

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIFTH DAY

(Tuesday, April 25, 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 Mark Moore, Lakeside Baptist Church, Canton, offered the invocation as follows:

Our most gracious heavenly Father, we approach You this morning by beseeching You to bless the men and women who represent the great State of Texas as Senators. These who have been chosen by the citizens of Texas have been given great responsibility to care for and protect the lives from the youngest to the oldest Texans. Your word declares, Much will be required of everyone who has been given much and even more will be expected of the one who has been entrusted with more. Therefore, Father, I ask that You give great compassionate wisdom to these men and women of the Senate who have been entrusted with much. Father, it is with a grateful heart that I pray this blessing upon these who will make important and life-altering decisions in this strategic place today. I offer this prayer with a great sense of humility and respect in the name of Jesus Christ. 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.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate his sister, Emily Estes, and her husband, Roy McAlpine.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Erica Swegler of Austin as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 25, 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 Commission on Law Enforcement for terms to expire August 30, 2021:

Kimberley A. "Kim" Lemaux
Arlington, Texas
(replacing Ruben Villescas of Pharr whose term expired)

Sharon B. Thomas
San Antonio, Texas
(replacing Robert P. Kyker of Richardson whose term expired)

Timothy H. "Tim" Whitaker
Richmond, Texas
(replacing Joseph B. "Joe" Pennington of Jersey Village whose term expired)

To be members of the State Soil and Water Conservation Board for terms to expire as indicated:

To Expire February 1, 2018:
Christine "Tina" Yturria Buford
Harlingen, Texas
(replacing Larry D. Jacobs of Montgomery whose term expired)

To Expire February 1, 2019:
Carl Ray Polk, Jr.
Lufkin, Texas
(replacing Joe L. Ward of Telephone whose term expired)

Respectfully submitted,
/s/Greg Abbott
Governor

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 492, SB 550, HCR 74, HCR 76, HCR 111, HCR 114, HCR 115, HCR 116.

SENATE RESOLUTION 654

Senator Garcia offered the following resolution:

SR 654, Recognizing April 25, 2017, as San Jacinto College Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Garcia was recognized and introduced to the Senate a San Jacinto College delegation, accompanied by Dan Mims, Brenda Hellyer, Petra Hernandez, Linda Caldera, and Jonathan Blanchard.

The Senate welcomed its guests.

SENATE RESOLUTION 598

Senator Hall offered the following resolution:

SR 598, Recognizing April 25, 2017, as Rains County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate a Rains County delegation, accompanied by Rains Junior High School students.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

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

We, your Committee on Nominations, to which was referred the following appointment, have had same under consideration and report it back to the Senate with a recommendation that he be confirmed:

Member, Parks and Wildlife Commission: Kelcy Lee Warren, Dallas 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.

MOTION IN WRITING

Senator Birdwell offered the following Motion In Writing:

Mr. President:

I move that the nomination of Suehing Woo Yee "Sue" Chiang to the Texas State Board of Acupuncture Examiners be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BIRDWELL

The Motion In Writing was read and prevailed without objection.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President 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 President at 11:34 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 2212 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 2212** at this time on its second reading:

CSSB 2212, Relating to certain real estate brokerage and advertising activities.

The motion prevailed.

Senator Creighton asked to be recorded as "Present-not voting" 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:

Present-not voting: Creighton.

**COMMITTEE SUBSTITUTE
SENATE BILL 2212 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 2212** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 276 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 276** at this time on its second reading:

CSSB 276, Relating to an adult high school diploma and industry certification charter school pilot program.

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 276 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 276** 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 Watson in Chair)

SENATE BILL 729 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SB 729** at this time on its second reading:

SB 729, 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, Huffines, Nelson, 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 25, Nays 6.

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

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

SENATE BILL 729 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 **SB 729** be placed on its third reading and final passage.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 33
ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 33** at this time on its second reading:

SCR 33, Approving the amended 2009 settlement agreement between the State of Texas and the U.S. Department of Justice.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 617 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 617** at this time on its second reading:

CSSB 617, Relating to trusts.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 617** (senate committee printing) by striking SECTION 15 of the bill (page 6, lines 13 through 35) and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 617** 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 617 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 617 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 617** 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 295 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 295** at this time on its second reading:

SB 295, Relating to the issuance of certain capital appreciation bonds by political subdivisions.

