

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTEENTH DAY — WEDNESDAY, FEBRUARY 15, 2023

The house met at 10:14 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 33).

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 Fernando Ricaud, chaplain, as follows:

O Lord, we praise you and we thank you for this day, for being our God, and for the trust that you have put in us—in having us as your representatives here as the representatives of your people. We ask that you make us worthy of the trust that you have placed in us. You who live and reign forever and ever. Amen.

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

CAPITOL PHYSICIAN

The chair presented Dr. John Manning of Troy as the "Doctor for the Day."

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

HR 143 - ADOPTED
(by Clardy)

Representative Clardy moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed.

The following resolution was laid before the house:

HR 143, Commemorating the 100th anniversary of Stephen F. Austin State University.

HR 143 was adopted.

On motion of Representative Cook, the names of all the members of the house were added to **HR 143** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Clardy who introduced representatives of Stephen F. Austin State University.

HR 206 - ADOPTED
(by Raney)

Representative Raney moved to suspend all necessary rules to take up and consider at this time **HR 206**.

The motion prevailed.

The following resolution was laid before the house:

HR 206, Recognizing February 15, 2023, as Orange and Maroon Legislative Day at the State Capitol.

HR 206 was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 206** as signers thereof.

HR 175 - ADOPTED
(by Moody, M. González, Ortega, Ordaz, and E. Morales)

Representative Moody moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed.

The following resolution was laid before the house:

HR 175, Recognizing February 14 through 16, 2023, as El Paso Days at the State Capitol.

HR 175 was adopted.

On motion of Representative Ortega, the names of all the members of the house were added to **HR 175** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Moody who introduced a delegation from El Paso.

HR 194 - ADOPTED **(by Bailes)**

Representative Bailes moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

HR 194, Recognizing February 13, 2023, as Hardin County Day at the State Capitol.

HR 194 was adopted.

HR 195 - ADOPTED **(by Bailes)**

Representative Bailes moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed.

The following resolution was laid before the house:

HR 195, Recognizing February 16, 2023, as San Jacinto County Day at the State Capitol.

HR 195 was adopted.

HR 95 - ADOPTED **(by Davis)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 95**.

The motion prevailed.

The following resolution was laid before the house:

HR 95, Recognizing February 15, 2023, as Best Southwest Partnership Day at the State Capitol.

HR 95 was adopted.

On motion of Representative Sherman, the names of all the members of the house were added to **HR 95** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Davis who introduced members of Best Southwest Partnership and Leadership Southwest.

HR 162 - ADOPTED
(by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 162**.

The motion prevailed.

The following resolution was laid before the house:

HR 162, Recognizing February 15, 2023, as Baytown Day at the State Capitol.

HR 162 was adopted.

HR 170 - ADOPTED
(by Leo-Wilson and Cain)

Representative Leo-Wilson moved to suspend all necessary rules to take up and consider at this time **HR 170**.

The motion prevailed.

The following resolution was laid before the house:

HR 170, Commemorating the 75th anniversary of the incorporation of Baytown.

HR 170 was adopted.

HR 110 - ADOPTED
(by Hernandez, Perez, C. Morales, and J. Jones)

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HR 110**.

The motion prevailed.

The following resolution was laid before the house:

HR 110, Recognizing February 15, 2023, as Houston East End Chamber of Commerce East End Day at the State Capitol.

HR 110 was adopted.

HR 94 - ADOPTED
(by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 94**.

The motion prevailed.

The following resolution was laid before the house:

HR 94, Recognizing February 15, 2023, as Glioblastoma Awareness Day in memory of Jose Angel Martinez.

HR 94 was adopted.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 94** as signers thereof.

HR 176 - ADOPTED
(by Meza)

Representative Meza moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed.

The following resolution was laid before the house:

HR 176, Commemorating the 75th anniversary of the establishment of diplomatic relations between the United States and Nepal.

HR 176 was adopted.

On motion of Representative Bhojani, the names of all the members of the house were added to **HR 176** as signers thereof.

HR 226 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 226**.

The motion prevailed.

The following resolution was laid before the house:

HR 226, Recognizing February 15, 2023, as Rita L. Littlefield Kidney Day at the State Capitol.

HR 226 was adopted.

HR 9 - ADOPTED
(by Shine)

Representative Shine moved to suspend all necessary rules to take up and consider at this time **HR 9**.

The motion prevailed.

The following resolution was laid before the house:

HR 9, Congratulating Dr. Bobby Ott of Temple ISD for being named the 2022 Superintendent of the Year by the Texas Association of School Boards.

HR 9 was adopted.

On motion of Representative Buckley, the names of all the members of the house were added to **HR 9** as signers thereof.

