

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SEVENTH DAY

(Tuesday, January 29, 2019)

The Senate met at 11:00 a.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 Harold Welch, Primera Baptist Church, Bastrop, was introduced by the President and offered the invocation as follows:

Lord, thank You for this great State of Texas and for this body as they work during this 86th Texas Legislature. We ask that You protect them, their families, and their homes as they serve their districts and state, so they can keep their minds on the work at hand here in Austin. We pray that You give them wisdom, understanding, and good counsel as they work diligently to keep Texas a great state to live. Lord, bless the leadership in this Senate body, giving them wisdom and good counsel to lead, and may this session be known as an example for all other sessions to come and may the 86th Texas Legislature be known around this great union as an example of state leadership. May God richly 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.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, January 29, 2019 - 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:

**HCR 38** Sanford  
Inviting the governor to address a joint session of the legislature on February 5, 2019.

**HCR 39** Leach  
Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 6, 2019.

**SCR 12** Whitmire Sponsor: Moody  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 30, 2019, and ending on Tuesday, February 5, 2019.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Buckingham was recognized and presented Dr. John Manning of Troy, accompanied by Alexandra Martinez, as the Physician of the Day.

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

**SENATE RESOLUTION 75**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Stephen Willeford of Sutherland Springs for his courageous actions and resolve in the midst of gravely dangerous circumstances; and

WHEREAS, On November 5, 2017, the community of Sutherland Springs experienced great tragedy and heartbreak when a gunman opened fire on worshippers at the First Baptist Church; the gunman killed 26 people and wounded 20 others; and

WHEREAS, Mr. Willeford, whose home is across the street from the church, heard the gunfire and took immediate action; disregarding his own safety, he grabbed his rifle and ran into the street, where he encountered the gunman exiting the church, and the two began exchanging gunfire; Mr. Willeford wounded the gunman, who then got into his vehicle and fled the scene; and

WHEREAS, Mr. Willeford quickly engaged the assistance of Johnnie Langendorff, who had stopped at an intersection while driving near the scene of the shooting, and they embarked on a high-speed chase in Johnnie’s truck in pursuit of the

gunman; the gunman eventually ran off the road and wrecked his vehicle before taking his own life; and

WHEREAS, Stephen Willeford's quick thinking and decisive actions likely saved the lives of others the gunman might have targeted; his courage under extreme pressure has served as an inspiration to his fellow Texans and to citizens across the country, and it is truly fitting that he receive special recognition for his brave conduct; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby commend Stephen Willeford on his selfless and heroic actions in the wake of a horrific mass shooting and community tragedy; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of highest regard from the Texas Senate.

**SR 75** was read.

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

On motion of Senator Zaffirini, the resolution was adopted by a rising vote of the Senate.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Stephen Willeford and his wife, Pamela, along with daughters, Rachel Howe and Stephanie Augustine; granddaughters, Alice Howe and Charlotte Willeford; Heather Willeford; Jeff Leonard; Ronald Leonard; Dora Leonard; Tyler Ramsey; David Colbath; and Katie Carmichael.

The Senate welcomed its guests.

### **MOMENT OF SILENCE OBSERVED**

At the request of Senator Alvarado, the Senate observed a moment of silence in honor of the police officers from Houston who were injured in the line of duty yesterday.

### **GUESTS PRESENTED**

Senator Flores was recognized and introduced to the Senate Manuel and Amelia Valles.

The Senate welcomed its guests.

### **SENATE RESOLUTION 45**

Senator Nelson offered the following resolution:

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

The resolution was again read.

The resolution was previously adopted on Monday, January 28, 2019.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation representing Children's Advocacy Centers of Texas.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate a delegation from Sul Ross Middle School of San Antonio, accompanied by Principal Faustino Ortega, Irene Alvarez, Adriana Heard, Sarah Brewer, Denise Grenier, and the following students: Iliana Fuentes, Sarah Schoen, Isabel Zamora, Kimberly Aguilar, Daniela Perez, Promise Adebimpe, Kati Maldonado, Erica Moreno, Debbie Pedroso, and Hannah Rojas.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate students from Valor Public Schools, accompanied by Dan Stott, Middle School Dean, and Ethan Norris, history teacher.