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 295 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 295** 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 1166 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1166** at this time on its second reading:

SB 1166, Relating to providing for the review of certain county departments of education by the Sunset Advisory Commission.

The motion prevailed.

Senator Miles 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: Miles.

SENATE BILL 1166 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 **SB 1166** be placed on its third reading and final passage.

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

Nays: Miles.

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

REMARKS ORDERED PRINTED

On motion of Senator Garcia and by unanimous consent, the remarks by Senators Bettencourt and Garcia regarding **SB 1166** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Presiding Officer: Senator Garcia, for what purpose?

Senator Garcia: To ask the author a couple of questions.

Presiding Officer: Senator, will you yield?

Senator Bettencourt: Certainly.

Presiding Officer: She, he yields. Senator Garcia, you have the floor.

Senator Garcia: Senator Bettencourt, I just wanted to clarify a few items for the record, and your bill does not in any way shut down the Harris County Department of Education.

Senator Bettencourt: No, and as a Co-author, I would, I'm happy to have you on board with that obvious fact.

Senator Garcia: Well, I just wanted to make sure that that was understood because, as you know, this, this opp group is headquartered just a stone's throw away from, from my home. And I go to church and go to the grocery store, go to the cleaners, and neighbors who work there are concerned because there is a rumor in our neighborhood that you're trying to shut down the Harris County Department of Education. So, I wanted to make sure that the record reflected that the answer is—

Senator Bettencourt: The answer is no. This is a standard language, full set, Sunset review, which we had committee testimony on that I think you saw a part of.

Senator Garcia: Yes, Sir.

Senator Bettencourt: And the good news was that there was some obvious duplication between Region IV and HCDE. And I believe, also, an overpayment, a recent overpayment to the state's Region X of over half a million dollars. So, there's good reason for a full Sunset review, and I think it will be an important step to, to getting the neighbors not only involved in the project but the entire county.

Senator Garcia: So, for my neighbors who don't understand what Sunset review means, this is something we do with all state agencies every 12 years, and they'll look at, it'll be a full, complete audit, is that correct?

Senator Bettencourt: That's correct.

Senator Garcia: And what, what are the usual kinds of recommendations that these types of audits make?

Senator Bettencourt: Well, I think an audit like this would be looking for duplication of services with the regions, looking at the programs that are going well. Obviously, one of the programs that was testified on was the Partners in Choice where they were having customers really from Maine to Hawaii. Okay. And so, what's the

need for Harris County Department of Education to be involved with business entities that far afield? And I think more importantly it sets a really good standard for what could be, I believe, some good autism programs that are in the department right now. So, we're going to recognize the obvious, look for the duplications, and see, get a center stripe report out of the Sunset Commission on the department.

Senator Garcia: Right. So, because there is a Sunset review being done, it doesn't necessarily mean that they will recommend termination of this, of this entity.

Senator Bettencourt: That's correct.

Senator Garcia: So, for those people, again, in my neighborhood that are concerned that this means whether it's not a, a, a closure now, it doesn't mean that at the end of the Sunset review that that would necessarily be a recommendation of all.

Senator Bettencourt: That's correct.

Senator Garcia: And for those people that are concerned that you also, I think in another bill, had something in there about removing their taxing authority, this bill does not address that at all, does it?

Senator Bettencourt: No, not really. This bill, you know, that was in response to the fact that they're using, by the superintendent's own testimony, those public funds to subsidize their business activities that go coast to coast. So, that's not, you know, they certainly, you know, this is not like passing a bill that removes their property tax authority.

Senator Garcia: So, this does nothing to their ability to continue—

Senator Bettencourt: No, it's a, it's a full Sunset review.

Senator Garcia: —with collecting—

Senator Bettencourt: Right.

Senator Garcia: —and, and reducing, by the way, because as the superintendent testified that they have reduced the tax rate a number of times since he's been there. And just a, one last question related to some of the previous audit findings. Do you agree with me that, that since the, the arrival of the new superintendent, that, that things there have significantly improved?

