

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-SECOND DAY**

(Wednesday, April 19, 2017)

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

The roll was called and the following Senators were present: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, 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 Betsy Buhler, Community Bible Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Our Father in heaven, this is the day that You have made, and we rejoice and are glad in it. I thank You for this day of opportunity. I thank You for the freedom we have and in You we trust. I thank You for all who serve our country and pray Your watchcare over each one. I thank You for the men and women in this room who serve the great State of Texas. Lord, I ask that You give each one wisdom in their decision making, vision for the future, and the resilience they need today. I ask as the Senators deal with complex issues and challenges that You guide and lead them. I speak blessings and protection over their home, joy in their journey, and peace that only comes from You. With respect to all beliefs, I pray 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.

**(Senator Perry in Chair)**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 19, 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 269** Thompson, Senfronia

Relating to judicial proceedings on a petition to set aside a conviction or an order of expunction of criminal history record information for certain victims of trafficking of persons or compelling prostitution who are convicted of prostitution.

**HB 491** Frullo

Relating to requiring registration as a sex offender of certain defendants convicted of the offense of continuous trafficking of persons.

**HB 777** Ashby

Relating to the eligibility of land owned by certain members of the armed services of the United States for appraisal for ad valorem tax purposes as qualified open-space land.

**HB 1090** Meyer

Relating to the criminal penalties for insider trading and other misuse of official information by public servants.

**HB 1116** Kacal

Relating to the repeal of certain state procurement advisory and approval procedures.

**HB 1270** Smithee

Relating to excused absences from public school for the purpose of visiting a military recruitment center.

**HB 1526** King, Phil

Relating to the provision of state death benefits to peace officers employed by certain private institutions of higher education located in this state.

**HB 2253** Darby

Relating to the calculation of interest on an ad valorem tax refund resulting from the final determination of an appeal that decreases a property owner's liability.

**HB 3451** Stucky

Relating to the study and approval of lethal pesticides for feral hog control.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### MESSAGE FROM THE GOVERNOR

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

April 19, 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 appointments:

To be members of the Texas School Safety Center Board for terms to expire as indicated:

To Expire February 1, 2018:

Dewey M. "Mike" Cox

Driftwood, Texas

(Mr. Cox is being reappointed)

Daniel R. "Dan" Griffith, II

Pflugerville, Texas

(Mr. Griffith is being reappointed)

Allison E. Hymel

Allen, Texas

(replacing Garry E. Eoff of Brownwood whose term expired)

Cecilia "Cissy" Reynolds-Perez

Corpus Christi, Texas

(replacing Dawn DuBose Randle of Houston whose term expired)

Paul A. Robbins

Nacogdoches, Texas

(replacing Evan Gonzales of Giddings whose term expired)

To Expire February 1, 2019:

Jason M. Burdine

Richmond, Texas

(replacing James R. Pendell of Clint whose term expired)

Daniel F. "Dan" Gilliam

Victoria, Texas

(Judge Gilliam is being reappointed)

Andrew B. Kim

New Braunfels, Texas

(replacing Carl A. Montoya of Universal City whose term expired)

Robert L. Long, III, Ed.D.

Tomball, Texas

(replacing Adelaida "Laila" Olivarez of Austin whose term expired)

Jill M. Tate

Colleyville, Texas

(replacing Barbara Ann Beto of Round Rock whose term expired)

Respectfully submitted,

/s/Greg Abbott  
Governor

**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate students from Trinidad ISD.

The Senate welcomed its guests.

**SENATE RESOLUTION 631**

Senator Miles offered the following resolution:

WHEREAS, Members of the Texas chapters of 100 Black Men of America are gathering at the State Capitol in Austin on April 19, 2017, and their visit offers a fitting opportunity to celebrate the work being done by this outstanding organization; and

WHEREAS, 100 Black Men of America was founded in New York City in 1963, when a group of visionary leaders in business, politics, and other fields came together to explore ways of improving the quality of life in the African American community; today, the organization numbers more than 90 chapters and over 10,000 members nationwide; guided by the motto "What They See Is What They'll Be," these accomplished individuals are presently enhancing the educational and economic opportunities available to over 125,000 minority youth; and

WHEREAS, Based upon the four pillars of mentoring, education, health and wellness, and economic development, the organization's programs seek to address the emotional and cultural needs of African American children, provide volunteer support to schools and educators, advocate on behalf of equal access to education, promote physical fitness and healthy eating habits, and empower African American individuals and enterprises through training in financial literacy and networking; and

