

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-NINTH DAY

(Tuesday, May 2, 2017)

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

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 Pro Tempore announced that a quorum of the Senate was present.

Scot Wall, State Minister, Capitol Commission Texas, was introduced by Senator Hancock and offered the invocation as follows:

I ask God to fill you with the knowledge of His will through all the wisdom and understanding that the spirit gives so that you may live a life worthy of the Lord and please Him in every way, bearing fruit in every good work, growing in the knowledge of God, being strengthened with all power according to His glorious might so that you may have great endurance and patience.

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.

MOTIONS IN WRITING

Senator Birdwell offered the following Motions In Writing:

Mr. President:

I move that the nomination of Donna L. Nelson to the Public Utility Commission of Texas be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.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.

Mr. President:

I move that the nomination of Joseph "Joe" Martino to the Texas Crime Stoppers Council be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.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.

SENATE RESOLUTION 694

Senator Nelson offered the following resolution:

SR 694, Celebrating May 1 through 7, 2017, as Healthy Texas Week.

The resolution was again read.

The resolution was previously adopted on Thursday, April 27, 2017.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Healthy Texas Week delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 696

Senator Hancock offered the following resolution:

WHEREAS, May 2, 2017, marks the 40th anniversary of the longest filibuster in history, which took place on the floor of the Texas Senate; and

WHEREAS, The filibuster is a time-honored tradition dating to ancient Rome that allows a legislator to seek to halt or delay the passage of legislation by prolonged discussion; the Texas Senate requires that a senator remain standing at his or her desk during the duration of a filibuster, that no breaks be taken, and that the entirety of the discussion be directly related to the bill under consideration; and

WHEREAS, Senator Bill Meier, who represented Tarrant County, took the floor of the Senate at 3:20 p.m. on May 2, 1977, and did not relinquish it until 10:20 a.m. on May 4; for 43 hours, he spoke in opposition to a Senate bill that addressed the state's Open Records Act as it related to worker's compensation issues; and

WHEREAS, He relied on many of the tried-and-true tools of the filibusterer's art, including comfortable shoes, hard candies, lemon slices, water, and the use of a device, better left unexplained, called an astronaut bag; and

WHEREAS, Despite his stamina, his eloquence, and the riveting excitement inherent in reading aloud hundreds of legal cases, he was unable to convince his fellow senators of the righteousness of his cause, and the bill passed by a vote of 23-7; and

WHEREAS, His 43-hour marathon continues to be the longest filibuster by an American politician in a state legislature or in Congress; it was recognized by the *Guinness Book of World Records*, which no longer lists filibusters in its records, most likely because of the improbability of this record ever being eclipsed; and

WHEREAS, Today, Bill Meier serves with distinction as the Place 2 Justice on the Second Court of Appeals in North Texas; his record-setting filibuster is an integral part of the storied history of the Texas Senate, and it is truly fitting that this extraordinary feat be celebrated; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commemorate the 40th anniversary of the longest filibuster in history and recognize, but do not yield the floor to, Justice Bill Meier for his role in this historic event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Justice Meier in honor of this momentous anniversary.

SR 696 was read and was adopted without objection.

GUEST PRESENTED

Senator Hancock was recognized and introduced to the Senate Justice Bill Meier. The Senate welcomed its guest.

PHYSICIAN OF THE DAY

Senator Hughes was recognized and presented Dr. Gary White of Longview as the Physician of the Day.

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

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Texas Lyme Disease Association delegation, accompanied by co-founder Joy Sablatura Rockwell and Legislative Affairs Vice-president David Claunch.

The Senate welcomed its guests.

SENATE RESOLUTION 700

Senator Schwertner offered the following resolution:

SR 700, Recognizing the Texas A&M University students participating in the Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program.

SCHWERTNER	LUCIO
BUCKINGHAM	NELSON
CREIGHTON	NICHOLS
HUFFINES	TAYLOR OF COLLIN
HUGHES	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Schwertner, joined by Senators Huffines, Lucio, Buckingham, Nelson, Taylor of Collin, Nichols, and Hughes, was recognized and introduced to the Senate Texas A&M University Public Policy Program interns and Agricultural and Natural Resources Policy Program interns.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Tejano Grammy Award winner Michael Salgado and his family.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Kaitlyn Jankovsky.

The Senate welcomed its guest.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore 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 Pro Tempore at 11:45 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1602 ON THIRD READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1602** at this time on its third reading and final passage:

CSSB 1602, Relating to reporting requirements by certain health care facilities for abortion complications; authorizing a civil penalty.

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, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Zaffirini.

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

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

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, Zaffirini.

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

SENATE BILL 1440 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 1440** at this time on its second reading:

SB 1440, Relating to the attendance by a quorum of a governmental body at certain candidate events under the open meetings law.

The motion prevailed.

Senator Creighton 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: Creighton.

SENATE BILL 1440 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 1440** be placed on its third reading and final passage.

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

Nays: Creighton.

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 1354 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1354** at this time on its second reading:

CSSB 1354, Relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.

The motion prevailed by the following vote: Yeas 22, Nays 8, Present-not voting 1.

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

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

Present-not voting: Huffines.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 8, Present-not voting 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1354 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 **CSSB 1354** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

Yeas: Buckingham, Campbell, Creighton, Estes, Garcia, 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, Birdwell, Burton, Hall, Hancock.

Present-not voting: Huffines.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8, Present-not voting 1.

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

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

Present-not voting: Huffines.

COMMITTEE SUBSTITUTE SENATE BILL 805 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 805** at this time on its second reading:

CSSB 805, Relating to the duties of the Texas Women Veterans Program.

The motion prevailed.

Senator Schwertner 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: Schwertner.

COMMITTEE SUBSTITUTE SENATE BILL 805 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 805** be placed on its third reading and final passage.

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

Nays: Schwertner.

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 196 ON THIRD READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSSB 196** at this time on its third reading and final passage:

CSSB 196, Relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

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

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

Nays: Bettencourt, Buckingham, Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

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

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

SENATE BILL 1462 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SB 1462** at this time on its second reading:

SB 1462, Relating to local health care provider participation programs in certain counties and municipalities.

The motion prevailed.

Senators Bettencourt, Creighton, and Huffines 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 **SB 1462** (senate committee report) as follows:

- (1) Strike SECTION 1 of the bill (page 1, lines 20 through 25).
- (2) Strike SECTION 4 of the bill (page 2, lines 12 through 17).
- (3) Strike SECTION 7 of the bill (page 2, line 67, through page 3, line 3).
- (4) Strike SECTION 11 of the bill (page 3, lines 58 through 63).
- (5) Strike SECTION 15 of the bill (page 4, lines 49 through 54).
- (6) Strike SECTION 18 of the bill (page 5, lines 35 through 40).
- (7) Strike SECTION 21 of the bill (page 6, lines 21 through 26).
- (8) Strike SECTION 25 of the bill (page 7, lines 12 through 17).

