SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTH DAY

(Tuesday, January 24, 2017)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

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

Pastor Stephen Washburn, First Baptist Church, Pflugerville, offered the invocation as follows:

Father, I thank You for the opportunity to stand before this honorable assembly of men and women today. I cannot presume to know the hearts and minds of these good people. So, I do not come leading them in prayer. Rather, I come before You interceding on their behalf and praying for them. You have called them to this great service. You have ordained them as our So now, Father, as they begin their divinely leaders and lawmakers. appointed role of service in this new day, I lift them up to You and ask You to bless them indeed. Bless their health. They work under terrible pressure. Help them to rest in You and find relief from their burdens as they labor selflessly on behalf of the people of Texas. No doubt, the demands of this high calling put a great strain on their families. For those who are married, I ask that You bless their marriages. Do not allow their marriages to suffer because of their service today to the people of Texas. And bless and protect their children. And, Father, as the end of the day approaches, no matter how early or late that might be, send them home with a great sense of accomplishment, knowing they have given themselves in this day to a high and noble calling. And as they lay their heads down to sleep, give them contentment, fulfillment, and peace. On behalf of the people of the State of Texas, I ask that You love them and care for them in this day, Father. And I ask this all in the great name of Jesus. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

January 24, 2017 Austin, Texas

TO THE SENATE OF THE EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be the State Board of Education Chair, effective February 1, 2017, for a term to expire February 1, 2019:

Donna M. Bahorich Houston, Texas (Ms. Bahorich is being reappointed)

> Respectfully submitted, /s/Greg Abbott Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Timothy Vachris of Pflugerville as the Physician of the Day.

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

SENATE RESOLUTION 36

Senator Taylor of Galveston offered the following resolution:

SR 36, Recognizing January 24, 2017, as Oyster Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor of Galveston was recognized and introduced to the Senate a Texas Outdoor Coastal Council delegation, accompanied by Johnny Halili, Lisa Halili, Raz Halili, and Clifford Hillman.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Little League Softball World Series 2016 Champions, the Greater Helotes Little League team.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a National School Choice Week delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate students from Saint Leo the Great Catholic School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Garcia was recognized and introduced to the Senate a Senate District 6 seniors delegation from Galena Manor Park, Jacinto City, Channelview, Villas on Wood Forest, Grayson Community Center, Our Lady Star of the Sea Catholic Church, Big Bass Resort, Denver Harbor, Ripley House Neighborhood Center, Magnolia Multi-Service Center, YWCA Houston, and Las Villas De Magnolia.

The Senate welcomed its guests.

SENATE RESOLUTION 37

Senator Huffman offered the following resolution:

SR 37, Recognizing January 24, 2017, as Texas Juvenile Justice Professional Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate a Texas Juvenile Justice Department delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 20

Senator Miles offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Texas Southern University and to welcome those who are visiting the State Capitol on January 24, 2017, to celebrate Texas Southern University Day; and

WHEREAS, Founded in 1927, Texas Southern University is one of the most prominent Historically Black Colleges and Universities in Texas and in the United States; and

WHEREAS, The university offers more than 120 baccalaureate, master's, and doctoral degree programs in nine schools and colleges, and it provides a first-class education to approximately 8,500 students each year; and

WHEREAS, One-fourth of all African American pharmacists in the country are graduates of Texas Southern University, and the Thurgood Marshall School of Law annually graduates more African American and Hispanic law students than any other law school in the state; and

WHEREAS, Under the direction of Dr. Austin A. Lane, the university is committed to focusing on student success and to maintaining the highest standards in academic quality and research, fiscal responsibility, and educational partnerships; and

WHEREAS, Texas Southern University is proud to have two members of the Texas Senate and eleven members of the Texas House of Representatives closely tied to the university as alumni or current students; and

WHEREAS, Texas Southern University is an enduring and invaluable force in the provision of quality higher education, and the institution plays a significant role in the economic and social vitality of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend Texas Southern University on its dedication to excellence and extend to its delegates best wishes for a memorable Texas Southern University Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special day.

