

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-EIGHTH DAY

(Monday, April 10, 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.

The Very Reverend William Dickerson, Saint Stephen's Anglican Catholic Church, Richardson, was introduced by Senator Taylor of Collin and offered the invocation as follows:

Almighty and most merciful God, I come before Thee with humble and hearty thanks for giving each of us the opportunity to serve others in our several courses of life. Most particularly, I offer Thee my personal gratitude for these elected public servants gathered here today in the Senate of the great State of Texas. And I beseech Thee, pour upon them the continual abundance of Thy grace that they may truly seek to please Thee in the discharge of the duties they have before them; that all those whom they serve may benefit from their efforts and continue to grow in health of mind, body, and spirit; in order that they, too, may continue to live in peace and prosperity. All this I ask in the most holy and precious name of Thy son, Jesus Christ, our lord. 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.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 6, 2017
Austin, Texas

TO THE SENATE OF THE EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Texas Veterans Commission for a term to expire December 31, 2021:

Kevin Barber

Houston, Texas

(replacing James H. "Jim" Scott of San Antonio whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Jake Margo Jr. of Rio Grande City as the Physician of the Day.

The Senate welcomed Dr. Margo 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

Monday, April 10, 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 2 Zerwas

Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HB 284 Springer

Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

HB 402 Huberty

Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects.

HB 678

Wu

Relating to the procedure for the entering of a plea or a stipulation of evidence by a child subject to a determinate sentence.

HB 890

Geren

Relating to providing information to the public and to purchasers of real property regarding the impact of military installations.

HB 1021

Smithee

Relating to county law libraries.

HB 1227

Smithee

Relating to the transparency of certain information related to prescription drug coverage provided by certain health benefit plans.

HB 1697

Price

Relating to the establishment of a pediatric health tele-connectivity resource program for rural Texas.

HB 1729

Neave

Relating to establishing and funding a grant program for testing evidence collected in relation to sexual assaults or other sex offenses; authorizing voluntary contributions.

HB 1829

Geren

Relating to the preservation, maintenance, and improvement of the Capitol and the Capitol grounds.

HB 2379

Price

Relating to the provision of legal services to the office of inspector general of the Health and Human Services Commission.

HCR 74

Stephenson

Paying tribute to the sacrifice of U.S. Navy Seaman Johnnie David Hutchins during World War II and honoring his family.

HCR 76

Stephenson

Paying tribute to the life of U.S. Army Master Sergeant Roy Perez Benavidez.

HCR 81

Clardy

Commending mental health professionals for their contributions to the state on the occasion of National Mental Health Month.

HCR 93

Collier

Recognizing members of the AEIC Power Delivery Committee for their dedication to electric reliability research and best practices.

HCR 111

Shine

Commemorating the 75th anniversary of Fort Hood.

HCR 114

Hefner

Congratulating Pastor Robbie Keith Caldwell on his 50 years in the ministry.

HCR 115

Dean

Commemorating the 100th anniversary of Boy Scout Troop No. 201 in Longview.

HCR 116 Workman
Commemorating the 20th anniversary of the Greater Austin Crime Commission.

SB 1 Nelson Sponsor: Zerwas
General Appropriations Bill.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate an Altrusa International of Austin delegation, accompanied by District Governor Sylvia Zamora, Governor-elect Linda Moore, Past Governor Debbie Mabry, President Joy Riley, Past President Linda Nichols, and Director Kathy Folley.

The Senate welcomed its guests.

SENATE RESOLUTION 602

Senator Garcia offered the following resolution:

SR 602, Recognizing April 10, 2017, as Blue Ribbon Lobby Day.