(9) Renumber SECTIONS of the bill accordingly.

The amendment to **SB 1462** 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 1462 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: Bettencourt, Creighton, Huffines.

SENATE BILL 1462 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 1462** be placed on its third reading and final passage.

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

Yeas: Birdwell, Buckingham, Burton, Campbell, Estes, Garcia, Hall, 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, Creighton, Huffines.

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

COMMITTEE SUBSTITUTE SENATE BILL 740 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 740** at this time on its second reading:

CSSB 740, Relating to the acquisition of property by an entity with eminent domain authority.

The motion prevailed.

Senators Estes, Garcia, and Uresti 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 740** (senate committee printing) in SECTION 9 of the bill, in added Section 21.063(d)(2), Property Code (page 5, lines 45 and 46), between "the" and "condemnation", by inserting "appeal of the".

The amendment to **CSSB 740** 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 Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 740** by Kolkhorst by striking SECTION 8 of the bill (page 5, lines 11-23) and renumbering subsequent SECTIONS accordingly.

The amendment to **CSSB 740** 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 Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 740** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in amended Section 21.0113(b)(6)(B), Property Code (page 3, line 36), strike "[and]" and substitute "and".

(2) In SECTION 6 of the bill, in amended Section 21.0113(b)(6), Property Code, strike added Paragraph (D) (page 3, lines 39-40).

(3) In SECTION 7 of the bill, strike added Section 21.0114, Property Code (page 3, line 46, through page 4, line 67), and substitute the following:

Sec. 21.0114. REQUIRED TERMS FOR INSTRUMENTS OF CONVEYANCE. (a) Except as provided by Subsection (b), the deed, easement, or other instrument provided to a property owner under Section 21.0113(b)(6)(B) must include the following terms, as applicable:

(1) if the instrument conveys a pipeline right-of-way easement:

(A) the maximum number of pipelines that may be installed in the right-of-way;

(B) the maximum diameter, excluding any protective coating or wrapping, of each pipeline to be installed in the right-of-way;

(C) the type or category of each substance to be transported through the pipelines to be installed in the right-of-way;

(D) a general description of any use of the surface of the right-of-way the entity intends to acquire;

(E) a metes and bounds or center line description of the location of the easement, plat, or other legally sufficient description of the location of the easement;

(F) the maximum width of the easement;

(G) the minimum depth at which the pipeline will initially be installed;

(H) whether the double-ditch method will be used for installation of the pipeline in areas that are not bore-drilled;

(I) whether the easement is assignable in whole or in part to any other entity, subsidiary, or company that does not have eminent domain authority;

(J) whether the entity has exclusive, nonexclusive, or otherwise limited rights to the right-of-way;

(K) a limit on access to the easement area by a third party for a purpose that is not related to:

(i) the pipeline's construction, safety, maintenance, or operation activities; or

(ii) other uses authorized by law;

(L) a right to recover actual monetary damages arising from construction, maintenance, repair, replacement, or future removal of the pipeline in the right-of-way, including any actual monetary damages to growing crops or livestock, or a statement that the offer includes such future damages;

(M) a provision regarding the use and repair of any gates and fences;

(N) a provision regarding the maintenance of the right-of-way;

(O) a provision regarding the repair and restoration of areas used or damaged outside the right-of-way area to their original condition or better, to the extent reasonably practicable, or the payment of actual monetary damages for areas not restored; and

(P) the manner in which the entity will access the right-of-way, other than in case of emergency, in which case any reasonable access may be used;

(2) if the instrument conveys an electrical transmission right-of-way easement:

(A) a general description of any use of the surface of the right-of-way the entity intends to acquire;

(B) a depiction identifying the approximate location of the right-of-way on the property;

(C) a metes and bounds or center line description of the location of the easement, plat, or other legally sufficient description of the location of the easement;

(D) the maximum width of the right-of-way easement;

(E) the manner in which the entity will access the right-of-way, other than in case of an emergency, in which case any reasonable access may be used;

(F) a limit on access to the easement area by a third party for a purpose that is not related to:

(i) the transmission line's construction, safety, maintenance, or operation activities; or

(ii) other uses authorized by law;

(G) a provision regarding the right to recover actual monetary damages arising from construction, maintenance, repair, replacement, or future removal of lines and support facilities in the right-of-way, or a statement that the offer includes such future damages;

(H) a provision regarding the use and repair of any gates and fences;

(I) a provision regarding the maintenance of the right-of-way;

(J) a provision regarding the repair and restoration of areas used or damaged outside the right-of-way area to their original condition or better, to the extent reasonably practicable, or the payment of actual monetary damages for areas not restored; and

(K) whether the entity has exclusive, nonexclusive, or otherwise limited rights to the right-of-way;

(3) a prohibition against any use of the property being conveyed, other than a use stated in the deed, easement, or other instrument, without the express written consent of the property owner;

(4) a statement that the landowner is protected from liability under Section 21.0115, including the full text of that section;

(5) if the entity is a nongovernmental entity that is not otherwise self-insured, an agreement that the entity will keep liability insurance in effect at all times during construction or, if the entity is a governmental entity, a statement that the entity is required by law to pay a judgment ordered by a court of competent jurisdiction if the court determines that the entity is liable to the property owner for personal injury and property damage sustained by any person that arises from or is related to the use of the property by the entity or the entity's agents or contractors; and

(6) a statement that the terms of the deed, easement, or other instrument will bind the successors and assigns of the parties to the instrument.

(b) The entity may present and include terms in addition to the terms required under Subsection (a). The property owner and the entity may consider and agree to the additional terms, including rights and uses that may not be the subject of a later condemnation proceeding. A property owner may negotiate a deed, easement, or other instrument that does not include all of the terms required under Subsection (a).

The amendment to **CSSB 740** 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.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 740** (senate committee printing) as follows:

(1) Strike SECTIONS 2, 3, and 4 of the bill, amending Sections 1101.501 and 1101.502(a), Occupations Code, and adding Sections 1101.5021, 1101.5042, and 1101.5043, Occupations Code (page 1, line 52, through page 2, line 44).

(2) Add the following appropriately numbered SECTIONS to the bill, and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 1101.002, Occupations Code, is amended by amending Subdivision (4) and adding Subdivisions (4-a), (6-a), and (6-b) to read as follows:

(4) "License" means a broker license or sales agent license issued under this chapter. The term does not include a right-of-way agent license.

(4-a) "License holder" means a broker or sales agent licensed under this chapter. The term does not include a holder of a right-of-way agent license.

(6-a) "Right-of-way agent license" means a license issued under Subchapter

K.

