

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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THIRTEENTH DAY

(Monday, February 13, 2017)

The Senate met at 2:00 p.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, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Estes, Miles.

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

Pastor Randy Wells, Saint John African Methodist Episcopal Church, Brenham, offered the invocation as follows:

Father God, in the name of Jesus Christ, we thank You for allowing us to be in these hallowed halls of the Texas State Senate. Father God, I pray that You will give every Member of the Senate the spirit of wisdom as they make these decisions that will impact the great State of Texas. Please bless these Your public servants and their families, and we give You the praise, the honor, and glory in Jesus Christ's name.

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.

## LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Estes was granted leave of absence for today on account of illness.

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 13, 2017 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SCR 15**

Whitmire

Sponsor: Cyrier

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 8, 2017, and ending on Monday, February 13, 2017.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**PHYSICIAN OF THE DAY**

Senator Schwertner was recognized and presented Dr. Diana Cook of Round Rock as the Physician of the Day.

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

**CONCLUSION OF MORNING CALL**

The President at 2:14 p.m. announced the conclusion of morning call.

**SENATE BILL 502 ON SECOND READING**

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 502** at this time (Submitted by Governor as an emergency matter):

**SB 502**, Relating to the content of detailed reports filed by lobbyists and to monetary limits on expenditures by lobbyists.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 502** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 23), strike "Subsection (h)" and substitute "Subsections (h) and (i)".

(2) In SECTION 1 of the bill, in added Section 305.0061(h), Government Code (page 2, line 10), strike "value" and substitute "amount".

(3) In SECTION 1 of the bill, in added Section 305.0061(h), Government Code (page 2, lines 10-11), strike "(a), (b), or (c)" and substitute "(a) or (b)".

(4) In SECTION 1 of the bill, in added Section 305.0061(h), Government Code (page 2, line 11), strike "value" and substitute "amount".

(5) In SECTION 1 of the bill, in added Section 305.0061(h), Government Code (page 2, line 12), strike "(a), (b), or (c)" and substitute "(a) or (b)".

(6) In SECTION 1 of the bill, following added Section 305.0061(h), Government Code (page 2, between lines 12 and 13), insert the following:

(i) If more than one registrant or persons acting on behalf of more than one registrant and with each registrant's consent or ratification collaborate to make an expenditure described by Section 305.006(b) together, each registrant shall report the total value of the shared expenditure as required by Subsection (c), if the total value of the shared expenditure exceeds the amount provided under Subsection (c).

The amendment to **SB 502** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes, Miles.

**SB 502** as amended was passed to engrossment by the following vote: Yeas 29, Nays 0.

Absent-excused: Estes, Miles.

**SENATE BILL 502 ON THIRD READING**

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 502** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Estes, Miles.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 503 ON SECOND READING**

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 503** at this time (Submitted by Governor as an emergency matter):

**SB 503**, Relating to the prohibition on lobbying by certain elected officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Estes, Miles.

### **SENATE BILL 503 ON THIRD READING**

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 503** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Estes, Miles.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 65**.

### **BIRTHDAY GREETINGS EXTENDED**

The President, on behalf of the Senate, extended birthday greetings to Senator Zaffirini.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Secretary of State: Rolando Pablos, Travis County.

Members, Texas State Board of Plumbing Examiners: Ben Richard Friedman, Dallas County; Milton R. Gutierrez, Tarrant County; Robert F. Jalnos, Bexar County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Birdwell gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:23 p.m. agreed to adjourn, in memory of Matias G. Farias, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**(Senator Lucio in Chair)****SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 601** by Campbell

Relating to authorizing an exemption for open-enrollment charter schools from certain municipal drainage requirements.

To Committee on Intergovernmental Relations.

**SB 602** by Hinojosa, Birdwell, Campbell, Schwertner

Relating to the establishment of a restructuring commission to evaluate each state supported living center.

To Committee on Health and Human Services.

**SB 603** by Huffines

Relating to a limitation on the amount of school property tax revenue that is subject to recapture under the public school finance system.

To Committee on Education.

**SB 604** by Huffines

Relating to the determination of wealth per student for school districts with cost-effective spending and measurable student academic progress.

To Committee on Education.

**SB 605** by Huffines

Relating to procedures for the review and selection of certain instructional materials by public school districts and open-enrollment charter schools.

To Committee on Education.

**SB 606** by Huffines

Relating to the authority of a school district of innovation to administer alternative assessment instruments to district students.