GARCIA	WATSON
HINOJOSA	WEST
MENÉNDEZ	WHITMIRE
MILES	ZAFFIRINI
RODRÍGUEZ	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Garcia, joined by Senators Zaffirini, Rodríguez, West, Lucio, and Uresti, was recognized and introduced to the Senate a Texas Democratic Women delegation, accompanied by Carol Jablonski, Alieca Hux, and Marcia Mainord.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

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

SB 2266 by Miles

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

SB 2267 by Creighton

Relating to the creation of the Harris County Municipal Utility District No. 555; 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 2268 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 159; 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 2269 by Creighton

Relating to creation of the Bolivar Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Members, Board of Directors, Angelina and Neches River Authority: Dale Glenn Morton, Nacogdoches County; John M. Ogle, Smith County; Francis Green Spruiell, Shelby County.

Members, Board of Directors, Nueces River Authority: Will Beinhorn, Dimmit County; Allan Penny Bloxsom, Kendall County; Eric Lee Burnett, San Patricio County; Jesse Byron Burton, Bexar County; Amy Marie Clark, Live Oak County; Mary Elizabeth Delano, Nueces County; Dan Stuart Leyendecker, Nueces County; Gary W. Moore, San Patricio County; Travis Wayne Pruski, Wilson County; Tomas Ramirez, Medina County.

Member, State Board of Veterinary Medical Examiners: Keith Alan Pardue, Travis County.

Members, Statewide Health Coordinating Council: Carol Ann Miller Boswell, Andrews County; Salil Vijay Deshpande, Harris County; Melinda A. Rodriguez, Bexar County; Larry Edward Safir, Hidalgo County; Courtney Puff Sherman, Tarrant County; Shaukat Ali Zakaria, Harris County; Yasser Fahmy Zeid, Gregg County.

Member, Board of Directors, Sulphur River Basin Authority: Bret Alan McCoy, Morris County.

Members, Texas Higher Education Coordinating Board: Arcilia Carrasco Acosta, Dallas County; Syed Anwar, Midland County; Ricky Anthony Raven, Fort Bend County; Stuart West Stedman, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

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

CONCLUSION OF MORNING CALL

The President at 2:35 p.m. announced the conclusion of morning call.

SENATE BILL 499 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 499** at this time on its second reading:

SB 499, Relating to the adoption of the Uniform Partition of Heirs' Property Act.

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 499 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 499** 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 669 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 669** at this time on its second reading:

CSSB 669, Relating to the system for protesting or appealing certain ad valorem tax determinations; authorizing a fee.

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 669 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 669** 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 1390 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1390** at this time on its second reading:

SB 1390, Relating to taxes and fees imposed on cigarettes and other tobacco products, including an exemption to the cigarette tax, related administrative matters, and the elements of certain related offenses.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1390** (senate committee report) by striking SECTION 1 of the bill amending Section 161.604(b), Health and Safety Code (page 1, lines 30-42), and substituting the following appropriately numbered SECTION:

SECTION ____. Section 161.604, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Beginning in January 2014, and in January of each subsequent year, the comptroller shall adjust [~~compute~~] the rate of the fee [~~applicable during that calendar year~~] by increasing the rate in effect on the date the adjustment is made [~~for the preceding calendar year~~] by the greater of:

(1) three percent; or

(2) the actual total percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, during the preceding calendar year, calculated by comparing the CPI-U for December of the preceding calendar year with the CPI-U for December a year earlier.

(b-1) The adjusted rate of the fee determined under Subsection (b) takes effect on February 1 of the year in which the adjusted rate is determined and remains in effect until January 31 of the following year.

The amendment to **SB 1390** 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 1390 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1390 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1390** 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 509 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 509** at this time on its second reading:

CSSB 509, Relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.

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 509 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 509** 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 750 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 750** at this time on its second reading:

SB 750, Relating to restrictions on holders of package store permits.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Kolkhorst, Lucio, Menéndez, Miles, Perry, Uresti, Watson.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

SENATE BILL 750 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 750** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Lucio, Menéndez, Miles, Perry, Uresti, Watson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Kolkhorst, Lucio, Menéndez, Miles, Perry, Uresti, Watson.