(6-b) "Right-of-way agent license holder" means a person licensed under Subchapter K.

SECTION _____. Section 1101.151(a), Occupations Code, is amended to read as follows:

(a) The commission shall:

(1) administer this chapter and Chapter 1102;

(2) adopt rules and establish standards relating to permissible forms of advertising by a license holder acting as a residential rental locator;

(3) maintain a list of right-of-way agent license [~~registry of certificate~~] holders; and

(4) design and adopt a seal.

SECTION _____. Section 1101.152(a), Occupations Code, is amended to read as follows:

(a) The commission shall adopt rules to charge and collect fees in amounts reasonable and necessary to cover the costs of administering this chapter, including a fee for:

- (1) filing an original application for a broker license;
- (2) renewal of a broker license;
- (3) filing an original application for a sales agent license;
- (4) renewal of a sales agent license;
- (5) filing an original application for a ~~registration as an easement or~~ right-of-way agent license;
- (5-a) renewal of a right-of-way agent license;
- (6) filing an application for a license examination;
- (7) filing a request for a branch office license;
- (8) filing a request for a change of place of business, change of name, return to active status, or change of sponsoring broker;
- (9) filing a request to replace a lost or destroyed license or right-of-way agent license ~~[or certificate of registration]~~;
- (10) filing an application for approval of an education program under Subchapter G;
- (11) annual operation of an education program under Subchapter G;
- (12) filing an application for approval of an instructor of qualifying real estate courses;
- (13) transcript evaluation;
- (14) preparing a license ~~[or registration]~~ history;
- (15) filing a request for a moral character determination; and
- (16) conducting a criminal history check for issuing or renewing a license.

SECTION _____. Section 1101.154(a), Occupations Code, is amended to read as follows:

- (a) The fee for the issuance or renewal of a:
- (1) broker license is the amount of the fee set under Section 1101.152 and an additional \$70 fee;
 - (2) sales agent license is the amount of the fee set under Section 1101.152 and an additional \$20 fee; and
 - (3) right-of-way agent license ~~[certificate of registration]~~ is the amount of the fee set under Section 1101.152 and an additional \$20 fee.

SECTION _____. Section 1101.205, Occupations Code, is amended to read as follows:

Sec. 1101.205. COMPLAINT INVESTIGATION OF RIGHT-OF-WAY AGENT LICENSE ~~[CERTIFICATE]~~ HOLDER. The commission shall investigate a signed complaint received by the commission that relates to an act of a right-of-way agent license ~~[certificate]~~ holder or a person required to hold a right-of-way agent license ~~[certificate]~~ under Subchapter K. Section 1101.204 applies to an investigation under this section.

SECTION _____. Subchapter K, Chapter 1101, Occupations Code, is amended to read as follows:

SUBCHAPTER K. RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE] REQUIREMENTS

Sec. 1101.501. RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE] REQUIRED. (a) A person may not sell, buy, lease, or transfer an easement or right-of-way [~~for another,~~] for compensation or with the expectation of receiving compensation[;] for an entity with eminent domain authority or for use in connection with telecommunication, utility, railroad, or pipeline service unless the person:

- (1) holds a broker license or sales agent license issued under this chapter; or
- (2) holds a right-of-way agent license [~~certificate of registration]~~ issued under this subchapter.

(b) Subsection (a) does not apply to:

- (1) an entity with eminent domain authority or the entity's employee; or
- (2) an attorney licensed in this state.

Sec. 1101.502. ELIGIBILITY REQUIREMENTS FOR RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE]. (a) To be eligible to receive or renew a right-of-way agent license [~~a certificate of registration or a renewal certificate under this subchapter], a person must [be]:~~

- (1) be, at the time of application:
 - (A) at least 18 years of age; and
 - (B) [~~is~~] a citizen of the United States or a lawfully admitted alien;
- (2) satisfy the commission as to the applicant's honesty, trustworthiness, and integrity; and
- (3) complete the required courses of study, including qualifying education requirements, prescribed by this subchapter.

(b) To be eligible to receive or renew a right-of-way agent license [~~a certificate of registration or a renewal certificate under this subchapter], a business entity must designate as its agent one of its managing officers who holds a right-of-way agent license issued [~~is registered]~~ under this subchapter.~~

Sec. 1101.503. ISSUANCE OF RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE]. (a) The commission shall issue a right-of-way agent license [~~certificate of registration]~~ to an applicant who meets the requirements for a right-of-way agent license under this subchapter [~~certificate of registration].~~

(b) The right-of-way agent license [~~certificate]~~ remains in effect for the period prescribed by the commission if the right-of-way agent license [~~certificate]~~ holder complies with this chapter, including the requirements of this subchapter, and pays the appropriate renewal fees.

Sec. 1101.504. RIGHT-OF-WAY AGENT LICENSE DURATION, [CERTIFICATE] EXPIRATION, AND RENEWAL. The provisions of Section 1101.451 governing the duration, expiration, and renewal of a broker or sales agent license apply [~~certificate of registration are subject to the same provisions as are applicable under Section 1101.451]~~ to the duration, expiration, and renewal of a right-of-way agent license issued under this subchapter.

Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE]. An applicant for an original ~~[certificate of registration]~~ or renewal right-of-way agent license [of a certificate of registration] must comply with the criminal history record check requirements of Section 1101.3521.

Sec. 1101.505. DENIAL OF RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE]. The denial of a right-of-way agent license [certificate of registration] is subject to the same provisions as are applicable under Section 1101.364 to the denial of a broker or sales agent license.

Sec. 1101.506. CHANGE OF ADDRESS. Not later than the 10th day after the date a right-of-way agent license [certificate] holder moves its place of business from a previously designated address, the right-of-way agent license holder shall:

- (1) notify the commission of the move; and
- (2) obtain a new right-of-way agent license [certificate of registration] that reflects the address of the new place of business.

Sec. 1101.507. DISPLAY OF RIGHT-OF-WAY AGENT LICENSE [CERTIFICATE]. A right-of-way agent license [certificate] holder shall prominently display at all times the holder's right-of-way agent license [certificate of registration] in the right-of-way agent license holder's place of business.

Sec. 1101.508. NOTICE TO CONSUMERS. The commission by rule may:

- (1) prescribe the text of consumer notices regarding a right-of-way agent license holder; and
- (2) establish the methods by which a right-of-way agent license holder provides a consumer notice or the statement prepared and provided under Section 402.031, Government Code.

Sec 1101.509. QUALIFYING EDUCATION REQUIREMENTS. (a) The commission by rule shall approve coursework that an applicant must successfully complete to be eligible for a right-of-way agent license under this subchapter.

