

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Monday, April 3, 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, 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.

Rabbi Geoffrey Dennis, Congregation Kol Ami, Flower Mound, offered the invocation as follows:

Our God and the God of all people, God of the rich and God of the poor, God of the powerful and God of the powerless, God of the settled and God of the homeless, God of the native and God of the stranger, God of the secure and God of the fearful, God of the faithful and God of those who have no God: we ask blessing upon this assembly, the Senate of the great State of Texas, that they might work together at this time to legislate and refine instruments of our security, prosperity, and intellectual development, laws and policies in concert with our highest ideals, our greatest values, and our deepest affections. Guide them as they work, O holy one of blessing, not as partisans, but as partners, transcending pettiness and finding commonality and, perhaps, the sacred in this august Chamber. Bless all who come to this place: elected and appointed officials, administrators, staff, and security, as well as those who come to advocate, testify, and protest before this great body. Bless, too, the citizens who come merely to observe and celebrate its workings. We thank You, source of being, for the opportunity to make a difference. And we are grateful to you who make up this body for extraordinary leadership. May the work you do here make a positive difference for all Texans and all Americans who engage with our great state. Above all else, we pray for peace: Oseh shalom bimromav, may the one who makes peace on high send peace to our state, our nation, and our world.

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 HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 3, 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:

HB 132 Minjarez

Relating to the ability of certain relative caretakers of dependent children to receive supplemental financial assistance and be assigned as protective payees for financial assistance payments; providing a civil penalty; creating a criminal offense.

HB 256 Hernandez

Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.

HB 409 Springer

Relating to the designation of a portion of Farm-to-Market Road 1810 in Jack County as the Luther G. Prunty Memorial Highway.

HB 947 Thompson, Ed

Relating to the designation of a portion of Farm-to-Market Road 1462 in Brazoria County as the Lieutenant Colonel Roy Lin Tisdale Memorial Highway.

HB 1020 Smithee

Relating to volunteer practice by an inactive member of the State Bar of Texas.

HB 1148 Davis, Sarah

Relating to emergency health care services and trauma care systems.

HB 1483 Landgraf

Relating to the designation of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.

HB 1606 Huberty

Relating to the authority of the Texas Military Department to purchase food and beverages.

HB 1709 Gooden

Relating to procedures for the dissolution of the Bois D'Arc Island Levee Improvement District of Dallas and Kaufman Counties.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(Senator Schwertner in Chair)

SENATE RESOLUTION 557

Senator Menéndez offered the following resolution:

SR 557, Honoring Erwin J. De Luna for his contributions as president of the Fiesta San Antonio Commission.

MENÉNDEZ
CAMPBELL
URESTI
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Menéndez, joined by Senators Uresti, Campbell, and Zaffirini, was recognized and introduced to the Senate a Fiesta San Antonio Commission delegation, accompanied by President Erwin J. De Luna and his wife, Rose Mary.

The Senate welcomed its guests.

SENATE RESOLUTION 545

Senator Uresti offered the following resolution:

SR 545, Recognizing April 2017 as Child Abuse Prevention Month.

The resolution was read.

On motion of Senator Perry and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Uresti, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Child Abuse Prevention Month delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Taylor of Collin, joined by Senators Campbell and Huffines, was recognized and introduced to the Senate a Texas Home School Coalition delegation.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Hughes was recognized and presented Dr. Li-Yu Mitchell of Tyler as the Physician of the Day.

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

GUESTS PRESENTED

Senator Burton, joined by Senator Kolkhorst, was recognized and introduced to the Senate members of the Texas Christian University men's basketball team, 2017 National Invitation Tournament champions, accompanied by Coach Jamie Dixon.

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 2243 by Buckingham

Relating to the powers and duties and election of the board of directors of the West Travis County Municipal Utility District No. 3.
To Committee on Intergovernmental Relations.

SB 2244 by West

Relating to the creation of the University Hills Municipal Management District; providing authority to issue bonds; providing authority to impose assessments or fees.
To Committee on Intergovernmental Relations.

SB 2245 by Campbell

Relating to the creation of the North Hays County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2248 by Creighton

Relating to the powers of the Harris County Improvement District No. 17.
To Committee on Intergovernmental Relations.

