

# HOUSE JOURNAL

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EIGHTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

SECOND DAY — THURSDAY, OCTOBER 12, 2023

The house met at 10:19 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 3).

Present — Mr. Speaker(C); Allen; Allison; Anchía; 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; 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.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Garcia.

The invocation was offered by the Very Reverend Daniel Liu, chaplain, as follows:

Let us take a moment of silence to ask for a peaceful and lasting resolution to the conflict and violence that has escalated in the Middle East.

Dear God, we come to you with hearts of thankfulness this new day, for the blessings of our life from you that we so easily take for granted: for each ray of sunlight that provides life and warmth to the earth; for each drop of rain that nourishes the ground; for each breath of air that we are able to take this day; for each beat of our heart that pushes the lifeblood through our veins; for each word that we are able to speak today; and for each soul that is in this room who is given life by you. May we not take this day or each other for granted, and may we do this day's work with a spirit of hope and cooperation. We humbly ask this of you who are God forever and ever. Amen.

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

### **LEAVE OF ABSENCE GRANTED**

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

Garcia on motion of Campos.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Metcalf and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(Garcia now present)

### **HR 22 - ADOPTED**

**(by A. Johnson)**

Representative A. Johnson moved to suspend all necessary rules to take up and consider at this time **HR 22**.

The motion prevailed.

The following resolution was laid before the house:

**HR 22**, Recognizing October 12, 2023, as Rice Day.

**HR 22** was adopted.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Smith moved that the house grant permission for all committees and subcommittees to meet while the house is in session, through and including Monday, October 16, pursuant to their committee postings.

Permission to meet was granted.

### **PARLIAMENTARY INQUIRY**

SPEAKER PHELAN: Mr. Tinderholt, for what purpose?

REPRESENTATIVE TINDERHOLT: Mr. Speaker, parliamentary inquiry.

SPEAKER: Mr. Tinderholt, before I entertain your parliamentary inquiry, I would like to read into the record for inclusion in the journal a statement to remind the body of the House Rules governing parliamentary inquiries. I find the Congressional Precedent cited on page 12 of the House Rules Manual for the 88th Legislature to be most helpful in providing guidance on this topic.

The precedent from the Congressional Record for March 21, 2010, reads as follows:

"Recognition for parliamentary inquiries is a matter committed to the discretion of the Chair. In exercising that discretion, the Chair endeavors to apply ordinary jurisprudential principles. A parliamentary inquiry should relate in some practical sense to the pending proceedings. It should not seek an advisory opinion. The

Chair declines to respond to hypothetical questions, to questions not yet presented, and to requests to place pending proceedings in historical context.

"Members should not expect to engage the Chair in argument. A Member seeking to make a point on the merits of an issue—whether it is one of policy or one of process—may do so by engaging in debate. But a Member should not expect to have the presiding officer affirm or validate such a point."

I will continue to follow this precedent in fulfilling my duty to enforce the rules adopted by this House, and I ask the Members to do the same in preparing your parliamentary inquiries. Mr. Tinderholt, if you have a parliamentary inquiry that complies with this precedent, I will entertain your inquiry at this time.

TINDERHOLT: Mr. Speaker, basically what you're saying is that historical precedent doesn't matter at this point? Because I've been here 10 years and we could do parliamentary inquiries on potentially pending things that we would like to do.

SPEAKER: Mr. Tinderholt, that is not a proper parliamentary inquiry. You have been repeatedly advised that your parliamentary inquiries are not proper and you have been repeatedly advised of the requirements under our rules and precedents. In light of your long history of refusing to comply with those requirements, the Chair has no choice but to interpret your persistent violation of the rules as both willful and dilatory. Accordingly, before entertaining any further parliamentary inquiries from you this session, you will have to come down front and visit with the Chair or the parliamentarians to ensure that your proposed inquiries do not violate the rules and that the rules adopted by this body are respected. At this time, the Chair declines to entertain further inquiries from you, Mr. Tinderholt.

### **PROVIDING FOR ADJOURNMENT**

At 10:28 a.m., Representative Metcalf moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages, the house adjourn until 3 p.m. Monday, October 16.

The motion prevailed.

### **Friday, October 13**

(Hull in the chair)

The chair called the house to order at 11:05 a.m. Friday, October 13.

### **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 - October 13).

### **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 - October 13.)

#### **HOUSE AT EASE**

At 11:06 a.m. Friday, October 13, the chair announced that the house would stand at ease.

(Buckley in the chair)

The chair called the house to order at 3:13 p.m. Friday, October 13.

### **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. 2 - October 13.)

#### **HOUSE AT EASE**

At 3:14 p.m. Friday, October 13, the chair announced that the house would stand at ease.

#### **Monday, October 16**

(Metcalf in the chair)

The chair called the house to order at 2:29 p.m. Monday, October 16.

#### **ADJOURNMENT**

In accordance with a previous motion, the house, at 2:30 p.m. Monday, October 16, adjourned until 3 p.m. today.

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### **ADDENDUM**

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#### **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 - October 13**

**SB 1** to Select Educational Opportunity and Enrichment.

**SB 4** to State Affairs.

**SB 7** to State Affairs.

**SB 11** to State Affairs.

**List No. 2 - October 13**

**HB 6** (By Jetton), Relating to making an appropriation for the construction, operation, and maintenance of border barrier infrastructure.

To Appropriations.

**HB 7** (By Leach), Relating to prohibiting a private employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

To State Affairs.

**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

Friday, October 13, 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 1** Creighton

Relating to the establishment of an education savings account program.

**SB 2** Creighton

Relating to a local optional teacher designation system implemented by a school district, a security officer employed by a school district, the basic allotment and guaranteed yield under the public school finance system, and certain allotments under the Foundation School Program; making an appropriation.

**SB 4** Flores

Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

**SB 7** Middleton

Relating to prohibiting a private employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

**SB 11** Birdwell

Relating to the creation of the criminal offense of improper entry from a foreign nation.

Respectfully,

Patsy Spaw

Secretary of the Senate