(b) An applicant for a right-of-way agent license shall submit evidence satisfactory to the commission that the applicant has completed at least 15 classroom hours of right-of-way agent coursework approved by the commission in:

- (1) the law of eminent domain, including the rights of property owners;
- (2) appropriate standards of professionalism in contacting and conducting negotiations with property owners; and
- (3) ethical considerations in the performance of right-of-way acquisition services.

Sec. 1101.510. CONTINUING EDUCATION. (a) To be eligible to renew a right-of-way agent license, the right-of-way agent license holder must submit evidence satisfactory to the commission that the right-of-way agent license holder successfully completed at least six classroom hours of continuing education approved by the commission.

(b) The commission by rule shall prescribe the title, content, administration, and duration of continuing education courses that a right-of-way agent license holder must successfully complete to renew a right-of-way agent license under this subchapter.

SECTION _____. Sections 1101.601 and 1101.602, Occupations Code, are amended to read as follows:

Sec. 1101.601. REAL ESTATE RECOVERY TRUST ACCOUNT. (a) The commission shall maintain a real estate recovery trust account to reimburse aggrieved persons who suffer actual damages caused by an act described by Section 1101.602 committed by:

- (1) a license holder;
- (2) a right-of-way agent license [~~certificate~~] holder; or
- (3) a person who does not hold a license or right-of-way agent license [~~certificate~~] and who is an employee or agent of a license holder or right-of-way agent license [~~certificate~~] holder.

(b) The license holder or right-of-way agent license [~~certificate~~] holder must have held the license or right-of-way agent license [~~certificate~~] at the time the act was committed.

Sec. 1101.602. ENTITLEMENT TO REIMBURSEMENT. An aggrieved person is entitled to reimbursement from the trust account if a person described by Section 1101.601 engages in conduct that requires a license or right-of-way agent license [~~certificate of registration~~] under this chapter and is described by Section 1101.652(a-1)(1) or (b), if the person is a license holder, or Section 1101.653(1), (2), (3), or (4), if the person is a right-of-way agent license [~~certificate~~] holder.

SECTION _____. Sections 1101.603(a) and (e), Occupations Code, are amended to read as follows:

(a) In addition to other fees required by this chapter, the commission shall collect a fee of \$10 to deposit to the credit of the trust account from an applicant for an original license or right-of-way agent license [~~certificate of registration~~].

(e) On a determination by the commission at any time that the balance in the trust account is less than \$1 million, each license holder or right-of-way agent license [~~certificate~~] holder at the next renewal must pay, in addition to the renewal fee, an additional fee of \$10. The commission shall deposit the additional fee to the credit of the trust account.

SECTION _____. Section 1101.605(b), Occupations Code, is amended to read as follows:

(b) When an aggrieved person brings an action for a judgment that may result in an agreed judgment and order for payment from the trust account, the aggrieved person and the license holder or right-of-way agent license [~~certificate~~] holder against whom the action is brought shall notify the commission in writing before entry of the agreed judgment and deliver a copy of all petitions and pleadings and the proposed agreed judgment to the commission. The commission will notify the parties not later than the 30th day after the date of receiving the documents if the commission intends to relitigate material and relevant issues as to the applicability of the trust account to the agreed judgment as provided by Section 1101.608.

SECTION _____. Section 1101.606(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsections (c) and (c-1), an aggrieved person who obtains a court judgment against a license holder or right-of-way agent license [~~certificate~~] holder for an act described by Section 1101.602 may, after final judgment is entered, execution returned nulla bona, and a judgment lien perfected, file a verified claim in the court that entered the judgment.

SECTION _____. Section 1101.607, Occupations Code, is amended to read as follows:

Sec. 1101.607. ISSUES AT HEARING. At the hearing on the application for payment from the trust account, the aggrieved person must show:

(1) that the judgment is based on facts allowing recovery under this subchapter;

(2) that the person is not:

(A) the spouse of the judgment debtor or the personal representative of the spouse;

(B) a license holder or right-of-way agent license [certificate] holder who is seeking to recover compensation, including a commission, in the real estate transaction that is the subject of the application for payment; or

(C) related to the judgment debtor within the first degree by consanguinity;

(3) that, according to the best information available, the judgment debtor does not have sufficient attachable assets in this or another state to satisfy the judgment;

(4) the amount that may be realized from the sale of assets liable to be sold or applied to satisfy the judgment; and

(5) the balance remaining due on the judgment after application of the amount under Subdivision (4).

SECTION _____. Sections 1101.610(b) and (c), Occupations Code, are amended to read as follows:

(b) Payments from the trust account for claims based on judgments against a single license holder or right-of-way agent license [certificate] holder may not exceed a total of \$100,000 until the license holder or right-of-way agent license [certificate] holder has reimbursed the trust account for all amounts paid.

(c) If the court finds that the total amount of claims against a license holder or right-of-way agent license [certificate] holder exceeds the limitations in this section, the court shall proportionately reduce the amount payable on each claim.

SECTION _____. Section 1101.613, Occupations Code, is amended to read as follows:

Sec. 1101.613. EFFECT ON DISCIPLINARY PROCEEDINGS. (a) This subchapter does not limit the commission's authority to take disciplinary action against a license holder or right-of-way agent license [certificate] holder for a violation of this chapter or a commission rule.

(b) A license holder's or right-of-way agent license holder's [certificate holder's] repayment of all amounts owed to the trust account does not affect another disciplinary proceeding brought under this chapter.

SECTION _____. Section 1101.615, Occupations Code, is amended to read as follows:

Sec. 1101.615. NOTICE TO CONSUMERS AND SERVICE RECIPIENTS. [(a)] The commission by rule shall prescribe a notice regarding the availability of payment from the trust account for aggrieved persons and establish methods by which each license holder and right-of-way agent license [certificate] holder shall provide the notice to consumers and service recipients.

SECTION _____. Section 1101.653, Occupations Code, is amended to read as follows:

Sec. 1101.653. GROUNDS FOR SUSPENSION OR REVOCATION OF RIGHT-OF-WAY AGENT LICENSE [~~CERTIFICATE~~]. The commission may suspend or revoke a right-of-way agent license [~~certificate of registration~~] issued under this chapter if the right-of-way agent license [~~certificate~~] holder:

(1) engages in dishonest dealing, fraud, unlawful discrimination, or a deceptive act;

(2) makes a misrepresentation;

(3) acts in bad faith;

(4) demonstrates untrustworthiness;

(5) fails to honor, within a reasonable time, a check issued to the commission after the commission has mailed a request for payment to the right-of-way agent license [~~certificate~~] holder's last known address according to the commission's records;

(6) fails to provide to a party to a transaction a written notice prescribed by the commission that:

(A) must be given before the party is obligated to sell, buy, lease, or transfer a right-of-way or easement; and

(B) contains:

(i) the name of the right-of-way agent license [~~certificate~~] holder;

(ii) the right-of-way agent license [~~certificate~~] number;

(iii) the name of the person the right-of-way agent license [~~certificate~~] holder represents;

(iv) a statement advising the party that the party may seek representation from a lawyer or broker in the transaction; and

(v) a statement generally advising the party that the right-of-way or easement may affect the value of the property; or

(7) disregards or violates this chapter or a commission rule relating to right-of-way agent license [~~certificate~~] holders.

