

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Continued)

(Thursday, May 4, 2017)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Kolkhorst.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 1331 (Kolkhorst)

Relating to the creation of the Fort Bend County Municipal Utility District No. 224; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1439 (Creighton)

Relating to providing road district powers to the Wood Trace Municipal Utility District No. 3 of Montgomery County, Texas; providing authority to issue bonds.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1440 (Creighton)

Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1445 (Creighton)

Relating to providing road district powers to the Montgomery County Municipal Utility District No. 130; providing authority to issue bonds.
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1448 (Creighton)

Relating to providing road district powers to the Montgomery County Municipal Utility District No. 131; providing authority to issue bonds.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1664 (Creighton)

Relating to providing road powers to the Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas; providing authority to issue bonds.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1791 (Rodríguez)

Relating to the use of connected braking systems to maintain distance between vehicles.

(viva voce vote) (31-0) (31-0)

HB 1962 (Taylor of Galveston)

Relating to the creation of the Brazoria County Municipal Utility District No. 69; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1982 (Creighton)

Relating to the board of directors of the Lone Star Groundwater Conservation District.

(viva voce vote) (31-0) (31-0)

Senator Hughes offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1982** (house engrossed version) as follows:

(1) In SECTION 1 of the bill, in amended Section 6(a), Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (page 1, line 8), strike "five" and substitute "seven".

(2) In SECTION 3 of the bill, in amended Section 7(a), Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (page 1, line 24), strike "and".

(3) In SECTION 3 of the bill, in amended Section 7(a), Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (page 2, line 3), between "five" and the open bracket, insert the following:

(3) one director is elected from the City of Conroe by the voters of that municipality; and

(4) one director is elected from The Woodlands Township by the voters of that township

(4) Strike SECTION 4 of the bill (page 2, line 24 through page 3, line 13) and substitute the following:

SECTION 4. Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 7A to read as follows:

Sec. 7A. TEMPORARY PROVISION. (a) A director of the board of the Lone Star Groundwater Conservation District who is serving on August 31, 2017, shall serve until the director's successor has qualified following the directors' election held on the uniform election date in November 2018.

(b) After the November 2018 election, the precinct 1 director, the at-large director, and the director elected by the City of Conroe shall serve a term that expires December 1 of the second year after the date of the election and the directors of precincts 2, 3, and 4 and the director elected by The Woodlands Township shall serve a term that expires December 1 of the fourth year after the date of that election. The initial two-year terms of the precinct 1 director, the at-large director, and the director elected by the City of Conroe do not count toward the term limitation provided by Section 6(c) of this Act.

(c) This section expires September 1, 2024.

The amendment to **HB 1982** 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.

HB 2134 (Creighton)

Relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4300 (Huffines)

Relating to the creation and operations of a health care provider participation program by the Dallas County Hospital District.

(viva voce vote) (31-0) (31-0)

SCR 37 (Hinojosa)

Urging Congress to increase appropriations from the Harbor Maintenance Trust Fund to properly maintain ship channels.

(31-0)

CSSB 213 (Menéndez)

Relating to the office of ombudsman for the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

CSSB 262 (Zaffirini)

Relating to certain purchasing by state agencies and local governments.

(viva voce vote) (31-0) (31-0)

SB 371 (Watson)

Relating to the grounds for refusal, cancellation, or suspension of certain alcoholic beverage licenses.

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

CSSB 382 (Burton)

Relating to donation of unused prescription drugs; authorizing a fee.

(viva voce vote) (31-0) (31-0)

CSSB 397 (Kolkhorst)

Relating to the consultation policies of local mental health authorities with respect to sheriffs and their representatives.

(viva voce vote) (31-0) (31-0)

CSSB 653 (Taylor of Collin)

Relating to the eligibility of certain employees or annuitants convicted of certain felony offenses.

(viva voce vote) (31-0) (31-0)

CSSB 666 (Kolkhorst)

Relating to a sign required to be posted in the restrooms of sexually oriented businesses; creating a criminal offense.

(viva voce vote) (31-0) (31-0)

SB 803 (Seliger)

Relating to a study on the feasibility of requiring certain researchers to make research papers available to the public.

(viva voce vote) (31-0) (31-0)

SB 807 (Creighton)

Relating to choice of law and venue for certain construction contracts.

(viva voce vote) (29-2) "Nays" Hall, Taylor of Collin (29-2) "Nays" Hall, Taylor of Collin

SB 828 (Seliger)

Relating to certain academic programs and projects undertaken by public institutions of higher education at an off-campus academic or research site or a similar location.