HR 236 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 236**.

The motion prevailed.

The following resolution was laid before the house:

HR 236, Commending Dr. Francis H. Wright Jr. for his service as the presiding officer of the Chronic Kidney Disease Task Force.

HR 236 was adopted.

ADJOURNMENT

Representative Raney moved that the house adjourn until 2 p.m. Tuesday, February 21 in memory of the Honorable Bill Presnal of Bryan.

The motion prevailed.

The house accordingly, at 11:05 a.m., adjourned until 2 p.m. Tuesday, February 21.

ADDENDUM

February 14 - Pursuant to Rule 4, Section 13, of the House Rules, the following rules and procedures were adopted by the Committee on House Administration and were submitted for inclusion in the journal:

COMMITTEE ON HOUSE ADMINISTRATION COMMITTEE RULES

Governing Accreditation of Media Representatives Under House Rule 5, Section 20

Rule 1. **PURPOSE.** Pursuant to House Rule 4, Section 13(a), the Committee on House Administration adopts these rules to implement House Rule 5, Section 20, and all relevant House policies adopted by the committee related to the accreditation of media representatives.

Rule 2. **EXECUTIVE AGENT.** The Executive Director of the House Business Office is designated as the committee's executive agent for the processing and approval of applications by individuals for accreditation as media representatives. The executive director may delegate a responsibility to any House Business Office employee as needed to ensure efficiency.

Rule 3. **REVIEW OF APPLICATIONS FOR ACCREDITATION; APPROVAL OR REFUSAL.** (a) Based on the application, accompanying materials, and any facts of which a court could take judicial notice under the Texas Rules of Evidence, the executive director shall determine whether the applicant meets the requirements for accreditation under House Rule 5, Section 20, and shall approve or refuse the application.

(b) The executive director shall complete the review of each application not later than the 10th business day after the date the application is received.

(c) If the application is approved, the executive director shall issue the pass card to the applicant, under House Rule 5, Section 20(d).

(d) The executive director may refuse an application if the complete record does not:

(1) contain enough information for the executive director to make a determination; or

(2) support a determination that the applicant is qualified for accreditation under this section.

(e) If the executive director refuses an application under Subsection (d)(1), the executive director may request the applicant to provide additional information to enable the making of a determination. The applicant must provide the additional information requested by the executive director not later than the 5th business day after the date of the request for additional information. If the applicant does not provide the additional information as required under this subsection, the executive director's refusal operates as the committee's refusal, is final, and is not subject to further review.

(f) If the executive director refuses an application under Subsection (d)(2), the executive director shall issue a written notice to the applicant stating the reasons for refusal. The applicant may file a complaint to appeal the refusal and request a public hearing before the committee on the complaint.

Rule 4. REPORTS TO COMMITTEE. During each regular and special session, the executive director shall submit a report weekly to the members of the committee showing the applications that were:

(1) approved;

(2) refused because of insufficient information;

(3) refused because the applicant did not meet the requirements for accreditation; and

(4) refused by operation of rule.

Rule 5. FILING A COMPLAINT. (a) An individual entitled to file a complaint under House Rule 5, Section 20(g), must file the complaint with the committee clerk.

(b) A complaint must be filed in writing and either signed under oath or subscribed by the complainant making the declaration as true under penalty of perjury, and in substantially the form prescribed by Chapter 132, Civil Practice and Remedies Code. A complaint may be filed by mail, electronic communication, fax, or by hand delivery to the committee clerk.

(c) The complaint must state:

(1) the name of the aggrieved individual or House member submitting the complaint, best contact telephone number and e-mail, and, for an aggrieved individual, the name of the aggrieved individual's employing news organization and the name of the aggrieved individual's supervisor, if any; and

(2) in plain and concise language, all facts upon which the complaint is based and that are necessary to support the complainant's request for committee action.

(d) An allegation in a complaint that is evidentiary or a legal conclusion is not grounds for dismissal if fair notice to the committee is given by the allegations as a whole.

(e) A complaint shall be filed and perfected not later than the 10th business day after the date:

(1) the executive director refuses an application; or

(2) the House member discovers or should have discovered facts supporting the allegation that a media representative:

(A) does not meet the requirements for accreditation; or

(B) has abused the privileges accorded under House Rule 5, Section 20 or 20A.

(f) A complaint may be withdrawn by an aggrieved individual or a House member at any time. A withdrawn complaint may be refiled before the expiration of the period specified under Subsection (e).

(g) Before the expiration of the period specified under Subsection (e), a complaint may be amended by the aggrieved individual or House member to cure technical defects or omissions or to clarify and amplify allegations made.

(h) Upon the request of the aggrieved individual or House member, the chair shall advise the aggrieved individual or House member, as appropriate, of the status of a complaint.

