

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 10, 2017)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eighty-fifth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the 10th day of January, 2017, at 12:00 noon.

The Honorable Dan Patrick, Lieutenant Governor and President of the Senate, called the Senate to order.

Pastor John C. Hagee, Cornerstone Church, San Antonio, offered the invocation as follows:

Our Father, which art in heaven, we bow before the creator of heaven and Earth, to the God who calls the stars by name and measures space with the span of His hand. Father God, we ask Your divine guidance for this 85th Texas legislative session. We pray for our Governor Greg Abbott, our Lieutenant Governor Dan Patrick, our Attorney General Ken Paxton, each Member of the Texas Senate, and each Member of the House of Representatives. Give to every elected official in this 85th Texas legislative session the wisdom of Solomon, the compassion of Jesus Christ, and the integrity of Abraham Lincoln to serve the people of Texas. Remind us daily we are servants of the people. Our purpose is to lift up the oppressed, to open doors of opportunity for all Texans that there be equal justice under the law, to discern between the righteous and the wicked, to do justly, to love mercy, and to walk humbly before God. Amen.

ROLL CALL OF SENATORS

The President directed the Secretary of the Senate to call the roll of the Members of the Senate.

The roll was called and the following Senators answered to their names: Bettencourt, Burton, Campbell, Estes, Hall, Hancock, Huffines, Huffman, Nichols, Schwertner, Seliger, Taylor of Collin, Watson, West, Whitmire.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS
Secretary of State

I, ROLANDO B. PABLOS, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in district order, of the members of the Senate of the 85th Legislature, 2017, whose election on November 8, 2016, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 6th day of January, 2017.

(Seal)

/s/Rolando B. Pablos
Secretary of State

State Senator District 1 – Bryan Hughes
State Senator District 4 – Brandon Creighton
State Senator District 6 – Sylvia R. Garcia
State Senator District 11 – Larry Taylor
State Senator District 12 – Jane Nelson
State Senator District 13 – Borris L. Miles
State Senator District 18 – Lois W. Kolkhorst
State Senator District 19 – Carlos I. Uresti
State Senator District 20 – Juan "Chuy" Hinojosa
State Senator District 21 – Judith Zaffirini
State Senator District 22 – Brian Birdwell
State Senator District 24 – Dawn Buckingham
State Senator District 26 – Jose Menendez
State Senator District 27 – Eddie Lucio Jr.
State Senator District 28 – Charles Perry
State Senator District 29 – Jose Rodriguez

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names: Birdwell, Buckingham, Creighton, Garcia, Hinojosa, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Rodríguez, Taylor of Galveston, Uresti, Zaffirini.

**OATH OF OFFICE ADMINISTERED
TO SENATORS-ELECT**

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Nathan Hecht administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

The President announced that a quorum of the Senate was present.

APPRECIATION EXTENDED

The President extended appreciation to Chief Justice Nathan Hecht for his assistance in the opening session of the 85th Legislature.

GUESTS PRESENTED

The President introduced to the Senate Cecilia Abbott, wife of Governor Greg Abbott, and his wife, Jan Patrick.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President acknowledged the presence of Governor Greg Abbott.

The Senate welcomed its guest.

ADDRESS BY GOVERNOR

The President presented to the Senate Governor Greg Abbott, who addressed the Senate as follows:

Good morning. Well, thank you, Governor Patrick. I'm honored to join with you here as we embark upon another historic legislative session. I'd like to especially welcome the new Members and to congratulate you on your elections. Also, I welcome back the veteran Members, those who were here last session. I want you to know that I look forward to working with you again on another very successful session. You know, as we start these sessions, gatherings like this are one of the most exciting because we get to see so many family members sitting in the Chamber with us. I'm proud that I have joined with me today my family member, my wife, the fabulous First Lady of Texas. You know, all of us have family members. They could be husbands or wives who are sitting with you now. They could be fathers and mothers, they could be sisters and brothers or sons and daughters. Those titles of whatever family member you have will always matter more than any political title you'll ever hold. And it's families like yours, families across the State of Texas who are going to depend upon your judgment, the Senators in this room, as we embark upon this session. We are called upon by the people of Texas to act with courage, with integrity, with resolve, to forge an even broader path to prosperity for all Texans in this state. Now, I know that the public servants in this room, as well as those in the Chamber across the Capitol hall, are more than up to that challenge because this is Texas and Texas is exceptional. Now, Pastor Hagee, as you know, scripture teaches that tribulations produce perseverance, perseverance character, and character hope. The perseverance and character of the early Texans who fought for our independence and gave birth to the hope of what has become

