

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Tuesday, February 14, 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, 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.

Absent-excused: Estes.

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

Pastor Marty Reid, Trinity Family Church, Forney, offered the invocation as follows:

Lord, we thank You for all these men and women who have sacrificed so much to serve You here in the Texas Senate. It's a high calling to serve in this position to legislate over the affairs of the people of this great state. We ask, Lord, for You to lead them, guide them, and give them insight to be able to see the issues of our day from Your perspective. Help them to make their decisions in a way that would be pleasing to You and therefore for the benefit of the people of the State of Texas. Your word says that unless the Lord builds the house, the people build in vain. Help us to build off the solid foundation that You, O Lord, have laid. As public servants, let us set an example of servanthood leadership. Help them, O Lord, to make the right decisions. The right decisions are not always easy. Give them the courage to make right decisions by You and to be willing to pay any price that might be required to stand on the side of righteousness. It's been said that as Texas goes, so goes the nation. Help those who have been chosen to lead this great state to lead with courage, honor, and dignity. Evil has rooted itself in high places in our nation and in our state. Help us to stay the course and to root out the evil and let righteous reign in our great state. In Jesus' name. 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.

LEAVE OF ABSENCE

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

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin, accompanied by Juliet Huang, as the Physician of the Day.

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

SENATE RESOLUTION 192

Senator Zaffirini offered the following resolution:

SR 192, Recognizing February 14, 2017, as Bee County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Bee County Day delegation, accompanied by County Judge Stephanie Moreno, Sheriff Alden Southmayd, County Commissioner Sammy Farias, Beeville Councilmembers Bebe Adamez and Benny Puente, and Beeville City Manager Bill DiLiberio.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Buckingham was recognized and introduced to the Senate a Texas Land Title Association delegation.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 15**.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate fourth-grade students from Saint Theresa Catholic School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a City Credit Union delegation.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Estes.

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.

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.

CONCLUSION OF MORNING CALL

The President at 11:24 a.m. announced the conclusion of morning call.

SENATE BILL 504 ON SECOND READING

Senator Taylor of Collin moved that the regular order of business be suspended and that **SB 504** be taken up for consideration at this time (Submitted by Governor as and emergency matter):

SB 504, Relating to lobbying by former members of the legislature; creating an offense.

The motion prevailed.

Senator Taylor of Galveston asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 504** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 45), strike "Class A" and substitute "Class B".

BURTON
TAYLOR OF COLLIN

The amendment to **SB 504** 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.

SB 504 as amended 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:

Nays: Taylor of Galveston.

Absent-excused: Estes.

SENATE BILL 504 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 504** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Taylor of Galveston.

Absent-excused: Estes.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

STATEMENT REGARDING SENATE BILL 504

Senator Taylor of Galveston submitted the following statement regarding **SB 504**:

Throughout my legislative career, I've been a strong proponent of meaningful ethics reform. Already this session, I've voted to support Senator Van Taylor's comprehensive ethics reform bill, Senate Bill 14.

However, I believe Senate Bill 504 is a departure from meaningful ethics efforts and ventures into an impossible goal of legislation against appearances, thoughts and public perception. I fully support legislation to target specific unethical behavior, but this bill doesn't do that. I refuse to accept the assumption inherent in this bill; that legislators are somehow bad actors because they pursued a second career of legislative advocacy after retiring from public service.

I'm proud of my public service and believe the sacrifice we make to serve in this chamber is an honorable endeavor.

TAYLOR OF GALVESTON

SENATE BILL 505 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 505** at this time (Submitted by Governor as an emergency matter):

SB 505, Relating to restrictions on lobbyist expenditures from certain political contributions.

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.

SENATE CONCURRENT RESOLUTION 20

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, February 15, 2017, and ending on Tuesday, February 21, 2017.

WHITMIRE

SCR 20 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Estes.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:54 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator Taylor of Galveston in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 10 by Hancock, Birdwell, Creighton, Huffman, Lucio, Taylor of Galveston Relating to insurance claims and certain prohibited acts and practices in the business of insurance.

To Committee on Business and Commerce.

SB 651 by Perry, Birdwell, Hughes

Relating to discrimination by a state agency against an applicant for or holder of an occupational license.

To Committee on Business and Commerce.

SB 652 by Taylor of Collin

Relating to the eligibility for service retirement annuities from the Employees Retirement System of Texas or the Teacher Retirement System of Texas of certain employees convicted of certain offenses.