SECTION _____. Section 1101.654, Occupations Code, is amended to read as follows:

Sec. 1101.654. SUSPENSION OR REVOCATION OF LICENSE OR RIGHT-OF-WAY AGENT LICENSE [~~CERTIFICATE~~] FOR UNAUTHORIZED PRACTICE OF LAW. (a) The commission shall suspend or revoke the license or right-of-way agent license [~~certificate of registration~~] of a license holder or right-of-way agent license [~~certificate~~] holder who is not a licensed attorney in this state and who, for consideration, a reward, or a pecuniary benefit, present or anticipated, direct or indirect, or in connection with the person's employment, agency, or fiduciary relationship as a license holder or right-of-way agent license [~~certificate~~] holder:

(1) drafts an instrument, other than a form described by Section 1101.155, that transfers or otherwise affects an interest in real property; or

(2) advises a person regarding the validity or legal sufficiency of an instrument or the validity of title to real property.

(b) Notwithstanding any other law, a license holder or right-of-way agent license [~~certificate~~] holder who completes a contract form for the sale, exchange, option, or lease of an interest in real property incidental to acting as a broker is not engaged in the unauthorized or illegal practice of law in this state if the form was:

(1) adopted by the commission for the type of transaction for which the form is used;

(2) prepared by an attorney licensed in this state and approved by the attorney for the type of transaction for which the form is used; or

(3) prepared by the property owner or by an attorney and required by the property owner.

SECTION _____. The heading to Section 1101.655, Occupations Code, is amended to read as follows:

Sec. 1101.655. REVOCATION OF LICENSE [~~OR CERTIFICATE~~] FOR CLAIM ON ACCOUNT.

SECTION _____. Sections 1101.655(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) The commission shall revoke a license, approval, or right-of-way agent license [~~registration~~] issued under this chapter or Chapter 1102 if:

(1) the commission makes a payment from the real estate recovery trust account under Subchapter M on behalf of a license holder or right-of-way agent license [~~registration~~] holder; and

(2) the license holder or right-of-way agent license [~~registration~~] holder does not repay the real estate recovery trust account the full amount of a payment made on the license holder's or right-of-way agent license [~~registration~~] holder's behalf before the 31st day after the date the commission provides notice to the license holder or right-of-way agent license [~~registration~~] holder.

(b) The commission may probate an order revoking a license, approval, or right-of-way agent license [~~registration~~] under this section.

(c) A person is not eligible for a license or right-of-way agent license [~~certificate~~] until the person has repaid in full the amount paid from the account for the person, plus interest at the legal rate.

SECTION _____. Section 1101.657(a), Occupations Code, is amended to read as follows:

(a) If the commission proposes to deny, suspend, or revoke a person's license or right-of-way agent license [~~certificate of registration~~], the person is entitled to a hearing conducted by the State Office of Administrative Hearings.

SECTION _____. Section 1101.660(b), Occupations Code, is amended to read as follows:

(b) Rules adopted under this section must:

(1) provide the complainant and the license holder, right-of-way agent license [~~certificate~~] holder, or regulated entity an opportunity to be heard; and

(2) require the presence of:

(A) a public member of the commission for a case involving a consumer complaint; and

(B) at least two staff members of the commission with experience in the regulatory area that is the subject of the proceeding.

SECTION _____. Section 1101.663, Occupations Code, is amended to read as follows:

Sec. 1101.663. REAPPLYING AFTER REVOCATION, SURRENDER, OR DENIAL. A person whose license or right-of-way agent license [~~registration~~] has been revoked, a person who has surrendered a license or right-of-way agent license [~~registration~~] issued by the commission, or a person whose application for a license or right-of-way agent license [~~registration~~] has been denied after a hearing under Section 1101.657 may not apply to the commission for a license or right-of-way agent license [~~registration~~] before the second anniversary of the date of the revocation, surrender, or denial.

SECTION _____. The heading to Section 1101.753, Occupations Code, is amended to read as follows:

Sec. 1101.753. CIVIL PENALTY FOR CERTAIN VIOLATIONS BY BROKER, SALES AGENT, OR RIGHT-OF-WAY AGENT [~~CERTIFICATE HOLDER~~].

SECTION _____. Section 1101.753(a), Occupations Code, is amended to read as follows:

(a) In addition to injunctive relief under Sections 1101.751 and 1101.752, a person who receives a commission or other consideration as a result of acting as a broker or sales agent without holding a license or right-of-way agent license [~~certificate of registration~~] under this chapter is liable to the state for a civil penalty of not less than the amount of money received or more than three times the amount of money received.

SECTION _____. The heading to Section 1101.754, Occupations Code, is amended to read as follows:

Sec. 1101.754. PRIVATE CAUSE OF ACTION FOR CERTAIN VIOLATIONS BY BROKER, SALES AGENT, OR RIGHT-OF-WAY AGENT [~~CERTIFICATE HOLDER~~].

SECTION _____. Section 1101.754(a), Occupations Code, is amended to read as follows:

(a) A person who receives a commission or other consideration as a result of acting as a broker or sales agent without holding a license or right-of-way agent license [~~certificate of registration~~] under this chapter is liable to an aggrieved person for a penalty of not less than the amount of money received or more than three times the amount of money received.

SECTION _____. The heading to Section 1101.758, Occupations Code, is amended to read as follows:

Sec. 1101.758. CRIMINAL PENALTY FOR CERTAIN VIOLATIONS BY BROKER, SALES AGENT, OR RIGHT-OF-WAY AGENT [~~CERTIFICATE HOLDER~~].

SECTION _____. Section 1101.758(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person acts as a broker or sales agent without holding a license under this chapter or engages in an activity for which a right-of-way agent license [~~certificate of registration~~] is required under this chapter without holding a right-of-way agent license [~~certificate~~].

SECTION _____. Effective March 1, 2018, Section 1101.002(2), Occupations Code, is repealed.

(3) In SECTION 12 of the bill (page 5, line 67), strike "January" and substitute "September".

(4) In SECTION 13 of the bill (page 6, line 1), between "SECTION 13." and "(a)", insert the following, and reletter subsequent subsections of SECTION 13 accordingly:

(a) Chapter 1101, Occupations Code, as amended by this Act, applies only to an application for an original or renewal right-of-way agent license filed on or after March 1, 2018. An application for an original or renewal certificate of registration as an easement or right-of-way agent filed before March 1, 2018, is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(5) In SECTION 14 of the bill, strike Subsection (b) (page 6, lines 32-34) and substitute the following:

(b) Chapter 1101, Occupations Code, as amended by this Act, takes effect March 1, 2018.