the greatest state in the history of the United States of America. Generations of Texans have persevered through countless tribulations with the typical Texas character that has always provided greater hope for the next generation, the hope that has made Texas the land of opportunity, where anyone from anywhere has a chance to come here and succeed, the hope that led to the saying, I may not have been born in Texas, but I got here as fast as I could. Well, as we gather on the threshold of yet another session, we must never forget that the reason why Texas is so exceptional is because of the extraordinary people that we have the privilege to represent. And it says something about who we are as Texans that people of all walks of life, people of varied backgrounds, some of whom may live almost a thousand miles apart from each other, people of both political parties can come together to ensure that Texas retains its extraordinary brand of opportunity. We may bring different political perspectives, but we unite under one Capitol dome and a cause that's bigger than any one person or any political party. It's the cause that makes Texas far more than just a state. It's the cause that makes Texas a passion. I pray that God blesses you and guides you for the next 140 days and that God will forever bless the great State of Texas. Thank you.

GUESTS PRESENTED

The President introduced to the Senate the following state officials: Supreme Court of Texas: Chief Justice Nathan Hecht, John Phillip Devine, Jeff Brown, Don R. Willett, Phil Johnson, Eva Guzman, Debra Lehmann, and Jeffrey Boyd; Court of Criminal Appeals: Presiding Judge Sharon Keller, Bert Richardson, Kevin Yeary, Elsa Alcalá, David Newell, Mary Lou Keel, and Scott Walker; Court of Appeals, Third District: Chief Justice Jeff Rose, David Puryear, Bob Pemberton, Melissa Goodwin, Scott Field, and Cindy Olson Bourland; Court of Appeals Justices Sherry Radaack, Terrie Livingston, Sandee Bryan Marion, Carolyn Wright, Josh R. Morriss III, Steve McKeithen, Jim R. Wright, James T. Worthen, and Rogelio Valdez; Railroad Commissioners Ryan Sitton and Wayne Christian; Attorney General Ken Paxton; Land Commissioner George P. Bush; and Commissioner of Education Mike Morath.

The Senate welcomed its guests.

RECESS

The President at 12:35 p.m. announced that the Senate will stand recessed until 12:45 p.m. today.

AFTER RECESS

The Senate met at 1:00 p.m. and was called to order by the President.

SENATE RESOLUTION 1 (Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 31 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 85th Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Tracy Ortiz;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Patience Worrel;
- (5) Journal Clerk—Polly Emerson; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$39,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

(c) An unexpended amount remaining at the end of the fiscal year, not to exceed \$10,000, may be carried forward to the next fiscal year. The total balance of unexpended funds accumulated may not exceed \$10,000 at the end of any fiscal biennium.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. (a) The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

(b) The per diem rate to be paid to each senator for the 85th Legislature is \$190.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 85th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

- (1) 140 shall be furnished to the house of representatives;
- (2) four shall be furnished to the Texas State Library and Archives Commission;
- (3) four shall be furnished to the Legislative Reference Library; and
- (4) the remainder shall be apportioned among the senators and the lieutenant governor.

The resolution was read and was adopted by the following vote: Yeas 31, Nays 0.

OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ELECTION OF PRESIDENT PRO TEMPORE EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

The President announced that the time had arrived for the election of President Pro Tempore of the 85th Legislature, Regular Session.

Senator Nelson placed in nomination the name of Senator Kel Seliger for the office of President Pro Tempore of the 85th Legislature, Regular Session.

