

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

ELEVENTH DAY

(Continued)

(Tuesday, August 15, 2017)

AFTER RECESS

The Senate met at 4:44 p.m. and was called to order by the President.

Pastor Ryan Malouff, Expression Church, Cedar Park, offered the invocation as follows:

Heavenly Father, I come before You today and thank You for these amazing men and women who serve this great state. I ask that You would bless their lives and their families. I pray that You would encourage them today because it was You who put it in their hearts to lead. Father, I pray for their relationships that You would bring love where there is strife, peace where there is turmoil, and that You would mend what is broken. I pray Your protection on them and those that they love. Surround them with people that would encourage and believe the best in them. Lord Jesus, it is our honor to call on Your name and to stand here together today. Thank You that You love these leaders, and I pray for grace and strength for them in their personal and professional lives. You care about them and the details of their hearts, and I know You are working on their behalf. Give us wisdom today, we pray. Amen.

PHYSICIAN OF THE DAY

Senator Buckingham was recognized and presented Dr. John Manning of Troy, accompanied by resident Dr. Thuy-My Truong, as the Physician of the Day.

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

GUEST PRESENTED

Senator Menéndez was recognized and introduced to the Senate *ChicaGirl* magazine founder and editor, Toni Lee Jimenez.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Boys Town Texas founding board member Linda Kohnen and Program Director Crystal Cantu.

The Senate welcomed its guests.

SENATE RESOLUTION 130

Senator West offered the following resolution:

SR 130, In memory of Robby V. Collins.

The resolution was again read.

The resolution was previously adopted on Friday, August 11, 2017.

In honor of the memory of Robby V. Collins, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator West was recognized and introduced to the Senate family members of Robby V. Collins: his wife, Brenda Collins; his daughter, Paige Collins; and his son, Russell Collins.

The Senate welcomed its guests and extended its sympathy.

BILL AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read: **HB 215, HCR 34**.

MEMORIAL RECOGNITION

Senator Watson was recognized for a memorial recognition of John Kelso. (See memorial remarks on page 502.)

(Senator Schwertner in Chair)

(President in Chair)

SENATE BILL 11 WITH HOUSE AMENDMENT

Senator Perry called **SB 11** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to general procedures and requirements for certain do-not-resuscitate orders; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 166, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. HEALTH CARE FACILITY DO-NOT-RESUSCITATE
ORDERS

Sec. 166.201. DEFINITION. In this subchapter, "DNR order" means an order instructing a health care professional not to attempt cardiopulmonary resuscitation on a patient whose circulatory or respiratory function ceases.

Sec. 166.202. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to a DNR order issued in a health care facility or hospital.

(b) This subchapter does not apply to an out-of-hospital DNR order as defined by Section 166.081.

Sec. 166.203. GENERAL PROCEDURES AND REQUIREMENTS FOR DO-NOT-RESUSCITATE ORDERS. (a) A DNR order issued for a patient is valid only if the patient's attending physician issues the order, the order is dated, and the order:

(1) is issued in compliance with:

(A) the written and dated directions of a patient who was competent at the time the patient wrote the directions;

(B) the oral directions of a competent patient delivered to or observed by two competent adult witnesses, at least one of whom must be a person not listed under Section 166.003(2)(E) or (F);

(C) the directions in an advance directive enforceable under Section 166.005 or executed in accordance with Section 166.032, 166.034, or 166.035;

(D) the directions of a patient's legal guardian or agent under a medical power of attorney acting in accordance with Subchapter D; or

(E) a treatment decision made in accordance with Section 166.039; or

(2) is not contrary to the directions of a patient who was competent at the time the patient conveyed the directions and, in the reasonable medical judgment of the patient's attending physician:

(A) the patient's death is imminent, regardless of the provision of cardiopulmonary resuscitation; and

(B) the DNR order is medically appropriate.

(b) The DNR order takes effect at the time the order is issued, provided the order is placed in the patient's medical record as soon as practicable.

(c) Before placing in a patient's medical record a DNR order issued under Subsection (a)(2), the physician, physician assistant, nurse, or other person acting on behalf of a health care facility or hospital shall:

(1) inform the patient of the order's issuance; or

(2) if the patient is incompetent, make a reasonably diligent effort to contact or cause to be contacted and inform of the order's issuance:

(A) the patient's known agent under a medical power of attorney or legal guardian; or

(B) for a patient who does not have a known agent under a medical power of attorney or legal guardian, a person described by Section 166.039(b)(1), (2), or (3).

