

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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FIFTY-FIFTH DAY

(Continued)

(Friday, May 12, 2017)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by Senator Kolkhorst.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 12, 2017 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 39**

Wu

Relating to the provision of child protective services and other health and human services by certain state agencies; authorizing a fee.

**HB 108**

Alvarado

Relating to the use of the skills development fund to facilitate the relocation to or expansion in this state of employers offering complex or high-skilled employment opportunities.

**HB 162**

Lucio III

Relating to conditions of community supervision for defendants convicted of certain criminal offenses involving animals; authorizing fees.

**HB 525**

Villalba

Relating to databases that contain information regarding certain violent offenses or filed protective orders.

**HB 816**

Bernal

Relating to a school district assigning a mentor teacher to a new classroom teacher.

- HB 884** King, Ken  
Relating to a revision of the essential knowledge and skills of the public school foundation curriculum and proclamations for the production of instructional materials.
- HB 929** Miller  
Relating to certain early voting procedures.
- HB 931** Miller  
Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.
- HB 978** Murr  
Relating to the terms of the board members of the Texas Indigent Defense Commission.
- HB 1009** Alonzo  
Relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.
- HB 1643** Springer  
Relating to the regulation of the operation of an unmanned aircraft and the prosecution of a related criminal offense.
- HB 1649** Muñoz, Jr.  
Relating to the use of extrapolation by a health maintenance organization or an insurer to audit claims.
- HB 1661** Phelan  
Relating to a withdrawal of a candidate.
- HB 1724** Guillen  
Relating to the establishment of the commercial license buyback account managed by the Parks and Wildlife Department.
- HB 1816** Metcalf  
Relating to the operation of medical supply transport vehicles during a declared state of disaster.
- HB 1837** Springer  
Relating to the authority of counties to require a person to notify a local governmental entity before starting an outdoor fire; creating a criminal penalty.
- HB 1974** Wray  
Relating to durable powers of attorney.
- HB 2087** VanDeaver  
Relating to restricting the use of covered information, including student personally identifiable information, by an operator of a website, online service, online application, or mobile application for a school purpose.
- HB 2722** Phillips  
Relating to early voting by certain persons who have an employment hardship.
- HB 2766** Sheffield  
Relating to the creation and administration of a reinvestment allowance for certain long-term care facilities.

- HB 2790** White  
Relating to funding for certain apprenticeship training programs.
- HB 3296** Klick  
Relating to persons required to establish nursing peer review committees.
- HB 3591** Thompson, Ed  
Relating to the composition of the aviation advisory committee.
- HJR 10** Smithee  
Proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.
- HJR 67** Bohac  
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of a Purple Heart recipient or the surviving spouse of a Purple Heart recipient.
- HJR 73** Burns  
Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on a municipality or county.
- SB 257** Taylor, Van Sponsor: Dale  
Relating to judicial review of protective orders and the duration of those orders.
- SB 276** Watson Sponsor: Parker  
Relating to an adult high school diploma and industry certification charter school pilot program.
- SB 1052** Hughes Sponsor: Flynn  
Relating to debt cancellation agreements offered in connection with certain retail installment contracts and leases for vehicles and deferred payments under motor vehicle retail installment contracts; providing for a civil penalty.  
(Committee Substitute/Amended)
- SB 1107** Schwertner Sponsor: Price  
Relating to telemedicine and telehealth services.  
(Committee Substitute)
- SB 1133** Hinojosa Sponsor: Herrero  
Relating to the exemption from taxes and special assessments of property of a navigation district.
- SB 1516** Hancock Sponsor: Geren  
Relating to the registration and regulation of appraisal management companies; authorizing fees; expanding the applicability of an occupational registration.  
(Committee Substitute)
- SB 1524** Nichols Sponsor: Morrison, Geanie W.  
Relating to the movement of certain vehicles transporting an intermodal shipping container; authorizing a fee; creating an offense.  
(Committee Substitute/Amended)

**SB 1630**

Buckingham

Sponsor: Howard

Relating to cemeteries.  
(Committee Substitute)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**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.