On motion of Senator Hancock and by unanimous consent, the nominating speech by Senator Nelson and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nelson: Thank you, Mr. President. I rise to nominate Senator Kel Seliger as President Pro Tempore of the Texas Senate. As outlined in our Texas Constitution, the Senate President Pro Tempore is one of the most honored positions in state government, the third in line for the governorship. Senators, as we are today, select one of our own to perform the duties of the Lieutenant Governor in his absence, or, and if the Governor and the Lieutenant Governor are both out of state, the President Pro Tempore actually is the acting Governor. It has been my privilege to serve alongside Senator Seliger since his very first session. And I can say without hesitation, he is deserving of this honor. A true public servant, Senator Seliger was elected to the Senate in 2004, but he has dedicated his time, talents, and energy to serving the people of Amarillo for decades. He served four terms as Mayor of Amarillo. Before that he served on the Amarillo City Council and the Amarillo Civil Service Commission. He is a product of the Borger Independent School District, which obviously prepared him well. Did I say that right, Senator? Close, close, okay. They obviously prepared him well because he was accepted into the prestigious Ivy League school, Dartmouth College, and I know I pronounced that one right. He graduated with a bachelor's degree in biology and psychology and began what would be a very successful career in the steel industry, joining Lake Steel, the family-owned company that his grandfather started back in 1937. Senator Seliger and his incredibly awesome wife, Nancy, have two sons—this is where I get choked up, Senator—Jonathan and Matthew. I mean, when he came in they were little, they were this size, and now look at them, and I know how proud Senator Seliger and Nancy are of those two. It's been a joy to watch them grow up before our very eyes. Now they both live in Houston. Jonathan is a UT law student, graduate, UT law graduate, and Matthew works at the Bracewell firm. No, Matthew, wait, I messed it up, I'm starting over. I don't want to mess up what you guys did. Jonathan is a UT law graduate who works at the Bracewell firm. Matthew is a University of Texas graduate and is working in commercial real estate. I know how proud, if you want to see a really neat Facebook picture, go to, you're right up here weren't you, Senator Seliger, where were you when one of his sons got his law degree and you could see a proud papa there. It was really awesome. I knew I liked Senator Seliger right away because he is such a devoted, loving father. I often see him use his dad skills right here in the Senate Chamber, kind but firm with a great sense of humor. Senator Seliger has put together an impressive list of legislative accomplishments. He has fought to keep Texas hospitable for all businesses to come here and to stay here. He's worked to expand the role of drug courts and having organized town hall events in every single one of the

37 counties he represents, he has championed many pieces of legislation important to his district. His specialty is education. He began serving on the Senate Education Committee early in his Senate career. Four years ago, he was appointed Chairman of the Senate Higher Education Committee, and we are truly grateful for his leadership in education. He has worked to expand the math and science scholars loan repayment program for educators. He has been a reformer of our school testing policies. He has worked relentlessly to make sure that Texas has world-class institutions of higher education with state-of-the-art facilities, and for that we are very grateful. Senator Seliger, I went on the Internet to pull up his list of accomplishments. We would be here till three o'clock if I listed everything. But I have to tell you, he has received numerous awards for his service, including a 100 percent conservative rating by Texas Conservative Roundtable, three-time Texas Association of Business Fighter for Free Enterprise Award, Law & Order Award by Texas District and County Attorneys Association, Golden Apple Award by Texas Association of Midsize Schools, Legislator of the Year by Texas Municipal League. I'll stop there. But when it comes to awards for driving motorcycles or flying airplanes, Senator Seliger is going to have to be satisfied with a participation trophy. I won't go into a lot of detail, but I will tell you all, when he showed up—was that last session, Senator?—showed up on the Senate floor in a wheelchair, clearly in pain after having a run-in, his motorcycle and a taxicab, I won't go into all the details, but we were all wondering how in the world he would finish out session. He did. He didn't miss a beat. He zipped around in a wheelchair, he was cracking jokes and working on his bills and getting the job done for his constituents. That's Senator Seliger, our happy warrior who manages to make everyone around him feel better even when things aren't going his way. And now for the new Members, I'm going to share just one little story, there was a bill before the Senate to ban trans fats in restaurants, and the votes weren't there to block it. Senator Seliger did not like that bill and he wanted to block it. And so, when the bill came up, you know, you press this button, you asked to be recognized, and Lieutenant Governor recognized Senator Seliger, and he stood up with a package of marshmallow Peeps and gave the most incredible tribute to marshmallow Peeps I've ever heard, and I can't hear the words marshmallow Peeps without thinking of Senator Seliger. Yes, he is our happy warrior, he is a warrior for Texas in word and deed. He's worked on our Finance Committee to balance the state budget without raising taxes. He is a stalwart advocate for the Panhandle and concerns of rural Texans. He is a strong ally, making sure that Texas remains the number one state in which to do business. And when the Governor and the Lieutenant Governor are out of state, I know the State of Texas will be in good hands with Senator Seliger at the helm. Senator Seliger, we are grateful for your leadership, for your dedication, for your service to the state, and for your friendship.