(d) To the extent a DNR order described by Subsection (a)(1) conflicts with a treatment decision or advance directive validly executed or issued under this chapter, the treatment decision made in compliance with this subchapter, advance directive validly executed or issued as described by this subchapter, or DNR order dated and validly executed or issued in compliance with this subchapter later in time controls.

Sec. 166.204. NOTICE REQUIREMENTS FOR DO-NOT-RESUSCITATE ORDERS. (a) If an individual arrives at a health care facility or hospital that is treating a patient for whom a DNR order is issued under Section 166.203(a)(2) and the individual notifies a physician, physician assistant, or nurse providing direct care to the patient of the individual's arrival, the physician, physician assistant, or nurse who has actual knowledge of the order shall disclose the order to the individual, provided the individual is:

(1) the patient's known agent under a medical power of attorney or legal guardian; or

(2) for a patient who does not have a known agent under a medical power of attorney or legal guardian, a person described by Section 166.039(b)(1), (2), or (3).

(b) Failure to comply with Subsection (a) does not affect the validity of a DNR order issued under this subchapter.

(c) Any person, including a health care facility or hospital, who makes a good faith effort to comply with Subsection (a) of this section or Section 166.203(c) and contemporaneously records the person's effort to comply with Subsection (a) of this section or Section 166.203(c) in the patient's medical record is not civilly or criminally liable or subject to disciplinary action from the appropriate licensing authority for any act or omission related to providing notice under Subsection (a) of this section or Section 166.203(c).

(d) A physician, physician assistant, or nurse may satisfy the notice requirement under Subsection (a) by notifying the patient's known agent under a medical power of attorney or legal guardian or, for a patient who does not have a known agent or guardian, one person in accordance with the priority established under Section 166.039(b). The physician, physician assistant, or nurse is not required to notify additional persons beyond the first person notified.

(e) On admission to a health care facility or hospital, the facility or hospital shall provide to the patient or person authorized to make treatment decisions on behalf of the patient notice of the policies of the facility or hospital regarding the rights of the patient and person authorized to make treatment decisions on behalf of the patient under this subchapter.

Sec. 166.205. REVOCATION OF DO-NOT-RESUSCITATE ORDER; LIMITATION OF LIABILITY. (a) A physician providing direct care to a patient for whom a DNR order is issued shall revoke the patient's DNR order if the patient or, as applicable, the patient's agent under a medical power of attorney or the patient's legal guardian if the patient is incompetent:

(1) effectively revokes an advance directive, in accordance with Section 166.042, for which a DNR order is issued under Section 166.203(a); or

(2) expresses to any person providing direct care to the patient a revocation of consent to or intent to revoke a DNR order issued under Section 166.203(a).

(b) A person providing direct care to a patient under the supervision of a physician shall notify the physician of the request to revoke a DNR order under Subsection (a).

(c) A patient's attending physician may at any time revoke a DNR order issued under Section 166.203(a)(2).

(d) Except as otherwise provided by this subchapter, a person is not civilly or criminally liable for failure to act on a revocation described by or made under this section unless the person has actual knowledge of the revocation.

Sec. 166.206. PROCEDURE FOR FAILURE TO EXECUTE DO-NOT-RESUSCITATE ORDER OR PATIENT INSTRUCTIONS. (a) If an attending physician, health care facility, or hospital does not wish to execute or comply with a DNR order or the patient's instructions concerning the provision of cardiopulmonary resuscitation, the physician, facility, or hospital shall inform the patient, the legal guardian or qualified relatives of the patient, or the agent of the patient under a medical power of attorney of the benefits and burdens of cardiopulmonary resuscitation.

(b) If, after receiving notice under Subsection (a), the patient or another person authorized to act on behalf of the patient and the attending physician, health care facility, or hospital remain in disagreement, the physician, facility, or hospital shall make a reasonable effort to transfer the patient to another physician, facility, or hospital willing to execute or comply with a DNR order or the patient's instructions concerning the provision of cardiopulmonary resuscitation.

(c) The procedures required by this section may not be construed to control or supersede Section 166.203(a).

Sec. 166.207. LIMITATION ON LIABILITY FOR ISSUING DNR ORDER OR WITHHOLDING CARDIOPULMONARY RESUSCITATION. A physician, health care professional, health care facility, hospital, or entity that in good faith issues a DNR order under this subchapter or that, in accordance with this subchapter, causes cardiopulmonary resuscitation to be withheld or withdrawn from a patient in accordance with a DNR order issued under this subchapter is not civilly or criminally liable or subject to review or disciplinary action by the appropriate licensing authority for that action.

