

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTH DAY

(Monday, January 28, 2019)

The Senate met at 3:00 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.

Pastor Barry Jenkins, Lakestone Terrace Chapel, Granbury, was introduced by Senator Birdwell and offered the invocation as follows:

The 33rd psalm says, Blessed is the nation whose God is the Lord. Gracious heavenly Father, creator of all that was created, I beseech You, acknowledge You, and invite You into these chambers today. In the same way Solomon petitioned, asking only that You grant him the wisdom to rightly govern Your people, I ask You today that You would hear my prayer and grant these who shoulder the burden and the responsibility of government, grant them the wisdom and understanding to safeguard the peace, security, and prosperity of Your people. Grant them also the courage to see clearly between right and wrong and adhere to, uplift, and defend what's right. When they have concluded and return home, let them do so knowing they have labored in truth while dispensing grace, that their efforts be deemed appropriate in the eyes of both their creator and constituents. Lord, let it be, according to Your abundant grace. God bless the great State of Texas. 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 Watson was recognized and presented Dr. Gretchen Crook of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate a delegation of certified registered nurse anesthetists from across Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 69

Senator Taylor offered the following resolution:

SR 69, Recognizing the 2019 Texas Capitol Schoolhouse event.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor, joined by Senators Perry and Watson, was recognized and introduced to the Senate a Texas Capitol Schoolhouse delegation including Karina Gullen, Emily Escobar, Claire Chaljub, Menna Soloman Nicola, and Adelynn Thompson.

The Senate welcomed its guests.

INTERPRETER FOR THE DEAF

The interpretation of Senate Resolution 69 was provided by Lee Godbold.

GUEST PRESENTED

Senator West, joined by Senator Whitmire, was recognized and introduced to the Senate Aicha Davis, State Board of Education Member, District 13.

The Senate welcomed its guest.

MESSAGES FROM THE GOVERNOR

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

January 24, 2019

Austin, Texas

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 76th Judicial District, Camp, Morris and Titus Counties, for a term until December 31, 2020 or until her successor shall be duly elected and qualified:

Angela H. Saucier
Pittsburg, Texas

(replacing Judge Kerry D. "Dan" Woodson of Mount Pleasant who is deceased)

Respectfully submitted,

/s/Greg Abbott
Governor

January 28, 2019
Austin, Texas

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Justice of the Thirteenth Court of Appeals, Place 6, for a term until December 31, 2020 or until his successor shall be duly elected and qualified:

Gregory T. "Greg" Perkes
Corpus Christi, Texas

(replacing Justice Dori Contreras Garza of McAllen who was elected Chief Justice of the Thirteenth Court of Appeals)

To be Navarro County Criminal District Attorney for a term until December 31, 2020 or until his successor shall be duly elected and qualified:

William J. "Will" Dixon
Corsicana, Texas

(replacing R. Lowell Thompson of Corsicana who is deceased)

To be Judge of the 254th Judicial District Court, Dallas County, for a term until December 31, 2020 or until her successor shall be duly elected and qualified:

Ashley E. Wysocki
Dallas, Texas

(replacing Judge Darlene Ewing of Dallas who is deceased)

To be Judge of the 464th Judicial District Court, Hidalgo County, for a term until December 31, 2020 or until his successor shall be duly elected and qualified:

Jaime E. Tijerina
McAllen, Texas

(pursuant to SB 1329, 85th Legislature, Regular Session)

Respectfully submitted,

/s/Greg Abbott
Governor

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

January 25, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas

Texas Capitol Station
Austin, Texas

Dear Lieutenant Governor Patrick:

The Supreme Court of Texas has made the following appointments that require the advice and consent of the Senate:

To the Board of Directors of the State Bar of Texas

Jeffrey W. "Jeff" Allison of Houston, Texas on January 22, 2019 for the remainder of an unexpired term through June 30, 2020, upon recommendation by the Governor pursuant to Texas Government Code Section 81.020 (succeeding Joe "Rice" Horkey, Jr.)

To the State Commission on Judicial Conduct

Hon. Lee Gabriel of Fort Worth, Texas, effective January 22, 2019, to fulfill an unexpired term to expire on November 19, 2019 (succeeding Hon. Douglas Lang).

The Supreme Court of Texas respectfully requests the consent and confirmation of the Senate for each of these appointments.

