

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — FIRST CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SEVENTH DAY

(Continued)

(Friday, August 4, 2017)

AFTER RECESS

The Senate met at 10:38 a.m. and was called to order by the President.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, August 4, 2017 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 32** Bonnen, Dennis

Relating to the administration of the ad valorem tax system; authorizing fees.

**HB 74** Cospér

Relating to the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of ad valorem tax relief to disabled veterans.

**HJR 38** Capriglione

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in the Texas Bullion Depository.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 98** by Lucio, In memory of Lucia Saldaña Palacios.

**SR 100** by Lucio, In memory of the life of Elva Longoria Cortez.

**Congratulatory Resolutions**

**SR 96** by West, Recognizing David Leininger on the occasion of his retirement.

**SR 97** by West, Recognizing Pat Currie on the occasion of his retirement.

**SR 99** by Lucio, Recognizing Albert Treviño for his achievements.

**RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:39 a.m. agreed to recess, pending the receipt of messages and committee reports and the introduction of bills and resolutions on first reading, until 3:00 p.m. Monday, August 7, 2017.

**(Monday, August 7, 2017)**

**AFTER RECESS**

The Senate met at 3:13 p.m. and was called to order by the President.

**SENATOR ANNOUNCED PRESENT**

Senator Lucio, who had previously been recorded as "Absent-excused," was announced "Present."

Dr. Griff Martin, First Baptist Church, Austin, offered the invocation as follows:

God, Creator, Father, Mother, Holy Trinity, Power, in this room there are so many different names we have for You, but hopefully there is one experience and attribute we all share related to You, and that is love, that we all know You through Your central character, which is love. God is love, and we as God followers will be known by our love. So, may our politics in this place be love, imitate love, mimic love, serve love, which means that they will strive for justice instead of power, for equality, not division; for common good, not political favor; for unity, not division; for sacrifice, not self; and for love and not fear. Because that is love: justice, equality, common good, unity, sacrifice. May we be people who are known as God followers because we are people who embody love. This is how Your kingdom comes about. This is our calling. May it be so. Amen and Amen.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, August 7, 2017 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 25** Davis, Sarah

Relating to reimbursement rates for Medicaid acute care therapy services; making an appropriation.

**HB 26** Larson

Relating to the regulation of groundwater.

**HB 27** Larson

Relating to the development of brackish groundwater.

**HB 108** Murphy

Relating to the rate at which interest accrues in connection with the deferral or abatement of the collection of ad valorem taxes on certain residence homesteads.

**HB 215** Murphy

Relating to reporting and certification requirements by certain physicians regarding certain abortions.

**HB 239** Capriglione

Relating to the exemption from ad valorem taxation of precious metal held in the Texas Bullion Depository.

**HB 275** Ashby

Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### PHYSICIAN OF THE DAY

Senator Huffman was recognized and presented Dr. Rolf Montalvo of Houston as the Physician of the Day.

The Senate welcomed Dr. Montalvo and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

**HB 1** to Committee on Business and Commerce.

**HB 32** to Committee on Government Reform, Select.

#### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Burton was granted leave of absence for the remainder of the day on account of illness.

### CONCLUSION OF MORNING CALL

The President at 3:26 p.m. announced the conclusion of morning call.

### SENATE BILL 28 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **SB 28** at this time on its second reading:

**SB 28**, Relating to certain governmental entities subject to the sunset review process.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Burton.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 28** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. \_\_\_\_. TEXAS REAL ESTATE COMMISSION. Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter, Chapter 1102, and Chapter 1303 of this code and Chapter 221, Property Code, expire September 1, 2021 [~~2019~~].

SECTION 1. \_\_\_\_. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. Section 1103.006, Occupations Code, is amended to read as follows:

Sec. 1103.006. APPLICATION OF SUNSET ACT. The Texas Appraiser Licensing and Certification Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter and Chapter 1104 expire September 1, 2021 [~~2019~~].

(2) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_. ENTITIES GIVEN 2019 SUNSET DATE

SECTION \_\_.01. DEPARTMENT OF AGRICULTURE. Section 11.003, Agriculture Code, is amended to read as follows:

Sec. 11.003. SUNSET PROVISION. The Department of Agriculture is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2019 [~~2021~~].