To Committee on Education.

**SB 607** by Huffines

Relating to transportation of students entitled to a public education grant.

To Committee on Education.

**SB 608** by Huffines

Relating to public school class size limits in certain grades.

To Committee on Education.

**SB 609** by Huffines

Relating to elimination of the use of continuing contracts by school districts in employing teachers and other professionals.

To Committee on Education.

**SB 610** by Huffines

Relating to the state virtual school network.

To Committee on Education.

**SB 611** by Birdwell

Relating to appointments by certain state officials to a legislative agency or an advisory committee.

To Committee on State Affairs.

**SB 612** by Birdwell, Whitmire

Relating to complaints filed with the Texas Ethics Commission.

To Committee on State Affairs.

**SB 613** by Whitmire

Relating to services provided by the Health and Human Services Commission to sexually violent offenders who are incompetent to attend sex offender treatment.

To Committee on Criminal Justice.

**SB 614** by Seliger

Relating to excused absences from public school for the purpose of visiting a military recruitment center.

To Committee on Veteran Affairs and Border Security.

**SB 615** by Seliger

Relating to requirements regarding assessment instruments required for public high school graduation and the use of individual graduation committees to satisfy certain public high school graduation requirements.

To Committee on Education.

**SB 616** by Campbell

Relating to requirements for a ballot proposition for a proposed municipal charter amendment.

To Committee on Intergovernmental Relations.

**SB 617** by Rodríguez

Relating to trusts.

To Committee on State Affairs.

**SB 618** by Estes

Relating to the liability of certain property owners who allow handguns to be carried on certain property.

To Committee on State Affairs.

**SB 619** by Estes

Relating to county and municipal cooperation with state and federal immigration law enforcement and efforts to enhance international border security.

To Committee on State Affairs.

**SB 620** by Hancock

Relating to a student's eligibility to enroll in courses provided through the state virtual school network.

To Committee on Education.

**SB 621** by Creighton

Relating to the liability of employees of certain real property owners for certain claims arising from construction activities.

To Committee on State Affairs.

**SB 622** by Burton

Relating to itemizing certain public notice expenditures in political subdivision budgets.

To Committee on Intergovernmental Relations.

**SB 623** by Burton

Relating to the establishment of a public information Internet website.

To Committee on Business and Commerce.

**SB 624** by Taylor of Collin

Relating to the rate of interest on certain tax refunds.

To Committee on Finance.

**SB 625** by Kolkhorst

Relating to public access to financial and tax rate information of certain special purpose districts.

To Committee on Intergovernmental Relations.

**SB 626** by Schwertner, Birdwell, Burton, Creighton, Hall, Huffines, Huffman, Kolkhorst, Nichols, Seliger, Zaffirini

Relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures.

To Committee on State Affairs.

**SB 627** by Schwertner, Birdwell, Burton, Creighton, Hall, Huffines, Kolkhorst, Nichols, Seliger, Zaffirini

Relating to notice of a property owner's rights relating to the examination or survey of property by an entity with eminent domain authority.

To Committee on State Affairs.

**SB 628** by Schwertner, Birdwell, Burton, Campbell, Creighton, Hall, Huffines, Kolkhorst, Nichols, Zaffirini

Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

To Committee on State Affairs.

**SB 629** by Schwertner, Buckingham, Burton, Campbell, Creighton, Hall, Hinojosa, Hughes, Rodríguez, Seliger

Relating to liability for interest if land appraised for ad valorem tax purposes as agricultural or open-space land is sold or diverted to a different use.

To Committee on Finance.

**SB 630** by Buckingham

Relating to documentation regarding an arrest of a person without a warrant.

To Committee on Criminal Justice.

**SB 631** by Buckingham

Relating to venue for the disposition of stolen property.

To Committee on Criminal Justice.

**SB 632** by Buckingham

Relating to the repeal of certain state procurement advisory and approval procedures.

To Committee on Business and Commerce.

**SB 633** by Buckingham

Relating to the release on personal bond of a person arrested for an out-of-county offense under certain circumstances.

To Committee on Criminal Justice.

**SB 634** by Estes

Relating to reporting requirements for certain skills development fund workforce training program providers.

To Committee on Natural Resources and Economic Development.

**SB 635** by Huffines

Relating to the award of court costs and attorney's fees in certain actions challenging an order, ordinance, or similar measure of a political subdivision or the failure of an officer of a political subdivision to perform certain actions.

To Committee on Intergovernmental Relations.