Sec. 166.208. LIMITATION ON LIABILITY FOR FAILURE TO EFFECTUATE DNR ORDER. A physician, health care professional, health care facility, hospital, or entity that has no actual knowledge of a DNR order is not civilly or criminally liable or subject to review or disciplinary action by the appropriate licensing authority for failing to act in accordance with the order.

Sec. 166.209. ENFORCEMENT. (a) A physician, physician assistant, nurse, or other person commits an offense if the person intentionally conceals, cancels, effectuates, or falsifies another person's DNR order or if the person intentionally conceals or withholds personal knowledge of another person's revocation of a DNR order in violation of this subchapter. An offense under this subsection is a Class A misdemeanor. This subsection does not preclude prosecution for any other applicable offense.

(b) A physician, health care professional, health care facility, hospital, or entity is subject to review and disciplinary action by the appropriate licensing authority for intentionally:

(1) failing to effectuate a DNR order in violation of this subchapter; or

(2) issuing a DNR order in violation of this subchapter.

SECTION 2. The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Subchapter E, Chapter 166, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Subchapter E, Chapter 166, Health and Safety Code, as added by this Act, applies only to a do-not-resuscitate order issued on or after the effective date of this Act.

SECTION 4. This Act takes effect April 1, 2018.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 11**.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

SENATE BILL 17 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 17** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 17** (house committee report) as follows:

(1) On page 2, line 5, between "USE" and the underlined period, insert "AND DOMESTIC VIOLENCE".

(2) On page 2, lines 5 and 6, strike "The task force, in coordination with the department" and substitute "Using existing resources, the commission, in consultation with the task force".

(3) On page 2, line 8, between "use" and "screening", insert "screening and domestic violence".

(4) On page 2, line 11, between "use" and "using", insert "and verbally screening a pregnant woman for domestic violence".

(5) On page 2, line 13, between "treatment" and "resources", insert "resources and domestic violence prevention and intervention".

(6) On page 2, line 16, between "use" and "during", insert "and on domestic violence prevention and intervention".

(7) On page 2, line 17, strike "department" and substitute "commission".

(8) On page 2, line 19, strike "department's" and substitute "commission's".

(9) On page 6, strike lines 17 through 19 and substitute the following:

SECTION 8. Not later than June 1, 2018, the Health and Human Services Commission shall make

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

SECTION _____. Section 34.004, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Meetings of the task force are ~~closed to the public and are not~~ subject to Chapter 551, Government Code, except that the task force may conduct a closed meeting to review cases under Section 34.007. A closed meeting conducted under this subsection is governed by Subchapter E, Chapter 551, Government Code.

(c) The task force shall:

(1) allow for public comment during at least one public meeting each year;

(2) vote in open session on recommendations made under Section 34.005 to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity in this state; and

(3) post public notice and minutes for meetings conducted for the sole purpose of reviewing cases for selection under Section 34.007.

SECTION _____. Section 34.009(d), Health and Safety Code, is amended to read as follows:

(d) Information is not confidential under this section if the information is general information that cannot be connected with any specific individual, case, or health care provider, such as:

(1) total expenditures made for specified purposes;

(2) the number of families served by particular health care providers or agencies;

(3) aggregated data on social and economic conditions;

(4) medical data and information related to health care services that do not include any identifying information relating to a patient or the patient's family; ~~and~~

(5) information, including the source, value, and purpose, related to gifts, grants, or donations to or for use by the task force; and

(6) other statistical information.

Floor Amendment No. 2

Amend Amendment No. 1 by Burkett to **SB 17** as follows:

(1) On page 2, line 2, strike "may" and substitute "shall".

(2) On page 2, lines 3 and 4, strike "A closed meeting conducted under this subsection is governed by Subchapter E, Chapter 551, Government Code."

(3) On page 2, line 8, strike "vote in open session on" and substitute "present in open session".

(4) On page 2, line 11, strike "and minutes".

Floor Amendment No. 3

Amend **SB 17** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 34.002(b), Health and Safety Code, is amended to read as follows:

(b) The task force is a multidisciplinary advisory committee within the department and is composed of the following 17 [~~15~~] members:

(1) 15 [~~13~~] members appointed by the commissioner as follows:

(A) four physicians specializing in obstetrics, at least one of whom is a maternal fetal medicine specialist;

(B) one certified nurse-midwife;

(C) one registered nurse;

(D) one nurse specializing in labor and delivery;

(E) one physician specializing in family practice;

(F) [~~E~~] one physician specializing in psychiatry;

(G) [~~F~~] one physician specializing in pathology;

(H) [~~G~~] one epidemiologist, biostatistician, or researcher of pregnancy-related deaths;

(I) [~~H~~] one social worker or social service provider;

(J) [~~I~~] one community advocate in a relevant field; [~~and~~]

(K) [~~J~~] one medical examiner or coroner responsible for recording deaths; and

(L) one physician specializing in critical care;

(2) a representative of the department's family and community health programs; and

(3) the state epidemiologist for the department or the epidemiologist's designee.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 17**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 159

Senator Bettencourt offered the following resolution:

SR 159, Commemorating the 150th anniversary of the Republican Party of Texas.