SB 2249 by Creighton

Relating to the creation of the East Lake Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Intergovernmental Relations.

SB 2250 by Creighton, Nichols

Relating to the board of directors of the Lone Star Groundwater Conservation District.
To Committee on Agriculture, Water, and Rural Affairs.

SB 2251 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Utility District No. 224; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2252 by Nichols

Relating to granting road powers to the Montgomery County Municipal Utility District No. 100; providing authority to issue bonds.

To Committee on Transportation.

SB 2253 by Nichols

Relating to providing road powers to the Montgomery County Municipal Utility District No. 101; providing authority to issue bonds.

To Committee on Transportation.

SB 2254 by Hinojosa

Relating to the powers and duties of the Needmore Ranch Municipal Utility District No. 1 and the territory of the Hays Trinity Groundwater Conservation District and the Barton Springs-Edwards Aquifer Conservation District.

To Committee on Agriculture, Water, and Rural Affairs.

SB 2255 by Campbell

Relating to the composition of the Comal County Juvenile Board.

To Committee on State Affairs.

SB 2257 by Kolkhorst

Relating to the creation of the Harris County Municipal Utility District No. 554; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2258 by Kolkhorst

Relating to the conversion of the Grand Northwest Municipal Utility District to the Grand Northwest Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2259 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2260 by Kolkhorst

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 130; providing authority to issue bonds; providing authority to impose a tax.

To Committee on Intergovernmental Relations.

SB 2261 by Kolkhorst

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 50; providing authority to issue bonds; providing authority to impose a tax.

To Committee on Intergovernmental Relations.

SB 2262 by Perry

Relating to the dissolution of the Central Colorado River Authority.

To Committee on Agriculture, Water, and Rural Affairs.

SB 2263 by Campbell

Relating to the powers and duties of the Lerin Hills Municipal Utility District of Kendall County; providing authority to issue bonds and impose fees and taxes.
To Committee on Intergovernmental Relations.

CONCLUSION OF MORNING CALL

The Presiding Officer at 2:34 p.m. announced the conclusion of morning call.

SENATE BILL 528 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 528** at this time on its second reading:

SB 528, Relating to the term of a chief administrative law judge.

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.

SENATE BILL 528 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 528** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1172 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 1172** at this time on its second reading:

SB 1172, Relating to the regulation of seed by a political subdivision.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1172** as follows:

(1) In SECTION 1 of the bill, in added Section 61.019(c), Agriculture Code (Committee printing page 1, line 32), strike "or".

(2) In SECTION 1 of the bill, in added Section 61.019(c), Agriculture Code (Committee printing page 1, line 35), strike the period and substitute "; or".

(3) In SECTION 1 of the bill, in added Section 61.019, Agriculture Code (Committee printing page 1, between lines 35 and 36), add the following:

(4) implement a voluntary program as part of a conservation water management strategy included in the applicable regional water plan or state water plan.

(d) Nothing in this section preempts or otherwise limits the authority of any county or municipality to adopt and enforce zoning regulations, fire codes, building codes, nuisance regulations as authorized by Section 342.004, Health and Safety Code, or waste disposal restrictions.

The amendment to **SB 1172** 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.

SB 1172 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: Watson.

SENATE BILL 1172 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1172** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Watson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 680 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 680** at this time on its second reading:

CSSB 680, Relating to step therapy protocols required by a health benefit plan in connection with prescription drug coverage.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 680** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 1369.051(1), Insurance Code (page 1, line 28), strike "physicians and, when appropriate" and substitute "a multidisciplinary panel of experts composed of physicians and, as necessary".

(2) In SECTION 1 of the bill, in added Section 1369.051(1-a), Insurance Code (page 1, line 34), before "practice", insert "clinical".

(3) In SECTION 2 of the bill, in added Section 1369.0545(a)(1), Insurance Code (page 2, line 3), strike "be based on" and substitute "consider".

(4) In SECTION 2 of the bill, in added Section 1369.0545(a)(2), Insurance Code (page 2, line 24), strike "including" and substitute "which may include".

(5) In SECTION 2 of the bill, strike added Section 1369.0545(c), Insurance Code (page 2, lines 42-50), and substitute the following:

(c) Subsection (b) does not apply to a panel or committee of experts, including a pharmacy and therapeutics committee, established by a health benefit plan issuer or a pharmacy benefit manager that advises the health benefit plan issuer or pharmacy benefit manager regarding drugs or formularies.