NICHOLS  
HINOJOSA  
PERRY  
SELIGER  
WATSON

The amendment to **SB 28** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No.1 except as follows:

Nays: Miles.

Senator Watson offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **SB 28** (senate committee printing) in ARTICLE 2 of the bill as follows:

(1) Strike SECTION 2.03 of the bill, amending Section 1001.005, Transportation Code (page 1, lines 49-54).

(2) Add the following appropriately numbered SECTIONS to the ARTICLE:

SECTION 2. \_\_. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY.

Section 901.006, Occupations Code, is amended to read as follows:

Sec. 901.006. APPLICATION OF SUNSET ACT. The Texas State Board of Public Accountancy is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2023 [~~2019~~].

SECTION 2. \_\_. STATE SECURITIES BOARD. Subsection O, Section 2, The Securities Act (Article 581-2, Vernon's Texas Civil Statutes), is amended to read as follows:

O. The State Securities Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, 2023 [~~2019~~].

(3) Renumber the SECTIONS of the ARTICLE accordingly.

The amendment to **SB 28** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Hughes offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **SB 28** (senate committee printing) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION to the ARTICLE and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. \_\_\_\_. RED RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2021 [~~2019~~], and every 12th year after that year.

The amendment to **SB 28** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Kolkhorst.

Senator Buckingham offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **SB 28** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION   . TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

Section 1071.003, Occupations Code, is amended to read as follows:

Sec. 1071.003. APPLICATION OF SUNSET ACT. The Texas Board of Professional Land Surveying is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2023 [~~2019~~].

(2) Strike ARTICLE 3 of the bill and substitute the following:

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. EFFECTIVE DATE. (a) Except as provided by Subsection (b) of this section:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

(b) The following provisions take effect April 1, 2019:

(1) the change in law made by this Act to Section 2021.008(a), Occupations Code; and

(2) the repeal of Section 18.01(a), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

(3) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE   . ENTITIES GIVEN 2019 SUNSET DATE

SECTION   .01. TEXAS RACING COMMISSION. (a) Section 18.01(a), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas Racing Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c) of this section, the commission is abolished and this Act expires September 1, 2019 [~~2023~~].

(b) Section 2021.008(a), Occupations Code, as effective April 1, 2019, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2019 [~~2023~~].

(c) Section 18.01(a), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as amended by this Act, is repealed.

The amendment to **SB 28** was read.

### **POINT OF ORDER**

Senator Nelson raised a point of order that further consideration of Floor Amendment No. 4 would violate Senate Rule 7.16.

### **POINT OF ORDER WITHDRAWN**

Senator Nelson withdrew the point of order.

Senator Buckingham withdrew Floor Amendment No. 4.

**SB 28** as amended was passed to engrossment by the following vote: Yeas 30, Nays 0.

Absent-excused: Burton.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolutions**

**SR 101** by Watson, In memory of John Kelso.

**SR 102** by Zaffirini, In memory of Pamela Kaye Washington.

**SR 103** by Hughes, In memory of Keith Crow.

**SR 107** by Creighton and Hughes, In memory of Mildred Elizabeth Smith Barton.

#### **Congratulatory Resolutions**

**SR 104** by Hughes, Recognizing Lincoln and Mary Nell King on the occasion of their 60th wedding anniversary.

**SR 105** by Hughes, Recognizing Bill Bass for receiving the Smith County Bar Foundation 2017 Justinian Award.

**SR 106** by Hughes, Recognizing Rodney H. Mabry on the occasion of his retirement.

**SR 108** by Hughes, Recognizing Jeanne Botto Rodgers on the occasion of her 90th birthday.

**SR 109** by Buckingham, Recognizing Jon Ferrell and Michael Garcia for rescuing the victim of a fire.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 4:17 p.m. adjourned until 4:30 p.m. today.

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**APPENDIX**

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**COMMITTEE REPORT**

The following committee report was received by the Secretary of the Senate:

August 4, 2017

**BUSINESS AND COMMERCE — SB 28**

**RESOLUTIONS ENROLLED**

August 3, 2017

**SR 89, SR 90, SR 91, SR 92, SR 93, SR 94, SR 95**

August 4, 2017

**SR 96, SR 97, SR 98, SR 99, SR 100**