

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SEVENTH DAY

(Thursday, April 6, 2017)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Michael Weaver, Wild Ride Ministries, Harper, offered the invocation as follows:

Father, thank You today for Your abundant grace and mercy. Thank You for the freedom that we experience in this great country, freedom to be and become what we desire and freedom to worship You in our own way. Today in this Chamber, Father, are people from many different backgrounds and faiths, and they have come to give of their time and energy to keep our freedom alive and Texas great. I humbly ask today, Lord, that You give each of our legislators the wisdom, knowledge, understanding, and courage to stand for what they know to be true and righteous, for it's only by Your Holy Spirit that we live, move, and have our being. Today, O God, keep Your hand upon our great military, law enforcement, and first responders wherever they may be serving. Please be with President Trump, Governor Abbott, Lieutenant Governor Dan Patrick, Attorney General Ken Paxton, Speaker Joe Straus, every Senator and Representative, as well as their families and staff, for You alone, Father, are able to bless and keep them. And now, may the Lord bless and keep you, make His face to shine upon you, may He be gracious to you, lift His countenance upon you, and give you peace. 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.

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Keith Miller of Center as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 6, 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 10

Price

Relating to access to and benefits for mental health conditions and substance use disorders.

HB 544

Anderson, Charles "Doc"

Relating to the use of the rural water assistance fund.

HB 630

Howard

Relating to the Internet broadcast and archiving of open meetings of the Health and Human Services Commission, health and human services agencies, and related advisory entities.

HB 1062

Gooden

Relating to the governing board of the Trinity Valley Community College District.

HB 1619

Shine

Relating to the prosecution and punishment of certain outdoor burning violations.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 579

Senator Nelson offered the following resolution:

SR 579, Recognizing April 5 and 6, 2017, as Texas Federation of Republican Women Legislative Days.

NELSON

BETTENCOURT

BIRDWELL

ESTES

HALL

HANCOCK

NICHOLS

PERRY

SCHWERTNER

BUCKINGHAM	HUFFINES	SELIGER
BURTON	HUFFMAN	TAYLOR OF GALVESTON
CAMPBELL	HUGHES	TAYLOR OF COLLIN
CREIGHTON	KOLKHORST	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senators Estes, Buckingham, Taylor of Collin, Birdwell, Hancock, Campbell, Hall, Huffines, Huffman, Nichols, Bettencourt, Kolkhorst, Seliger, Burton, Perry, Taylor of Galveston, Hughes, Zaffirini, Creighton, and Lucio, was recognized and introduced to the Senate a Texas Federation of Republican Women delegation, accompanied by President Theresa Kosmoski and Vice-president of Legislation Michele Samuelson.

The Senate welcomed its guests.

SENATE RESOLUTION 561

Senator Uresti offered the following resolution:

SR 561, Recognizing April 4, 2017, as Sul Ross State University Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Sul Ross State University centennial delegation, accompanied by Texas State University System Chancellor Brian McCall and Regent David Montagne, President Bill Kibler, former U.S. Representative Pete Gallego, and Student Government Association President Danielle Lucero.

The Senate welcomed its guests.

SENATE BILL ON FIRST READING

The following bill, filed on or before Friday, March 10, 2017, was introduced, read first time, and referred to the committee indicated:

SB 2174 by Hughes

Relating to the appointment of a bailiff by district courts and county courts at law in Bowie County.

To Committee on State Affairs.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 101 to Committee on Administration.

HB 377 to Committee on Veteran Affairs and Border Security.

HB 641 to Committee on Natural Resources and Economic Development.

HB 651 to Committee on Agriculture, Water, and Rural Affairs.

HB 799 to Committee on Administration.

HB 947 to Committee on Transportation.

HB 1073 to Committee on Business and Commerce.

HB 1434 to Committee on Transportation.

HB 1818 to Committee on Natural Resources and Economic Development.

CONCLUSION OF MORNING CALL

The President at 10:52 a.m. announced the conclusion of morning call.