(6) In SECTION 2 of the bill, strike added Section 1369.0546(b), Insurance Code (page 2, lines 57-61), and substitute the following:

(b) A prescribing provider on behalf of a patient may submit to the patient's health benefit plan issuer a written request for an exception to a step therapy protocol required by the patient's health benefit plan. The provider shall submit the request on the standard form prescribed by the commissioner under Section 1369.304.

(7) In SECTION 2 of the bill, strike added Section 1369.0546(c)(4), Insurance Code (page 3, lines 21-24), and substitute the following:

(4)(A) the drug that is subject to the step therapy protocol was prescribed for the patient's condition;

(B) the patient:

(i) received benefits for the drug under the health benefit plan currently in force or a previous health benefit plan; and

(ii) is stable on the drug; and

(C) the change in the patient's prescription drug regimen required by the step therapy protocol is expected to be ineffective or cause harm to the patient based on the known clinical characteristics of the patient and the known characteristics of the required prescription drug regimen.

The amendment to **CSSB 680** 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.

CSSB 680 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 680 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 680** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 667 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 667** at this time on its second reading:

SB 667, Relating to establishing a guardianship compliance program.

The motion prevailed.

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

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:

Nays: Huffines.

SENATE BILL 667 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 667** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffines.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Hidalgo County adult probation department delegation.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 745 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 745** at this time on its second reading:

CSSB 745, Relating to the exemption of certain services performed by certain employees from the sales and use tax.

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.

COMMITTEE SUBSTITUTE SENATE BILL 745 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 745** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 570 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 570** at this time on its second reading:

CSSB 570, Relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Buckingham, Estes, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Campbell, Creighton, Hall, Hughes, Schwertner, Taylor of Collin.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 570** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 361.1121(a)(3), Health and Safety Code (page 1, lines 59-60), strike Paragraph (A) of the subdivision and substitute the following:

(A) in or on a vehicle that:

(i) has been crushed; or

(ii) is being transported to a registered metal recycling entity or a

licensed used automotive parts recycler; or

(2) In SECTION 3 of the bill, in added Section 361.1121, Health and Safety Code (page 2, lines 12-13), strike Subsection (b) of the section and substitute the following:

(b) A customer may retain a scrap or used tire removed from the customer's vehicle during the purchase of a tire. A retailer whose customer retains a scrap tire shall keep a record of the return in accordance with commission rules at least until the third anniversary of the date the customer returned the tire.

(3) In SECTION 3 of the bill, in added Section 361.1121, Health and Safety Code (page 2, lines 18-19), strike Subsection (d) of the section and reletter subsequent subsections and cross-references accordingly.

(4) In SECTION 3 of the bill, in the heading to added Section 361.1122, Health and Safety Code (page 2, line 47), between "PROCESSORS" and the underlined period, insert "; MANIFEST REQUIREMENT".

(5) In SECTION 3 of the bill, in added Section 361.1122(g), Health and Safety Code (page 3, lines 46-47), strike "transporter and a generator" and substitute "person".

The amendment to **CSSB 570** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Estes, Garcia, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hughes, Kolkhorst, Schwertner, Taylor of Collin.

CSSB 570 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE JOINT RESOLUTION 27 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 **SJR 27** at this time on its second reading:

SJR 27, Proposing a constitutional amendment repealing county authority to provide for manual labor poor houses and farms.

The resolution 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.

SENATE JOINT RESOLUTION 27 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 **SJR 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

COMMITTEE SUBSTITUTE SENATE BILL 1557 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1557** at this time on its second reading:

CSSB 1557, Relating to the administration of gasoline and diesel fuel motor fuels taxes and the fee on the delivery of certain petroleum products.

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.

COMMITTEE SUBSTITUTE SENATE BILL 1557 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1557** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Hancock in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 248 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 248** at this time on its second reading:

CSSB 248, Relating to the dissolution of a special utility district after the transfer of all obligations and services.

The motion prevailed.

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

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:

Nays: Buckingham.