SR 20 was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate a Texas Southern University delegation, joined by Board of Regents Chair Derrick Mitchell, President Austin Lane, Student Regent Tramauni Brock, Administration and Finance Vice-president Kenneth Huewitt, and Student Government Association President Justin Lee.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2 by Bettencourt, Creighton, Hancock, Taylor of Collin

Relating to ad valorem taxation.

To Committee on Finance.

SB 4 by Perry

Relating to the enforcement by certain governmental entities of state and federal laws governing immigration and to the duties of law enforcement agencies concerning certain arrested persons.

To Committee on State Affairs.

SB 6 by Kolkhorst

Relating to regulations and policies for entering or using a bathroom or changing facility; authorizing a civil penalty; increasing criminal penalties.

To Committee on State Affairs.

SB 7 by Bettencourt

Relating to improper relationships between educators and students; creating a criminal offense and expanding the applicability of an existing offense.

To Committee on Education.

SB 8 by Schwertner

Relating to certain prohibited abortions and the treatment and disposition of a human fetus, human fetal tissue, and other tissue resulting from pregnancy; creating a civil cause of action; creating offenses.

To Committee on Health and Human Services.

SB 9 by Hancock

Relating to the constitutional limit on the rate of growth of appropriations.

To Committee on Finance.

SB 11 by Schwertner, Nelson, Uresti

Relating to the administration of services provided by the Department of Family and Protective Services, including foster care, child protective, and prevention and early intervention services.

To Committee on Health and Human Services.

SB 12 by West

Relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests.

To Committee on Criminal Justice.

SB 13 by Huffman, Bettencourt, Birdwell, Burton, Campbell, Hancock, Huffines, Kolkhorst, Perry, Schwertner, Taylor of Collin

Relating to payroll deductions for state and local government employee organizations. To Committee on State Affairs.

SB 15 by Huffines, Hall, Hancock, Taylor of Collin, West

Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty. To Committee on Finance.

SB 16 by Nichols, Huffman

Relating to the removal of a fee for the issuance of an original, duplicate, modified, or renewed license to carry a handgun.

To Committee on State Affairs.

SB 18 by Seliger

Relating to eliminating provisions requiring public institutions of higher education to set aside portions of designated tuition for student financial assistance.

To Committee on Higher Education.

SB 19 by Seliger

Relating to temporary limitations on the amount of tuition and fees charged by certain public institutions of higher education.

To Committee on Higher Education.

SB 20 by Taylor of Galveston

Relating to health plan and health benefit plan coverage for abortions.

To Committee on Business and Commerce.

SB 21 by Birdwell, Bettencourt, Campbell, Creighton, Hancock, Huffines, Perry, Seliger, Taylor of Galveston

Relating to the qualifications, duties, and limitations of Texas delegates to a convention called under Article V of the United States Constitution.

To Committee on State Affairs.

SB 22 by Taylor of Galveston

Relating to the establishment of a Pathways in Technology Early College High School (P-TECH) program and to the repeal of the tech-prep program.

To Committee on Education.

SB 23 by Schwertner, Bettencourt, Birdwell, Burton, Campbell, Creighton, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Perry, Seliger, Taylor of Collin

Relating to requiring state contractors to participate in the federal electronic verification of employment authorization program, or E-verify.

To Committee on Business and Commerce.

SB 24 by Huffman, Hancock

Relating to a privilege from disclosure to governmental units for certain evidence concerning sermons delivered by a religious leader.

To Committee on State Affairs.

SB 25 by Creighton, Bettencourt, Birdwell, Burton, Campbell, Estes, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin

Relating to eliminating the wrongful birth cause of action.

To Committee on State Affairs.

SB 26 by Estes

Relating to the Texas emissions reduction plan and other related programs and measures to reduce emissions.

To Committee on Natural Resources and Economic Development.

SB 31 by Zaffirini

Relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

To Committee on State Affairs.

SB 32 by Zaffirini

Relating to the establishment and operation of the Texas B-On-time student loan program.

To Committee on Higher Education.