WHEREAS, Contributing to the advancement of this vital mission are the members of 100 Black Men of America who are active in the organization's Texas chapters, which represent Austin, Greater Beaumont, Greater Dallas, Greater Houston, San Antonio, and West Texas; and

WHEREAS, For more than half a century, the members of 100 Black Men of America have helped to set countless young people on the path to a brighter future, and they are indeed deserving of commendation for their myriad good works; now, therefore, be it

RESOLVED, That the Senate of the 85th Texas Legislature hereby honor 100 Black Men of America for its long history of service to African American youth and extend to the visiting Texas members sincere best wishes for a meaningful and memorable stay in Austin; and, be it further

RESOLVED, That official copies of this resolution be prepared for the Texas chapters as an expression of high regard by the Texas Senate.

MILES  
WEST

**SR 631** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Miles, joined by Senator West, was recognized and introduced to the Senate a 100 Black Men of America delegation, accompanied by Member at Large Robert Tapley, Western District Representative Marcellous "Mark" Reed, and Chapter Development Chair Vernon Durden.

The Senate welcomed its guests.

**SENATE RESOLUTION 638**

Senator West offered the following resolution:

WHEREAS, The Duncanville High School girls' basketball team again reached the pinnacle of success by winning the University Interscholastic League 6A state championship on March 4, 2017, at the Alamodome in San Antonio; and

WHEREAS, During their thrilling postseason run, the Pantherettes dispatched teams from Shoemaker, Plano West Senior, DeSoto, Keller, South Grand Prairie, and Converse Judson High Schools to set up a championship battle against Cypress Ranch High; and

WHEREAS, In the title contest, the Pantherettes came roaring back from a first-quarter deficit to enter halftime with a 33-31 edge; never trailing again, Duncanville went on to clinch the trophy by a final score of 76-65; the triumph marked the team's second consecutive state crown and the 10th girls' basketball title in school history and capped an unforgettable season in which the squad compiled an impressive record of 39 wins and just two losses; and

WHEREAS, Pacing the group was junior guard-forward Zarielle Green, who was named the game's Most Valuable Player after tallying 25 points and seven rebounds; Zarielle was joined on the All-Tournament team by fellow Duncanville standouts Starr Jacobs, a junior forward-center, and Aniya Thomas, a junior guard; throughout the season, the Pantherettes also received valuable contributions from the other members of the roster: Nina Alvarez, Angel Flowers, Aakilah Caldwell, Tae Davis, LaMoyah Lott, Tiara Franklin, Hannah Gusters, Krislyn Marsh, and Lauryn Bowie; they were ably guided by head coach Cathy Self-Morgan, who notched her 1,100th career victory with the title win, and assistant coaches Destiny Castillo, Stephanie Cooper, Teranie Thomas, and Thomas Webber; and

WHEREAS, In winning back-to-back state titles, the Duncanville Pantherettes have earned a place among the elite teams in Texas high school basketball, and this outstanding accomplishment will be a source of community pride for many years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby congratulate the Duncanville High School girls' basketball team on winning the 2017 University Interscholastic League 6A state championship and extend to the team's players, coaches, and staff sincere best wishes for continued success; and, be it further

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

**SR 638** was read and was adopted without objection.

### GUESTS PRESENTED

Senator West was recognized and introduced to the Senate 2017 UIL 6A state champions, Duncanville High School girls' basketball team, accompanied by Head Coach Cathy Self-Morgan.

The Senate welcomed its guests.

### INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

### CONCLUSION OF MORNING CALL

The Presiding Officer at 11:42 a.m. announced the conclusion of morning call.

### PHYSICIAN OF THE DAY

Senator Schwertner, on behalf of Senator Kolkhorst, was recognized and presented Dr. Robert Stark of Brenham as the Physician of the Day.

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

### COMMITTEE SUBSTITUTE SENATE BILL 1248 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1248** at this time on its second reading:

**CSSB 1248**, Relating to municipal regulation of manufactured home communities.

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 1248 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1248** 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 1748 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 1748** at this time on its second reading:

**SB 1748**, Relating to use of tax revenue by certain development corporations for job-related skills training.

The motion prevailed.

Senators Burton, Hall, and Taylor of Collin 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, Hall, Taylor of Collin.