BETTENCOURT	HALL	NICHOLS
BIRDWELL	HANCOCK	PERRY
BUCKINGHAM	HUFFINES	SCHWERTNER
BURTON	HUFFMAN	SELIGER
CAMPBELL	HUGHES	TAYLOR OF GALVESTON
CREIGHTON	KOLKHORST	TAYLOR OF COLLIN
ESTES	NELSON	

The resolution was read and was adopted without objection.

RECESS

On motion of Senator Whitmire, the Senate at 6:19 p.m. recessed until 8:45 p.m. today.

AFTER RECESS

The Senate met at 8:48 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, August 15, 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 7 (119 Yeas, 23 Nays, 1 Present, not voting)

HB 21 (94 Yeas, 46 Nays, 1 Present, not voting)

HB 30 (118 Yeas, 24 Nays, 1 Present, not voting)

The House finally stands adjourned sine die.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 11, SB 17.**

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate his summer interns: Saundra Guillory, Seth Walton, Isa Martinez, and Madeleine Nerio.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator West was recognized and, on behalf of the Senate, acknowledged Clifford Sparks and congratulated him on his impending marriage.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **HB 7, HB 21, HB 30.**

SENATE RESOLUTION 161

Senator Taylor of Galveston offered the following resolution:

SR 161, In memory of Bill Bailey.

TAYLOR OF GALVESTON	HUFFMAN
BETTENCOURT	KOLKHORST
CREIGHTON	MILES

GARCIA

WHITMIRE

On motion of Senator Taylor of Galveston, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Bill Bailey, the text of the resolution is printed at the end of today's *Senate Journal*.

MEMORIAL REMARKS ORDERED PRINTED

On motion of Senator Menéndez and by unanimous consent, the memorial remarks by Senator Watson for John Kelso, Senator West for Robby V. Collins, Senator Taylor of Galveston for Bill Bailey, Senator Lucio for Jesse Lucio Stromquist, Senator Rodríguez for Karl Putnam, and Senator Hughes for William Hunter Brannon, Heath Abram Faucheux, and Thomas Matthew Larry were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, Mr. President. Members, at the appropriate time, I move that at the appropriate time and whenever it is we next adjourn, that we do so in memory of a newspaper columnist that has been a friend of mine and friend of many others here in Austin, Texas, for a long time, John Kelso. He passed away recently at the age of 73 here in Austin. Kelso was born in Oklahoma and he grew up in Maine. He attended the University of Missouri and worked for several newspapers before serving in the United States Army. After his military service, John worked with a newspaper in Florida before joining the *Austin American-Statesman* in 1976. By 1977, his humor column was published weekly and became an Austin staple for the next 40 years. Having served as Mayor of this town and in, been involved in different things, I was a target of Kelso from time to time. And when I was asked most recently about him and what I, what should be said about him in an obituary, I mentioned that Kelso showed why Austin, Texas, is such a special place. Because where else could a cynical, opinionated smart-aleck with little more than a very wicked sense of humor become one of the most respected journalists in Austin, Texas? He had a great sense of humor. And, and he did more, I will tell you, Members, than his fair share of keeping Austin weird. Now, as I mentioned a minute ago, he was born in Oklahoma. And I can tell this story and talk about this because I was also born in Oklahoma. And, Senator Burton, you might really want to pay attention to what he said about Oklahoma. One of the things that Kelso did and one of the things that he said was, he was born in Oklahoma, but he said, he always said don't hold that against him. The first words he ever spoke, he said, he said, at birth I said, I know what, let's get out of here. And every year around the time of the Oklahoma-University of Texas football game, he would write a special column that was always scathing of our neighbors to the north. And I just wanted to point out one part of it as part of this memorial. He's also, he presented different names for the State of Oklahoma over time, things like Brokelahoma, Chokelahoma, Croaklahoma, Chawlahoma, Yokelhoma, and my favorite, Mobilehoma. He was, he was a very funny man. His love extended beyond just his writing. He was a devoted husband and a father. He was known as a kind guy, as a man with courage and a spirit that just exuded generosity. He embodied humor and wit and charm, he leaves a great legacy. I will tell you many are heartbroken. He suffered greatly with the cancer that he had and people are, we're glad he's no longer

suffering. But a lot of us are heartbroken that he's gone because we're really going to miss him. To be honest with you, he would be honored by this, but he'd make fun of it, and probably he'd make fun of me for doing it. And that's alright. Members, please help me extend condolences to Kelso's family. And, Mr. President, when the Senate adjourns next time, I move that we do so in the memory of John Kelso. Thank you.