Senator Bettencourt: Well, part of it is for this, this report to determine that. Okay. When you look at what's happened in public testimony, he recently, finally after a lot of questioning, finally said there was at least a \$500,000 overbilling to Region X, which is another state entity. And I think that, I hope this report will get the alacrity of that up some, the speed of it, of that type of response, so that we don't have to go through, you know, two or three interim hearings to find out what's happened, because, you remember, that there was some serious issues back in about the 2015 time.

Senator Garcia: Right. And those, most of those issues, and I'm glad you mentioned that because that was going to be my final question because even from the testimony during the interim hearing and the hearing on this bill, I noticed that a lot of the complaints that were still being aired out by some of the people testifying were all incidents and things that occurred and predated the current superintendent. And I do

think that there's been significant improvement and they're on the right track. But nonetheless, I think a Sunset review is, is not, not a bad thing. I think there could be a lot of things that, that they could learn from that.

Senator Bettencourt: Uh, no question.

Senator Garcia: Because I've always seen any review or audit as a road map, if you will. If you're doing some, doing something good, then we'll tell you. If you're doing something that, that is not a good accounting principle or misappropriation of dollars, then you'll be told that, too.

Senator Bettencourt: Right, and Senator, it's a great comment because that's why we have these Sunset reviews for the state agencies. The, you know, these department of educations, they kind of fall in between. There's really no authority that does a Sunset review. So, I, I look forward to it because if the department is doing something good, we'll then see it. If the department needs changes, we'll see that, too. And I mean, one of the things that was testified, there's a recent IRS audit of their foundation that's still housed at their location. You know, they might make a recommendation that that should be moved off site. I know there's plenty of room in your neighborhood if that's the case. But more importantly, what I think is really good is that, that that will clear the air of whatever those issues are, whatever the duplication with the Region IV is, whatever the overpayment problem with Region X is, what the programs are doing well, and the programs that need improvement. So, I, and, and this will be a great road map for them and for us for the next legislative session.

Senator Garcia: Alright. Well, thank you, Senator. I appreciate you taking my questions, and, hopefully, my neighbors will understand what this process is and know that, that it is not a closure, it's not removing their, their taxing authority, and it is simply a review to, to ensure that the taxpayer dollars are being protected and that they're doing the mission of the Harris County Department of Education.

Senator Bettencourt: Thank you.

Senator Garcia: Thank you. Thank you, Mr. President.

SENATE BILL 1290 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 1290** at this time on its second reading:

SB 1290, Relating to access to criminal history record information by an emergency communication district.

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 1290 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 1290** 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 1501 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 1501** at this time on its second reading:

CSSB 1501, Relating to the regulation of motor vehicle towing, booting, and storage and to the elimination of required state licensing for vehicle booting companies and operators.

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 1501 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 1501** 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 1223 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 1223** at this time on its second reading:

SB 1223, Relating to suits against The University of Texas at Tyler.

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 1223 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 1223** 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 2131 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 2131** at this time on its second reading:

SB 2131, Relating to requirements for providing postsecondary education counseling to high school students.

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 West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2131** (senate committee printing) in SECTION 1 of the bill by striking added Section 33.007(d), Education Code (page 2, lines 15-18), and substituting the following:

(d) Each school district and open-enrollment charter school, in consultation with school counselors employed by the district or school, shall develop a procedure for documenting on each student's transcript any postsecondary advising services provided to the student under this section, including the name of the person or counseling provider who provided the services.

The amendment to **SB 2131** 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 2131 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 2131 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 2131** 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)

(President in Chair)

SENATE BILL 722 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 722** at this time on its second reading:

SB 722, Relating to a fee for participation in the Managed Lands Deer Program of the Parks and Wildlife Department.

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

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

Nays: Burton, Campbell, Hall, Hancock, Huffines, Taylor of Collin.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 722 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 722** be placed on its third reading and final passage.

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

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

Nays: Burton, Campbell, Hall, Hancock, Huffines, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 468 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 468** at this time on its second reading:

SB 468, Relating to the extraterritorial jurisdiction of certain municipalities in coastal border counties.