### **SENATE BILL 1748 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 1748** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Burton, Hall, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### **SENATE JOINT RESOLUTION 43 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **SJR 43** at this time on its second reading:

**SJR 43**, Proposing a constitutional amendment prohibiting the use of state funds to pay for the obligations of a local public retirement system.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The resolution was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 735 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 735** at this time on its second reading:

**CSSB 735**, Relating to periodic rate adjustment by and to certain transactions involving electric utilities.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 735** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 36.157(b), Utilities Code, (page 1, line 30), strike "March" and substitute "June".

(2) In SECTION 1 of the bill, in added Section 36.157(b), Utilities Code, (page 1, line 32), strike "a base rate" and substitute "base rates".

(3) In SECTION 1 of the bill, in added Section 36.157(b)(2), Utilities Code, (page 1, line 38), between "return" and "as demonstrated", insert "on equity".

(4) In SECTION 1 of the bill, in added Section 36.157(c)(1), Utilities Code, (page 1, line 49), between "commission-approved" and "return on equity", insert "rate of".

(5) In SECTION 1 of the bill, in added Section 36.157(c)(2), Utilities Code, (page 1, line 53), between "commission-approved" and "return on equity", insert "rate of".

The amendment to **CSSB 735** 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 735** 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 735 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 735** 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 933 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 933** at this time on its second reading:

**CSSB 933**, Relating to the licensing of, the executive commissioner of the Health and Human Services Commission's duties with respect to, and the administrative penalties for home and community support services agencies.

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 933 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 933** 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 1012 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1012** at this time on its second reading:

**SB 1012**, Relating to notification by an insurer of certain disciplinary actions imposed on the insurer for a violation of the insurance laws of another state.

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 1012 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1012** 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 878 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 878** at this time on its second reading:

**CSSB 878**, Relating to named driver policy disclosure requirements.

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 878 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 878** 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 1286 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1286** at this time on its second reading:

**CSSB 1286**, Relating to the system for protesting or appealing certain ad valorem tax determinations.

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 1286 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1286** 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)**

**SENATE BILL 224 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 224** at this time on its second reading:

**SB 224**, Relating to the sunset review date for the Cancer Prevention and Research Institute of Texas and the time for awarding cancer research and prevention grants.

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

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

Nays: Bettencourt, Burton, Creighton, Hall, Huffines, Hughes, Nichols, Taylor of Collin.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

### **SENATE BILL 224 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 **SB 224** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Burton, Creighton, Hall, Huffines.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

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

Nays: Bettencourt, Burton, Creighton, Hall, Huffines, Hughes, Nichols, Taylor of Collin.

### **SENATE BILL 1805 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 1805** at this time on its second reading:

**SB 1805**, Relating to the multiuse training and operations center facility.

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 1805 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 1805** 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 1710 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1710** at this time on its second reading:

**SB 1710**, Relating to applications for the complete restoration of a ward's capacity or modification of a guardianship.

The motion prevailed.

Senator Bettencourt 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: Bettencourt.

**SENATE BILL 1710 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 1710** be placed on its third reading and final passage.

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

Nays: Bettencourt.

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 1049 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1049** at this time on its second reading:

**CSSB 1049**, Relating to safety requirements of assisted living facilities.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1049** (senate committee report) in SECTION 3 of the bill, in added Section 247.071(d), Health and Safety Code (page 2, line 28), by striking "the life safety requirements established" and substituting "any National Fire Protection Association codes or standards adopted".

The amendment to **CSSB 1049** 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 1049** 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 1049 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1049** 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 CONCURRENT RESOLUTION 1  
ON SECOND READING**

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SCR 1** at this time on its second reading:

**SCR 1**, Calling on Congress to repeal the Patient Protection and Affordable Care Act.

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 resolution was read second time and was adopted by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 873 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 873** at this time on its second reading:

**CSSB 873**, Relating to the authority and liability of owners and managers of apartment houses, manufactured home rental communities, condominiums, and multiple use facilities in charging tenants for submetered and nonsubmetered master metered water and wastewater services.

The motion prevailed.

Senators Garcia, Hinojosa, 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 21, Nays 10.

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

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

### **SENATE BILL 797 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 797** at this time on its second reading:

**SB 797**, Relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.

The motion prevailed.

Senators Birdwell, Burton, Hall, Taylor of Galveston, and Taylor of Collin 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 26, Nays 5.