SB 33 by Zaffirini

Relating to eligibility for a TEXAS Grant and to administration of the TEXAS grant program.

To Committee on Higher Education.

SB 34 by Zaffirini

Relating to outcomes-based funding for general academic teaching institutions.

To Committee on Higher Education.

SB 35 by Zaffirini

Relating to providing free full-day prekindergarten for certain children.

To Committee on Education.

SB 36 by Zaffirini

Relating to the regulation of certain guardianship programs.

To Committee on State Affairs.

SB 37 by Zaffirini

Relating to the requirement to obtain certification for attorneys representing persons in guardianship proceedings.

To Committee on State Affairs.

SB 38 by Zaffirini

Relating to guardianships.

To Committee on State Affairs.

SB 39 by Zaffirini

Relating to guardianships for persons who have physical disabilities or who are incapacitated.

To Committee on State Affairs.

SB 40 by Zaffirini

Relating to the bond required and the bond insurance obtained for certain judges.

To Committee on State Affairs.

SB 41 by Zaffirini

Relating to the demand for an accounting from an attorney in fact or agent of a principal by a guardian of the principal.

To Committee on State Affairs.

SB 42 by Zaffirini

Relating to the security of courts and judges in the state.

To Committee on State Affairs.

SB 43 by Zaffirini

Relating to the Judicial Branch Certification Commission; authorizing fees; modifying existing penalties.

To Committee on State Affairs.

SB 44 by Zaffirini

Relating to petition requirements for an application for a place on the general primary election ballot for certain judicial offices.

To Committee on State Affairs.

SB 45 by Zaffirini

Relating to the service retirement annuity for certain members of the Judicial Retirement System of Texas Plan Two who resume service.

To Committee on State Affairs.

SB 46 by Zaffirini

Relating to allowing judges to use juror identification numbers when polling the jury. To Committee on State Affairs.

SB 47 by Zaffirini

Relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

To Committee on Criminal Justice.

SB 48 by Zaffirini

Relating to exempting books purchased, used, or consumed by certain university and college students from the sales and use tax for limited periods.

To Committee on Finance.

SB 49 by Zaffirini

Relating to the appointment by certain elected officials of students to receive a Texas Armed Services Scholarship.

To Committee on Higher Education.

SB 50 by Zaffirini

Relating to the offense of hazing.

To Committee on Criminal Justice.

SB 51 by Zaffirini

Relating to financial eligibility for the Texas home living (TxHmL) waiver program.

To Committee on Health and Human Services.

SB 52 by Zaffirini

Relating to the reimbursement of providers for the provision of certain home telemonitoring services under Medicaid.

To Committee on Health and Human Services.

SB 53 by Zaffirini

Relating to the period of continuous eligibility for the medical assistance program.

To Committee on Health and Human Services.

SB 54 by Zaffirini

Relating to the immunization data included in and excluded from the immunization registry.

To Committee on Health and Human Services.

SB 55 by Zaffirini

Relating to a study of the use of a patient-reported outcomes registry in conjunction with health coverage for certain governmental employees.

To Committee on State Affairs.

SB 56 by Zaffirini

Relating to the acknowledgment by management of risks identified in state agency information security plans.

To Committee on Business and Commerce.

SB 57 by Zaffirini

Relating to the use of a wireless communication device by a state officer or employee while operating a motor vehicle.

To Committee on Business and Commerce.

SB 58 by Zaffirini

Relating to notification requirements applicable to certain state contracts.

To Committee on Finance.

SB 59 by Zaffirini

Relating to energy and water management planning and reporting requirements for state agencies and institutions of higher education.

To Committee on Business and Commerce.

SB 60 by Zaffirini

Relating to the preference given by state and local governmental entities, including public institutions of higher education, to agricultural products produced, processed, or grown in this state.

To Committee on Agriculture, Water, and Rural Affairs.

SB 61 by Zaffirini

Relating to public school accountability for bilingual education and English as a second language and other special language programs.

To Committee on Education.

SB 62 by Zaffirini

Relating to erecting certain signs on private property before an election.

To Committee on State Affairs.