The amendment to **CSSB 740** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

CSSB 740 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: Estes, Garcia, Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 740 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 740** be placed on its third reading and final passage.

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

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

Nays: Estes, Garcia, Uresti.

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

COMMITTEE SUBSTITUTE SENATE BILL 1446 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1446** at this time on its second reading:

CSSB 1446, Relating to contested cases conducted under the Administrative Procedure Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1446 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1446** 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 55 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 55** at this time on its second reading:

SB 55, Relating to a study of the use of a patient-reported outcomes registry in conjunction with health coverage for certain governmental employees.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 55** (senate committee report) in SECTION 1 of the bill (page 1, lines 45-46), by striking "medical schools" and substituting "a collaborative partnership between medical schools and chiropractic colleges".

The amendment to **SB 55** 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 55 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 55 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 55** 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 2066 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 2066** at this time on its second reading:

SB 2066, Relating to the attachment of a hospital lien on a cause of action or claim of an injured person who receives hospital services.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Buckingham, Campbell, Hall, Nelson, Schwertner, Taylor of Collin.

Present-not voting: Hinojosa.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

SENATE BILL 2066 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2066** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Buckingham, Campbell, Hall, Nelson, Schwertner, Taylor of Collin.

Present-not voting: Hinojosa.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

SENATE BILL 47 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 47** at this time on its second reading:

SB 47, Relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

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

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

Nays: Hall, Hancock, Huffman, Nelson, Schwertner, Taylor of Galveston, Taylor of Collin.

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

SENATE BILL 47 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 47** 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, Hinojosa, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Hancock, Huffines, Huffman, Nelson, Schwertner.

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, Garcia, Hinojosa, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Hancock, Huffines, Huffman, Nelson, Schwertner, Taylor of Galveston, Taylor of Collin.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON SECOND READING

Senator Huffines moved to suspend the regular order of business to take up for consideration **CSSB 637** at this time on its second reading:

CSSB 637, Relating to audits of a regional mobility authority by the state auditor.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by a viva voce vote.

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

Nays: Garcia, Uresti, Watson, West.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON THIRD READING

Senator Huffines moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 637** be placed on its third reading and final passage.

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

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

Nays: Garcia, Uresti, Watson, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 696 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 696** at this time on its second reading:

CSSB 696, Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.

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 696 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 696** 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.

MESSAGE FROM THE GOVERNOR

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

May 2, 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 Department of Housing and Community Affairs for terms to expire as indicated:

To Expire January 31, 2019:

Maria "Asusena" Reséndiz
 San Antonio, Texas
 (replacing Thomas "Tolbert" Chisum of Beaumont who resigned)

To Expire January 31, 2021:

James B. "J.B." Goodwin
 Austin, Texas
 (Mr. Goodwin is being reappointed)

Sharon C. Thomason
 Wolfforth, Texas
 (replacing Tom Gann of Lufkin whose term expired)

To Expire January 31, 2023:

Paul A. Braden
 Dallas, Texas
 (replacing Juan Sanchez Munoz of Lubbock whose term expired)

Leopoldo R. "Leo" Vasquez, III
 Houston, Texas
 (replacing John P. "J. Paul" Oxer of Sugar Land whose term expired)

Respectfully submitted,

/s/Greg Abbott
 Governor

**COMMITTEE SUBSTITUTE
 SENATE BILL 862 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 862** at this time on its second reading:

CSSB 862, Relating to the award of attorney's fees and other costs in certain proceedings involving a groundwater conservation district.

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

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

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 862** (committee printing) by Senator Perry as follows:

(1) In SECTION 1 of the bill, in amended Section 36.066(g) (page 1, line 31), between "just." and "[~~The~~]", ~~insert the following:~~

"The court may not award attorney 's fees in an amount that exceeds \$250,000."

(2) In SECTION 2 of the bill, in amended Section 36.102(d), Water Code (page 1, line 40), between "just." and "[The", insert the following:

"The court may not award attorney 's fees in an amount that exceeds \$250,000."

The amendment to **CSSB 862** 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 862 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 862 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 862** 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, Menéndez, Miles, Nelson, Nichols, Perry, Schwertner, Taylor of Galveston, Taylor of Collin, Watson.

Nays: Rodríguez, Seliger, Uresti, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

(Senator Uresti in Chair) COMMITTEE SUBSTITUTE SENATE BILL 1330 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1330** at this time on its second reading:

CSSB 1330, Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1330 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1330** 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)

(President Pro Tempore Seliger in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 762 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSSB 762** at this time on its second reading:

CSSB 762, Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.

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

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

Nays: Bettencourt, Buckingham, Burton, Creighton, Hall, Hancock, Hughes, Kolkhorst, Nichols, Perry, Taylor of Collin.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 762** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 25), strike "Subsections (c) and (f)" and substitute "Subsection (c)".

(2) Strike amended Section 42.092(f), Penal Code (page 1, lines 41 through 51).

The amendment to **CSSB 762** 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.

(President in Chair)

Senator Menéndez moved to postpone further consideration of the bill.

The motion prevailed.

Question: Shall **CSSB 762** as amended be passed to engrossment?

SENATE BILL 1991 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 1991** at this time on its second reading:

SB 1991, Relating to the administration of federal funds under the Cranston-Gonzalez National Affordable Housing Act.

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

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

Nays: Buckingham, Burton, Hall, Huffines, Kolkhorst, Schwertner, Taylor of Collin.

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

SENATE BILL 1991 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 1991** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Burton, Hall, Kolkhorst, Schwertner, Taylor of Collin.

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

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

Nays: Buckingham, Burton, Hall, Huffines, Kolkhorst, Schwertner, Taylor of Collin.

**COMMITTEE SUBSTITUTE
SENATE BILL 527 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 527** at this time on its second reading:

CSSB 527, Relating to a defendant's payment of costs associated with a court-appointed counsel.

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 527 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 **CSSB 527** 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.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 988, SB 1120**.

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 30, Nays 0, Present-not voting 1.

Present-not voting: Taylor of Collin.

Members, Board of Regents, Midwestern State University: Warren Thomas Ayres, Wichita County; Tiffany Dawn Burks, Tarrant County; Shelley Schmitz Sweatt, Wichita County.

Members, Board of Regents, Stephen F. Austin State University: Scott Harvey Coleman, Harris County; Alton Lee Frailey, Fort Bend County.

Members, Board of Regents, The Texas A&M University System: Timothy Allen Leach, Midland County; Elaine Marie Mendoza-Gay, Bexar County; Clifton Leo Thomas, Victoria County.