(Senator Huffman in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1524 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 1524** at this time on its second reading:

CSSB 1524, Relating to the movement of certain vehicles transporting an intermodal shipping container; authorizing a fee; creating an offense.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Miles, Nelson, Taylor of Galveston, Zaffirini.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1524** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 623.402(a)(2), Transportation Code (page 2, lines 5-7), and substitute the following:

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(2) In SECTION 2 of the bill, in added Section 623.402(a)(3)(B), Transportation Code (page 2, line 12), strike "pounds;" and substitute "pounds; and".

(3) In SECTION 2 of the bill, strike added Section 623.402(a)(3)(D), Transportation Code (page 2, lines 16-19).

(4) In SECTION 2 of the bill, strike added Section 623.402(b)(2), Transportation Code (page 2, lines 35-37), and substitute the following:

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;

(5) In SECTION 2 of the bill, in added Section 623.402(b)(3)(B), Transportation Code (page 2, line 42), strike "pounds;" and substitute "pounds; and".

(6) In SECTION 2 of the bill, strike added Section 623.402(b)(3)(D), Transportation Code (page 2, lines 47-50).

(7) In SECTION 4 of the bill, in amended Section 623.018(d), Transportation Code (page 4, line 30), strike "has" and substitute "is being operated in compliance with [has]".

The amendment to **CSSB 1524** 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.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1524** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 623.404(a)(3), Transportation Code (page 3, lines 6-7), strike "deposited to the credit of the Texas Department of Motor Vehicles fund" and substitute "equally divided among and distributed to each municipality designated in the permit application".

(2) In added Section 623.404, Transportation Code (page 3, between lines 11 and 12), insert the following appropriately lettered subsection:

() At least once each fiscal year, the comptroller shall send the amount due each municipality under Subsection (a) to the office performing the function of treasurer for the municipality. A municipality may use funds received under this subsection only to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

(3) In added Section 623.406(b)(2), Transportation Code (page 3, line 36), strike "a 30-mile radius" and substitute "30 miles".

The amendment to **CSSB 1524** 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. 2.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1524** (senate committee printing) in SECTION 2 of the bill, immediately following added Section 623.406(d), Transportation Code (page 3, between lines 49 and 50), by adding the following appropriately lettered subsection:

() A permit issued under this subchapter does not authorize the transportation of a sealed intermodal shipping container in a county that borders New Mexico and the United Mexican States.

The amendment to **CSSB 1524** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1524** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 550.062, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the motor vehicle accident involved a combination of vehicles operating under a permit issued under Section 623.402, the report required by Subsection (a) must include the weight and the number of axles of the vehicle combination.

The amendment to **CSSB 1524** 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. 4.

CSSB 1524 as amended was passed to engrossment by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Miles, Nelson, Taylor of Galveston, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1524 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1524** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Miles, Nelson, Taylor of Galveston, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**(Senator Schwertner in Chair)
SENATE BILL 951 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 951** at this time on its second reading:

SB 951, Relating to the regulation of the manufacture and sale of wine and certain related activities; authorizing a fee.

The motion prevailed.

Senator Perry 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: Perry.

SENATE BILL 951 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 **SB 951** be placed on its third reading and final passage.

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

Nays: Perry.

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

SENATE BILL 1090 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1090** at this time on its second reading:

SB 1090, Relating to the unlawful restraint of a dog; creating an offense.

The motion prevailed.

Senators Birdwell, Buckingham, and Hancock asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1090** (senate committee report) in SECTION 1 of the bill, by striking added Section 821.104(a), Health and Safety Code (page 2, lines 33-36), and substituting the following:

(a) A person commits an offense if the person knowingly violates this subchapter and the dog with respect to which there is a violation exhibits visible signs of abuse. The restraint of each dog with respect to which there is a violation is a separate offense.

The amendment to **SB 1090** was read.

Senator Perry withdrew Floor Amendment No. 1.