To Committee on State Affairs.

SB 653 by Taylor of Collin

Relating to improper relationships between educators or certain other school personnel and students; creating an offense and expanding the applicability of existing offenses.

To Committee on Education.

SB 654 by Seliger

Relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.

To Committee on Business and Commerce.

SB 655 by Bettencourt, Campbell, Hall

Relating to certain notice of the extent of a municipality or its extraterritorial jurisdiction.

To Committee on Intergovernmental Relations.

SB 656 by Zaffirini

Relating to the establishment of an agriculture and rural ombudsman office.

To Committee on Agriculture, Water, and Rural Affairs.

SB 657 by Zaffirini

Relating to the filing of oaths of office and signed statements by certain judicial officers and judicial appointees with the secretary of state.

To Committee on State Affairs.

SB 658 by Perry

Relating to a landowner's liability for injuries incurred during certain recreational activities.

To Committee on State Affairs.

SB 659 by Campbell

Relating to the availability of personal information of a statewide elected official or member of the legislature.

To Committee on Business and Commerce.

SB 660 by Watson

Relating to the use of certain mobile devices at a polling place.

To Committee on State Affairs.

SJR 38 by Estes

Rescinding each and every application made at any time by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that Constitution.

To Committee on State Affairs.

(Senator Menéndez in Chair)

CO-AUTHOR OF SENATE BILL 7

On motion of Senator Bettencourt, Senator Uresti will be shown as Co-author of **SB 7**.

CO-AUTHORS OF SENATE BILL 8

On motion of Senator Schwertner, Senators Hancock and Huffman will be shown as Co-authors of **SB 8**.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Nichols, Senator Seliger will be shown as Co-author of **SB 16**.

CO-AUTHOR OF SENATE BILL 76

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 76**.

CO-AUTHOR OF SENATE BILL 347

On motion of Senator Watson, Senator Buckingham will be shown as Co-author of **SB 347**.

CO-AUTHOR OF SENATE BILL 407

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

CO-AUTHOR OF SENATE BILL 408

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

CO-AUTHOR OF SENATE BILL 500

On motion of Senator Taylor of Collin, Senator Hall will be shown as Co-author of **SB 500**.

CO-AUTHOR OF SENATE BILL 501

On motion of Senator Taylor of Collin, Senator Hall will be shown as Co-author of **SB 501**.

CO-AUTHOR OF SENATE BILL 502

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CO-AUTHOR OF SENATE BILL 505

On motion of Senator Taylor of Collin, Senator Hall will be shown as Co-author of **SB 505**.

CO-AUTHORS OF SENATE BILL 570

On motion of Senator Rodríguez, Senators Hinojosa and Zaffirini will be shown as Co-authors of **SB 570**.

CO-AUTHOR OF SENATE BILL 605

On motion of Senator Huffines, Senator Campbell will be shown as Co-author of **SB 605**.

CO-AUTHOR OF SENATE BILL 606

On motion of Senator Huffines, Senator Campbell will be shown as Co-author of **SB 606**.

CO-AUTHOR OF SENATE BILL 610

On motion of Senator Huffines, Senator Campbell will be shown as Co-author of **SB 610**.

CO-AUTHOR OF SENATE BILL 712

On motion of Senator Hinojosa, Senator Nelson will be shown as Co-author of **SB 712**.

CO-AUTHOR OF SENATE BILL 721

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

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolution

SR 191 by Campbell, Recognizing the Texas Center for the Book and the Texas State Library and Archives Commission for launching the Read Across Texas program.

Official Designation Resolutions

SR 183 by Nelson, Recognizing February 14, 2017, as Texas Council on Family Violence Day.

SR 195 by Lucio, Recognizing February 14, 2017, as Rita L. Littlefield Kidney Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:00 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

BILLS ENGROSSED

February 13, 2017

SB 502, SB 503

RESOLUTIONS ENROLLED

February 13, 2017

SCR 15, SR 155, SR 156, SR 157, SR 158, SR 159, SR 160, SR 161, SR 162, SR 165, SR 166, SR 167, SR 168, SR 170, SR 171, SR 172, SR 173, SR 174, SR 175, SR 176, SR 177, SR 178, SR 179, SR 180, SR 181, SR 182, SR 184, SR 185, SR 186, SR 187, SR 188, SR 189, SR 190