Yeas: Bettencourt, Buckingham, Campbell, Creighton, Estes, Garcia, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Hall, Taylor of Galveston, Taylor of Collin.

### **SENATE BILL 797 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 797** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Buckingham, Campbell, Creighton, Estes, Garcia, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Burton, Hall, Taylor of Galveston, Taylor of Collin.

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

### **SENATE BILL 640 ON SECOND READING**

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **SB 640** at this time on its second reading:

**SB 640**, Relating to equal opportunity for access by home-schooled students to University Interscholastic League sponsored activities; authorizing a fee.

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

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

Nays: Garcia, Menéndez, Miles, Nichols, Rodríguez, Seliger, West, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

### **SENATE BILL 640 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 640** 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, Lucio, Nelson, Nichols, Perry, Schwertner, Taylor of Galveston, Taylor of Collin, Uresti, Watson, Whitmire.

Nays: Menéndez, Miles, Rodríguez, Seliger, West, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

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

Nays: Garcia, Menéndez, Miles, Nichols, Rodríguez, Seliger, West, Zaffirini.

### **SENATE CONCURRENT RESOLUTION 35 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **SCR 35** at this time on its second reading:

**SCR 35**, Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government's responsibility to secure the Texas-Mexico international border.

The motion prevailed.

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 and was adopted by the following vote: Yeas 27, Nays 4.

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, Zaffirini.

Nays: Garcia, Menéndez, Rodríguez, Watson.

### SENATE BILL 314 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 314** at this time on its second reading:

**SB 314**, Relating to the continuation and functions of the Texas Optometry Board; authorizing a reduction in fees.

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.

Senator Schwertner offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 314** (senate committee printing) as follows:

- (1) Strike SECTION 17 of the bill, adding Section 351.3591, Occupations Code (page 4, lines 46-62).
- (2) Strike SECTION 20 of the bill, adding Section 351.6011, Occupations Code (page 6, lines 40-67).
- (3) Strike SECTION 24 of the bill (page 7, lines 31-35).
- (4) Renumber the SECTIONS of the bill accordingly.

The amendment to **SB 314** 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 Taylor of Collin offered the following amendment to the bill:

#### Floor Amendment No. 2

Amend **SB 314** (senate committee printing), in SECTION 2 of the bill, by striking amended Section 351.059(c), Occupations Code (page 1, lines 32-50), and substituting the following:

- (c) The training program must provide the person with information regarding:
  - (1) the law governing board operations [~~the legislation that created the board and the legislation that created the Contact Lens Prescription Act~~];
  - (2) the board's programs, functions, rules, and budget;
  - (3) the scope of and limitations on the rulemaking authority of the board;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business the board regulates;

(B) restrict advertising by persons in a profession or business the board regulates;

(C) affect the price of goods or services provided by persons in a profession or business the board regulates; and

(D) restrict participation in a profession or business the board regulates;

(5) the results of the most recent formal audit of the board;

(6) [~~4~~] the requirements of:

(A) laws relating to open meetings, public information, administrative procedures, and disclosure of conflicts-of-interest; and

(B) other laws applicable to members of the board in performing their duties; and

(7) [~~5~~] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

The amendment to **SB 314** 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.

**SB 314** 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: Hall.

### SENATE BILL 314 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 314** 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 838 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 838** at this time on its second reading:

**CSSB 838**, Relating to certain images captured by an unmanned aircraft.

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 838 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 **CSSB 838** 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.

**REASON FOR VOTE**

Senator Huffines submitted the following reason for vote on **SB 838**:

Senate Bill 838 is a free market bill that will advance opportunities for innovative disruption in the way companies and consumers choose to interact. Some have raised concerns as it relates to companies' authority to capture images of private residences, and I am mindful of the potential privacy concerns that could come with this bill. This bill leaves the power in the hands of consumers because they have the opportunity to choose a retailer based on any number of criteria, including the company's privacy policies or delivery methods. Consumers, acting in a free market, have the ability to address any privacy issues associated with drone delivery. They will be free to choose a retailer that does not engage in that practice, or to choose a retailer that has a robust privacy policy. Through market forces, consumers will determine the appropriate level of privacy, and with the passage of SB 838, they will now do so with innovative new ways to engage in free market commerce.

HUFFINES

**SENATE BILL 1483 ON SECOND READING**

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **SB 1483** at this time on its second reading:

**SB 1483**, Relating to the creation of the Technology Lending Program to provide grants to school districts and open-enrollment charter schools.

