commission of certain powers and duties from the Department of Family and Protective Services.

SB 240 Campbell
Relating to workplace violence prevention in certain health facilities.

SB 380 Zaffirini
Relating to payment of certain court costs associated with interpreters.

SB 384 Kolkhorst
Relating to the sale, design, and manufacture of clear aligners.

SB 736 Whitmire
Relating to mandatory arbitration for certain municipal fire departments and employee bargaining agents.

SB 825 Bettencourt
Relating to the deadline for submitting certain recount petitions.

SCR 32 Hinojosa

Recognizing Lone Star National Bank on the occasion of its 40th anniversary.

SJR 35

Birdwell

Proposing a constitutional amendment clarifying that a voter must be a United States citizen.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 27

Agriculture and Livestock - **HB 162**

Appropriations - **SB 30**

Criminal Jurisprudence - **HB 409, HB 842, HB 1300**

Culture, Recreation, and Tourism - **HB 1333, HB 1693**

Defense and Veterans' Affairs - **HB 659, HB 1315, HB 1773, HB 2248**

Health Care Reform, Select - **HB 12, HB 617, HB 1599**

Higher Education - **HB 8, HB 1114, HB 1590**

Human Services - **HB 336, HB 637**

Judiciary and Civil Jurisprudence - **HB 272, HB 609**

Youth Health and Safety, Select - **HB 473, HB 1157, HB 1358**

SENT TO THE GOVERNOR

March 27 - HCR 56, HCR 57, HCR 58, HCR 59, HCR 70

SIGNED BY THE GOVERNOR

March 27 - HCR 14, HCR 15, HCR 16, HCR 17, HCR 18, HCR 19, HCR 21, HCR 23, HCR 25, HCR 35, HCR 66, HCR 67, HCR 68