Senator West: Thank you very much, Mr. President and Members. I stand today to recognize the life, legacy, and service of my friend, mentor, and educational icon here in the State of Texas, Robby Collins, who passed away on July 11, 2017. In terms of the rendition of all the things that he was involved in as it relates to education, I think that for some of the Members that have not been here for an appreciable period of time, that if you talked to some of the persons that have been around here doing education policy for an appreciable period of time, they will tell you that he was kind of the godfather as it relates to education policy. He was involved in "no pass, no play," class size limits, public school finance, student success initiative, fast-growth district facilities funding, existing instructional facilities funding, I can go on and on. Teacher pay raises, teacher retirement, all of those issues, had his fingerprints on. And the fact of the matter is that that sometimes what Robby would do, and you don't know about the Linoleum Club, the Linoleum Club is the club on the east side under those stairs, he would hold court there sometime, okay? And several of the persons involved in education in the State of Texas would gather there, and they would talk strategy on issues, not only here in the Senate but across the rotunda and also in the Governor's office. He was a good man. He was a great man. He was a family man. And I thought it only befitting that we spend a few moments today to recognize Robby Collins. Because all of the things that, Senator Taylor, that we're looking at as it relates to education reform, in terms of what we're trying to do, put together a commission to come up with a better way to fund education and get more productivity out of the dollars that we put into it, Robby would be right there with us in coming up with a whole list of ideas, and he was an idea man. He had 50 million ideas, some of them I agreed with, some of them I didn't agree with. But the fact of the matter is he was a person that would put ideas on the table and say, what if, what if, what if. And that is what we should be doing. So, Brenda, Paige, Russell, your father, your husband, a great Texan, we today stop for a few moments to recognize the contribution that he's made to the great State of Texas. And thank you for sacrificing the times away at home when he was over at the La Quinta Inn and would be holding meetings over there on public school finance and a whole host of issues. Russell, your father was a great man. I don't need to tell you that. He was a great man. We have family members here today in the gallery, and, Members, I'd ask the Collins family to stand up. I'd ask some of the mentees of Robby Collins to stand up also. He even has a grandson named after me. His name is Royce, right? His name is Royce. This is the Collins family, Mr. President. And when we begin to think about Texans and their contributions, and I know that you are about history, Robby Collins will be forever remembered for the contributions that he's made to the State of Texas and, more specifically, to the children of education system.

Senator Taylor of Galveston: If you would bear with me just a moment, I am honored to take a moment today to recognize the passing of my friend, Bill Bailey. Bill Bailey passed away just recently here at the age of 78. He was married to his wife, Janis, for more than 40 years and had four children, numerous grandchildren and great-grandchildren. Bill Bailey was actually born Milton Stanley, he took up radio, he's worked in East Texas, he worked up in Missouri, ended up in Illinois, I believe. And he actually heard a song on the radio, "The Eyes of Texas," and he told his wife, we've got to get back to Texas. He moved back to Texas, and there was a radio station looking to hire a guy, and they had been running this promotion for Buffalo Bill Bailey. And so, he went and interviewed with them, they said, okay, would you like to work here? I'd love to work here. So, well, you know this guy we were bringing down here came down, didn't like it, and left. So, if you come here, you got to go by the name Bill Bailey. Bill Bailey said, you can call me Strawberry Shortcake if I can have this job, I want to be here in Texas. He later went on to become a nationally prominent figure in the country music scene, was inducted in the Texas Radio Hall of Fame in 2009 and Country Radio Broadcasters' Hall of Fame in 2010. But many of you, if you've ever been to Houston rodeo, you will remember him as one of the voices of the Houston rodeo, a position he occupied for 54 years. His voice was a huge part of the Rodeo Houston experience, and his presence as well. Aside from being a prominent member of the country music scene and the voice of Rodeo Houston, he was also a dedicated public servant. How many former radio DJs do you know that went into politics? Just kidding, I'm sorry. Having served seven terms as Constable of Precinct 8, Harris County, seven terms starting in 1982. But, you know, along with all his very prominent roles that he was involved with, he was also a servant-leader where he worked in many less visible roles. He was active in a wide range of professional and civic organizations, serving as president of the Justices of the Peace and Constables Association, the Texas Association of Counties, one of the few, if only, the only one as a constable who served as the head of the Texas Association of Counties. The Texas, he was also an active member of the Pasadena Rotary Club, the Salvation Army, the YMCA, the San Jacinto College Foundation, and many local chambers of commerce and school district foundations. And in fact, Bill Bailey, as you might imagine, was a very popular emcee. And with that radio voice, his great sense of humor, I mean, he was, Sylvia, you know this, in fact, he was so popular as an emcee, many of the organizations in our area would organize their event around Bill Bailey's schedule. They would schedule the event when Bill Bailey was available to be the emcee. He's also a very active member of his church, South Main Baptist Church in Pasadena, where he was a long-time, very popular Sunday school teacher. And he was also, when they had, like, the Bible readings in church, many times with that great radio voice, he was the voice reading the Bible. Many of the young kids thought it was the voice of God, because he read so often in his church. Bill Bailey was truly a larger-than-life Texan. And with the passing of such a great man like Bill Bailey and the huge shoes he leaves behind, he was truly an exemplary Texan and public servant. He leaves a great legacy for his friends and his family to follow. And with that, I move adoption of the resolution and ask that when we adjourn today, we adjourn in memory of my friend, Bill Bailey.