SB 63 by Zaffirini

Relating to the electronic filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates and the content of those statements; creating a criminal offense.

To Committee on State Affairs.

SB 64 by Zaffirini

Relating to recording of minutes for a local canvassing authority.

To Committee on State Affairs.

SB 65 by Zaffirini

Relating to the regulation of funeral services, funeral homes, cemeteries, and crematories; imposing penalties.

To Committee on Business and Commerce.

SB 66 by Zaffirini

Relating to an exemption from the motor vehicle sales and use tax for certain military servicemembers serving on active duty.

To Committee on Finance.

SB 67 by Zaffirini

Relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense.

To Committee on State Affairs.

SB 68 by Zaffirini

Relating to the eligibility for service retirement annuities from the Employees Retirement System of Texas of certain elected officials convicted of certain offenses.

To Committee on State Affairs.

SB 69 by Zaffirini

Relating to civil or criminal liability for leaving certain animals unattended in or removing certain individuals or animals from a motor vehicle.

To Committee on State Affairs.

SB 70 by Zaffirini

Relating to the required earnings statement provided by employers.

To Committee on Natural Resources and Economic Development.

SB 71 by Zaffirini

Relating to the transfer of certain state real property to the City of San Marcos.

To Committee on Natural Resources and Economic Development.

SB 72 by Nelson

Relating to the decrease of the rates of the franchise tax under certain circumstances and the expiration of that tax.

To Committee on Finance.

SB 73 by Nelson

Relating to leave policy and procedures for state employees.

To Committee on Business and Commerce.

SB 74 by Nelson

Relating to the provision of certain behavioral health services to children, adolescents, and their families under a contract with a managed care organization.

To Committee on Health and Human Services.

SB 75 by Nelson

Relating to the requirement for parental consent for a minor to join a labor union.

To Committee on Natural Resources and Economic Development.

SB 76 by Nelson

Relating to the authority of general-law municipalities to restrict sex offenders from child safety zones in the municipality.

To Committee on Criminal Justice.

SB 77 by Nelson

Relating to involuntary termination of parental rights based on sexual assault of the child's other parent.

To Committee on State Affairs.

SB 78 by Nelson

Relating to the disposition of certain state surplus or salvage data processing equipment.

To Committee on Business and Commerce.

SB 79 by Nelson

Relating to the production of public information available on a publicly accessible website.

To Committee on Business and Commerce.

SB 80 by Nelson

Relating to certain required reports prepared by state agencies and other governmental entities.

To Committee on Business and Commerce.

SB 81 by Nelson

Relating to the operations of the Cancer Prevention and Research Institute of Texas.

To Committee on Health and Human Services.

SB 82 by Nelson

Relating to prohibiting the temporary closure of segments of the state highway system on days that certain scheduled events are being held.

To Committee on Transportation.

SB 83 by Hall

Relating to protection of energy critical infrastructure from electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

To Committee on Business and Commerce.

SB 84 by Hall

Relating to a pilot project for financing certain Texas Department of Transportation projects.

To Committee on Transportation.

SB 85 by Hall

Relating to the verification of employment authorization by state contractors and state grant recipients, including the use of the federal E-verify program, and to authorization for the suspension of certain licenses held by private employers for the knowing employment of persons not lawfully present in this state; authorizing a fee.

To Committee on Business and Commerce.

SB 86 by Hall

Relating to the liability of a property owner who allows handguns to be carried on the owner's property.

To Committee on State Affairs.

SB 87 by Hall

Relating to registration of a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system.

To Committee on Transportation.

SB 88 by Hall

Relating to the use of photographic traffic signal enforcement systems.

To Committee on Transportation.

SB 89 by Hall

Relating to the execution or enforcement of federal laws that violate the Bill of Rights of the Texas Constitution.

To Committee on State Affairs.

SB 90 by Hall

Relating to the repeal of the driver responsibility program.

To Committee on Transportation.

SB 91 by Hall

Relating to the use of automatic license plate readers by a law enforcement agency.

To Committee on Criminal Justice.