Members, Texas Commission on the Arts: Mila Beth Gibson, Nolan County; Felix Noel Padron, Bexar County; Marci Lenee Roberts, Brewster County; Stephanie Stephens, Harris County; Kevin Yu, Dallas County.

Members, Texas Military Preparedness Commission: Carol Ann Halliday Bonds, Tom Green County; Garry William Bradford, Nueces County; Darrell Glen Coleman, Wichita County; Thomas Carl Duncavage, Galveston County; Woody Francis Gilliland, Taylor County; Dennis Leamon Lewis, Bowie County; Kevin Earl Pottinger, Tarrant County; Kenneth F. Sheets, Dallas County; Annette Louise Sobel, Lubbock County; Shannalea Grubb Taylor, Val Verde County; Alton F. Thomas, El Paso County; James Allen Whitmore, Comal County.

Member, Board of Regents, Texas Southern University: Oliver J. Bell, Harris County.

Member, Board of Regents, Texas Woman's University: Nolan E. Perez, Cameron County.

Members, Board of Regents, University of North Texas System: Ashok Kumar Mago, Dallas County; George B. Ryan, Dallas County; Laura Lynne Hesse Wright, Dallas County.

HOUSE BILL 1440 REREFERRED
(Motion In Writing)

Senator Creighton submitted a Motion In Writing requesting that **HB 1440** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 2328 REREFERRED
(Motion In Writing)

Senator Watson submitted a Motion In Writing requesting that **HB 2328** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Administration.

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 4300 REREFERRED
(Motion In Writing)

Senator Huffines submitted a Motion In Writing requesting that **HB 4300** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE
SENATE BILL 762 ON SECOND READING**

The President laid before the Senate **CSSB 762** by Senator Menéndez on its second reading. The bill has been read second time, amended, and further consideration postponed:

CSSB 762, Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.

Question: Shall **CSSB 762** as amended be passed to engrossment?

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 762** (senate committee printing) by striking Section 2: (page 1, lines 52-56) from the bill.

MENÉNDEZ
HALL

The amendment to **CSSB 762** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

CSSB 762 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

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

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

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 2290 by Creighton

Relating to the creation of the Harris County Municipal Utility District No. 557; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Administration.

HOUSE BILLS ON FIRST READING

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

HB 451 to Committee on Business and Commerce.

HB 457 to Committee on Business and Commerce.

HB 635 to Committee on Business and Commerce.

HB 669 to Committee on State Affairs.

HB 999 to Committee on State Affairs.

HB 1043 to Committee on State Affairs.
HB 1221 to Committee on Transportation.
HB 1439 to Committee on Administration.
HB 1445 to Committee on Administration.
HB 1448 to Committee on Administration.
HB 1486 to Committee on Health and Human Services.
HB 1508 to Committee on Business and Commerce.
HB 1584 to Committee on Intergovernmental Relations.
HB 1664 to Committee on Administration.
HB 1699 to Committee on Transportation.
HB 1780 to Committee on Criminal Justice.
HB 1791 to Committee on Administration.
HB 1962 to Committee on Administration.
HB 1982 to Committee on Administration.
HB 1995 to Committee on Administration.
HB 2007 to Committee on Veteran Affairs and Border Security.
HB 2098 to Committee on Business and Commerce.
HB 2134 to Committee on Administration.
HB 3220 to Committee on Administration.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet and consider **HB 2194** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Nominations might meet today at his desk.

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 1331, HB 1439, HB 1440, HB 1445, HB 1448, HB 1664, HB 1791, HB 1962, HB 1982, HB 1995, HB 2134, HB 2328, HB 3220, HB 4300.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills today: **SB 1649, SB 1793.**

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Buckingham and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **HB 1140** tomorrow.

SENATE RESOLUTION 713

Senator Buckingham offered the following resolution:

SR 713, In memory of Joseph Ray Perry.

BUCKINGHAM	HUFFINES	SCHWERTNER
BETTENCOURT	HUFFMAN	SELIGER
BIRDWELL	HUGHES	TAYLOR OF GALVESTON
BURTON	KOLKHORST	TAYLOR OF COLLIN
CAMPBELL	LUCIO	URESTI
CREIGHTON	MENÉNDEZ	WATSON
ESTES	MILES	WEST
GARCIA	NELSON	WHITMIRE
HALL	NICHOLS	ZAFFIRINI
HANCOCK	PERRY	
HINOJOSA	RODRÍGUEZ	

The resolution was read.

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

On motion of Senator Buckingham, **SR 713** was adopted by a rising vote of the Senate.

In honor of the memory of Joseph Ray Perry, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Perry and by unanimous consent, the remarks by Senators Buckingham and Perry and the President regarding **SR 713** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Buckingham: Thank you, Mr. President. It is my distinct honor to offer this Senate Resolution along with all of the other Senators in recognition of Joseph Ray Perry, a great Texan, a decorated military veteran, and a proud father of our former Governor and current U.S. Secretary of Energy Rick Perry. Ray Perry lived 92 years, and as a proud Texan, he cherished life. He was an avid hunter, an outdoorsman, and was married 70 years. He was very politically active in his community of Paint Creek. Ray Perry served as Haskell County Commissioner for nearly 30 years, for 10 years on the Paint Creek School Board, and for six years on the West Texas Council of Governments. In the words of our beloved former Governor, Rick Perry, his father was a great father, an exceptional instructor in the business side of his life, and a first-class mentor in the art of politics. Governor Perry said he could never have crafted a better script of a life story than the one the Lord made available. In closing,

Members, please join me in extending our sincere condolences to Rick Perry and his father's family as we adjourn this day in memory of Joseph Ray Perry. Thank you, Mr. President.

President: Thank you, Senator. Senator Perry.

Senator Perry: Thank you, Senator Buckingham, for bringing this together. In my district is Paint Creek, next to the big city of Stanford, if you're confused as to where that might exist. Growing up on Stanford Lake and being in the area, you'd of never known Ray and Amelia lived there, and I think that speaks volumes to a very quiet, very humble man. Serving under our former Governor, any time you felt like you was kind of getting in the ditch, you didn't have to worry because you knew how he was raised. And I think that's one of the biggest tributes of a parent, is to see how our sons and daughters respond to life and life experiences. Rick responded well to things that he was confronted with because of Ray and Amelia. And I think that that's a tribute that we can all take and learn from, but quality guy, humble guy, and in a city where you wouldn't even know it when you drove through it. It's very humble beginnings, very humble abode, and I think that says a lot for those that had the privilege to serve with Governor Perry, our former Governor. That reflects a lot of his personality. It came from Ray and Amelia direct. With that, also I'd like to make a motion that we add all the Members' names to the resolution.

President: And would you like to make a motion to reduce the readings—

Senator Perry: Let's reduce it to writing.