Senator Watson: I've known Senator Seliger a long time. Kel and I first met back in 1997. He was the mayor of Amarillo. I was the mayor of Austin. Obviously, we had a lot in common—both mayors. Both mayors of Texas cities. Both mayors of Texas cities with great similarity. They both start with the letter "A." And the things we have in common have continued. Of course, back 20 years ago, then-Mayor Seliger had a full head of black hair, I had a full head of brown hair. Today, when we sit together at the far end of the dais in the Finance Committee and whisper to each other, we look like

Statler and Waldorf—the two old Muppets who sit off to the side and spout their opinions. I admired Kel immediately. He was recognized by the other mayors—both at Texas Municipal League events and at the U.S. Conference of Mayors shindigs—as one of the breakout leaders. He was, and is, very open. He was, and is, someone who takes the time to be knowledgeable before he speaks. He was, and is, a person who knows and shows empathy and a willingness to listen to others, even those he might not agree with. And, very importantly, he's happy. That's what has always struck me about Kel—back 20 years ago and today—he's a happy guy. He brings a sense of happiness to all of his endeavors. And he shares that happiness with us. When I say he shares it, I mean he passes it on. Sort of literally. A few sessions ago, we started talking about going to the Black Hills Motorcycle Rally in Sturgis, South Dakota. For those of you who don't know, that's the be all and end all of motorcycle rallies. The largest biker rally in the world. And if you have to ask why two middle aged State Senators from Texas would want to go to it, well, you'd never understand anyway, so I'm not going to try to explain it to you. Every day on the floor or in committee, we'd talk about how cool it would be to see the rally and the wall-to-wall motorcycles. We pictured ourselves riding like we actually belonged. We talked about the people watching. And the tattoos we could get. (I made that up. Kel really just wanted Nancy to get a tattoo.) One day, I walked into the Senate office and I'm told that Senator Seliger called. He said it's very important, but not urgent. Whatever that means. I go into my office, close the door, dial his number. I identify myself and ask for him. Immediately, I'm put through to him. He very loudly and very excitedly yells, "Guess where you're going to be the first week of August?" I said, "What? Where?" He booms over the phone: "Cactus Jack's Casino and Hotel." I said, "What is that?" He says, "It's in Deadwood, South Dakota. I've made reservations for you. We're going to Sturgis." And we did. Had a blast. By the way, it's tradition and practice that those who ride have identifying patches on their clothing. And so did Kel and his passenger Nancy. Unlike any you will see at most motorcycle rallies, but one this group will understand: They had Kel Seliger bumper stickers on the backs of their helmets. Unfortunately, as we all know, I sort of lost my riding partner last session. I tell the story to make this point: This guy is a happy person, who shares himself and his happiness with us. He's positive. He's caring. He wants to do good. And he does it with the gusto and enthusiasm of a person comfortable with who he is and happy to be where he is. Kel, you ain't no Hells Angel. But you're a heck of a friend to all of us. You're an excellent, dedicated Senator. And you're a leader we can all count on.

(Note: Prepared text)

Senator Perry: Mr. President, Members, it's a privilege to rise and second the nomination of Senator Kelton Gray Seliger to serve as the President Pro Tempore of the 85th legislative session. In my first session, the Dean of the Senate, Senator John Whitmire, made a point that this is a prestigious honor. Today is no different. I'm especially grateful for the opportunity to also second the nomination of my fellow West Texan, a truly honorable man, a dedicated public servant, and most esteemed colleague, Senator Kel Seliger. We are honored today to have Senator Seliger's wife, almost of 30 years, I think I'm close, and her two sons, Jonathan and Matthew, as it was mentioned earlier. The important thing there is, I've never had a conversation with the Senator that they were not mentioned. It doesn't matter whether we're sitting