**(Senator Hancock in Chair)**

**CSSB 506** (West)

Relating to certain voting systems.  
(viva voce vote) (31-0) (31-0)

**CSSB 1322** (Kolkhorst)

Relating to increasing the punishment for certain conduct constituting the offense of possession or promotion of child pornography.  
(viva voce vote) (31-0) (31-0)

**CSSB 1790** (Taylor of Collin)

Relating to the punishment for the offense of fraudulent destruction, removal, or concealment of a writing that is attached to tangible property.  
(viva voce vote) (31-0) (31-0)

**CSSB 1838** (Hughes)

Relating to the applicability of certain laws to open-enrollment charter schools.  
(viva voce vote) (30-1) "Nay" Nichols (30-1) "Nay" Nichols

**CSSB 2084** (Taylor of Galveston)

Relating to calculation of average daily attendance for public school students in blended learning programs.  
(viva voce vote) (31-0) (31-0)

**SB 2168** (Huffines)

Relating to the disclosure of records produced in the course of an investigation related to educator misconduct.  
(viva voce vote) (31-0) (31-0)

**SB 2283** (Perry)

Relating to the regulation of dangerous dogs and dogs that attack persons in certain municipalities.

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

**CSSB 2284** (Creighton)

Relating to the creation of the Harris County Municipal Utility District No. 544; 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

**SB 2285** (Creighton)

Relating to the boundaries of the Harris County Fresh Water Supply District No. 58.

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

**SB 2286** (Creighton)

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

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

**SB 2287** (Creighton)

Relating to the powers and duties of the Harris County Municipal Utility District No. 525.

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

**HB 88** (Hinojosa)

Relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.

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

**HB 294** (Garcia)

Relating to appointment of a receiver for a water or sewer utility.

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

**HB 544** (Hinojosa)

Relating to the use of the rural water assistance fund.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

**HB 635** (Watson)

Relating to issuance of a vendor permit for the sale of goods during an authorized event held in the Texas mall area of the Capitol Complex.

(viva voce vote) (30-1) "Nay" Taylor of Collin (30-1) "Nay" Taylor of Collin

**HB 873** (Hughes)

Relating to prohibiting certain establishments serving the public from restricting a peace officer or special investigator from carrying a weapon on the premises.

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

**HB 886** (Seliger)

Relating to the powers and election dates of the Hemphill County Underground Water Conservation District.

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

**HB 979** (Birdwell)

Relating to the issuance of specialty license plates for recipients of the Star of Texas Award.

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

**HB 1073** (Creighton)

Relating to provisional permits for certain insurance agents.

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

**HB 1197** (Creighton)

Relating to the training period for a temporary insurance agent's license.

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

**HB 1221** (Kolkhorst)

Relating to the designation of a portion of U.S. Highway 90 Alternate as the Johnnie David Hutchins Memorial Highway.

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

**HB 1227** (Seliger)

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

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

**HB 1345** (Birdwell)

Relating to a photograph on a driver's license.

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

**HB 1406** (Hinojosa)

Relating to the authority of the asset management division of the General Land Office to sell real property to a federally recognized Indian tribe.

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

**HB 1428** (Huffman)

Relating to mediation of the settlement of certain out-of-network health benefit claims involving balance billing for members of the Teacher Retirement System of Texas.

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

**(Senator Kolkhorst in Chair)****HB 1432** (Lucio)

Relating to restrictions or conditions on certain payments to the Texas Workforce Commission.

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

**HB 1433** (Lucio)

Relating to the statute of limitations applicable to the collection of a contribution, a penalty, or interest under the Texas Unemployment Compensation Act.

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

**HB 1456** (Hughes)

Relating to judicial review of certain decisions under the Texas Workers' Compensation Act.

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

**HB 1555** (Seliger)

Relating to the sale of lottery tickets by certain wine and beer retailers.  
(viva voce vote) (29-2) "Nays" Burton, Perry (29-2) "Nays" Burton, Perry

**HB 1584** (Zaffirini)

Relating to the implementation of county solid waste management programs in certain counties.

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

**CSHB 1625** (Hinojosa)

Relating to the procedures for the enforcement by the General Land Office of the Oil Spill Prevention and Response Act of 1991.

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

**CSHB 1697** (Nelson)

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

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

**HB 1701** (Hancock)

Relating to the presentation of the investment policy of certain governmental entities to a business organization that conducts investment transactions for the entity.

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

**HB 1709** (Hall)

Relating to procedures for the dissolution of the Bois D'Arc Island Levee Improvement District of Dallas and Kaufman Counties.

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

**HB 1790** (Rodríguez)

Relating to revoked disabled parking placards.