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 468 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 468** 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 1537 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **SB 1537** at this time on its second reading:

SB 1537, Relating to dispute resolution for certain claims arising under insurance policies issued by the Fair Access to Insurance Requirements (FAIR) Plan Association; authorizing fees.

The motion prevailed.

Senators Garcia, Hinojosa, Menéndez, Rodríguez, Uresti, Watson, 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 24, Nays 7.

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

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

SENATE BILL 1537 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 1537** 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, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, West, Whitmire.

Nays: Garcia, Hinojosa, Rodríguez, Uresti, Watson, Zaffirini.

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, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, West, Whitmire.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1062 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 1062** at this time on its second reading:

CSSB 1062, Relating to documentation for the transfer of a motor vehicle title.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1062** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 501.072(a), Transportation Code (page 1, line 28), between "vehicle" and "~~sold~~", insert "transferred".

(2) Strike SECTION 2 of the bill adding Section 501.077, Transportation Code (page 1, line 56 through page 2, line 7).

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 501.174, Transportation Code, is amended by amending Subsection (b) and adding Subsections (d), (e), and (f) to read as follows:

(b) Except as otherwise provided by this section, if ~~if~~ a law requires that a document be signed, the requirement is satisfied by an electronic signature.

(d) The department by rule shall establish a process to accept electronic signatures on secure documents which have been electronically signed through a system not controlled by the department.

(e) A system used for submitting electronic signatures to the department must verify the identity of the person electronically signing a document and submit the document through the electronic titling system.

(f) This section does not require the department to certify an electronic signature process or an electronic signature vendor before accepting a document that is executed with an electronic signature.

SECTION ____ . Not later than January 1, 2019, the Texas Department of Motor Vehicles shall adopt rules necessary to implement Section 501.174(d), Transportation Code, as added by this Act.

The amendment to **CSSB 1062** 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 1062 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 1062 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 1062** 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 1014 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1014** at this time on its second reading:

CSSB 1014, Relating to The Woodlands Township.

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 1014 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 **CSSB 1014** 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 1781 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1781** at this time on its second reading:

SB 1781, Relating to the regulation of certain degree-granting postsecondary educational institutions by the Texas Higher Education Coordinating Board; providing administrative penalties.

The motion prevailed.

Senators Huffines 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.

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1781** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

The amendment to **SB 1781** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

SB 1781 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Huffines, Taylor of Collin.

SENATE BILL 1781 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 1781** 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, Estes, Garcia, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodriguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Huffines, Taylor of Collin.

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

SENATE BILL 524 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 524** at this time on its second reading:

SB 524, Relating to increasing the punishment for the offense of abuse of a corpse.

The motion prevailed.

Senators Buckingham 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.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 524** (senate committee report) in SECTION 1 of the bill, in amended Section 42.08(b), Penal Code (page 1, line 25), by striking "~~Class A misdemeanor~~" and substituting "except that an offense under Subsection (a)(5) is a Class A misdemeanor".

BURTON
BIRDWELL

The amendment to **SB 524** 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 524 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 524 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 524** 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 2027 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2027** at this time on its second reading:

SB 2027, Relating to a study to evaluate by region training and employment opportunities in this state for individuals with an intellectual disability.

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 2027 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 **SB 2027** 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 1015 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1015** at this time on its second reading:

CSSB 1015, Relating to procedures for incorporation or establishment of another form of local government for certain areas subject to a regional participation agreement.

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 1015 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 **CSSB 1015** 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 1709 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 1709** at this time on its second reading:

CSSB 1709, Relating to the requirement of a guardian to provide information regarding a ward's health and residence to certain relatives of the ward.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1709** (senate committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 25-26), and substitute the following:

Section 1151.056, Estates Code, is amended by amending Subsections (a) and (g) and adding Subsections (h) and (i) to read as follows:

(2) Immediately following amended Section 1151.056(g), Estates Code (page 1, between lines 50 and 51), insert the following:

(h) A guardian, as soon as possible but not later than September 1, 2019, shall provide notice to a relative of the ward described under Sections 1101.001(b)(13)(A)-(D) whose whereabouts are known or can reasonably be ascertained that the relative must elect in writing in order to receive notice about the ward under this section. This subsection applies only to a guardianship:

(1) created on or before the effective date of this subsection; or

(2) created after the effective date of this subsection if the application for the guardianship was pending on the effective date of this subsection.