President: —to writing?

Senator Perry: Yes, Sir.

President: Any objection to the motion? Members, the reason I was not here early this morning was I attended the funeral, and one of the most touching moments because his wife, Amelia, they were married for 70 years, and she's still with us, and they were married in that church where we had the funeral today. So, 70 years ago they were married in that church. The casket with a saddle and the cowboy hat and the boots next to it. He was a great man. I was privileged to know him a little bit. And of course, very proud of his son and his daughter, Milla, the grandchildren and great-grandchildren, so, I would like for everyone to rise in favor of this resolution as we honor the father of our former Governor. Resolution is adopted. Thank you, Members.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:44 p.m. agreed to adjourn, in memory of Arcadio Durán Jr., Joseph Ray Perry, Harrison Brown, and Jordan Edwards, pending the receipt of committee reports, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 47

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-author of **SB 47**.

CO-AUTHOR OF SENATE BILL 195

On motion of Senator Garcia, Senator Campbell will be shown as Co-author of **SB 195**.

CO-AUTHOR OF SENATE BILL 637

On motion of Senator Huffines, Senator Campbell will be shown as Co-author of **SB 637**.

CO-AUTHOR OF SENATE BILL 696

On motion of Senator Perry, Senator Lucio will be shown as Co-author of **SB 696**.

CO-AUTHOR OF SENATE BILL 805

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

CO-AUTHOR OF SENATE BILL 1831

On motion of Senator Buckingham, Senator Burton will be shown as Co-author of **SB 1831**.

CO-AUTHOR OF SENATE BILL 1839

On motion of Senator Hughes, Senator Campbell will be shown as Co-author of **SB 1839**.

CO-AUTHOR OF SENATE BILL 1991

On motion of Senator Watson, Senator Lucio will be shown as Co-author of **SB 1991**.

CO-AUTHORS OF SENATE BILL 2144

On motion of Senator Taylor of Galveston, Senators Bettencourt and West will be shown as Co-authors of **SB 2144**.

CO-SPONSOR OF HOUSE BILL 777

On motion of Senator Nichols, Senator Nelson will be shown as Co-sponsor of **HB 777**.

CO-SPONSOR OF HOUSE BILL 1818

On motion of Senator Taylor of Collin, Senator Estes will be shown as Co-sponsor of **HB 1818**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 711 by Estes, In memory of Harrison Brown.

Congratulatory Resolutions

SR 707 by West, Recognizing Kevin John Kaley on the occasion of his retirement.

SR 708 by Schwertner, Recognizing Terri Henry for receiving an Ernest and Sarah Butler Award for Excellence in Science Teaching.

SR 709 by Schwertner, Recognizing Rhonda Farney for receiving the Pat Summitt Trophy and being named a national coach of the year.

SR 710 by Garcia, Recognizing Fran Valenzuela for her contributions to her community.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 6:44 p.m. adjourned, in memory of Arcadio Durán Jr., Joseph Ray Perry, Harrison Brown, and Jordan Edwards, 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:

May 2, 2017

FINANCE — **HB 1346, HB 777, HB 455, HB 217, SB 1745, SJR 55**

HIGHER EDUCATION — **CSSB 2247**

STATE AFFAIRS — **CSSB 1820**

INTERGOVERNMENTAL RELATIONS — **SB 334, SB 635, SB 749, SB 1043, SB 1067, SB 1260, SB 1990, SB 1656, SB 1992, SB 2243, SB 2256, SB 2271, SB 2272, CSSB 2244, CSSB 1931, CSSB 1100, CSSB 965, CSSB 2248**

ADMINISTRATION — **HB 1439, HB 1440, HB 1445, HB 1448, HB 1664, HB 1791, HB 1962, HB 2134, HB 3220, HB 4300, HB 1331, HB 1995, HB 2328, HB 1982 (Amended)**

BILLS AND RESOLUTIONS ENGROSSED

May 1, 2017

SB 210, SB 297, SB 463, SB 589, SB 625, SB 922, SB 999, SB 1001, SB 1030, SB 1291, SB 1350, SB 1367, SB 1395, SB 1467, SB 1477, SB 1480, SB 1677, SB 1729, SB 1733, SB 1758, SB 1836, SB 1848, SB 1854, SB 2190, SJR 6, SJR 42

BILLS AND RESOLUTIONS ENROLLED

May 1, 2017

SB 988, SB 1120, SR 699, SR 701, SR 702, SR 705

In Memory
of
Joseph Ray Perry
Senate Resolution 713

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Joseph Ray Perry, who died April 27, 2017, at the age of 92; and

WHEREAS, Ray Perry was an exemplary citizen and a hardworking West Texas farmer who loved his land and was dedicated to serving his community; and

WHEREAS, He was born on April 23, 1925, in the Haskell County community of Paint Creek to Hoyt and Thelma Perry; a lifelong resident of Haskell County, he served the nation with distinction in the United States Army Air Corps during World War II; he flew 35 missions over Nazi Germany as a tail gunner in B-17 bombers, and he was awarded multiple medals for his exemplary service; and

WHEREAS, He married Amelia June Holt at the Haskell Methodist Church on June 29, 1948, and the couple enjoyed nearly 70 years of marriage together; they raised two children, Milla Perry Jones and James Richard "Rick" Perry, and they were blessed with three grandchildren and two great-grandchildren; and

WHEREAS, In addition to working his land, Ray Perry was active in a wide range of political and community endeavors; he served for nearly 30 years as a Haskell County commissioner and for 10 years as a member of the Paint Creek school board; he served for six years on the West Central Texas Council of Governments, and he was instrumental in the creation of the Paint Creek Water Corporation and twice served as its president; and

WHEREAS, An avid hunter and outdoorsman, he was known for his numerous wild game trophies; one of the highlights of his hunting trips was killing an Alaskan first-class caribou that has been listed in the *Guinness Book of World Records*; and

WHEREAS, Ray Perry was a man of courage, faith, and patriotism; he gave unselfishly to others and to his community, and his enthusiasm for living each day to the fullest will not be forgotten by those who were privileged to share in his life; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby extend sincere condolences to the bereaved family of Joseph Ray Perry; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Joseph Ray Perry.

BUCKINGHAM	HUFFINES	SCHWERTNER
BETTENCOURT	HUFFMAN	SELIGER
BIRDWELL	HUGHES	TAYLOR OF GALVESTON
BURTON	KOLKHORST	TAYLOR OF COLLIN
CAMPBELL	LUCIO	URESTI
CREIGHTON	MENÉNDEZ	WATSON
ESTES	MILES	WEST
GARCIA	NELSON	WHITMIRE
HALL	NICHOLS	ZAFFIRINI
HANCOCK	PERRY	
HINOJOSA	RODRÍGUEZ	