SB 1090 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: Birdwell, Buckingham, Hancock.

SENATE BILL 1090 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 1090** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Garcia, Hall, 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.

Nays: Buckingham, Hancock.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Bettencourt, Burton, Campbell, Creighton, Estes, Garcia, Hall, 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.

Nays: Birdwell, Buckingham, Hancock.

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1176** at this time on its second reading:

CSSB 1176, Relating to the creation of a water park permit in the Alcoholic Beverage Code; authorizing a fee.

The motion prevailed.

Senator Perry 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: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 1176 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1176** be placed on its third reading and final passage.

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

Nays: Perry.

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

**SENATE CONCURRENT RESOLUTION 26
ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SCR 26** at this time on its second reading:

SCR 26, Urging Congress to review federal regulations on the oil and gas industry.

Senators Garcia, Menéndez, Rodríguez, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time.

(President in Chair)

Senator Miles offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SCR 26** (senate committee printing) as follows:

(1) On page 1, lines 31-33, strike "WHEREAS, During the past eight years, the federal government has promulgated regulations that jeopardize the productivity of the oil and gas fields of Texas; and".

(2) On page 1, lines 44-48, strike "promulgated during the last eight years, especially those promulgated under the authority of the United States Environmental Protection Agency, the United States Department of the Interior, and the United States Department of Energy, and determine whether they" and substitute "that".

The amendment to **SCR 26** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Birdwell, Estes, Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

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

SCR 26 was adopted by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Menéndez, Rodríguez, Watson, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 969 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 969** at this time on its second reading:

CSSB 969, Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.

The motion prevailed.

Senator Hall 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: Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 969 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 969** be placed on its third reading and final passage.

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

Nays: Hall.

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 1576 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1576** at this time on its second reading:

CSSB 1576, Relating to the civil commitment of sexually violent predators, the operation of the Texas Civil Commitment Office, and certain related offenses; increasing a criminal penalty.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1576** (senate committee printing) by striking SECTION 12 of the bill, adding Section 420A.012, Government Code (page 4, lines 48 through 52), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 1576** 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.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1576** (senate committee printing) in SECTION 22 of the bill, by striking added Section 841.0838(a)(2)(B), Health and Safety Code (page 7, line 66 through page 8, line 1), and substituting the following:

(B) necessary to stop or prevent:

(i) imminent physical injury to the committed person or another;

(ii) threatening behavior by the committed person while the person is using or exhibiting a weapon;

(iii) a disturbance by a group of committed persons; or

(iv) an absconsion from the center; and

The amendment to **CSSB 1576** 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. 2.

CSSB 1576 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 1576 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 **CSSB 1576** 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 1081 ON SECOND READING**

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1081** at this time on its second reading:

CSSB 1081, Relating to the administration of prophylaxis to prevent ophthalmia neonatorum.

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 1081 ON THIRD READING**

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1081** 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 944 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 944** at this time on its second reading:

SB 944, Relating to the adoption of the Uniform Foreign-Country Money Judgments Recognition Act.

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 944 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 **SB 944** 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 628 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 628** at this time on its second reading:

SB 628, Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

The motion prevailed.

Senator Garcia 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: Garcia.

SENATE BILL 628 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 **SB 628** be placed on its third reading and final passage.

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

Nays: Garcia.

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

SENATE BILL 409 ON SECOND READING

Senator Huffines moved to suspend the regular order of business to take up for consideration **SB 409** at this time on its second reading:

SB 409, Relating to the jurisdiction of county and justice courts in civil matters.

The motion prevailed.

Senators Garcia, Hinojosa, Menéndez, Miles, Nichols, Rodríguez, Uresti, Watson, West, Whitmire, and Zaffirini 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 the following vote: Yeas 20, Nays 11.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 293 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 293** at this time on its second reading:

CSSB 293, Relating to the proof required to impose payment holds in certain cases of alleged fraud by Medicaid providers.