The motion prevailed.

Senator Nichols 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: Nichols.

**SENATE BILL 1483 ON THIRD READING**

Senator Taylor of Galveston moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1483** be placed on its third reading and final passage.

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

Nays: Nichols.

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

**SENATE BILL 1465 ON SECOND READING**

On motion of Senator Taylor of Galveston and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1465** at this time on its second reading:

**SB 1465**, Relating to the authority of certain ex officio members of the board of directors of a tax increment financing reinvestment zone to elect not to serve on the board.

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1465** (senate committee report) in SECTION 1 of the bill, in added Section 311.0092, Tax Code, by striking Subsection (a) of the section (page 1, lines 28 through 35) and substituting the following:

(a) Not later than the 90th day after the date a member of the state senate or state house of representatives who is an ex officio member of the board of directors of a reinvestment zone under Section 311.009(b) or 311.0091(c), as applicable, is elected to the state senate or the state house of representatives, as applicable, at a general or special election, the board shall send to the member of the state senate or state house of representatives written notice by certified mail informing the state senator or state representative of the person's membership on the board.

The amendment to **SB 1465** 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 1465** 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 1465 ON THIRD READING**

Senator Taylor of Galveston moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1465** 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 Uresti in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 455 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 455** at this time on its second reading:

**CSSB 455**, Relating to the operations of the Employment-First Task Force.

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

Yeas: Buckingham, Campbell, Estes, Garcia, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Creighton, Hall, Hancock, Huffines, Nelson, Taylor of Collin.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 455 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 **CSSB 455** be placed on its third reading and final passage.

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

Yeas: Birdwell, Buckingham, Campbell, Creighton, Estes, Garcia, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Hall, Hancock, Huffines, Nelson.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Buckingham, Campbell, Estes, Garcia, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Creighton, Hall, Hancock, Huffines, Nelson, Taylor of Collin.

**GUEST PRESENTED**

Senator Whitmire was recognized and introduced to the Senate Congressman Gene Green.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1246 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1246** at this time on its second reading:

**CSSB 1246**, Relating to the salary of a bailiff in El Paso County.

The motion prevailed.

Senators Birdwell, Creighton, Hall, Taylor of Galveston, and Taylor of Collin 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: Birdwell, Creighton, Hall, Taylor of Galveston, Taylor of Collin.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1246 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1246** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Buckingham, Burton, Campbell, Estes, Garcia, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Creighton, Hall, Taylor of Galveston, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1215 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1215** at this time on its second reading:

**CSSB 1215**, Relating to responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

The motion prevailed.

Senators Hall and Estes asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1215** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 59.003, Business & Commerce Code (page 1, line 35), between the underlined period and "A contractor", insert "(a)".

(2) In SECTION 1 of the bill, following added Section 59.003, Business & Commerce Code (page 1, between lines 42 and 43), add the following:

(b) A contractor must disclose to the owner a condition discovered during construction that was not known or could not have reasonably been known at the time of design.

(c) A contractor who fails to disclose a condition as required by Subsection (b) may be liable for defects that result from the failure to disclose.

The amendment to **CSSB 1215** 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 Hall offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1215** (senate committee printing) by striking added Section 59.004, Business & Commerce Code, (page 1, line 43, through page 1, line 45).

The amendment to **CSSB 1215** was read and failed of adoption by the following vote: Yeas 4, Nays 25.

Yeas: Burton, Garcia, Hall, Taylor of Collin.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Estes, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Absent: Creighton, Seliger.

**CSSB 1215** as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1215 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 1215** 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, Garcia, 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, Hall.

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 587 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 587** at this time on its second reading:

**CSSB 587**, Relating to the ability of certain students to enroll full-time in courses provided through the state virtual school network.

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 587 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 587** 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)**

**SENATE BILL 277 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 277** at this time on its second reading:

**SB 277**, Relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.

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

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

Nays: Birdwell, Creighton, Garcia, Huffines, Perry, Rodríguez, Seliger, Watson, Zaffirini.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 277** (Senate committee report) in SECTION 1 of the bill, in added Section 312.0021(a)(1), Tax Code (page 1, line 25), by striking "camp, auxiliary airfield, or range at which" and substituting "or camp at which fixed-wing".

The amendment to **SB 277** 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 Uresti offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 277** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 312.0021(b), Tax Code (page 1, line 43), strike "30" and substitute "25".