Sincerely,

/s/Nathan L. Hecht
Chief Justice

MESSAGE FROM THE STATE BAR OF TEXAS

The following Message from the State Bar of Texas was read and was referred to the Committee on Nominations:

STATE BAR OF TEXAS
January 25, 2019

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE COMMISSION ON JUDICIAL CONDUCT for a term to expire November 19, 2023:

Ron Bunch
P.O. Box 884
Waxahachie, TX 75168-0884

Mr. Bunch was appointed on September 22, 2017 by then President Tom Vick for a term beginning November 20, 2017 through November 19, 2023. Mr. Bunch replaces Ricky Raven, of Sugar Land, whose term expired November 19, 2017.

Respectfully submitted,

/s/Joe K. Longley
President

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 9**.

SENATE CONCURRENT RESOLUTION 12

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 86th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 30, 2019, and ending on Tuesday, February 5, 2019.

WHITMIRE

SCR 12 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

STANDING COMMITTEES APPOINTED

The President submitted the following committees for the 86th Legislature:

**TEXAS SENATE STANDING COMMITTEES
86th LEGISLATURE****ADMINISTRATION**

Hughes, Chair; Fallon, Vice-chair; Huffman, Johnson, Menéndez, Nichols, Zaffirini.

AGRICULTURE

Hall, Chair; Rodríguez, Vice-chair; Hinojosa, Perry, Schwertner.

BUSINESS AND COMMERCE

Hancock, Chair; Nichols, Vice-chair; Campbell, Creighton, Menéndez, Paxton, Schwertner, Whitmire, Zaffirini.

CRIMINAL JUSTICE

Whitmire, Chair; Huffman, Vice-chair; Buckingham, Flores, Hughes, Miles, Perry.

EDUCATION

Taylor, Chair; Lucio, Vice-chair; Bettencourt, Campbell, Fallon, Hall, Hughes, Paxton, Powell, Watson, West.

FINANCE

Nelson, Chair; Hinojosa, Vice-chair; Bettencourt, Birdwell, Campbell, Flores, Hancock, Huffman, Kolkhorst, Nichols, Perry, Taylor, Watson, West, Whitmire.

HEALTH AND HUMAN SERVICES

Kolkhorst, Chair; Perry, Vice-chair; Buckingham, Campbell, Flores, Johnson, Miles, Powell, Seliger.

HIGHER EDUCATION

Creighton, Chair; West, Vice-chair; Bettencourt, Buckingham, Powell, Taylor, Watson.

INTERGOVERNMENTAL RELATIONS

Lucio, Chair; Schwertner, Vice-chair; Alvarado, Campbell, Fallon, Menéndez, Nichols.

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

Birdwell, Chair; Zaffirini, Vice-chair; Fallon, Flores, Hancock, Hinojosa, Hughes, Miles, Paxton, Powell, Rodríguez.

NOMINATIONS

Buckingham, Chair; Watson, Vice-chair; Alvarado, Hall, Kolkhorst, Miles, Seliger.

PROPERTY TAX

Bettencourt, Chair; Paxton, Vice-chair; Creighton, Hancock, Hinojosa.

STATE AFFAIRS

Huffman, Chair; Hughes, Vice-chair; Birdwell, Creighton, Fallon, Hall, Lucio, Nelson, Zaffirini.

TRANSPORTATION

Nichols, Chair; Hancock, Vice-chair; Alvarado, Hinojosa, Kolkhorst, Perry, Rodríguez, Schwertner, West.

VETERAN AFFAIRS AND BORDER SECURITY

Campbell, Chair; Hall, Vice-chair; Johnson, Lucio, Menéndez, Schwertner, Seliger.

WATER AND RURAL AFFAIRS

Perry, Chair; Creighton, Vice-chair; Alvarado, Johnson, Kolkhorst, Rodríguez, Taylor.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Nelson, Senators Buckingham and Hinojosa will be shown as Co-authors of **SB 3**.

CO-AUTHOR OF SENATE BILL 90

On motion of Senator Menéndez, Senator Rodríguez will be shown as Co-author of **SB 90**.

CO-AUTHOR OF SENATE BILL 116

On motion of Senator Menéndez, Senator Rodríguez will be shown as Co-author of **SB 116**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Menéndez, Senator Alvarado will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 402

On motion of Senator Hinojosa, Senator Schwertner will be shown as Co-author of **SB 402**.