President: Thank you for bringing this resolution, Senator. He was my friend as well, and we did so many events together over the years, and I would always tell the story, very short story. When I was a young sportscaster at the CBS affiliate in 1980, I had just gotten to Houston, and they had a demolition derby at the Astrodome, and they had a race with the television anchors and the disc jockeys. And so, it was my first time, and I went there. Bill was in charge of the demolition derby, and he gathered us all together, and he said, we have a new rule this year, on the second fire, you're disqualified. And I said, second fire? No one told me about the first fire. We told that story over and over and over and even on the campaign trail a few years ago. What a great man he was, he was a great friend, great Texan, great Texan. You know what? I would like for us to stand for Bill Bailey. Would you mind standing? He was a great Texan for all Texas.

Senator Lucio: Thank you, Mr. President. Members, I rise tonight to ask my brothers and sisters in this Chamber, all of you, and those in the gallery to join with me in prayer. Yesterday morning, my brother, Jesse, got a call from his son-in-law in Dallas, Texas, Senator Huffines, from Dallas, that his, that his daughter's baby had died. The baby's heart had stopped beating. She had been pregnant for eight and a half months, and they had everything ready, as most couples do, his little room, his footballs, and the different toys that go with a baby. We had a baby shower, and I got to touch the baby, pretty big at the time. The baby was moving, kind of reaching out, you know, for someone that was touching him from the outside of her body. And I, I felt extremely terrible for my brother because this was the baby of his second girl, he's had three daughters, and this was his second daughter who lost the baby, and that was going to be his first little boy in the family. But it was more important, it was just a joy of knowing that he was going to be a grandpa like some of us are, and he could share in that joy. And it's just, just very, very hard to explain, and I think some of us, how, how we truly feel inside right now, but some of us have gone through this as a papa, Senator West, or a mama or a grandma and grandpa, we've lost people we love. And Jackie was so special, with a beautiful, beautiful smile, and just an incredible lady that lost her baby. I want to just, I won't be long, there's a lot of teardrops that have already been shed, but she's having a hard time, and that's why I would ask that you join me in prayer in asking God to bless her, to comfort her, to do whatever it takes to make her understand that she will see her baby again. And I intend to buy *Heaven Is for Real*, the motion picture that I think she would enjoy seeing because it's a realistic picture, in my point of view, with my faith, the faith that most of us, if not all of us on this floor have that. We will see our parents and our brother and our sisters and those we love again. We will. I have no doubt in my heart that we will be with them for an eternal life. So, I have a prayer for baby Jesse I want to share with you: Compassionate and loving God, Yours is the beauty of childhood and Yours is the fullness of years. Comfort us in our sorrow, strengthen us with hope and bring peace into our troubled hearts. Assure us that the love we had for baby Jesse was not in vain. Indeed, make it a part of the store of goodness You're now, You are even now pouring out upon him as he enters Your eternal kingdom. Indeed, help us to bless You, Lord, for the gift You gave his mama and papa, Jackie and Jonathan, for the joy he gave Jackie as he moved around her tummy, for the memories of eight and a half months with them and for the assurance that he will live forever in the joy and peace

of God's kingdom. Guide us through this time of sadness with the light of Your love and the strength of Your compassion. We ask it in the name of Jesus Christ. And I say to baby Jesse, right now, you are now, son, a member, you are now a member of God's legion of baby angels. Thank you, Lord.