(2) In SECTION 2 of the bill, in added Section 313.024 (b-1), Tax Code (page 1, line 61), strike "30" and substitute "25".

The amendment to **SB 277** 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 Lucio offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **SB 277** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The legislature finds that:

(1) the Texas Military Preparedness Commission has found that military installations located in this state generate \$136 billion in economic activity each year and directly or indirectly contribute to the existence of almost 900,000 jobs;

(2) military aviation facilities in this state are of vital importance to the security of this state and the nation and are an integral part of this state's economy;

(3) the area surrounding a military aviation facility is sensitive to security concerns and requires special attention by this state;

(4) wind-powered energy devices and wind energy are important components of this state's production of electricity; and

(5) the United States Department of Defense uses the base realignment and closure process to reorganize the department's base structure and has used the process to close more than 350 military bases since 1988.

(b) This Act is for the purposes of:

(1) promoting the public health, safety, and general welfare of this state;

(2) protecting and preserving military aviation facilities, the areas surrounding those facilities, and the aviation operations or training conducted at those facilities from any unintended consequences occurring as a result of the installation or construction of wind-powered energy devices on property located in close proximity to the boundaries of those facilities;

(3) encouraging the development of wind farms and the installation or construction of wind-powered energy devices in this state under reasonable state regulations that recognize the importance of wind energy and take into account the need to support and protect military aviation facilities located in this state from the United States Department of Defense's base realignment and closure process;

(4) ensuring that an owner of property on which wind-powered energy devices were constructed, or were under construction, before September 1, 2017, and that is located in close proximity to the boundaries of a military aviation facility continues to be eligible to receive tax benefits under Chapter 312 or 313, Tax Code; and

(5) allowing an owner of property located in close proximity to the boundaries of a military aviation facility to continue to allow the installation or construction of wind-powered energy devices on that property in the event the owner elects not to seek tax benefits for that property under Chapter 312 or 313, Tax Code.

(c) This Act may not be construed as limiting the ability of a person to receive a tax benefit under Chapter 312 or 313, Tax Code, for property that the person owns and on which a wind-powered energy device is installed or constructed other than under the conditions relating to the proximity of that property to a military aviation facility as expressly provided by this Act.

The amendment to **SB 277** 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. 3.

**SB 277** as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Creighton, Garcia, Huffines, Perry, Rodríguez, Seliger, Watson, Zaffirini.

### **SENATE BILL 277 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 277** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Buckingham, Burton, Campbell, Estes, Garcia, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Rodríguez, Schwertner, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire.

Nays: Birdwell, Creighton, Huffines, Perry, Seliger, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Creighton, Garcia, Huffines, Perry, Rodríguez, Seliger, Watson, Zaffirini.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 253 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 **CSSB 253** at this time on its second reading:

**CSSB 253**, Relating to investment prohibitions and divestment requirements for certain investments of public money.

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 253 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 **CSSB 253** 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.

**PERMISSION TO INTRODUCE GRANTED  
(Motion In Writing)**

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b), Limitations on Introduction, to permit the introduction of bills and resolutions as listed below:

On motion of Senator Buckingham: **SB 2280**.

On motion of Senator Seliger: **SB 2281**.

The Motion In Writing was read and prevailed without objection.

**SENATE BILLS ON FIRST READING**

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

**SB 2280** by Buckingham

Relating to the name of the Burnet County Municipal Utility District No. 1.  
To Committee on Intergovernmental Relations.

**SB 2281** by Seliger

Relating to election of the board of directors of the Deaf Smith County Hospital District.  
To Committee on Intergovernmental Relations.

**SB 2282** by Nichols

Relating to the dissolution of the Angelina County Water Control and Improvement District No. 3 and the territory of the Angelina County Fresh Water Supply District No. 1.  
To Committee on Intergovernmental Relations.