(viva voce vote) (31-0) (31-0)

SB 848 (Huffines)

Relating to requirements for a driver education course provider or instructor.

(viva voce vote) (31-0) (31-0)

SB 914 (Campbell)

Relating to the creation of the Kendall County Water Control and Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

CSSB 919 (Rodríguez)

Relating to the authority of an advanced practice registered nurse or physician assistant to sign a death certificate in limited situations.

(viva voce vote) (31-0) (31-0)

(Senator Buckingham in Chair)**CSSB 928** (Rodríguez)

Relating to the establishment of the Tom Lea Trail.

(viva voce vote) (29-2) "Nays" Burton, Taylor of Collin (29-2) "Nays" Burton, Taylor of Collin

CSSB 989 (Watson)

Relating to the maximum loan amount made to persons under the owner-builder loan program.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

SB 1016 (Creighton)

Relating to the appointment and duties of court investigators for certain courts in guardianship proceedings.

(viva voce vote) (31-0) (31-0)

SB 1047 (Creighton)

Relating to installment payments of ad valorem taxes.

(viva voce vote) (31-0) (31-0)

SB 1085 (Bettencourt)

Relating to the certification of unopposed candidates for the board of directors of the North Harris County Regional Water Authority.

(viva voce vote) (31-0) (31-0)

CSSB 1095 (Taylor of Galveston)

Relating to certain procedures for tax redeterminations and refund claims.

(viva voce vote) (31-0) (31-0)

SB 1109 (Birdwell)

Relating to the authority of certain municipalities to change the date of the general election for officers.

(viva voce vote) (31-0) (31-0)

SB 1118 (Creighton)

Relating to the creation of the Blaketree Municipal Utility District No. 2 of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 1126 (Hall)

Relating to the designation of a portion of State Highway 352 as the Staff Sergeant Jeremie S. Border Memorial Highway.

(viva voce vote) (31-0) (31-0)

SB 1214 (Perry)

Relating to a succession plan for a regional public defender's office that primarily handles capital cases.

(viva voce vote) (31-0) (31-0)

SB 1220 (Miles)

Relating to ensuring continuity of education and access to higher education, career information, and skills certification for foster care youth and former foster care youth.

(viva voce vote) (31-0) (31-0)

CSSB 1237 (Rodríguez)

Relating to procedures in a suit for dissolution of a marriage or a suit affecting the parent-child relationship.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

SB 1261 (Creighton)

Relating to the creation of the Montgomery County Municipal Utility District No. 157; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 1268 (Seliger)

Relating to the taxing power of the North Plains Groundwater Conservation District.

(viva voce vote) (29-2) "Nays" Hall, Taylor of Collin (29-2) "Nays" Hall, Taylor of Collin

CSSB 1398 (Lucio)

Relating to the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.

(viva voce vote) (31-0) (31-0)

CSSB 1399 (Whitmire)

Relating to confinement in a community corrections facility of a defendant participating in a pretrial intervention program.

(viva voce vote) (31-0) (31-0)

SB 1426 (Hancock)

Relating to the calculation and dissemination of certain ad valorem tax rates.

(viva voce vote) (31-0) (31-0)

CSSB 1449 (Taylor of Galveston)

Relating to an insurer's compliance with National Association of Insurance Commissioners requirements.

(viva voce vote) (31-0) (31-0)

SB 1450 (Taylor of Galveston)

Relating to the rulemaking authority of the commissioner of insurance with respect to certain agreements and the effect of those agreements on this state's authority to regulate insurance.

(viva voce vote) (31-0) (31-0)

(Senator Hancock in Chair)**CSSB 1466** (Taylor of Galveston)

Relating to maximum liability limits for windstorm and hail insurance coverage provided through the Texas Windstorm Insurance Association.

(viva voce vote) (31-0) (31-0)

CSSB 1481 (Taylor of Galveston)

Relating to the instructional materials and technology allotment, open education resource instructional materials, and the State Board of Education long-range technology plan.

(viva voce vote) (31-0) (31-0)

CSSB 1510 (Perry)

Relating to rates charged by certain transmission and distribution utilities to certain places of worship.

(viva voce vote) (31-0) (31-0)

CSSB 1512 (Taylor of Galveston)

Relating to replacement cost coverage in policies issued by the Texas Windstorm Insurance Association.

(viva voce vote) (31-0) (31-0)

SB 1526 (Creighton)

Relating to the creation of the Montgomery County Municipal Utility District No. 158; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 1597 (Rodríguez)

Relating to a requirement that the General Land Office conduct an evaluation and submit a report regarding the use of wind and solar power to desalinate brackish groundwater on real property owned by the state.