(i) This subsection and Subsection (h) expire January 1, 2020.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 1051.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) A citation served as provided by Subsection (a) to a relative of the proposed ward described by Subsection (a)(2) or (4) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

SECTION _____. Section 1051.104, Estates Code, is amended by adding Subsection (d) to read as follows:

(d) Notice required by Subsection (a) to a relative of the proposed ward described by Subsection (a)(1) or (2) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

The amendment to **CSSB 1709** 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 1709 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 1709 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 1709** 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 810 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 810** at this time on its second reading:

CSSB 810, Relating to the use of open educational resources.

The motion prevailed.

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

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 810** by Kolkhorst (senate committee printing) in SECTION 6 of the bill in added Section 441.021, Government Code as follows:

(1) On page 3, line 66-68, strike:

"Subchapter A, Chapter 441, Government Code, is amended by adding Section 441.021 to read as follows:

Sec. 441.021" and substitute:

"Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0669 to read as follows:

Sec. 61.0669".

(2) On page 4, line 3, strike "commission" and substitute "board".

(3) On page 4, line 11, strike "commission" and substitute "board".

(4) On page 4, lines 13-15, strike "including the Texas Higher Education Coordinating Board, the Texas Education Agency, and representatives of public institutions of higher education and school districts" and substitute "including the Texas Education Agency and representatives of public institutions of higher education and school districts".

(5) On page 4, line 16, strike "commission" and substitute "board".

(6) On page 4, line 30, strike "commission" and substitute "board".

The amendment to **CSSB 810** 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 810 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 810 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 810** 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 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 to permit committees to meet during the Local and Uncontested Calendar.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

**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 Nelson: **SB 323**.

On motion of Senator Seliger: **SB 322**.

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 322 by Seliger

Relating to authorizing current and former members of the state legislature to conduct a marriage ceremony.

To Committee on State Affairs.

SB 323 by Nelson, Buckingham, Burton, Campbell, Garcia, Huffman, Kolkhorst, Zaffirini

Relating to prohibiting female genital mutilation; imposing a penalty.

To Committee on State Affairs.

SB 2286 by Creighton

Relating to the powers, duties, and governance of the Westwood Magnolia Parkway Improvement District; authorizing assessments.

To Committee on Intergovernmental Relations.

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.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Erin Elizabeth Lunceford, Harris County.

Members, Board of Pardons and Paroles: David Gutierrez, Bell County; Edward Ray Robertson, Travis County.

Members, Board, Texas Department of Motor Vehicles: Brett Hillman Graham, Grayson County; Catherine Wiles Hardy, Denton County; Gary Wayne Painter, Midland County; Guillermo Trevino, Webb County.

Canadian River Compact Commissioner: Roger Stephen Cox, Randall County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Thomas Allan Reiser, Harris County; Douglas E. Walker, Chambers County.

Members, Council on Sex Offender Treatment: Charissa Sloan Dvorak, Rockwall County; Ezio DaRosa Leite, Tarrant County; Emily Gray Orozco-Crousen, Taylor County; Aaron Paul Pierce, Bell County; James Allan Taylor, Bexar County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: William Brannan, Travis County.

Members, Governing Board, Texas Indigent Defense Commission: Alexander Bunin, Harris County; Jon H. Burrows, Bell County; Richard Arlan Evans, Bandera County; Don Taylor Hase, Tarrant County; Mary Koehler McDonald Medary, Nueces County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Mary K. Alexander, Cooke County; Jose Javier Muñiz, Cameron County; Tobie Lynn Wortham, Rockwall County.

Members, Parks and Wildlife Commission: Anna Benavides Galo, Webb County; Jeanne Whittenburg Latimer, Bexar County; Stanley Morian, Harris County.

Commissioner, Red River Compact Commission: Clyde Moody Siebman, Grayson County.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 635** tomorrow.

CO-AUTHOR OF SENATE BILL 179

On motion of Senator Menéndez, Senator Creighton will be shown as Co-author of **SB 179**.

CO-AUTHOR OF SENATE BILL 184

On motion of Senator Uresti, Senator Buckingham will be shown as Co-author of **SB 184**.