in Pennsylvania eating crab cakes or whether we're flying back on a plane one day because he didn't choose to use his own plane wherever he was at, but it's always a focal point is what's going on in his family's life. And that's one of the first things you notice about an individual, is family a priority, and it definitely is with Senator Seliger. As you heard from our other colleagues, Senator Nelson, Senator Watson, Senator Seliger has a long life history of faithful and passionate serving of the people of this state, as well as his communities. Born in Amarillo and a proud graduate of Borger High School, Senator Seliger is a lifelong West Texan with the exception of the sabbatical to a mission field in Dartmouth University, brief tenure out of the state. We had sent him away; he did some good things and came back. So, that's where his alma mater exists. Kel is a West Texan that understands phrases like fair to middlin', and he knows the difference between a breakfast taco and a breakfast burrito. His interpretative skills for us fellow West Texas legislators is an invaluable asset for our urban Senators. He uses it well. His public service is very diverse as we've already heard. His accomplishments are many, and he's earned every one of them, although that was never his focal point. He's a very humble man if you ever spend any time with him. Over the past few years, I've had the privilege to serve with him on the Senate higher ed committee. And as mentioned earlier, past generations, present generations, and those to come will benefit from his legislative accomplishments, his initiatives. But his steady hand, the calm in the storm, the big issues of the day, Kel is always there and someone that, as you new guys, I, me, can always take a note from, that's it's not as bad as it seems, and tomorrow will be better because he's always working forward for the betterment of the state. One trait that you can notice from a Senator or a House of Representative, for that matter, is how does the staff feel about their boss. If you walk through an office where it's quiet, not much going on, and people seem to be in their particular spots, and not a lot of conversation, and not a lot of happy, as amicable as it's been brought out, you know where the boss is at on a lot of levels. Kel's staff always have the right disposition, the right demeanor, they're always the same, amicable spirit that you get, and they're always willing to lend a hand no matter what you are or what you're doing as a fellow staff member. That's a tribute and an attribute that can only come from leadership in that office. You can tell a lot about people with the little events that life throws at them. It's typically the internal spirit that's built on so many different things. I recently had an occasion where I had to have a tough conversation with a former, I mean with Senator Seliger about hiring a current employee. As a Senator, if you do your job right, I'm told that people want your staff. And I've had two this past session that have found greener pastures. Having sat down with the Senator to have this discussion about a potential hire from his employee group, he handled it with grace, selfless, but here's the man's character, it was always about that employee's well-being. Nothing else was said, that that's the right move and he supported the decision process a hundred times. So, you know clearly without hesitation, without thought, where this man's heart and spirits lie. It's what's good for that individual. He recognized that guy's role as better in a different capacity for the state, and he was willing to give that up. What we say matters, but what we do is eternal. I think Kel gets that very well. It's a rare opportunity to find such an honorable person in this day and time that puts others before self. I am proud to say that this Chamber is full of that selflessness amongst my

other colleagues. Senator Seliger, as President Pro Tem, will only enhance the integrity of the Senate. On one final note, Senator Seliger is an encourager and throughout his spirit of encouragement, he inspires others. You won't have to spend too long with Senator Seliger to know that he's a watchmaker. There are those people that wear watches, and then there's people that make the watch. He wants to get the details right because he wants the outcome to be predictable. Senator Seliger spends the time and the energy and the devotion to acquiring the knowledge to get it right. I'm a watch wearer a lot of times, but it's people like Kel Seliger that keep people like me in mind to make the State of Texas as moving forward in the right way. But I respect the detail and the conscious and the deliberate action on his part. John Quincy Adams stated, if your actions inspire others to dream more, learn more, do more, and become more, you're a leader. Senator Seliger, I am proud to second your nomination for the President Pro Tem. You deserve this honor, and I know you will execute your role with excellence and dignity. As you stand in this role, I hope that you know that the entire body stands before you with the greatest respect and admiration. Thomas Jefferson said one other thing, in matters of style, swim with the current; in matters of principle, stand like a rock. I believe this will be Senator Kel Seliger's legacy, as he leaves this Chamber in the future. We thank you for your service. We look forward to your tenure. And if the Governor and Lieutenant Governor happen to be out, we're in good hands.

Senator Estes: Thank you, Mr. President. Thank you, Members. Yes, Senator, first of all, let me say, Nancy and Jonathan and Matthew, thank you for sharing your husband and father with us in the State of Texas. State of Texas is better off for it. I am proud to second Senator Seliger's nomination for President Pro Tempore. One that, when I first came here, didn't even know what that meant. And I've been it, and I know you'll do a great job. We have served together, Senator, for about 13 years, a little over 13 years. And I am happy to call you my friend. I took advantage of the old political adage and got a dog and he's my friend. He thinks I can do no wrong. But, Senator, it is rare to have a, we fished together, had some wonderful times together. In a lot of ways, Senator Seliger and I are a lot alike. Let me give you some examples. He is from an elite East Coast Ivy League university, and I went off to a community college in Colorado. He is a scratch golfer, and I've played golf with him a few times. I'm a 30 handicapper. He loves to fly airplanes, and I promise you, I would not even get in an airplane that I was piloting. But we have had fun together. It's been a privilege to serve with you. And let me just say what, in my opinion, sets you apart. First of all, your work ethic is unsurpassed. And I don't believe there is a wide place in the road in your Senate District where you have not had a town hall meeting, and this is the truth, isn't it, Nancy? You know that's true. You use your abundant intelligence to do what's right for the people of Texas, and you've never swayed from that. As I second this nomination, it is really with great pride that I highlight some of your legislative accomplishments. I thought of three very quickly. One, high school cheerleaders are much safer on Friday nights because of your Senate tenure. The Tourette Syndrome Association is your constant ally. And after all of this, the chuck wagon is still the official vehicle of Texas.