Senator Rodríguez: Thank you, Mr. President and Senator Whitmire. Members, I rise in recognition of Karl Putnam, who died on July the 12th at the age of 69. Karl was an Associate Professor in the Accounting and Information Systems Department at The University of Texas in El Paso and was widely published and active in professional organizations. Most notably, he was admired by legions of students whose lives he touched for the better as a teacher, as a mentor, and as a friend. Karl was also very involved in our community as an activist for social justice and a committed advocate for our region's natural resources and the environment. You know, one of El Paso's natural wonders is the Franklin Mountains, which bisect the city and offer both natural escapes and magnificent views of the two million-plus population in El Paso del Norte River Valley. Over the years, Karl led countless people on group hikes, and he leaves behind wonderful memories for all of those who were lucky enough to have joined him. He was also critical in the years-long efforts to fight the reopening of the ASARCO copper smelter, which many in the tri-state area of Texas, New Mexico, and Chihuahua opposed. Karl was well respected and beloved and will be missed by his large, extended family and his many, many friends. President and Members, I ask that we recess tonight in honor of Karl Putnam. Thank you.

Senator Hughes: Thank you, Senator Whitmire and Members. A really unspeakable tragedy occurred in my community during this special session, and most of you've probably heard about it, but on August 5th, three Boy Scouts on a sailboat up on Lake O' the Pines, a beautiful part of Texas, were on the boat, and the mast of the boat they were in struck an overhead power line, and all three boys were killed. Two were pronounced dead at the scene and then the third young man, well, passed away the next day. And so, of course the community's come together as you would expect, and a lot of prayers have gone up for these families. So, I just want to mention them to you as we prepare to adjourn. William Hunter Brannon, 17 years old, he was buried on Thursday. His parents are Stan and Michelle Brannon. Heath Abram Faucheux was buried on Saturday, and he's the son of Dion and Michelle Faucheux. And then, Thomas Matthew Larry, whose family I have some connections to, was buried on Sunday, and he was 11 years old, and his parents are Kedrick and Pamela Larry. And so, I would move that as we adjourn sine die, we do so in memory of the pride of my community, Will Brannon, Heath Faucheux, and Thomas Larry. Thank you, Members.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Kolkhorst, Senator Taylor of Galveston will be shown as Co-author of **SB 3**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 154 by Hughes, In memory of Heath Abram Faucheux.

SR 155 by Hughes, In memory of William Hunter Brannon.

SR 157 by Hughes, In memory of Thomas Matthew Larry.

Congratulatory Resolutions

SR 144 by Schwertner, Recognizing Merlyn and Mary Whiteside on the occasion of their 50th wedding anniversary.

SR 145 by Hughes, Recognizing Doug and Lori Murdoch on the occasion of their 33rd wedding anniversary.

SR 146 by Hughes, Recognizing Hope Haven of East Texas long-term foster home on the occasion of its grand opening.

SR 147 by Hughes, Recognizing Bobby Glenn Tucker on the occasion of his 50th anniversary in the ministry.

SR 148 by Hughes, Recognizing Jim and Sandra Lassiter on the occasion of their 50th wedding anniversary.

SR 149 by Hughes, Recognizing Greg Walker for being inducted into the Texas A&M University–Commerce Academy of Entrepreneurs.

SR 150 by Nelson, Recognizing Dan Leal for 15 years of service to the Children's Advocacy Center for Denton County.

SR 151 by Seliger, Recognizing Thelma Lee Burditt Ivison on the occasion of her 100th birthday.

SR 152 by Watson, Recognizing Boy Scout Troop 9 of Austin on the occasion of its 100th anniversary.

SR 153 by Watson, Recognizing Mary "Bunnie" Smith on the occasion of her retirement.

SR 156 by Hughes, Recognizing Michael V. Tidwell for being appointed president of The University of Texas at Tyler.

SR 158 by Hughes, Recognizing Audra Clinton Livingston on the occasion of his retirement.

SR 160 by Hughes, Recognizing Juan E. Mejia for receiving the Nelson Administrative Leadership Award.

ADJOURNMENT SINE DIE

On motion of Senator Whitmire, the Senate of the 85th Legislature, 1st Called Session, at 9:57 p.m. adjourned sine die, in memory of John Kelso, Robby V. Collins, Bill Bailey, Jesse Lucio Stromquist, Karl Putnam, William Hunter Brannon, Heath Abram Faucheux, and Thomas Matthew Larry.