CO-AUTHOR OF SENATE BILL 196

On motion of Senator Garcia, Senator Miles will be shown as Co-author of **SB 196**.

CO-AUTHOR OF SENATE BILL 805

On motion of Senator Lucio, Senator Campbell will be shown as Co-author of **SB 805**.

CO-AUTHOR OF SENATE BILL 999

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 999**.

CO-AUTHORS OF SENATE BILL 1152

On motion of Senator Menéndez, Senators West and Zaffirini will be shown as Co-authors of **SB 1152**.

CO-AUTHORS OF SENATE BILL 1153

On motion of Senator Menéndez, Senators Buckingham and Zaffirini will be shown as Co-authors of **SB 1153**.

CO-AUTHOR OF SENATE BILL 1187

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1187**.

CO-AUTHOR OF SENATE BILL 1253

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1253**.

CO-AUTHOR OF SENATE BILL 1338

On motion of Senator Whitmire, Senator Zaffirini will be shown as Co-author of **SB 1338**.

CO-AUTHOR OF SENATE BILL 1395

On motion of Senator Creighton, Senator Hinojosa will be shown as Co-author of **SB 1395**.

CO-AUTHOR OF SENATE BILL 1501

On motion of Senator Zaffirini, Senator Burton will be shown as Co-author of **SB 1501**.

CO-AUTHOR OF SENATE BILL 1602

On motion of Senator Campbell, Senator Schwertner will be shown as Co-author of **SB 1602**.

CO-AUTHOR OF SENATE BILL 1677

On motion of Senator Lucio, Senator Campbell will be shown as Co-author of **SB 1677**.

CO-AUTHOR OF SENATE BILL 1698

On motion of Senator Lucio, Senator Campbell will be shown as Co-author of **SB 1698**.

CO-AUTHOR OF SENATE BILL 1739

On motion of Senator Miles, Senator Buckingham will be shown as Co-author of **SB 1739**.

CO-AUTHORS OF SENATE BILL 1758

On motion of Senator Zaffirini, Senators Schwertner and Uresti will be shown as Co-authors of **SB 1758**.

CO-AUTHOR OF SENATE BILL 1813

On motion of Senator Buckingham, Senator West will be shown as Co-author of **SB 1813**.

CO-AUTHOR OF SENATE BILL 2020

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-author of **SB 2020**.

CO-AUTHOR OF SENATE BILL 2105

On motion of Senator Miles, Senator Buckingham will be shown as Co-author of **SB 2105**.

CO-AUTHOR OF SENATE BILL 2118

On motion of Senator Seliger, Senator Watson will be shown as Co-author of **SB 2118**.

CO-AUTHOR OF SENATE BILL 2119

On motion of Senator Seliger, Senator Bettencourt will be shown as Co-author of **SB 2119**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 672 by Nichols, Recognizing the 100th anniversary of the first license plate issued by the State of Texas.

SR 673 by Nichols, Recognizing the Leadership Athens Class of 2016-2017 for its contributions to Henderson County.

HCR 81 (Taylor of Collin), Commending mental health professionals for their contributions to the state on the occasion of National Mental Health Month.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:11 p.m. agreed to recess until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, 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 25, 2017

STATE AFFAIRS — **CSSB 179, SB 55, SB 1812, SB 807, SB 1109, SB 2174, SB 2053, SB 349**

FINANCE — **CSSB 1095**

BUSINESS AND COMMERCE — **HB 89**

BILLS ENGROSSED

April 24, 2017

SB 260, SB 544, SB 715, SB 907, SB 949, SB 975, SB 1073, SB 1147, SB 1187, SB 1253, SB 1326, SB 1500, SB 1658, SB 1743, SB 2065, SB 2080

BILLS AND RESOLUTIONS ENROLLEDApril 24, 2017**SB 492, SB 550, SR 653, SR 655, SR 656, SR 657, SR 658, SR 659, SR 660, SR 661, SR 662, SR 663, SR 664, SR 665, SR 666, SR 667, SR 668, SR 669, SR 670, SR 671****SENT TO GOVERNOR**April 25, 2017**SB 492, SB 550**