Senator Zaffirini : Thank you, Mr. President. Mr. President and Members, it is my distinct honor and pleasure to rise to second the nomination of our friend and colleague, Senator Kel Seliger of Amarillo, a conservative who cares passionately and compassionately about the people he represents, a leader who is respected for his honesty, integrity, and loyalty, and a family person whose love for his family is the basis for his success. Daniel Webster, a Dartmouth University alumnus, once said, Let us develop the resources of our land, build up its institutions, promote all its great interests, and see whether we also may perform something worthy to be remembered. Senator Seliger lives by those words, and that is why I believe that he is worthy to be our President Pro Tempore. In the 12 years that he has served, almost 13, in the Texas Senate, he has built a reputation as one of the Senate's most popular, most powerful, and most effective Senators. As Chair of the Higher Education Committee and a Member of the Finance Committee, for example, last session he passed House Bill 100, appropriating \$3.1 billion for 64 construction projects at 59 higher education institutions. Senator Seliger, bravo, my friend. As a Member of the Education Committee, he passed Senate Bill 149, which creates a pathway for high school seniors who passed all of their courses, but not necessarily all of their end-of-course assessments. And that has been acclaimed throughout our State of Texas. As a Member of the Natural Resources Committee, he has addressed and impacted so many issues that are especially important to his district, including oil and gas, water, and private property rights. Senator Seliger, you have done an amazing job. But when he came to the Senate, he brought with him the spirit of the mayor of Amarillo, and that is how he serves his constituents, in that spirit. For example, when he was mayor, an elderly woman called and complained that her trash had not been picked up for two cycles. Then-Mayor Seliger drove to her house and picked up her trash himself. Good job, Senator Seliger. He represents more counties than any other Senator, 37 in the Panhandle, the Permian Basin, and the South Plains area of Texas. That is amazing. You heard reference to his town hall meetings. He has had 337, and he visits each of those counties at least once a year. That is unbelievable in terms of constituent services, and we are so proud of that work. Senator Seliger is truly a unique Senator in many ways. For example, did you know that he holds the record for the most elections in the fewest days? Three, a special election primary, a special election runoff, and a party primary. Members, in 46 days, that is unbelievable. And between his mayoral and senatorial terms, you know what he did? He and Nancy decided to spend more time together, and they took up co-ed, adult ice hockey. And though Jonathan and Matthew are out of the house and all grown up, the parents still go to water slide parks. And one of the things he is proudest of is soaring down the world's scariest water slide, the Summit Plummet in Florida, at 55 miles per hour. And because of his nature, he's just a loveable, huggable teddy bear. You would never imagine that he is an Ivy Leaguer who studied in Paris and is fluent in French. Usually when we talk about bilingualism, we talk about English and Spanish, but he speaks French beautifully, according to Nancy. Truly, Nancy and Kel Seliger are the power couple of the Senate for 2017. He will serve as her President Pro Tempore, as a committee chair, and as a Member of the most powerful committees of the Texas Senate. She will serve as President of the Senate's most influential opinion leaders, the Senate wives, also known as the Senate Ladies Club. She will derive her power from the wives of 22