Rule 6. INVESTIGATION OF A COMPLAINT. (a) The chair, in consultation with the members of the committee, shall determine the nature and scope of the investigation within the context of the allegations set forth in a complaint filed under House Rule 5, Section 20(g).

(b) At all reasonable times during the investigation of a complaint, the chair and designated committee employees shall have access to:

(1) necessary witnesses for examination under oath or affirmation; and

(2) records, documents, and other information, for inspection and copying, that are relevant to the investigation.

(c) The chair may use any form of discovery authorized under Chapter 2001, Government Code, to obtain information needed for an investigation.

(d) After all relevant evidence has been received, the chair shall direct the preparation of the investigative report on the complaint, which must:

(1) state facts related to the issues raised by the aggrieved individual or House member that are supported by the information obtained during the investigation sufficient to sustain any conclusions, but should not state any conclusions; and

(2) include an appendix of all evidence supporting the facts contained in the report.

(e) The chair shall direct the delivery of the report to the committee members promptly upon completion.

Rule 7. REPRESENTATION. The aggrieved individual or subject of a complaint may be represented by an individual licensed to practice law in this state or another designated agent.

Rule 8. SUBPOENAS; DISCOVERY. (a) The committee may issue subpoenas as authorized under House Rule 4, Section 21. Neither the aggrieved individual nor the subject of a complaint shall have the right to demand that a subpoena be issued.

(b) A person served with a subpoena issued by the committee who does not intend to comply may petition the chair in writing to revoke or modify the subpoena not later than the fifth business day after the date the person receives the subpoena. A petition shall identify separately each portion of the subpoena

with which the petitioner does not intend to comply and for each portion, shall state the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition. The committee shall review the petition and make a final determination on whether to revoke or modify the subpoena. The chair shall provide, by electronic communication, a copy of the final determination on the petition to the petitioner.

(c) If a person fails to comply with a subpoena, the committee may take all necessary steps for enforcement of the subpoena under Subchapter B, Chapter 301, Government Code.

(d) Discovery by an aggrieved individual or subject of a complaint is not permitted, except as ordered by the committee. The committee shall provide an aggrieved individual with the record relied upon by the executive director in approving or refusing an application.

Rule 9. DISMISSAL OF COMPLAINT BEFORE REASONABLE CAUSE DETERMINATION. (a) The committee may dismiss a complaint if the complaint:

(1) is not filed timely; or

(2) fails to state sufficient facts to support or otherwise give fair notice of the complaint under House Rule 5, Section 20.

(b) Before dismissing a complaint under Subsection (a)(2) that was filed by an aggrieved individual, the aggrieved individual shall be notified and given a reasonable time to respond.

Rule 10. DUE PROCESS HEARING. (a) The chair, in consultation with the members of the committee, shall set the time and place for a public hearing on a complaint not later than the 10th business day after the date on which the complaint is received. The chair shall issue a notice of hearing to the aggrieved individual or subject of a complaint that must include a statement of the time and place of the hearing.

(b) The hearing shall be conducted in the same manner as a contested case hearing under Chapter 2001, Government Code, and is confidential to the extent provided under House Rule 4, Section 12; Title 3, Government Code; and other law.

Rule 11. ACTION AFTER DUE PROCESS HEARING. (a) After a due process hearing, the committee shall determine if the allegations contained in the complaint are valid. The committee shall prepare a final written determination that includes findings of fact and conclusions of law supporting the determination and authorizing an action required to be taken under House Rule 5, Section 20(h).

(b) If the committee is unable to agree on a final determination or has an insufficient number of votes to adopt a final determination, the committee chair shall submit a statement of this fact to the House.

(c) The committee shall deliver a copy of its final determination to the aggrieved individual or, for a complaint filed by a House member, to the House member and subject of the complaint, and, if the house is convened in a regular or special session, to the Journal Clerk for printing in the Journal.

(d) The committee's determination under this section is final and not subject to further review.

Rule 12. DISPUTE RESOLUTION: INFORMAL CONFERENCE, MEDIATION, CONCILIATION. (a) The committee encourages the resolution of complaints at all times in the complaint process by either informal or formal methods of dispute resolution such as informal conference, mediation, or conciliation.

(b) The chair may invite an aggrieved individual or subject of a complaint to attempt to resolve a complaint through dispute resolution methods. An aggrieved individual or subject of a complaint may also request dispute resolution to resolve the complaint during this period.

Rule 13. ELECTION OF REMEDIES. A person who has initiated an action in a court of competent jurisdiction or who has an action pending before an administrative agency under other law based on an act that would be a violation of law or the House Rules related to accreditation of media representatives may not file a complaint under these rules for the same subject matter.