SENATE BILL 18 ON THIRD READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 18** at this time on its third reading and final passage:

SB 18, Relating to public institutions of higher education setting aside portions of designated tuition for student financial assistance.

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 third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1004 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1004** at this time on its second reading:

CSSB 1004, Relating to the deployment of network nodes in public right-of-way; authorizing fees.

The motion prevailed.

Senators Hinojosa and Watson asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1004** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 284.002(10)(A)(i), Local Government Code (page 2, line 54), strike "and".

(2) In SECTION 1 of the bill, in added Section 284.002(10)(A), Local Government Code (page 2, between lines 57 and 58), insert the following:

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(3) In SECTION 1 of the bill, in added Section 284.002(21), Local Government Code (page 3, line 41), strike "or similar structure".

(4) In SECTION 1 of the bill, in added Section 284.003(d), Local Government Code (page 4, line 31), strike "local code revisions" and substitute "applicable codes".

(5) In SECTION 1 of the bill, in added Section 284.051, Local Government Code (page 4, line 35), strike "transport facilities" and substitute "transport facilities for network nodes".

(6) In SECTION 1 of the bill, in added Section 284.053(a), Local Government Code (page 4, line 48), strike "installed in the municipality's" and substitute "installed in the public right-of-way in the municipality's".

(7) In SECTION 1 of the bill, in added Section 284.055(a), Local Government Code (page 4, line 69), strike "located in a" and substitute "using the".

(8) In SECTION 1 of the bill, in added Section 284.055(b)(2), Local Government Code (page 5, line 12), strike "nodes for which" and substitute "nodes located in the public right-of-way for which".

(9) In SECTION 1 of the bill, in added Section 284.055(b)(2), Local Government Code (page 5, line 14), strike "municipal fees exceeds" and substitute "municipal fees to the municipality exceeds".

(10) In SECTION 1 of the bill, in added Section 284.101(a)(2), Local Government Code (page 5, line 33), strike "request the modification or replacement of" and substitute "modify or replace".

(11) In SECTION 1 of the bill, in added Section 284.154(d), Local Government Code (page 8, line 9), strike "is considered" and substitute "shall be deemed".

(12) In SECTION 1 of the bill, in the heading to added Subchapter E, Chapter 284, Local Government Code (page 9, line 35), strike "MUNICIPAL STRUCTURES" and substitute "MUNICIPALLY OWNED UTILITY POLES".

The amendment to **CSSB 1004** 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:

Present-not voting: Hinojosa, Watson.

CSSB 1004 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:

Present-not voting: Hinojosa, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 1004 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 1004** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, West, Whitmire, Zaffirini.

Present-not voting: Hinojosa, Watson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 2. (Same as previous roll call)

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Leadership Granbury delegation.

The Senate welcomed its guests.

(Senator Hancock in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1329 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1329** at this time on its second reading:

CSSB 1329, Relating to the operation and administration of and practice in courts in the judicial branch of state government.

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 1329 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1329** 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 460 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 460** at this time on its second reading:

CSSB 460, Relating to general obligation bonds issued by political subdivisions.

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 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: Watson.

**COMMITTEE SUBSTITUTE
SENATE BILL 460 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 460** 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)

SENATE BILL 467 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 467** at this time on its second reading:

SB 467, Relating to a requirement for ballot propositions.

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 467 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 467** 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 1120 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1120** at this time on its second reading:

SB 1120, Relating to the prohibition of local motor fuel taxes on compressed natural gas and liquefied natural gas.

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 1120 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 1120** 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.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 929 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 929** at this time on its second reading:

CSSB 929, Relating to continuing education requirements for county tax assessor-collectors.

The motion prevailed.

Senator Burton 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: Burton.

**COMMITTEE SUBSTITUTE
SENATE BILL 929 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 929** be placed on its third reading and final passage.

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

Nays: Burton.

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

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 Tuesday, April 4, 2017, by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees listed on the March 30, 2017, committee action report.

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 31, Nays 0.