APPENDIX

BILLS AND RESOLUTIONS ENROLLEDAugust 14, 2017**SR 134, SR 135, SR 136, SR 137, SR 138, SR 139, SR 140, SR 141, SR 142, SR 143**August 15, 2017**SB 11, SB 17, SR 144, SR 145, SR 146, SR 147, SR 148, SR 149, SR 150, SR 151, SR 152, SR 153, SR 154, SR 155, SR 156, SR 157, SR 158, SR 159, SR 160, SR 161****SENT TO GOVERNOR**August 15, 2017**SB 11, SB 17****SIGNED BY GOVERNOR**August 15, 2017**SB 6**August 16, 2017**SB 11, SB 17**

In Memory
of
Robby V. Collins
Senate Resolution 130

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of Robby V. Collins, who died July 11, 2017, at the age of 75; and

WHEREAS, Robby Collins was born on August 17, 1941, in Haskell, Texas, and he graduated from the Haskell school system in 1959; he went on to become the first member of his family to attend college, earning a bachelor of science degree in teaching from North Texas State University; and

WHEREAS, Mr. Collins taught social studies at W. W. Samuell High School in Dallas for five years, and he was hired as an administrator with the Dallas Independent School District in 1970; he played a key role in the development of numerous programs in his 34 years with the district, and he was asked to continue working as a consultant after his retirement in 1998; and

WHEREAS, Robby was considered a walking encyclopedia of public education and school finance in Texas; he dedicated countless hours to the rewriting of the Texas Education Code during the 74th Legislative Session, and he is credited with writing and editing countless bills and forming numerous coalitions that advocated on behalf of both students and teachers; he always worked behind the scenes, which allowed him to focus all his energy on the issues at hand, and his broad-ranging educational contributions led to notable improvements in schools and communities throughout the state; and

WHEREAS, Mr. Collins shared 54 years of marriage with his devoted wife, Brenda Brooks Collins; they were blessed with two children, and their four grandchildren were a source of great pride and joy; and

WHEREAS, A man of deep spiritual devotion, Robby Collins taught Sunday School at Casa Linda United Methodist Church for more than 25 years; he was a tireless education advocate and a treasured citizen, and his legacies in his community and the state will not be forgotten; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, 1st Called Session, hereby extend sincere condolences to the bereaved family of Robby V. Collins; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Robby Collins.

WEST

In Memory
of
Bill Bailey
Senate Resolution 161

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Bill Bailey, who died July 27, 2017; and

WHEREAS, Bill Bailey was an exemplary citizen who was widely respected and admired for his work in the community, both as Precinct 8 constable in Harris County and as the longtime voice of the Houston Livestock Show and Rodeo; and

WHEREAS, Born Milton Odom Stanley in 1939, Bill Bailey attended Texas Western College for a time before beginning a long and successful career in radio broadcasting; he assumed the name Bill Bailey after accepting a disc jockey position that had been promoted with the song *Bill Bailey, Won't You Please Come Home*, and he eventually took the name as his own; and

WHEREAS, He became a nationally prominent figure in the country music scene and won numerous awards for his work, including *Billboard* magazine's 1970 Country Radio Program Director of the Year and the Country Music Association's 1979 Large Market Disc Jockey of the Year; he was inducted into the Texas Radio Hall of Fame in 2009 and the Country Radio Broadcasters Hall of Fame in 2010; and

WHEREAS, He was elected Precinct 8 constable in 1982 and served with distinction for seven terms; his office provided exceptional support to the Johnson Space Center, and the Precinct 8 constable's office is the only police agency in the country with a NASA-designed Astronaut Support patch for deputies and vehicles; Constable Bailey received the NASA Medal for Outstanding Public Service, the agency's highest civilian award; and

WHEREAS, Bill Bailey was active in a wide range of professional and civic organizations; he served as president of the Justices of the Peace and Constables Association of Texas and the Texas Association of Counties, and he participated with energy and devotion in such groups as the Pasadena Rotary Club, the Salvation Army, the YMCA, the San Jacinto College Foundation, and local chambers of commerce and school district education foundations, all of which he enriched with his enthusiasm for doing good; he was an active member of South Main Baptist Church in Pasadena and a 32nd degree Mason; and

WHEREAS, He and his beloved wife of more than 40 years, Janis Bailey, were blessed with four children and numerous grandchildren and great-grandchildren who brought him great joy; and

WHEREAS, Bill Bailey was a man of integrity, strength, and compassion who gave generously to others, and his exceptional accomplishments and his many contributions to his community have had a positive impact that will last for years to come; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, 1st Called Session, hereby extend sincere condolences to the bereaved family of Bill Bailey; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Bill Bailey.

TAYLOR OF GALVESTON	HUFFMAN
BETTENCOURT	KOLKHORST
CREIGHTON	MILES
GARCIA	WHITMIRE

