

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Wednesday, February 15, 2017)

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

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 Pro Tempore announced that a quorum of the Senate was present.

The Reverend Dr. Michael Evans Sr., Bethlehem Baptist Church, Mansfield, offered the invocation as follows:

God of grace, God of mercy, God who has by Thy might led us into the light, keep us forever on Thy path, we pray. It is to Thee, O Lord, we come endowed with the rights and privileges of service. Lord, how we thank You for the august body of the Texas State Senate and the work that takes place on behalf of the citizens in these chambers. Shine Your light of wisdom and knowledge upon them. Keep the faces of the people ever present in their conscious minds as they work to the general, great, and essential principles of liberty and free government. Dear God, help the men and women of this body retain in their hearts the courage to do what is right for all Texans. Grant them the internal strength and moral fortitude to stand when others would retreat, the integrity to speak up when others would be silent. This is our prayer for these men and women who You have chosen to serve the citizenry of our state. It is in Your holy and righteous name that we pray. 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.

MOTION IN WRITING

Senator Nelson offered the following Motion In Writing:

Mr. President:

I ask unanimous consent for suspension of the Senate's admission rules to allow Senate employees and their families admittance to the floor of the Senate, behind the brass rail, during today's morning call.

NELSON

The Motion In Writing was read and prevailed without objection.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate members of the Alabama-Coushatta Tribe of Texas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Burton, joined by Senator Birdwell, was recognized and introduced to the Senate a Mansfield Legislative Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson, joined by Senators Hinojosa, Whitmire, Buckingham, Nichols, and Uresti, was recognized and introduced to the Senate children of legislative staff on the occasion of Capitol Kids Day.

The Senate welcomed its guests.

SENATE RESOLUTION 142

Senator West offered the following resolution:

SR 142, Recognizing February 15, 2017, as Best Southwest Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Best Southwest Day delegation, accompanied by Leadership Southwest Board Chair Keith Vinson, Best Southwest Partnership Board Chair Maranda Auzenne, Lancaster Mayor Marcus Knight, DeSoto Mayor Curtistene Smith McCowan, and Wilmer Mayor Casey Burgess.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Hood County Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Texas Court Reporters Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 193

Senator Zaffirini offered the following resolution:

WHEREAS, Aggies and Longhorns will unite today at the State Capitol to celebrate Orange and Maroon Legislative Day 2017 and to promote higher education in the State of Texas; and

WHEREAS, Alumni from the two universities total more than 941,000, and Texas A&M University and The University of Texas at Austin have a combined annual enrollment of more than 117,000 students and award more than 27,000 degrees each year; and

WHEREAS, The schools each boast excellent museums and libraries, including the George Bush Presidential Library and Museum in College Station and the Lyndon Baines Johnson Library and Museum in Austin, and both universities offer competitive tuition rates in order to remain accessible and affordable; and

WHEREAS, Texas A&M University and The University of Texas at Austin are renowned for their exceptional research, and the teaching and research missions of the institutions benefit the State of Texas by advancing scientific breakthroughs, improving health care, making technological innovations, and creating successive generations of informed and engaged citizens; and

WHEREAS, Researchers at Texas A&M University and The University of Texas at Austin explore, discover, and innovate in the sciences, arts, and humanities; together, the universities have more than 1,500 patents and more than \$1.3 billion in total research expenditures; the universities drive economic prosperity in their respective regions and in the State of Texas through the generation of patents, grants, corporate start-ups, and numerous other enterprises; and

WHEREAS, Both universities serve as centers for the arts and culture, inspiring Texans to take part in the visual and performing arts and other creative endeavors; the institutions also serve as flagships for athletics and physical education, encouraging Texans to participate in physical activity and to support the student-athletes that represent the state in competition across the nation; and

WHEREAS, The universities' faculties feature Nobel laureates and nationally recognized scholars, and the student bodies include National Merit scholars, Rhodes scholars, Olympic gold medalists, and many of the Lone Star State's most promising young people; in addition, the universities offer an amazing range of postgraduate opportunities, with nearly 500 graduate degree programs; and