**SB 636** by Huffines

Relating to procedures for certain municipalities to adopt or amend a national model building code.

To Committee on Intergovernmental Relations.

**SB 637** by Huffines

Relating to state audits of a regional mobility authority that receives a grant or loan from the Texas Department of Transportation.

To Committee on Transportation.

**SB 638** by Huffines

Relating to restrictions on legislative lobbying by a regional mobility authority or an employee of a regional mobility authority.

To Committee on State Affairs.

**SB 639** by Huffines

Relating to the use of money in the state highway fund for toll projects.

To Committee on Transportation.

**SB 640** by Taylor of Collin

Relating to equal opportunity for access by home-schooled students to University Interscholastic League sponsored activities; authorizing a fee.

To Committee on Education.

**SB 641** by Bettencourt

Relating to periodic zero-based budgeting for certain political subdivisions.

To Committee on Finance.

**SB 642** by Bettencourt

Relating to required disclosures in and to the length of ballot proposition language authorizing political subdivisions to issue bonds or impose or change a tax.  
To Committee on Intergovernmental Relations.

**SB 643** by Watson

Relating to requiring a voter to present proof of identification.  
To Committee on State Affairs.

**SB 644** by Watson

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.  
To Committee on Higher Education.

**SB 645** by Watson

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.  
To Committee on Higher Education.

**SB 646** by Bettencourt

Relating to the elimination of the taxing authority of certain county boards of education and boards of county school trustees.  
To Committee on Education.

**SB 647** by Seliger

Relating to a transportation allotment credit for school districts required to take action to reduce wealth per student and inclusion of the cost of education adjustment in the computation of weighted average daily attendance.  
To Committee on Education.

**SB 648** by Seliger

Relating to the small-sized district adjustment under the Foundation School Program.  
To Committee on Education.

**SB 649** by Seliger

Relating to the basic allotment under the foundation school program and the extension of additional state aid for tax reduction provided to certain school districts.  
To Committee on Education.

**SB 650** by Bettencourt

Relating to tax increment financing.  
To Committee on Natural Resources and Economic Development.

**SCR 17** by Seliger

Designating Big Spring as the Lighted Poinsettia Capital of Texas.  
To Committee on Administration.

**SCR 18** by Nelson

Relating to the approval of a sufficient balance of the constitutional economic stabilization fund by the 85th Legislature.  
To Committee on Finance.

**SJR 32** by Taylor of Collin

Proposing a constitutional amendment authorizing the legislature to provide for legislative review or approval of state agency rules.

To Committee on Business and Commerce.

**SJR 33** by Huffines

Proposing a constitutional amendment protecting private schools and home schools from state and local regulation.

To Committee on Education.

**SJR 34** by Birdwell

Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

To Committee on State Affairs.

**SJR 35** by Huffines

Proposing a constitutional amendment prohibiting the issuance of certain debt and the use of certain revenue for toll roads.

To Committee on Transportation.

**CO-AUTHORS OF SENATE BILL 7**

On motion of Senator Bettencourt, Senators Birdwell and Buckingham will be shown as Co-authors of **SB 7**.

**CO-AUTHOR OF SENATE BILL 8**

On motion of Senator Schwertner, Senator Huffines will be shown as Co-author of **SB 8**.

**CO-AUTHORS OF SENATE BILL 11**

On motion of Senator Schwertner, Senators Birdwell and Buckingham will be shown as Co-authors of **SB 11**.

**CO-AUTHOR OF SENATE BILL 12**

On motion of Senator West, Senator Creighton will be shown as Co-author of **SB 12**.

**CO-AUTHORS OF SENATE BILL 16**

On motion of Senator Nichols, Senators Creighton and Huffines will be shown as Co-authors of **SB 16**.

**CO-AUTHOR OF SENATE BILL 20**

On motion of Senator Taylor of Galveston, Senator Creighton will be shown as Co-author of **SB 20**.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Taylor of Galveston, Senator Creighton will be shown as Co-author of **SB 22**.

**CO-AUTHOR OF SENATE BILL 256**

On motion of Senator Taylor of Collin, Senator Nelson will be shown as Co-author of **SB 256**.

**CO-AUTHOR OF SENATE BILL 276**

On motion of Senator Watson, Senator Hughes will be shown as Co-author of **SB 276**.

**CO-AUTHOR OF SENATE BILL 401**

On motion of Senator Huffman, Senator Hinojosa will be shown as Co-author of **SB 401**.