Senator Zaffirini also introduced to the Senate Peyton and Kyla Terry, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Flores was recognized and introduced to the Senate a delegation from Zavala County: County Judge Joe Luna, Precinct 3 Commissioner Jesse Gonzalez, Precinct 2 Commissioner Miguel "Mike" Acosta, Sheriff Eusevio Salinas, County Treasurer Elizabeth Tovar, District Clerk Rachel Ramirez, Tax Assessor-Collector Cindy M. Rivera, Justice of the Peace Precinct 1 Paula Mae Deleon, Precinct 4 Commissioner Florencio Melendrez, Justice of the Peace Precinct 4 Susie Bermea, County Auditor Carlos Pereda, Crystal City Mayor Frank Moreno, and Mayor Pro Tempore Joel Barajas.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Fallon was recognized and introduced to the Senate a delegation from Mineral Wells: Christopher Perricone, Brian Shoemaker, Doyle Light, Jerrel Tomlin, Regan Johnson, Tammy Underwood, Margie Rose, John Kuhn, Kriste Burnett, Ryan Roach, Roger Smith, Marcelinda Williams, Rose Jordan, and Shane Coleman.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a delegation from the Independent Insurance Agents of Texas.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate a delegation from Frio County: County Judge Arnulfo C. Luna, Precinct 1 Commissioner Vickie Camacho, Precinct 4 Commissioner Jose Asuncion, County Attorney Joseph Sindon, County Election Administrator Carlos Segura, District Clerk Ofilia Trevino, Pearsall Mayor Mary Moore and Councilmember Ben Briscoe, and Dilley Mayor Pro Tempore Sabino Mena and Councilmember Joe Garcia.

The Senate welcomed its guests.

### ACKNOWLEDGMENT

Senator Bettencourt, joined by Senator Menéndez, acknowledged Teal Tuesday for women's cancer awareness, the KK-125 Ovarian Cancer Research Foundation, and the passage of an adult stem cell research bill in the 85th Legislature.

### MESSAGE FROM THE GOVERNOR

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

January 29, 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 a member of the Texas Mutual Insurance Company Board of Directors for a term to expire July 1, 2023:

Ronald E. "Ron" Simmons  
Carrollton, Texas

*(replacing Delia M. Reyes of Dallas whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

### HOUSE CONCURRENT RESOLUTION 39

The President laid before the Senate the following resolution:

WHEREAS, State law provides that "[a]t a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a written or oral state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state"; now, therefore, be it

RESOLVED by the 86th Texas Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives for that purpose on Wednesday, February 6, 2019, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Nathan L. Hecht, Chief Justice of the Supreme Court of Texas, be, and is hereby, invited to address the Regular Session of the 86th Legislature in Joint Session at that time.

WHITMIRE

**HCR 39** was read.

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

### **HOUSE CONCURRENT RESOLUTION 38**

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 86th Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives on Tuesday, February 5, 2019, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Greg Abbott, Governor of the State of Texas, be, and is hereby, invited to address the Regular Session of the 86th Legislature in Joint Session at that time.

BETTENCOURT

**HCR 38** was read.

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

### **CO-AUTHOR OF SENATE BILL 282**

On motion of Senator Buckingham, Senator Nichols will be shown as Co-author of **SB 282**.

### **CO-AUTHOR OF SENATE BILL 339**

On motion of Senator Huffman, Senator Alvarado will be shown as Co-author of **SB 339**.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Welcome and Congratulatory Resolutions**

**SR 79** by Fallon, Welcoming the citizens of Mineral Wells to the State Capitol.

**SR 87** by Rodríguez, Recognizing the Reverberations of Memory, Violence, and History Conference.

**SR 88** by Creighton, Commending Jackson Harbin Robuck for achieving the rank of Eagle Scout.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:12 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 28, 2019

**SR 36, SR 38, SR 39, SR 41, SR 42, SR 43, SR 44, SR 45, SR 46, SR 47, SR 48, SR 49, SR 51, SR 52, SR 53, SR 54, SR 55, SR 56, SR 57, SR 58, SR 59, SR 60, SR 61, SR 62, SR 63, SR 64, SR 65, SR 66, SR 67, SR 68, SR 69, SR 70, SR 71, SR 72, SR 73, SR 74, SR 76, SR 77, SR 78, SR 80, SR 81, SR 82, SR 83**