Members, Governing Board, Texas Civil Commitment Office: Jose Luis Aliseda, Bee County; Roberto Dominguez, Hidalgo County; Rona Kay Stratton Gouyton, Tarrant County; Elizabeth Christina Jack, Tarrant County; Kathryn Elaine McClure, Harris County.

Members, Real Estate Research Advisory Committee: Carliss Collins, Andrews County; Warren Douglas Jennings, Tarrant County; Elizabeth Robison Martin, Kendall County.

Members, Texas Diabetes Council: Joan Polakoff Colgin, Dallas County; Kathy Ann LaCivita, Bexar County; Aida L. Moreno-Brown, El Paso County; William Sanders, Dallas County.

Members, Texas Juvenile Justice Board: Edeska Barnes, Jasper County; James Castro, Kendall County; Pama Jan Hencerling, Victoria County; Lisa Katherine Jarrett, Bexar County; Stephanie Anne Moreno, Bee County; Candace Thweatt Noble, Collin County; Allison Lou Palmer, Tom Green County; Wesley Curtis Ritchey, Dallam County; James Robert Smith, Midland County.

CO-AUTHOR OF SENATE BILL 460

On motion of Senator Lucio, Senator Huffines will be shown as Co-author of **SB 460**.

CO-AUTHOR OF SENATE BILL 461

On motion of Senator Lucio, Senator Bettencourt will be shown as Co-author of **SB 461**.

CO-AUTHOR OF SENATE BILL 467

On motion of Senator Lucio, Senator Huffines will be shown as Co-author of **SB 467**.

CO-AUTHOR OF SENATE BILL 564

On motion of Senator Campbell, Senator Nichols will be shown as Co-author of **SB 564**.

CO-AUTHOR OF SENATE BILL 628

On motion of Senator Schwertner, Senator Perry will be shown as Co-author of **SB 628**.

CO-AUTHOR OF SENATE BILL 968

On motion of Senator Watson, Senator Perry will be shown as Co-author of **SB 968**.

CO-AUTHORS OF SENATE BILL 969

On motion of Senator Watson, Senators Miles and Perry will be shown as Co-authors of **SB 969**.

CO-AUTHORS OF SENATE BILL 970

On motion of Senator Watson, Senators Miles and Perry will be shown as Co-authors of **SB 970**.

CO-AUTHOR OF SENATE BILL 1004

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-author of **SB 1004**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Welcome and Congratulatory Resolutions

SR 588 by Huffines, Welcoming the Dallas County Council of Republican Women to the Capitol.

SR 589 by Hinojosa, Commending John Ryan Rodriguez for achieving the rank of Eagle Scout.

SR 590 by Uresti, Recognizing the Paint the Town Project on the occasion of its 11th anniversary.

SR 591 by Hughes, Recognizing Michael P. Smith and Rénard Group Advertising Consultants for their contributions to the community.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:55 a.m. adjourned, in memory of the life of Robert R. "Bear" Barnett, until 2:00 p.m. Monday, April 10, 2017.

APPENDIX

COMMITTEE REPORTS

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

April 6, 2017

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 862, CSSB 1430, CSSB 1361, CSSB 1269, SB 964, SB 1525, SJR 36, SB 1198, SB 1538, CSSB 226**

STATE AFFAIRS — **CSSB 788**

ADMINISTRATION — **SCR 11, SB 398, SB 1969, SB 1488**

HIGHER EDUCATION — **SB 1467**

BUSINESS AND COMMERCE — **CSSB 561**

TRANSPORTATION — **SB 975, SB 981, SB 1877, SB 2110, CSSB 979, CSSB 1179**

BILLS ENGROSSED

April 5, 2017

**SB 39, SB 91, SB 203, SB 291, SB 304, SB 488, SB 737, SB 744, SB 1045,
SB 1051, SB 1249, SB 1251, SB 1414, SB 1539, SB 1620**

RESOLUTIONS ENROLLED

April 5, 2017

SR 232, SR 578, SR 580, SR 581, SR 582, SR 584, SR 585, SR 587