**COMMITTEE SUBSTITUTE
SENATE BILL 248 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Buckingham.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Buckingham and by unanimous consent, the remarks by Senators Schwertner and Buckingham regarding **CSSB 248** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Buckingham: Senator, as you know, Chisholm Trail Special District is comprised of the rural area in portions of Bell, Burnet, and Williamson counties, and it serves 7,000 water utility customers. It's my understanding that in September 2014, efforts began to transfer all of these assets to Georgetown and dissolve their district. This is in litigation in the Third Court of Appeals. Previously, my predecessor, Senator Troy Fraser, as well as Representative Jimmy Don Aycock, argued that this transfer would cede control of water utility service decisions for areas well beyond the Georgetown city limits to the Georgetown City Council. Some say this is the

prototypical water grab by a city of rural water. So, can you explain to me, kind of, what is the rush? Why not put the brakes and let this issue be settled in the appeals court?

Senator Schwertner: Well, Senator, thank you for your questions. I, uhm, certainly have been following this for years as well, and, obviously, it was the genesis of the bill. But this is not just about a certain water district, this pertains to all special utility districts in the State of Texas. And there are actually 83 SUDs in existence today, and there are eight that are inactive. And they're inactive because of the statutes that prohibit them from actually dissolving. They're kind in a Catch-22 position in which a SUD is required to perform certain things on an annual basis, meetings, and annual reports, and in doing so they actually continue their life cycle. And so, they're never actually get into a position in which they can be, quote, dissolved. And so, this allows all SUDs to, to actually dissolve after, again, they have transferred their CCN, their responsibilities to provide water services, transferred all their assets, and after their, transferred all their debts and had a open public hearing, and also by a supermajority vote of the board. So, I think it's proper government, you know, I think the Legislature should take action when we see problems. The wheels of justice and judicial system turn at a different pace than the legislative process, and I think it's appropriate that we take action to help out these various inactive SUDs and, and close the books on a, on a taxing entity that's actually not doing a job other than, than costing those ratepayers money.

Senator Buckingham: Now, how much money is this currently costing the taxpayers?

Senator Schwertner: I have no idea, Senator.

Senator Buckingham: And, uhm—

Senator Schwertner: So, you would agree that a, any sort of tax of, or rate structure that doesn't actually perform any service is not worth doing.

Senator Buckingham: Well, are you aware of the lawsuit, uhm, that, currently pending, the ruling said that the district incurred bonded indebtedness and has not been inactive for five consecutive years and therefore cannot dissolve pursuant to the Texas Water Code?

Senator Schwertner: I'm, I'm aware that there's gone through extensive process, both at the PUC level has gone through administrative law hearings there, has been found to be proper and correct, the CCN has been transferred, has gone through a legal process, is on, and has been found in, in favor of, of the Chisholm Trail Board and, and the, the city and that, and that there are certain appeals processes which this bill does not take away from at all. There's nothing that supersedes any legal process that any individual, even though that bill, even though that lawsuit might be frivolous and, and inappropriate, might want to do. The, the doors of the courts are still open for anyone that wants to sue.

Senator Buckingham: And can you tell me how the special utility district was drawn?

Senator Schwertner: I, I don't know how it was drawn. I can tell you what it encompasses. It's a large land area that has, I think, 98 percent of the ratepayers in Williamson County. There's a small portion of, that are ratepayers that are in Burnet County and Bell County.

Senator Buckingham: And how many representatives on the governing board does Bell County have?

Senator Schwertner: Uhm, I wouldn't know the addresses of the seven members of the governing board, but I can tell you that it's an open election for those seven members, and the actions of the board have been ratified multiple times through repeated elections regarding the need to dissolve the board, and the, and that SUD.

Senator Buckingham: If all of your board members come from Williamson County and Burnet County has zero representation and Bell County has zero percent representation, you probably would get an overwhelming vote for the people in the city who are taking the rural water.

Senator Schwertner: Well, regarding representation, there are provisions through an advisory board which requires two rural representations through the Georgetown utility system that provides input regarding the Chisholm Trail issue. But this is not unique. They can, they, just like any other SUD that has, or, or municipality that provides services that are not within their, their voting areas, for instance, the City of Austin has supplied service outside its jurisdiction, the City of Dallas does. And there are actually court cases, or, or actually aspects through the PUC in which they can appeal a rate or rate structure that affects them. So, there are avenues for regress, for, to seek regress on a, on an issue. And, and it actually have one extra step here, not only can they go through the normal PUC process, but they actually have been given and afforded the opportunity to have two seats that are advisory seats on the Georgetown utility system board that advises the city council regarding utilities.