WHEREAS, Texas A&M University and The University of Texas at Austin are the only two tier-one public research institutions in the State of Texas as defined by the Texas Higher Education Coordinating Board; these flagship universities are members of the prestigious Association of American Universities; and

WHEREAS, Texas A&M University and The University of Texas at Austin have established themselves as preeminent institutions of higher education on the state, national, and international levels, and Texans are fortunate to have access to these two exceptional state university systems; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby recognize February 15, 2017, as Orange and Maroon Legislative Day and commend alumni from Texas A&M University and The University of Texas at Austin for their commitment to promoting higher education in the Lone Star State; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

ZAFFIRINI	CREIGHTON
BETTENCOURT	HUFFINES
BUCKINGHAM	SCHWERTNER
CAMPBELL	WATSON

SR 193 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Huffines, Bettencourt, Campbell, Buckingham, and Lucio, was recognized and introduced to the Senate an Orange and Maroon Legislative Day delegation, accompanied by Texas A&M University President Michael K. Young, The University of Texas at Austin President Gregory L. Fenves, The Association of Former Students Board Chair Phil Minor, Texas Exes Board President John Massey, The Association of Former Students President and CEO Porter S. Garner, and Texas Exes Interim Executive Director and COO Will O'Hara.

The Senate welcomed its guests.

SENATE RESOLUTION 199

Senator Huffines offered the following resolution:

SR 199, Recognizing February 15, 2017, as Garland Day.

HUFFINES
HALL

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffines and Senator Hall were recognized and introduced to the Senate a Garland Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 169

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the DeSoto High School football team, which won the 2016 University Interscholastic League Class 6A Division II state championship title; and

WHEREAS, The team won the school's first state title in football after having been ranked in the top three throughout the 2016 season; team members can take great pride in their outstanding performance; and

WHEREAS, Under the leadership of head coach Todd Peterman and his outstanding staff, these student-athletes developed exceptional teamwork and discipline; and

WHEREAS, DeSoto High School and the people of DeSoto are proud of the team's members for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend the DeSoto High School football team on its outstanding season and extend congratulations to team members on winning the 2016 Class 6A Division II state championship; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as an expression of esteem from the Texas Senate.

SR 169 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the DeSoto High School football team, 2016 UIL Class 6A Division II state champions, accompanied by team captains Isaiah Stewart, Kolby Watts, Laviska Shenault, Head Coach Todd Peterman, and Athletic Director Larry Davis.

The Senate welcomed its guests.

(Senator Nelson in Chair)

SENATE RESOLUTION 194

Senator Zaffirini offered the following resolution:

SR 194, Recognizing February 15, 2017, as San Patricio County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini, joined by Senator Hinojosa, was recognized and introduced to the Senate a San Patricio County Day delegation, accompanied by San Patricio County Judge Terry Simpson, County Commissioner Fred Nardini, Taft Mayor Pedro Lopez, Portland City Councilmember John Green, Aransas Pass Chamber of Commerce CEO Rosemary Vega, Ingleside Chamber of Commerce President Jane Gimler, San Patricio County Economic Development Corporation Board Member Steve Connor, and San Patricio County Economic Development Corporation Executive Director Foster Edwards.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Uvalde County Day delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Francisco "Pancho" Ochoa Sr.

The Senate welcomed its guest.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer 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 Presiding Officer at 12:13 p.m. announced the conclusion of morning call.

SENATE BILL 505 ON THIRD 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 on its third reading and final passage:

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

The bill was read third time.

Senator Taylor of Collin offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 505** (Senate committee printing) on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 305.029(a), Government Code (page 1, lines 25-26), strike ""political contribution" has the meaning" and substitute ""political contribution," "political committee," and "political expenditure" have the meanings".

(2) In SECTION 1 of the bill, strike added Section 305.029(b), Government Code (page 1, lines 27-32), and substitute the following:

(b) Notwithstanding any other provision of law, a person required to register under this chapter may not, before the second anniversary of the date the last term for which the person was elected ends, knowingly make or authorize, from political contributions accepted by the person as a candidate or officeholder, a political expenditure that is a political contribution to a candidate, officeholder, or political committee.