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

**HB 1793** (Hancock)

Relating to the inspection of certain commercial motor vehicles that are not domiciled in this state.

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

**HB 2027** (Taylor of Collin)

Relating to the repeal of certain laws regulating the sale or transfer of secondhand watches.

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

**HB 2056** (Zaffirini)

Relating to access by the division of workers' compensation to certain designated doctor contracts under the workers' compensation system.

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

**HB 2060** (Zaffirini)

Relating to the eligibility requirements for employment as an ombudsman of the Office of Injured Employee Counsel under the Texas Workers' Compensation Act.

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

**HB 2061** (Hancock)

Relating to service and filing requirements for a party seeking judicial review in certain workers' compensation cases.

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

**HB 2065** (Hancock)

Relating to fines collected by a county or municipality from the enforcement of commercial motor vehicle safety standards.

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

**HB 2113** (Zaffirini)

Relating to the regulation of for-profit legal service contract companies.

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

**HB 2299** (Creighton)

Relating to verification of alcohol content for prior approval of malt beverages.

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

**HB 2579** (Buckingham)

Relating to the bond and other coverages required to be maintained by or for the benefit of a savings bank.

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

**HB 2582** (Buckingham)

Relating to an exemption for certain quarries from regulation as aggregate production operations.

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

**HB 2823** (Buckingham)

Relating to the issuance and enforcement of a subpoena during the course of an investigation of a residential mortgage loan servicer.

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

**HB 2968** (Kolkhorst)

Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.

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

**HB 3536** (Schwertner)

Relating to the designation of a portion of Interstate Highway 45 as the Sergeant Wade Daniel Wilson Memorial Highway.

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

**HB 4156** (Kolkhorst)

Relating to the issuance of permits for the movement of oversize and overweight vehicles in certain counties; authorizing an increase in the amount of a fee.

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

**HCR 31** (Perry)

Urging Congress to encourage the U.S. Department of Agriculture to revise existing policies that promote the waste of water after an irrigated crop has been declared a failure.

(31-0)



**CSHCR 42 (Hall)**

Designating the city of Rockwall as the official Live Music Capital of North Texas for a 10-year period beginning in 2017.

(31-0)

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Schwertner and Senator Kolkhorst requested in writing that **HB 1619** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Kolkhorst announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**AT EASE**

The Presiding Officer at 11:25 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Kolkhorst at 12:30 p.m. called the Senate to order as In Legislative Session.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

- HB 39** to Committee on Health and Human Services.
- HB 45** to Committee on State Affairs.
- HB 108** to Committee on Natural Resources and Economic Development.
- HB 156** to Committee on Education.
- HB 162** to Committee on Criminal Justice.
- HB 435** to Committee on State Affairs.
- HB 473** to Committee on Business and Commerce.
- HB 591** to Committee on Criminal Justice.
- HB 594** to Committee on Intergovernmental Relations.
- HB 653** to Committee on Higher Education.
- HB 714** to Committee on Intergovernmental Relations.
- HB 748** to Committee on Criminal Justice.
- HB 865** to Committee on Criminal Justice.
- HB 929** to Committee on State Affairs.
- HB 931** to Committee on Business and Commerce.
- HB 933** to Committee on Education.
- HB 978** to Committee on Criminal Justice.
- HB 1298** to Committee on Business and Commerce.
- HB 1384** to Committee on State Affairs.
- HB 1510** to Committee on Agriculture, Water, and Rural Affairs.
- HB 1643** to Committee on Criminal Justice.