Senator Buckingham: Well, thank you, I know you're representing your district; I'm representing mine. It's my opinion, Senators, this is a classic rural versus urban water battle, and I'd ask you to vote against suspension of the rules, and you can understand how folks in my district might feel that way, Senator.

Senator Schwertner: I certainly do—

Senator Buckingham: Thank you.

Senator Schwertner: —understand, but I would disagree with you, that this is simply a way to get rid of government that's not functioning any more.

SENATE BILL 1096 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1096** at this time on its second reading:

SB 1096, Relating to guardianships; authorizing a fee.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1096** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 1104.003, Estates Code (page 1, line 46), between "Code" and the underlined period, insert ", unless waived by the court in accordance with rules adopted by the supreme court under Section 155.203, Government Code".

(2) In SECTION 11 of the bill, in the heading to Section 155.203, Government Code (page 3, line 26), strike "GUARDIANS" and substitute "GUARDIANS; SUPREME COURT RULEMAKING".

(3) In SECTION 11 of the bill, strike added Section 155.204(a), Government Code (page 3, lines 36 through 47), and substitute the following:

(a) In adopting rules under Section 155.203, the supreme court shall:

(1) subject to Subdivision (2), ensure that before a person is appointed guardian, the person completes a training course:

(A) designed by the commission to educate proposed guardians about their responsibilities as guardians, alternatives to guardianships, supports and services available to the proposed ward, and a ward's bill of rights under Section 1151.351, Estates Code; and

(B) made available for free to proposed guardians by the commission online via the commission's Internet website and, on request, in a written format; and

(2) identify the circumstances under which a court may waive the training required under this section.

The amendment to **SB 1096** 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.

SB 1096 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: Huffines.

SENATE BILL 1096 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1096** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffines.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Watson in Chair)**SENATE BILL 252 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 252** at this time on its second reading:

SB 252, Relating to prohibiting governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization.

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.

SENATE BILL 252 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 252** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 452 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 452** at this time on its second reading:

SB 452, Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

(President in Chair)**SENATE BILL 790 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **SB 790** at this time on its second reading:

SB 790, Relating to the continuation of the women's health advisory committee.

The motion was lost by the following vote: Yeas 9, Nays 22.

Yeas: Buckingham, Hughes, Miles, Nichols, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Senator Miles again moved to suspend the regular order of business to take up for consideration **SB 790** at this time on its second reading.

The motion prevailed without objection.

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.

SENATE BILL 790 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 790** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet today in Room 2E.20.

CO-AUTHOR OF SENATE BILL 73

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 73**.

CO-AUTHOR OF SENATE BILL 203

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 203**.

CO-AUTHOR OF SENATE BILL 227

On motion of Senator Huffman, Senator Garcia will be shown as Co-author of **SB 227**.

CO-AUTHOR OF SENATE BILL 260

On motion of Senator Huffines, Senator Hall will be shown as Co-author of **SB 260**.

CO-AUTHOR OF SENATE BILL 292

On motion of Senator Huffman, Senator Miles will be shown as Co-author of **SB 292**.

CO-AUTHOR OF SENATE BILL 327

On motion of Senator Burton, Senator Garcia will be shown as Co-author of **SB 327**.

CO-AUTHOR OF SENATE BILL 546

On motion of Senator Kolkhorst, Senator Garcia will be shown as Co-author of **SB 546**.

CO-AUTHOR OF SENATE BILL 582

On motion of Senator Whitmire, Senator Garcia will be shown as Co-author of **SB 582**.

CO-AUTHOR OF SENATE BILL 584

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 584**.

CO-AUTHOR OF SENATE BILL 744

On motion of Senator Kolkhorst, Senator Campbell will be shown as Co-author of **SB 744**.

CO-AUTHOR OF SENATE BILL 920

On motion of Senator Whitmire, Senator Garcia will be shown as Co-author of **SB 920**.