(3) In SECTION 2 of the bill, strike "a political contribution, political expenditure, or lobbying expenditure" (page 1, lines 34 and 35) and substitute "an expenditure".

The amendment to **SB 505** 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 on Third Reading except as follows:

Absent-excused: Estes.

SB 505 as amended was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Estes.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Nominations permission to meet while the Senate was meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:17 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Tuesday, February 21, 2017.

(Senator Garcia 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 661 by Huffines

Relating to the repeal of the driver responsibility program.
To Committee on Transportation.

SB 662 by Huffines

Relating to the reporting of proceeds and property from asset forfeiture proceedings under the Code of Criminal Procedure.
To Committee on State Affairs.

SB 663 by Huffines

Relating to disposition of proceeds and property from asset forfeiture proceedings under the Code of Criminal Procedure.
To Committee on State Affairs.

SB 664 by Huffines

Relating to the punishment for certain intoxication offenses.
To Committee on Criminal Justice.

SB 665 by Rodríguez

Relating to education requirements for a notary public appointment; authorizing a fee.
To Committee on State Affairs.

SB 666 by Kolkhorst

Relating to signs required to be posted in the restrooms of sexually oriented businesses; providing a criminal penalty.

To Committee on Business and Commerce.

SB 667 by Zaffirini, Birdwell, Creighton, Estes, Huffman, Hughes, Lucio, Nelson, Perry, Schwertner

Relating to establishing a guardianship compliance program.

To Committee on State Affairs.

SB 668 by Kolkhorst

Relating to the cessation of tolls by toll project entities in certain circumstances.

To Committee on Transportation.

SB 669 by Nelson

Relating to the system for protesting or appealing certain ad valorem tax determinations; authorizing a fee.

To Committee on Finance.

SB 670 by Birdwell, Nelson, Schwertner

Relating to the appointment of the commissioners of the health and human services agencies by the governor.

To Committee on Nominations.

SB 671 by Campbell

Relating to the public high school graduation credit requirements for a language other than English.

To Committee on Education.

SB 672 by Lucio

Relating to the collection and publication of the number of security personnel or commissioned peace officers employed by each school district and assigned to each district campus.

To Committee on Education.

SB 673 by Miles

Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

To Committee on Education.

SB 674 by Schwertner

Relating to an expedited licensing process for certain physicians specializing in psychiatry; authorizing a fee.

To Committee on Health and Human Services.

SB 675 by Seliger

Relating to the development of and contracting for reclaimed water facilities in certain municipalities.

To Committee on Agriculture, Water, and Rural Affairs.

SB 676 by Seliger

Relating to the listing of separate interests in minerals in place in ad valorem tax appraisal records.

To Committee on Finance.

SB 677 by Miles

Relating to the creation of a task force to identify opportunities for academic credit and industry recognition for inmates of the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

SB 678 by Nichols, Perry, Rodríguez

Relating to the small-sized district adjustment under the Foundation School Program.

To Committee on Education.

SB 679 by Hancock

Relating to the authority of chiropractors to form certain business entities with certain other professions.

To Committee on Business and Commerce.

SB 680 by Hancock

Relating to step therapy protocols required by a health benefit plan in connection with prescription drug coverage.

To Committee on Business and Commerce.

SB 681 by Hancock

Relating to the licensing and authority of advanced practice registered nurses.

To Committee on Health and Human Services.

SB 682 by Zaffirini

Relating to the applicability of the law governing the mineral use of subdivided land.

To Committee on Natural Resources and Economic Development.

SB 683 by Seliger

Relating to determining eligibility of a county for a grant from the transportation infrastructure fund.

To Committee on Transportation.

SB 684 by Seliger

Relating to the local regulation of the operation of utility vehicles, all-terrain vehicles, and recreational off-highway vehicles on public roadways.

To Committee on Transportation.

SB 685 by Seliger

Relating to the standard service retirement annuity for certain members of the elected class of the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 686 by Uresti

Relating to the authority of certain counties to impose a hotel occupancy tax.

To Committee on Natural Resources and Economic Development.