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 293 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 293** 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 968 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 968** at this time on its second reading:

CSSB 968, Relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.

The motion prevailed.

Senator Hall 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: Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 968 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 968** be placed on its third reading and final passage.

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

Nays: Hall.

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

SENATE BILL 564 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 564** at this time on its second reading:

SB 564, Relating to the applicability of open meetings requirements to certain meetings of a governing body relating to information technology security practices.

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 564 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 564** 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 75 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **SB 75** at this time on its second reading:

SB 75, Relating to the requirement for parental consent for a minor to join a labor union.

The motion prevailed.

Senators Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, and Zaffirini 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 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 626 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 626** at this time on its second reading:

CSSB 626, Relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures.

The motion prevailed.

Senators Estes and Garcia 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: Estes, Garcia.

**COMMITTEE SUBSTITUTE
SENATE BILL 626 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 626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, 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.

Nays: Estes, Garcia.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 264 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 264** at this time on its second reading:

CSSB 264, Relating to an application made by a county jailer or state correctional officer to obtain a license to carry a handgun.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 264** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 411.1993(d), Government Code (page 1, line 48), between "411.188" and the underlined period, insert "if the department is satisfied, on the basis of the evidence provided under Subsection (c)(3), that the applicant is proficient in the use of handguns".

(2) In added Section 411.1994(c), Government Code (page 2, line 8), between "411.188" and the underlined period, insert "if the department is satisfied, on the basis of the evidence provided under Subsection (b)(3), that the applicant is proficient in the use of handguns".

The amendment to **CSSB 264** 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 264 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 264 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 **CSSB 264** 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 Huffman 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.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Taylor of Galveston and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today:

SB 463, SB 1404, SB 1481, SB 1854.

**SENATE BILL 892 REREFERRED
(Motion In Writing)**

Senator Schwertner submitted a Motion In Writing requesting that **SB 892** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

The Motion In Writing was read and prevailed without objection.

CO-AUTHOR OF SENATE BILL 293

On motion of Senator Hinojosa, Senator Creighton will be shown as Co-author of **SB 293**.

CO-AUTHOR OF SENATE BILL 509

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-author of **SB 509**.

CO-AUTHOR OF SENATE BILL 626

On motion of Senator Schwertner, Senator Bettencourt will be shown as Co-author of **SB 626**.

CO-AUTHORS OF SENATE BILL 669

On motion of Senator Nelson, Senators Creighton and Hinojosa will be shown as Co-authors of **SB 669**.

CO-AUTHOR OF SENATE BILL 671

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-author of **SB 671**.

CO-AUTHORS OF SENATE BILL 697

On motion of Senator Buckingham, Senators Perry and Zaffirini will be shown as Co-authors of **SB 697**.

CO-AUTHOR OF SENATE BILL 822

On motion of Senator Estes, Senator Hall will be shown as Co-author of **SB 822**.

CO-AUTHOR OF SENATE BILL 911

On motion of Senator Huffman, Senator Hughes will be shown as Co-author of **SB 911**.

CO-AUTHOR OF SENATE BILL 951

On motion of Senator Hancock, Senator Buckingham will be shown as Co-author of **SB 951**.

CO-AUTHOR OF SENATE BILL 968

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

CO-AUTHOR OF SENATE BILL 969

On motion of Senator Watson, Senator Garcia will be shown as Co-author of **SB 969**.

CO-AUTHOR OF SENATE BILL 1163

On motion of Senator Garcia, Senator Huffines will be shown as Co-author of **SB 1163**.

CO-AUTHORS OF SENATE BILL 1196

On motion of Senator Kolkhorst, Senators Garcia, Hughes, and Menéndez will be shown as Co-authors of **SB 1196**.

CO-AUTHOR OF SENATE BILL 1232

On motion of Senator Huffman, Senator Menéndez will be shown as Co-author of **SB 1232**.