**HOUSE BILLS ON FIRST READING**

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

**HB 2** to Committee on Finance.

**HB 9** to Committee on Criminal Justice.

**HB 271** to Committee on Health and Human Services.

**HB 284** to Committee on Health and Human Services.

**HB 394** to Committee on Administration.

**HB 630** to Committee on Business and Commerce.

**HB 678** to Committee on Criminal Justice.

**HB 846** to Committee on Veteran Affairs and Border Security.

**HB 890** to Committee on Business and Commerce.

**HB 915** to Committee on Business and Commerce.

**HB 1001** to Committee on State Affairs.

**HB 1177** to Committee on Criminal Justice.

**HB 1178** to Committee on Criminal Justice.

**HB 1346** to Committee on Finance.

**HB 1432** to Committee on Natural Resources and Economic Development.

**HB 1433** to Committee on Natural Resources and Economic Development.

**HB 1559** to Committee on Administration.

**HB 1612** to Committee on Business and Commerce.

**HB 1619** to Committee on Natural Resources and Economic Development.

**HB 1697** to Committee on Health and Human Services.

**HB 1729** to Committee on Criminal Justice.

**HB 2299** to Committee on Business and Commerce.

**HB 2379** to Committee on Health and Human Services.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

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

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

The President asked if there were requests to sever nominees.

Senator Taylor of Collin requested that the following nominee be severed:

Member, Board of Regents, University of Houston System: Tilman J. Fertitta, Harris County.

The request was granted.

### **NOMINEES CONFIRMED**

The following nominees, not severed and reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Executive Commissioner, Health and Human Services Commission: Charles Ray Smith, Hays County.

Members, Texas Board of Medical Radiologic Technology: Nicholas Marc Beckmann, Harris County; Jennifer Colleen Flanagan, Tarrant County; Anthony Jaso, Bexar County; Faraz Adil Khan, Harris County; Regan Leigh Robinson Landreth, Williamson County; Melanie Lutz, Harris County; Scott Alan Morren, Hockley County; Carol Waddell, McLennan County.

Members, Texas Board of Nursing: Laura A. Disque, Hidalgo County; Allison Porter Edwards, Harris County; Diana Rodriguez Flores, Bexar County; Doris Jean Jackson, Fort Bend County; Kathy Lynette Leader-Horn, Hood County; David Edward Saucedo, El Paso County; Francis D. Stokes, Nueces County.

Members, Board of Directors, Texas Economic Development Corporation: Marcus Ray Griffin, Lubbock County; Stephen Chalmus Head, Montgomery County; Alejandro G. Meade, Hidalgo County; Michael Wagner Rollins, Travis County; Nancy Carol Windham, Nacogdoches County; Sanjiv Yajnik, Dallas County.

Member, Texas Transportation Commission: Laura Ryan Heizer, Harris County.

Members, Board of Regents, University of Houston System: Lorinda Madison, Harris County; Gerald Wayne McElvy, Tarrant County.

### **NOMINEE CONFIRMED**

The following nominee, as reported by the Committee on Nominations, was confirmed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Taylor of Collin.

Member, Board of Regents, University of Houston System: Tilman J. Fertitta, Harris County.

### **SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)**

Senator Kolkhorst submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the Local and Uncontested Calendar.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet at 2:25 p.m. today in Room E1.036.

**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 tomorrow:

**SB 801, SB 1660.**

**CO-AUTHOR OF SENATE BILL 78**

On motion of Senator Nelson, Senator Garcia will be shown as Co-author of **SB 78.**

**CO-AUTHOR OF SENATE BILL 253**

On motion of Senator Taylor of Collin, Senator Bettencourt will be shown as Co-author of **SB 253.**

**CO-AUTHOR OF SENATE BILL 344**

On motion of Senator West, Senator Garcia will be shown as Co-author of **SB 344.**

**CO-AUTHOR OF SENATE BILL 584**

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

**CO-AUTHOR OF SENATE BILL 725**

On motion of Senator Miles, Senator Garcia will be shown as Co-author of **SB 725.**

**CO-AUTHOR OF SENATE BILL 752**

On motion of Senator Campbell, Senator Garcia will be shown as Co-author of **SB 752.**

**CO-AUTHORS OF SENATE BILL 810**

On motion of Senator Kolkhorst, Senators Taylor of Galveston and West will be shown as Co-authors of **SB 810.**

**CO-AUTHORS OF SENATE BILL 981**

On motion of Senator Kolkhorst, Senators Creighton and Schwertner will be shown as Co-authors of **SB 981**.

**CO-AUTHOR OF SENATE BILL 1034**

On motion of Senator Perry, Senator Zaffirini will be shown as Co-author of **SB 1034**.

**CO-AUTHOR OF SENATE BILL 1063**

On motion of Senator Perry, Senator Garcia will be shown as Co-author of **SB 1063**.