male Senators. He derives his power because he is keenly aware, Members, that each of us is indebted to him. Why? Each of us was elected in the district that he drew as Redistricting Committee Chair. But his power is cushioned by his sense of humor. You've heard about his sense of humor already, but what I remember most is when the Senate Finance Committee Members were engaged in an incredibly angry, acrimonious debate about education. Senator Seliger, then a freshman, walked in wearing a hard hat and sat down, and someone announced that Bob the Builder, a uniter, not a divider, had entered the room. Wonderful work, Senator Seliger. Senator Seliger's deepest regret is that his father, Louis, and mother, Jayne, did not live long enough to see him elected to the Texas Senate, though his stepmother, Joan, did, and his mother-in-law, Anna Meredith, is with us today. He credits his father, Louis, for teaching him and his brother, Laine, who also is here with his wife, Kelli, that whatever is worth doing is worth doing right and that if you love what you do, you'll never work a day in your life. He credits his mother, Jayne, with teaching him that you should work hard and not do or say anything that you wouldn't want to see on the first page of the newspaper. The elder Seligers, who invested so much in Kel and Laine, and were so proud of their success in the steel business, undoubtedly would have been very proud to see those lessons instilled in Jonathan and Matthew, who agree it's fun to be his son. And to them we say thank you for being such good sons, and thank you to Kel and Nancy for being such good parents. Kel's family is more important to him than anything else and what he values for his family is what he works for for the families of his district and the families of the State of Texas. That hard work has been noticed time and time again. And I believe that because he has embraced the goals of the Dartmouth alumnus, Daniel Webster, when he said that we should work toward doing something that is worthy of being remembered. Kel Seliger will continue to abide by those goals and to continue to do work that will be worthy of being remembered. But because of his good nature, and because of his sense of humor, I believe that he also embraces the words of another Dartmouth University alumnus, Robert Frost. And Robert Frost prayed so beautifully, Lord, forgive me my nonsense, as I also forgive the nonsense of those who think they make sense. Many people would think that Senator Seliger would be proud to be listed along with Daniel Webster and Robert Frost as Dartmouth University alumni; we who know him believe that they would be honored to be listed with Senator Kel Seliger. Mr. President and Members, I proudly and happily second the nomination of our friend and colleague, the inimitable Kel Seliger, to serve as our President Pro Tempore. Thank you so much.

On motion of Senator Nelson, Senator Seliger was elected President Pro Tempore.

The President declared that the Honorable Kel Seliger had been duly elected President Pro Tempore of the 85th Legislature, Regular Session, by acclamation.

The President appointed the following committee to escort Senator Seliger and his family to the President's Rostrum: Senators Nichols, Birdwell, Campbell, Hinojosa, and Whitmire.

Senator Seliger and his party were then escorted to the President's Rostrum by the committee.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to the Honorable Kel Seliger as follows:

I, Kel Seliger, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ADDRESS BY PRESIDENT PRO TEMPORE

President Pro Tempore Seliger addressed the Senate as follows:

Thank you very much. And particularly thanks to Senators Nelson, Zaffirini, Estes, Watson, and Perry. I'm glad I didn't know what everyone was going to say, because I might have done myself harm in preparation for the finest eulogy that anyone could ever ask for. Because most of us, and certainly I, am here because of the help and support of others, I would like to express my gratitude to some of the people here. First to my family. No one has enjoyed more unconditional support from their family than I have. I cannot imagine anyone could be more supportive and engaged in elections and service than my wife, Nancy. She has worked very hard in every one of my elections and ensured that I have always come home to assurances that public service is a very high calling, and she exemplifies the idea that our families, supportive of our efforts in this and all public offices, are also public servants. I will never forget a night in 1989, when I was participating in one of my first public forums in my first race for City Council, when she sat in a high school ladies room, propping the door open with her foot and nursing her three-week-old baby so we could talk later about how to most clearly discuss the issues in a growing city. That baby and his younger brother are here today, constant reminders, then and now, that our efforts are largely about our and other peoples' children, generations, living and future, that will be affected by our efforts. As many of my speeches as they have heard, it is nice to know that they are also listening. Any parent would be proud to have sons who are responsible, patriotic, respectful, and who generously laugh at their father's jokes. My parents did not live to see me sworn into the Texas Senate. They raised me to believe we have our essential responsibility to ourselves, and that is to use our God-given gifts to be the best possible people we could be. My fondest hope is that if they were here today, they would feel that I have lived realizing that was my aim. Or that at least I was trying to be more like my brother, who is also here today. I would like to thank my mother-in-law, Anna Meredith, for not trying to convince her daughter that surely there were some promising prospects beside a Jewish steel salesman from Amarillo. For the first time, opening day is not attended or followed by my father-in-law, Jack Meredith. He grew up during the Depression in Albany, Texas. He dropped out of university shortly after Pearl Harbor to join the Army Air Corps where he served until 1945. Those experiences and