**HB 1661** to Committee on State Affairs.  
**HB 1724** to Committee on Agriculture, Water, and Rural Affairs.  
**HB 1816** to Committee on Natural Resources and Economic Development.  
**HB 1974** to Committee on State Affairs.  
**HB 2068** to Committee on Transportation.  
**HB 2087** to Committee on Education.  
**HB 2321** to Committee on Natural Resources and Economic Development.  
**HB 2377** to Committee on Agriculture, Water, and Rural Affairs.  
**HB 2409** to Committee on Natural Resources and Economic Development.  
**HB 2471** to Committee on State Affairs.  
**HB 2578** to Committee on State Affairs.  
**HB 2588** to Committee on Natural Resources and Economic Development.  
**HB 2614** to Committee on Education.  
**HB 2623** to Committee on Education.  
**HB 2722** to Committee on State Affairs.  
**HB 2725** to Committee on Intergovernmental Relations.  
**HB 2744** to Committee on Intergovernmental Relations.  
**HB 2790** to Committee on Finance.  
**HB 2856** to Committee on Business and Commerce.  
**HB 2888** to Committee on Criminal Justice.  
**HB 2911** to Committee on Criminal Justice.  
**HB 2937** to Committee on Education.  
**HB 2994** to Committee on Higher Education.  
**HB 3003** to Committee on Business and Commerce.  
**HB 3052** to Committee on Business and Commerce.  
**HB 3066** to Committee on Veteran Affairs and Border Security.  
**HB 3085** to Committee on Agriculture, Water, and Rural Affairs.  
**HB 3147** to Committee on Criminal Justice.  
**HB 3252** to Committee on Transportation.  
**HB 3272** to Committee on Transportation.  
**HB 3296** to Committee on Health and Human Services.  
**HB 3304** to Committee on Business and Commerce.  
**HB 3433** to Committee on Agriculture, Water, and Rural Affairs.  
**HB 3442** to Committee on Health and Human Services.  
**HB 3446** to Committee on Finance.  
**HB 3526** to Committee on Education.  
**HB 3533** to Committee on Health and Human Services.  
**HB 3564** to Committee on Health and Human Services.  
**HB 3574** to Committee on Intergovernmental Relations.  
**HB 3669** to Committee on Health and Human Services.  
**HB 3697** to Committee on Criminal Justice.  
**HB 3705** to Committee on Criminal Justice.  
**HB 3706** to Committee on Education.  
**HB 3767** to Committee on Education.  
**HB 3845** to Committee on State Affairs.  
**HB 3887** to Committee on Education.

**HB 3987** to Committee on Agriculture, Water, and Rural Affairs.  
**HB 4007** to Committee on Business and Commerce.  
**HB 4035** to Committee on State Affairs.  
**HB 4094** to Committee on Health and Human Services.  
**HB 4104** to Committee on Intergovernmental Relations.  
**HB 4117** to Committee on Criminal Justice.  
**HB 4126** to Committee on Business and Commerce.  
**HB 4127** to Committee on Business and Commerce.  
**HB 4271** to Committee on Intergovernmental Relations.  
**HCR 49** to Committee on Administration.  
**HCR 59** to Committee on State Affairs.  
**HCR 99** to Committee on State Affairs.  
**HCR 101** to Committee on State Affairs.  
**HJR 10** to Committee on State Affairs.  
**HJR 113** to Committee on Finance.

#### **CO-AUTHOR OF SENATE BILL 506**

On motion of Senator West, Senator Garcia will be shown as Co-author of **SB 506**.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:35 p.m. adjourned, in memory of Marisol Rodriguez and Vilma Jean Goeb, until 2:00 p.m. Monday, May 15, 2017.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

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

May 12, 2017

CRIMINAL JUSTICE — **HB 29**

INTERGOVERNMENTAL RELATIONS — **HB 2064, HB 2504, HB 4279, CSSB 2276, CSSB 1117, CSSB 1609**

STATE AFFAIRS — **HB 2849, HB 2271, HB 3481, HB 2927, HB 1735, HB 1704, HB 834, HB 874, HB 999, HB 1043, HB 1501, HB 1814, HB 1819, HB 1877, HB 2048, HB 4284, HB 100**

FINANCE — **CSHB 2253, CSHB 2999, CSHB 4054**

INTERGOVERNMENTAL RELATIONS — **CSSB 2293, CSSB 2196**

HIGHER EDUCATION — **HB 655, HB 2431, HB 2895, HB 2002, HB 1913**

**BILLS ENGROSSED**May 11, 2017

**SB 320, SB 321, SB 459, SB 521, SB 749, SB 812, SB 824, SB 837, SB 1177, SB 1185, SB 1260, SB 1443, SB 1484, SB 1559, SB 1670, SB 1695, SB 1713, SB 1849, SB 1855, SB 1931, SB 1992, SB 2014, SB 2026, SB 2186, SB 2271, SB 2274, SB 2275, SB 2277, SB 2290**

**BILLS AND RESOLUTIONS ENROLLED**May 11, 2017

**SB 16, SB 507, SB 1406, SB 1584, SJR 38, SR 764, SR 765, SR 766, SR 767, SR 769, SR 771**