CO-AUTHOR OF SENATE BILL 1406

On motion of Senator Creighton, Senator Schwertner will be shown as Co-author of **SB 1406**.

CO-AUTHOR OF SENATE BILL 1524

On motion of Senator Nichols, Senator Bettencourt will be shown as Co-author of **SB 1524**.

CO-AUTHOR OF SENATE BILL 1923

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 1923**.

CO-AUTHOR OF SENATE BILL 2110

On motion of Senator Menéndez, Senator Nelson will be shown as Co-author of **SB 2110**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 26

On motion of Senator Estes, Senator Bettencourt will be shown as Co-author of **SCR 26**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 593 by Lucio, In memory of Joe S. Bono.

SR 599 by Watson, In memory of Joe Sawyer.

SR 603 by Buckingham, In memory of Jonathan J. Golden, Jordan B. Pierson, Ryan D. Hammond, and Quinn L. Johnson-Harris.

Congratulatory Resolutions

SCR 48 by Kolkhorst, Recognizing the Washington County Chamber of Commerce for 100 years of service to the community.

SR 592 by Lucio, Recognizing the anniversary of the fall of Saigon.

SR 595 by Buckingham, Recognizing David Glynn Reynolds for his 50 years of ministerial service.

SR 596 by Birdwell, Recognizing the Academy at Nola Dunn for its commitment to excellence in education.

SR 597 by Birdwell, Recognizing the Burleson Young Executives Alliance Class of 2017 for its contributions to the community.

SR 600 by Whitmire, Recognizing Andrew M. Landry Sr. on the occasion of his 10th anniversary as pastor of Oak Hill Missionary Baptist Church.

SR 601 by Taylor of Galveston, Recognizing the 111th Attack Squadron, Texas Air National Guard, on the occasion of its 100th anniversary.

SR 604 by West, Recognizing Gladys M. Ross on the occasion of her 75th birthday.

SR 605 by Lucio, Recognizing the Cameron County Mental Health Task Force on the occasion of its 10th anniversary.

SR 607 by Hinojosa, Recognizing *La Conversacion Valiosa* for its service to Hidalgo County.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:58 p.m. adjourned 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 10, 2017

CRIMINAL JUSTICE — **SB 1203, SB 677, SB 1299, CSSB 1823, CSSB 1728, CSSB 1232, CSSB 1304, CSSB 1857, SB 707, CSSB 1196, CSSB 1253**

EDUCATION — **CSSB 160**

ADMINISTRATION — **SCR 8** (Amended)

TRANSPORTATION — **CSSB 1371, CSSB 977**

HIGHER EDUCATION — **CSSB 1119**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 1897**

HEALTH AND HUMAN SERVICES — **CSSB 1049, CSSB 932, CSSCR 24, CSSB 1376, CSSB 430**

BUSINESS AND COMMERCE — **CSSB 417, CSSB 526, CSSB 1076, CSSB 1145, CSSB 878, SB 714, SB 1381, SB 1400, SB 1402, SB 1406, SB 560, SB 563, SB 1072, SB 1517, CSSB 735, CSSB 1073, SB 1492, CSSJR 60, CSSB 1518**

HEALTH AND HUMAN SERVICES — **CSSB 1787, CSSB 292, CSSB 1554, CSSB 344, CSSB 455, CSSB 924, CSSB 81, CSSB 933, SB 224, SB 1592, SB 1924, SCR 1**

TRANSPORTATION — **CSSB 980**

FINANCE — **SB 1847**

STATE AFFAIRS — **SB 549, SB 2150, SB 1441, SB 1193, SB 957, SB 949, SB 752, SB 611**

FINANCE — **SB 1875**

BILLS ENGROSSED

April 6, 2017

SB 18, SB 460, SB 467, SB 929, SB 1004, SB 1120, SB 1329

RESOLUTIONS ENROLLED

April 6, 2017

SR 561, SR 579, SR 588, SR 589, SR 590, SR 591