(viva voce vote) (27-4) "Nays" Campbell, Hancock, Huffines, Taylor of Collin (27-4)

"Nays" Campbell, Hancock, Huffines, Taylor of Collin

CSSB 1599 (Miles)

Relating to maternal mortality reporting and investigation information.

(viva voce vote) (31-0) (31-0)

CSSB 1630 (Buckingham)

Relating to cemeteries.

(viva voce vote) (31-0) (31-0)

CSSB 1642 (Watson)

Relating to allowing the holder of a brewpub license to sell beer, ale, and malt liquor to certain qualified persons outside the state.

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

CSSB 1644 (Watson)

Relating to the operations of certain metropolitan rapid transit authorities.

(viva voce vote) (27-4) "Nays" Bettencourt, Burton, Campbell, Creighton (27-4)

"Nays" Bettencourt, Burton, Campbell, Creighton

SB 1705 (Taylor of Collin)

Relating to the application for and issuance of a marriage license and the marriage of a minor.

(viva voce vote) (31-0) (31-0)

SB 1727 (Birdwell)

Relating to the procedure for an election to adopt a sales and use tax or to change the tax rate in an emergency services district.

(viva voce vote) (29-2) "Nays" Kolkhorst, Taylor of Collin (29-2) "Nays" Kolkhorst,

Taylor of Collin

CSSB 1732 (Birdwell)

Relating to the designation of a portion of Interstate Highway 35W in Johnson County as the Deputy Clifton Taylor Memorial Highway.

(viva voce vote) (31-0) (31-0)

SB 1742 (Miles)

Relating to county approval for the locations at which a junkyard or automotive wrecking and salvage yard may be operated.

(viva voce vote) (31-0) (31-0)

CSSB 1782 (West)

Relating to the elimination of certain formula funding and dropped course restrictions for returning adult students at public institutions of higher education.

(viva voce vote) (28-3) "Nays" Burton, Creighton, Schwertner (28-3) "Nays" Burton, Creighton, Schwertner

CSSB 1813 (Buckingham)

Relating to common admission application forms for institutions of higher education.

(viva voce vote) (31-0) (31-0)

SB 1824 (Burton)

Relating to punishment for the offense of forgery and to a fee imposed on certain defendants who commit the offense.

(viva voce vote) (31-0) (31-0)

CSSB 1831 (Buckingham)

Relating to an annual report on state programs not funded by appropriations.

(viva voce vote) (31-0) (31-0)

CSSB 1842 (Lucio)

Relating to an application for the amendment of a certificate of public convenience and necessity in an area inside the boundaries of a political subdivision.

(viva voce vote) (31-0) (31-0)

CSSB 1843 (Campbell)

Relating to providing an opportunity for public high school students in grades 10 through 12 to take the Armed Services Vocational Aptitude Battery test or an alternative vocational aptitude test.

(viva voce vote) (31-0) (31-0)

CSSB 1864 (Taylor of Galveston)

Relating to the administration of the Port of Houston Authority.

(viva voce vote) (31-0) (31-0)

SB 1906 (Bettencourt)

Relating to the matters that a taxing unit is entitled to challenge before an appraisal review board.

(viva voce vote) (30-1) "Nay" Garcia (30-1) "Nay" Garcia

CSSB 1910 (Zaffirini)

Relating to state agency information security plans, information technology employees, and online and mobile applications.

(viva voce vote) (31-0) (31-0)

CSSB 1912 (Zaffirini)

Relating to certain notice requirements and filing requirements in court proceedings involving persons with mental illness and representation of proposed patients in proceedings for court-ordered mental health services.

(viva voce vote) (31-0) (31-0)

CSSB 1927 (Kolkhorst)

Relating to requiring the Health and Human Services Commission to evaluate and implement changes to the Medicaid and child health plan programs to make the programs more cost-effective, increase competition among providers, and improve health outcomes for recipients.

(viva voce vote) (31-0) (31-0)

(Senator Kolkhorst in Chair)**SB 1932** (West)

Relating to eligibility requirements for registration as an interior designer.

(viva voce vote) (30-1) "Nay" Nelson (30-1) "Nay" Nelson

SB 1952 (Hughes)

Relating to off-site sales by a dealer for antique or special interest vehicles that have been subject to a retail sale.

(viva voce vote) (31-0) (31-0)

CSSB 1975 (Whitmire)

Relating to establishing the Texas Peace Officers' Memorial Ceremony Committee to recognize and honor peace officers who were killed in the line of duty.