**CO-AUTHOR OF SENATE BILL 721**

On motion of Senator Perry, Senator Kolkhorst will be shown as Co-author of **SB 721**.

**CO-AUTHOR OF SENATE BILL 740**

On motion of Senator Kolkhorst, Senator Birdwell will be shown as Co-author of **SB 740**.

**CO-AUTHOR OF SENATE BILL 741**

On motion of Senator Kolkhorst, Senator Birdwell will be shown as Co-author of **SB 741**.

**CO-AUTHOR OF SENATE BILL 742**

On motion of Senator Kolkhorst, Senator Birdwell will be shown as Co-author of **SB 742**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 158** by Lucio, In memory of Matias G. Farias.

**SR 189** by Creighton, In memory of John William Wiesner Jr.

**Congratulatory Resolutions**

**SR 155** by Garcia, Recognizing the Houston Hispanic Forum on the occasion of its Career and Education Day.

**SR 156** by West, Recognizing City Credit Union's 75 years of service to the Dallas community.

**SR 157** by Lucio, Commending Gilberto Sanchez III for achieving the rank of Eagle Scout.

**SR 159** by Lucio, Recognizing Fernando Landeros Verdugo for being named Mr. Amigo 2016.

**SR 160** by Perry, Recognizing Miles Elementary School for being designated a 2016 National Blue Ribbon School.

**SR 161** by Perry, Recognizing Elta Joyce Murphey McAfee for being named 2016 Citizen of the Year by the San Angelo Chamber of Commerce.

**SR 167** by Birdwell, Recognizing Bobby Littlefield on the occasion of his retirement.

**SR 168** by Watson, Recognizing Cynthia J. Rokovich for 40 years of service to the State of Texas.

**SR 170** by West, Recognizing Alice Lias for 50 years of service to the Dallas Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

**SR 171** by West, Recognizing Silver Sorors of the Collin County Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 172** by West, Recognizing Silver Sorors of the Fort Worth Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 173** by West, Recognizing Silver Sorors of the North Dallas Suburban Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 174** by West, Recognizing Cynthia Jones for her 25 years of service to the Denton County Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

**SR 175** by West, Recognizing Connie Henderson for her 50 years of service to the Fort Worth Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

**SR 176** by West, Recognizing Tia Baker for her 25 years of service to the North Central Texas Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

**SR 177** by West, Recognizing Silver Sorors of the Arlington Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 178** by West, Recognizing Silver Sorors of the Metropolitan Dallas Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 179** by West, Recognizing Silver Sorors of the Dallas Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 180** by West, Recognizing Silver Sorors of the Southwest Dallas County Alumnae Chapter for their 25 years of service to Delta Sigma Theta Sorority, Incorporated.

**SR 181** by West, Recognizing Sabra Jackson Richard for her 50 years of service to the Collin County Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

**SR 182** by Zaffirini, Recognizing Portland First United Methodist Church on the occasion of its 90th anniversary.

**SR 184** by Kolkhorst, Recognizing the "Dam" Lakefest BBQ Cook-off.

**SR 186** by Nichols, Recognizing the First State Bank of Brownsboro on the occasion of its 100th anniversary.

**SR 187** by Creighton, Recognizing Della Freeman on the occasion of her 103rd birthday.

**SR 190** by Creighton, Commending Anthony Louis Fazzino for achieving the rank of Eagle Scout.

**HCR 60** (Hancock), Congratulating Andrew Anderson of Grand Prairie on attaining the rank of Eagle Scout.

**Official Designation Resolutions**

**SR 162** by Schwertner, Recognizing February 21, 2017, as Texas Trauma and Emergency Healthcare Day.

**SR 165** by Birdwell, Recognizing February 15, 2017, as Hood County Day.

**SR 166** by Birdwell, Recognizing February 22, 2017, as Hill County Day.

**SR 185** by Birdwell, Hancock, Hughes, Taylor of Galveston, and Watson, Recognizing February 22, 2017, as Baylor Day.

**SR 188** by Creighton, Recognizing March 5 through 7, 2017, as Golden Triangle Days.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:39 p.m. adjourned, in memory of Matias G. Farias, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**BILLS ENGROSSED**

February 8, 2017

**SB 4, SB 500, SB 501**

**RESOLUTIONS ENROLLED**

February 8, 2017

**SR 97, SR 98, SR 115, SR 124, SR 141, SR 145, SR 149, SR 150, SR 151, SR 152, SR 153**