perspective made him one of the most patriotic people I have ever met and someone who was ever appreciative of the blessings we enjoy simply by being residents or being born in this state and in the United States. He and I agree with Warren Buffet when he said that if you are born in this country, you have already won the lottery. Our challenge is to see that is true for generations not yet born here. I would like to publicly recognize my staff who are some of the most dedicated and hardworking people I have known. They realize that the work they do is important, but one of their and my primary responsibilities is to demonstrate to the people we represent that they are respected and appreciated and that they and we really work for them. There are a number of individuals here today from a number of the 37 counties in the 31st District, and I want to make sure they know how much I appreciate the great honor and privilege of representing them here. What an honor it is to have the opportunity to serve this body as President Pro Tempore. And while it is an honor, it carries responsibility. And that it is, in those times when called upon to preside, is my goal that it be done exactly as it would be if the Lieutenant Governor were standing here. Being a good surrogate, ensuring the consistency and dependability of the operation of this body is important. It was almost 13 years ago that I walked into the Capitol on an early, misty morning to be sworn in. I first stood on this platform, awed by the history and accomplishments associated with this Chamber and this institution. I was a little subdued by the great responsibilities and expectations that came with the oath of office. I can honestly say today that I am not any less awed, impressed, even inspired than I was on that day. Each of us will take actions that affect the way Texans live. We will affect their health care, their education, their cost of living, their potential vocations, and their preparation for them. It doesn't take long to learn that what we say about education being our most important responsibly and institution is not a slogan or motto. It is a necessary truth. We educate today for the Texas of the future. This is the best place in the world to live, work, own or start a business. But it is not inevitable that will always be true. Our future as a state is not assured. It is only with vision and hard work and public acceptance that our great-grandchildren will see the same possibilities that we did. So I decided, not knowing a lot about the policy and conduct of public education, that it was the area in which an individual could make the most difference. And so, with the help and support of educators in the 60 or so, now 90, school districts that were in the 31st District, I set about trying to address some of the concerns of some of the most dedicated professionals in the state. In my second regular session, I introduced Senate Bill 379 that did away with the fatally flawed TAKS test. We did that and replaced it, and the recent discussion demonstrates how much we still have to do to see that our educational system really serves the young people of the State of Texas and has the confidence of the people who pay for it. That continues to be my goal, and I thank in advance the educators of the State of Texas whose only goal is the success of our children. And our responsibility is to

see that they have the tools to produce a populace that has more insight, capability, and determination than any in the world. It was Sam Houston who said, the benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government. Since that time, I have tried to work with educators around the state and with a number of you to continue to address the issues of public education. Two principles are very important. One, at the end of the day, after the high-level policy discussions, debate, some politics, this is about children, their abilities, their limitations, their aspirations. The second principle is a personal one. Not having a background in public education other than my diploma from Borger High School, what can I legitimately contribute? The willingness to work with other people, particularly educators who bring so much to the process, is important. But using the guidance of Thomas Jefferson when he said, He who knows best knows how little he knows. And that's okay when one learns to listen. It's important to know that my mother-in-law is certain that President Jefferson was somehow talking about me. This is a copy of the minutes of the Eighth Legislature detailing all the legislation passed in 1859. It's safe to say that probably no one knows anything done, accomplished, or is noteworthy from this Legislature. There will be a similar book, DVD, or Facebook filing about the 85th Legislature. My ambition is that 50 or a 100 years from now, a legislator here or somewhere else, it may very well be Senator Whitmire, holds up the book produced by the 85th Legislature and talks about what goes on here from today to late May, because that book will be the textbook for the process of developing priorities that truly serve the people governed by bodies like this one. That this Legislature be the standard of deliberation, cooperation, and leadership that should define service. I look forward to our journey toward that goal. Good luck in the 85th Legislature. God bless Texas.

(Note: Prepared text)

SENATE NOTIFIED

A committee from the House of Representatives appeared at the Bar of the Senate and notified the President and Members of the Senate that the House was organized and ready to transact business.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Hancock and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Seliger for a DVD of today's session.

MOTION IN WRITING

Senator Hancock offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint two committees of five Members each to notify the Governor and the House of Representatives that the Senate is organized and ready to transact business.

HANCOCK

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Nelson, Chair; Birdwell, Seliger, West, and Zaffirini, and the following Committee to Notify the House of Representatives: Senators Hancock, Chair; Buckingham, Hughes, Menéndez, and Miles.

SENATE CONCURRENT RESOLUTION 7

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 11, 2017, and ending on Tuesday, January 17, 2017.

WHITMIRE

SCR 7 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

CO-AUTHOR OF SENATE BILL 4

On motion of Senator Perry, Senator Bettencourt will be shown as Co-author of **SB 4**.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:03 p.m. adjourned, in memory of Vilma Jean Goeb, until 11:00 a.m. tomorrow.