CO-AUTHOR OF SENATE BILL 421

On motion of Senator Kolkhorst, Senator Perry will be shown as Co-author of **SB 421**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 36 by Watson, In memory of Robert Allan Shivers Jr.

SR 72 by Hughes, In memory of Billy Graham.

SR 73 by Hughes, In memory of the life of Keith Crow.

SR 82 by Zaffirini, In memory of Estela Zamora Kramer.

SR 83 by Zaffirini, In memory of Efrain Jesus Laurel.

Congratulatory Resolutions

SR 39 by Birdwell, Nelson, Taylor, Watson, and Zaffirini, Recognizing the Bob Bullock Scholars Program of Baylor University.

SR 41 by Hughes, Recognizing Charles and Jo Ann Whiteside for receiving the W. T. Tardy Service Award from East Texas Baptist University.

SR 42 by Hughes, Congratulating Buster and Hortense Walker on the occasion of their 76th wedding anniversary.

SR 43 by Hughes, Recognizing the induction of the Justiss Ranch into the states' Family Land Heritage Program.

SR 44 by Hughes, Recognizing Mike Fields on the occasion of his retirement.

SR 46 by Nelson, Recognizing Charlotte Allen on the occasion of her retirement.

SR 47 by West, Recognizing Racquel Byrd Sanders for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 48 by West, Recognizing Frankie Mays Batts for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 49 by West, Recognizing Virginia Stewart Adams for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 51 by West, Recognizing Cassandra C. Lindsay for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 52 by West, Recognizing Gail Walters for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 53 by West, Recognizing Phyllis E. Thomas Simpson for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 54 by West, Recognizing Jo Ann Kennedy for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 55 by West, Recognizing Mary Bolden for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 56 by West, Recognizing Helen Cooper Hicks for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 57 by West, Recognizing Bernice McMillon for 50 years of service to Delta Sgma Theta Sorority, Incorporated.

SR 58 by West, Recognizing Ella Goode Johnson for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 59 by West, Recognizing Kay Futrell for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 60 by West, Recognizing Jean Johnson McGill for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 61 by West, Recognizing Georgetta Harding Johnson for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 62 by West, Recognizing Sandra Williams Stephens for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 63 by West, Recognizing Phyllis Burton for 50 years of service to Delta Sigma Theta Sorority, Incorporated.

SR 64 by West, Recognizing Bernice J. Washington for 50 years of service to Alpha Kappa Alpha Sorority, Incorporated.

SR 65 by West, Recognizing Jacqueline Littlefield-Lee for 50 years of service to Alpha Kappa Alpha Sorority, Incorporated.

SR 66 by West, Recognizing Diane Jones for 50 years of service to Alpha Kappa Alpha Sorority, Incorporated.

SR 67 by West, Recognizing Brenda Eikner-Jones for 50 years of service to Alpha Kappa Alpha Sorority, Incorporated.

SR 68 by Zaffirini, Recognizing Dove Springs Proud for its commitment to civic engagement.

SR 70 by Hughes, Congratulating Michael Dougherty for winning first place at the 2018 National FFA Agriscience Fair.

SR 71 by Hughes, Recognizing Dan Shiner on the occasion of his retirement.

SR 74 by Hughes, Recognizing Brookshire Grocery Company on the occasion of its 90th anniversary.

SR 77 by Zaffirini, Recognizing members of the Washington's Birthday Celebration Association.

SR 80 by Schwertner, Commending Christian Alexander Vidaurri for achieving the rank of Eagle Scout.

SR 81 by Schwertner, Commending Caleb Earl Wood for achieving the rank of Eagle Scout.

Official Designation Resolutions

SR 38 by Birdwell, Recognizing February 13, 2019, as Hood County Day.

SR 45 by Nelson, Recognizing January 29, 2019, as Children's Advocacy Centers of Texas Legislative Day.

SR 76 by Zaffirini, Recognizing January 30, 2019, as Laredo Legislative Day.

SR 78 by Campbell, Recognizing January 29, 2019, as Habitat for Humanity Texas Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:31 p.m. adjourned 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:

January 28, 2019

ADMINISTRATION — **SJR 30, SB 409**

RESOLUTIONS ENROLLED

January 23, 2019

SCR 9, SR 29, SR 30, SR 31, SR 32, SR 33, SR 34, SR 35

SENT TO SECRETARY OF STATE

January 28, 2019

SCR 9

