

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Wednesday, January 9, 2019)

The Senate met at 12:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Chaplain Benjie Bender, Texas Military Department, offered the invocation as follows:

Our most gracious heavenly Father, what a privilege and honor it is to enter Your presence, to intercede on behalf of these elected officials invoking Your blessings over these proceedings. For in so doing, I am continuing a long-standing tradition begun by our founding fathers acknowledging You as the source of our blessing, saying with that great hymnist, Here we raise our Ebenezer, Hither by Thy help we've come. And by Thy help alone shall we continue to prosper, so this morning I lift my eyes to the hills from whence our help comes. Our help comes from the Lord, the maker of heaven and Earth. Father in heaven, for each elected official, for each staffer, for each individual here who has taken up the mantle of public service, I give You thanks. I pray that You would bless them and keep them, that You would make Your face to shine upon them and be gracious unto them and grant them Your peace. Above all, I pray as Solomon that You would give them, Your servants, understanding minds to discern between good and evil, for who is able to govern this Your great people? May Your wisdom guide and govern the decisions made during this session. May the righteous increase so that the people may rejoice and we would be a land of delight with such peace and prosperity that all the world would look to this city on a hill and with one voice proclaim, How blessed are the people whose God is the Lord. In Jesus' name I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Johnson was recognized and presented Dr. Manojkumar Dobariya of Coppell as the Physician of the Day.

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

PRESENTATION OF GAVEL

The President presented an honorary gavel to newly elected President Pro Tempore Watson.

SENATE RESOLUTION 1 (Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 30 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 86th Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Tracy Ortiz;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Patience Worrel;
- (5) Journal Clerk—Lourdes Litchfield; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chair of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$43,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

(c) An unexpended amount remaining at the end of the fiscal year, not to exceed \$10,000, may be carried forward to the next fiscal year. The total balance of unexpended funds accumulated may not exceed \$10,000 at the end of any fiscal biennium.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. (a) The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

(b) The per diem rate to be paid to each senator for the 86th Legislature is \$221.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 86th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants in the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

(1) 140 shall be furnished to the house of representatives;

(2) four shall be furnished to the Texas State Library and Archives Commission;

(3) four shall be furnished to the Legislative Reference Library; and

(4) the remainder shall be apportioned among the senators and the lieutenant governor.

SR 1 was read and was adopted by the following vote: Yeas 31, Nays 0.

**OATH OF OFFICE ADMINISTERED
TO OFFICERS OF THE SENATE**

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

SENATE RESOLUTION 5

Senator Hancock offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 85th Legislature are adopted as the Permanent Rules of the Senate of the 86th Legislature with the following modifications:

SECTION 1. Rule 11.02 is amended to read as follows:

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

- (1) Committee on Administration (7 members)
- (2) Committee on Agriculture (5 members) [~~Water, and Rural Affairs (7 members)~~]
- (3) Committee on Business and Commerce (9 members)
- (4) Committee on Criminal Justice (7 members) [~~(9 members)~~]
- (5) Committee on Education (11 members)
- (6) Committee on Finance (15 members)
- (7) Committee on Health and Human Services (9 members)
- (8) Committee on Higher Education (7 members)
- (9) Committee on Intergovernmental Relations (7 members)
- (10) Committee on Natural Resources and Economic Development (11 members)
- (11) Committee on Nominations (7 members)
- (12) Committee on Property Tax (5 members)
- (13) Committee on State Affairs (9 members)
- (14) [~~(13)~~] Committee on Transportation (9 members)
- (15) [~~(14)~~] Committee on Veteran Affairs and Border Security (7 members)
- (16) Committee on Water and Rural Affairs (7 members).

SR 5 was read and was adopted by the following vote: Yeas 31, Nays 0.

INAUGURAL COMMITTEE APPOINTED

In accordance with the provisions of **SCR 3**, the President announced the appointment of the following as the Inaugural Committee: Senators Nelson, Chair; Bettencourt, Perry, Kolkhorst, and Lucio.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:28 p.m. agreed to recess until 12:00 p.m. Thursday, January 10, 2019, for the Joint Session to Canvass the Votes and to recess at the conclusion of that Joint Session until 11:00 a.m. Tuesday, January 15, 2019, for the Joint Session to Inaugurate the Governor-elect and Lieutenant Governor-elect.

The Senate further agreed to adjourn at the conclusion of Tuesday's Joint Session until 11:00 a.m. Wednesday, January 16, 2019.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 3 by Watson, In memory of Richard Arvin Overton.

SR 4 by Watson, In memory of Gary Lynn Snowden Sr.

APPENDIX

RESOLUTION ENROLLED

January 8, 2019

SR 2