CO-AUTHOR OF SENATE BILL 998

On motion of Senator West, Senator Garcia will be shown as Co-author of **SB 998**.

CO-AUTHOR OF SENATE BILL 1046

On motion of Senator Estes, Senator Zaffirini will be shown as Co-author of **SB 1046**.

CO-AUTHOR OF SENATE BILL 1066

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-author of **SB 1066**.

CO-AUTHOR OF SENATE BILL 1251

On motion of Senator West, Senator Garcia will be shown as Co-author of **SB 1251**.

CO-AUTHORS OF SENATE BILL 1787

On motion of Senator Hinojosa, Senators Birdwell, Campbell, and Nelson will be shown as Co-authors of **SB 1787**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Buckingham, Senators Hall and Taylor of Galveston will be shown as Co-authors of **SCR 1**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 21

On motion of Senator Taylor of Collin, Senators Campbell and Lucio will be shown as Co-authors of **SCR 21**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 546 by West, In memory of Roy H. Williams.

SR 558 by West, In memory of Billy James Smith.

HCR 95 (Taylor of Galveston), In memory of Richard "Mack" Machowicz of Pearland.

Welcome and Congratulatory Resolutions

SR 547 by Garcia, Recognizing the Denver Harbor Little League on the occasion of its 58th anniversary.

SR 548 by Watson, Recognizing Clayton Johnson on the occasion of his retirement.

SR 550 by Schwertner, Welcoming the members of the Northwest Austin Republican Women to the Capitol.

SR 551 by Schwertner, Welcoming the members of the Georgetown Area Republican Women to the Capitol.

SR 552 by Schwertner, Welcoming the members of the Grimes County Republican Women to the Capitol.

SR 553 by Schwertner, Welcoming the members of the Williamson County Republican Women to the Capitol.

SR 554 by Lucio, Recognizing the North Alamo Water Supply Corporation on the occasion of its 50th anniversary.

SR 555 by Seliger, Welcoming the members of the Midland County Republican Women to the Capitol.

SR 559 by Whitmire, Recognizing Mark Clark for his advocacy on behalf of law enforcement agencies.

SR 560 by Whitmire, Recognizing Sylvester Turner for his contributions to Houston and the state.

SR 562 by Schwertner, Recognizing the Texas A&M University men's track and field team for winning a Division I championship.

Official Designation Resolution

SR 556 by Kolkhorst, Recognizing April 4, 2017, as Port Aransas Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:02 p.m. adjourned, in memory of Clint Greenwood, 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:

April 3, 2017

CRIMINAL JUSTICE — CSSB 1576

VETERAN AFFAIRS AND BORDER SECURITY — SCR 41, SCR 35

TRANSPORTATION — CSSB 1093, CSSB 1102, CSSB 1327, CSSB 1383, CSSB 1522, CSSB 1524

STATE AFFAIRS — SB 63, SB 329, SB 499, SB 813, SB 1249, SB 1250, SB 1362, SCR 3, SB 911, SB 409, SB 1098, SB 1223, SB 1264, SB 1346

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSSB 208, SB 729, SB 797, SB 1105, CSSB 694

BUSINESS AND COMMERCE — SB 341, CSSB 718, SB 750, SB 1012, SB 1171, CSSB 1176, CSSB 1248, SB 1760, CSSB 451, SB 951, SB 952, SB 1003, CSSB 1519

HEALTH AND HUMAN SERVICES — CSSB 317, CSSB 316, CSSB 313, CSSB 1081

BUSINESS AND COMMERCE — CSSB 1004

INTERGOVERNMENTAL RELATIONS — CSSB 460

STATE AFFAIRS — CSSB 1329, CSSB 522, CSSB 43, CSSB 1056, CSSB 445, CSSB 869, CSSB 1807, CSSB 612, CSSB 1296, CSSB 1325

FINANCE — SB 1006, SB 1120, SB 298, SB 1345, SB 1390, SB 1923

BILLS ENGROSSED

March 30, 2017

SB 3, SB 9, SB 13, SB 28, SB 128, SB 151, SB 258, SB 601, SB 758, SB 773

RESOLUTIONS ENROLLED

March 30, 2017

SR 539, SR 540, SR 541, SR 542, SR 543, SR 544