**CO-AUTHOR OF SENATE BILL 1089**

On motion of Senator Perry, Senator Garcia will be shown as Co-author of **SB 1089**.

**CO-AUTHORS OF SENATE BILL 1153**

On motion of Senator Menéndez, Senators Campbell, Lucio, and Uresti will be shown as Co-authors of **SB 1153**.

**CO-AUTHOR OF SENATE BILL 1203**

On motion of Senator Perry, Senator Garcia will be shown as Co-author of **SB 1203**.

**CO-AUTHOR OF SENATE BILL 1242**

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 1242**.

**CO-AUTHOR OF SENATE BILL 1250**

On motion of Senator West, Senator Garcia will be shown as Co-author of **SB 1250**.

**CO-AUTHOR OF SENATE BILL 1269**

On motion of Senator Miles, Senator Garcia will be shown as Co-author of **SB 1269**.

**CO-AUTHOR OF SENATE BILL 1304**

On motion of Senator Perry, Senator Garcia will be shown as Co-author of **SB 1304**.

**CO-AUTHOR OF SENATE BILL 1341**

On motion of Senator Garcia, Senator Miles will be shown as Co-author of **SB 1341**.

**CO-AUTHOR OF SENATE BILL 1489**

On motion of Senator Taylor of Galveston, Senator Garcia will be shown as Co-author of **SB 1489**.

**CO-AUTHOR OF SENATE BILL 1533**

On motion of Senator Rodríguez, Senator Zaffirini will be shown as Co-author of **SB 1533**.

**CO-AUTHOR OF SENATE BILL 1787**

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-author of **SB 1787**.

**CO-AUTHOR OF SENATE BILL 1857**

On motion of Senator Whitmire, Senator Garcia will be shown as Co-author of **SB 1857**.

**CO-AUTHOR OF SENATE BILL 2012**

On motion of Senator Taylor of Collin, Senator Hall will be shown as Co-author of **SB 2012**.

**CO-AUTHOR OF SENATE BILL 2242**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 2242**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**HCR 74** (Kolkhorst), Paying tribute to the sacrifice of U.S. Navy Seaman Johnnie David Hutchins during World War II and honoring his family.

**HCR 76** (Kolkhorst), Paying tribute to the life of U.S. Army Master Sergeant Roy Perez Benavidez.

**Congratulatory Resolutions**

**SR 639** by Buckingham, Recognizing John MacDonald, Matthew Harper, Chris Shelley, Brian Hammes, and Clark Channell of the Killeen Fire Department.

**SR 641** by Watson, Recognizing Kayline Ballard Cabe on the occasion of her retirement.

**SR 643** by Kolkhorst, Recognizing the Victoria Catholic War Veterans, Saint John's Post 1269, on the occasion of its 70th anniversary.

**SR 644** by Zaffirini, Recognizing Victor Villarreal for his appointment as a Webb County judge.

**Official Designation Resolution**

**SR 642** by Watson, Proclaiming May 2017 Lyme Disease Awareness Month in Texas.

**RECESS AND MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:03 p.m. agreed to recess until 2:15 p.m. today for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Natalie Cowen Gonzalez, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

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## APPENDIX

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### COMMITTEE REPORTS

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

April 19, 2017

**BUSINESS AND COMMERCE — SB 1490, SB 1491, SB 632, SB 2204, SB 1739, CSSB 1895**

**NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — SB 1870, SB 2105, SB 2027**

**INTERGOVERNMENTAL RELATIONS — CSSB 1842, CSSB 1015, CSSB 1014, SB 1780, SB 1261, SB 1118, SB 1085, SB 1042, SB 914, SB 996, SB 995, SB 994, SB 992, SB 993, SB 991, SB 468, SB 1462, SB 295**

**EDUCATION — SB 463, SB 1220, SB 1166**

### BILLS ENGROSSED

April 18, 2017

**SB 208, SB 226, SB 289, SB 317, SB 445, SB 451, SB 489, SB 563, SB 588, SB 655, SB 671, SB 677, SB 697, SB 832, SB 840, SB 894, SB 977, SB 979, SB 1198, SB 1327, SB 1345, SB 1408, SB 1430, SB 1923**

### RESOLUTIONS ENROLLED

April 18, 2017

**SCR 50, SR 346, SR 621, SR 623, SR 624, SR 625, SR 626, SR 627, SR 628, SR 629, SR 632, SR 633, SR 634, SR 635, SR 636, SR 637**