SB 687 by Uresti

Relating to the collection and use of certain information relating to child abuse and neglect and the provision of prevention and early intervention services.
To Committee on Health and Human Services.

SB 688 by Uresti

Relating to the prosecution of the offense of aggravated kidnapping.
To Committee on Criminal Justice.

SB 689 by Seliger

Relating to the powers and election dates of the Hemphill County Underground Water Conservation District.
To Committee on Agriculture, Water, and Rural Affairs.

SB 690 by West

Relating to the use of a mechanical or electronic device by a person occupying a voting station.
To Committee on State Affairs.

SB 691 by Rodríguez

Relating to the fees collected by justices of the peace on the filing of certain civil actions to fund a law library.
To Committee on State Affairs.

SB 692 by Rodríguez

Relating to regulation by certain counties of lots in platted subdivisions that have remained undeveloped for 25 years or more.
To Committee on Intergovernmental Relations.

SB 693 by Garcia

Relating to three-point seat belts on buses that transport schoolchildren.
To Committee on Transportation.

SB 694 by Buckingham, Hinojosa

Relating to the creation of the National Museum of the Pacific War museum fund.
To Committee on Natural Resources and Economic Development.

SB 695 by Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini

Relating to elective courses in ethnic studies for middle school and high school students.
To Committee on Education.

SB 696 by Perry

Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.
To Committee on Agriculture, Water, and Rural Affairs.

SB 697 by Buckingham, Campbell, Estes, Schwertner

Relating to health benefit coverage for prescription drug synchronization.
To Committee on Business and Commerce.

SB 698 by Watson

Relating to certain duties of the Department of Family and Protective Services regarding parental child safety placements.

To Committee on Health and Human Services.

SB 699 by Watson

Relating to the establishment of a kinship caregiver navigator program by the Health and Human Services Commission.

To Committee on Health and Human Services.

SB 700 by Zaffirini

Relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.

To Committee on Finance.

SJR 36 by Perry

Proposing a constitutional amendment prohibiting a tax on the sale or purchase of water at wholesale.

To Committee on Agriculture, Water, and Rural Affairs.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Bettencourt, Senators Lucio, Taylor of Collin, and Whitmire will be shown as Co-authors of **SB 7**.

CO-AUTHOR OF SENATE BILL 12

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

CO-AUTHOR OF SENATE BILL 570

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 570**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 203 by Hughes, In memory of Tommie Lou Cosby.

Congratulatory Resolutions

SR 196 by Hinojosa, Recognizing Gloria Dean Randle Scott for her contributions to her community.

SR 200 by West, Recognizing Tomasita Lyle on the occasion of her retirement.

SR 202 by Watson, Recognizing Eugene Tai on the occasion of his retirement.

SR 204 by Hughes, Recognizing Daphne Mae Smith on the occasion of her 99th birthday.

SR 205 by Uresti, Recognizing members of the Texas Court Reporters Association on the occasion of their visit to the Capitol.

SR 206 by Schwertner, Recognizing Adrian B. Nettles on the occasion of his retirement.

SR 207 by Lucio, Recognizing Cecilia Abbott for her contributions to the state.

Official Designation Resolutions

SR 154 by Nelson, Recognizing February 16, 2017, as CASA Day.

SR 198 by Huffines and Hall, Recognizing February 16, 2017, as Rowlett Day.

SR 208 by Kolkhorst, Recognizing February 21, 2017, as Washington County Day.

SR 209 by Kolkhorst, Recognizing February 23, 2017, as Aransas County Day.

SR 210 by Kolkhorst, Recognizing February 23, 2017, as Smith-Hughes Day.

SR 211 by Nichols, Recognizing February 16, 2017, as Nacogdoches-SFA Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:23 p.m. adjourned until 11:00 a.m. Tuesday, February 21, 2017.

APPENDIX

BILL ENGROSSED

February 14, 2017

SB 504

RESOLUTIONS ENROLLED

February 14, 2017

SR 183, SR 191, SR 192, SR 195

SENT TO SECRETARY OF STATE

February 15, 2017

SCR 15