SB 92 by Hall

Relating to prohibition of certain regulations by a county, municipality, or other political subdivision.

To Committee on Business and Commerce.

SB 93 by Hall

Relating to prohibiting public funds from being used to enforce certain federal or international laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

To Committee on State Affairs.

SB 94 by Hall

Relating to a ribbon for certain members of the military forces who served in support of operations to secure the Texas border.

To Committee on Veteran Affairs and Border Security.

SB 95 by Hall

Relating to the regulation of raw milk and raw milk products; adding a provision subject to a criminal penalty.

To Committee on Health and Human Services.

SB 96 by Hall

Relating to Internet access to meetings of the board of directors of a regional mobility authority.

To Committee on Business and Commerce.

SB 97 by Hall

Relating to the deadline for filing an application for an exemption from ad valorem taxation of the residence homestead of a 100 percent or totally disabled veteran.

To Committee on Finance.

SB 98 by Hall

Relating to removing the requirement for bilingual education and special language programs for certain students of limited English proficiency.

To Committee on Education.

SB 99 by Hall

Relating to the abolishment of the Music, Film, Television, and Multimedia Office in the office of the governor and other incentives for media productions.

To Committee on Natural Resources and Economic Development.

SB 100 by Hall

Relating to abolishing the Texas Enterprise Fund and the disposition of the balance of that fund.

To Committee on Natural Resources and Economic Development.

(President Pro Tempore Seliger in Chair)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Texas Association of Counties delegation, accompanied by county officials from across Texas.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 10

The President Pro Tempore 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 25, 2017, and ending on Monday, January 30, 2017.

WHITMIRE

SCR 10 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 299

On motion of Senator Burton, Senator Buckingham will be shown as Co-author of **SB 299**.

CO-AUTHOR OF SENATE BILL 407

On motion of Senator Watson, Senator Huffines will be shown as Co-author of SB 407.

CO-AUTHOR OF SENATE BILL 408

On motion of Senator Watson, Senator Huffines will be shown as Co-author of SB 408.

CO-AUTHOR OF SENATE BILL 419

On motion of Senator Kolkhorst, Senator Nichols will be shown as Co-author of SB 419.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 38 by Nelson, In memory of Jerry Ronald Walker.
- **SR 41** by Nelson, In memory of Lynda Arnold.

Congratulatory Resolutions

- **SR 39** by Garcia, Recognizing the Greater Houston League of United Latin American Citizens Council 4241 for its commitment to civil rights.
- **SR 40** by Nelson, Recognizing Tim Weaver on the occasion of his retirement.
- **SR 42** by Nelson, Recognizing the City of The Colony on the occasion of its 40th anniversary.
- **SR 44** by West, Recognizing Johnie Mae Gillespie Anderson on the occasion of her 100th birthday.
- **SR 45** by West, Recognizing the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, on the occasion of its Founders' Day Luncheon.
- **SR 46** by West, Recognizing Jacqueline Walters for her accomplishments.
- **SR 47** by West, Recognizing Cheryl Benson for her contributions to the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.
- **SR 48** by West, Recognizing Beverly Randall for her contributions to the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.
- **SR 49** by West, Recognizing Kassie Gossom for her contributions to the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.
- **SR 50** by West, Recognizing Constance Washington for her 50-year membership in Alpha Kappa Alpha Sorority, Incorporated.
- **SR 51** by West, Recognizing Felicia Hammons for her 50-year membership in Alpha Kappa Alpha Sorority, Incorporated.
- **SR 52** by West, Recognizing the 25-year members of Alpha Kappa Alpha Sorority, Incorporated.

Official Designation Resolution

SR 43 by Nelson, Celebrating January 31, 2017, as Children's Advocacy Centers of Texas Legislative Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:50 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

January 24, 2017

ADMINISTRATION — SB 535, SJR 31

RESOLUTIONS ENROLLED

January 23, 2017

SR 22, SR 23, SR 24, SR 25, SR 26, SR 27, SR 28, SR 29, SR 30, SR 31, SR 32, SR 34

SENT TO SECRETARY OF STATE

January 24, 2017

SCR 7