(viva voce vote) (31-0) (31-0)

SB 1979 (Schwertner)

Relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as agricultural land if the use of the land changes as a result of a condemnation.

(viva voce vote) (31-0) (31-0)

SB 2082 (Taylor of Galveston)

Relating to the work-study student mentorship program administered by the Texas Higher Education Coordinating Board.

(viva voce vote) (31-0) (31-0)

CSSB 2117 (Seliger)

Relating to the creation and operations of a health care provider participation program by the City of Amarillo Hospital District.

(viva voce vote) (31-0) (31-0)

SB 2142 (Taylor of Galveston)

Relating to the repeal of the high school allotment under the Foundation School Program.

(viva voce vote) (31-0) (31-0)

SB 2143 (Taylor of Galveston)

Relating to the basic allotment under the foundation school program.

(viva voce vote) (30-1) "Nay" Nelson (30-1) "Nay" Nelson

SB 2166 (Creighton)

Relating to the use of municipal hotel occupancy tax revenues in certain municipalities.

(viva voce vote) (26-5) "Nays" Bettencourt, Burton, Hall, Hancock, Taylor of Collin
(26-5) "Nays" Bettencourt, Burton, Hall, Hancock, Taylor of Collin

SB 2174 (Hughes)

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

(viva voce vote) (31-0) (31-0)

CSSB 2238 (Garcia)

Relating to the creation of the offense of sexual coercion.

(viva voce vote) (31-0) (31-0)

SB 2245 (Campbell)

Relating to the creation of the North Hays County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 2252 (Nichols)

Relating to granting road powers to the Montgomery County Municipal Utility District No. 100; providing authority to issue bonds.

(viva voce vote) (31-0) (31-0)

SB 2253 (Nichols)

Relating to providing road powers to the Montgomery County Municipal Utility District No. 101; providing authority to issue bonds.

(viva voce vote) (31-0) (31-0)

SB 2263 (Campbell)

Relating to the powers and duties of the Lerin Hills Municipal Utility District of Kendall County; providing authority to issue bonds and impose fees and taxes.

(viva voce vote) (31-0) (31-0)

CSSB 2267 (Creighton)

Relating to the creation of the Harris County Municipal Utility District No. 555; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 2268 (Creighton)

Relating to the creation of the Montgomery County Municipal Utility District No. 159; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (31-0) (31-0)

SB 2273 (Campbell)

Relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
(viva voce vote) (31-0) (31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Watson and Senator Kolkhorst requested in writing that **HB 2328** be removed from the Local and Uncontested Calendar.

Senator Garcia and Senator Kolkhorst requested in writing that **SB 349** be removed from the Local and Uncontested Calendar.

Senator Hall and Senator Kolkhorst requested in writing that **SCR 5** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:50 a.m. adjourned, in memory of former Representative Charlie Howard, until 11:00 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

May 3, 2017

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 2026, CSSB 880, CSSB 1239, SB 2068**

FINANCE — **CSSB 1031, CSSJR 51, CSSB 1514**

BUSINESS AND COMMERCE — **SB 654, HB 256, HB 630, HB 890, HB 1128, SB 1980, HB 1612**

TRANSPORTATION — **HB 1140, HB 409, HB 947, HB 1434, HB 1483, SB 812, SB 1143**

CRIMINAL JUSTICE — **SB 630, SB 631, SB 1185, SB 1937**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 462, CSSB 793, CSSB 908**

EDUCATION — **SB 444, SB 727, SB 384, SB 1794, SB 1981, SB 585, SB 1785, SB 1294, SB 2095, SB 436, SB 1903, SB 2168, CSSB 748, CSSB 1692, CSSB 1873, CSSB 1696, CSSB 2078, CSSB 1061, CSSB 1177, CSSB 1660, CSSB 1484**

INTERGOVERNMENTAL RELATIONS — **CSSB 2277, CSSB 2275, CSSB 2274, CSSB 2269, SJR 54, SB 2014, CSSB 1737, CSSB 1681, CSSB 321, CSSB 320**
TRANSPORTATION — **CSSB 2103**

BILLS ENGROSSED

May 2, 2017

SB 47, SB 55, SB 196, SB 527, SB 637, SB 696, SB 740, SB 805, SB 862, SB 1330, SB 1354, SB 1440, SB 1446, SB 1462, SB 1602, SB 1991, SB 2066

RESOLUTIONS ENROLLED

May 2, 2017

SR 696, SR 700, SR 707, SR 708, SR 709, SR 710, SR 711, SR 713

SENT TO GOVERNOR

May 3, 2017

SB 988, SB 1120