

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Tuesday, February 19, 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.

The Reverend Randy Wells, Faith Mission and Help Center, Brenham, offered the invocation as follows:

Father God, in the name of Jesus Christ, I thank You for the privilege to pray today in the Texas State Senate. May Your presence, power, and peace rest upon these Your public servants. You told us in Proverbs 3:5-6 to trust in the Lord with all our hearts and lean not unto our own understanding, in all our ways acknowledge You and You would direct our path. Give them Your wisdom as they legislate and deliberate over the decisions that will affect the lives of approximately 30 million Texans. Bless each and every one of them and their families in Jesus Christ's name. Finally, in the words of Samuel F. Smith: My country, 'tis of thee, sweet land of liberty, of thee I sing; land where my fathers died, land of the pilgrims' pride, from every mountainside let freedom ring. 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 GOVERNOR

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

February 14, 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 members of the Texas Commission on the Arts for terms to expire as indicated:

To Expire August 31, 2021:

Sean Payton

Killeen, Texas

(replacing Felix N. Padron, Jr. of San Antonio who resigned)

To Expire August 31, 2023:

Deborah "Debbie" Gray Marino

San Antonio, Texas

(replacing Kevin Yu of Dallas who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

(Senator Flores in Chair)

SENATE RESOLUTION 190

Senator Seliger offered the following resolution:

SR 190, Recognizing February 19, 2019, as Panhandle Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a delegation from the Panhandle including Laura Street, Amarillo Economic Development Corporation; Shannon Massey, Bell Helicopter Textron; Marvin Dickson, Mayor of Borger; and Victoria Rose Whitehead, High Plains Water District.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 219

Senator Rodríguez offered the following resolution:

SR 219, Recognizing February 19, 2019, as El Paso Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate an El Paso Day delegation including City Representative Claudia Ordaz; County Judge Ricardo Samaniego; David Jerome, President and CEO, El Paso Chamber of Commerce; VJ Smith, El Paso Chamber of Commerce; and Richard Lange, President, Texas Tech University Health Sciences Center El Paso.

The Senate welcomed its guests.

(Senator Powell in Chair)

GUESTS PRESENTED

Senator Nelson, joined by Senators Paxton and Fallon, was recognized and introduced to the Senate the Leadership Frisco Class of 2019 including Shona Huffman and Julie Stallcup.

The Senate welcomed its guests.

SENATE RESOLUTION 196

Senator Hughes offered the following resolution:

SR 196, Recognizing February 19, 2019, as Texas FFA Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hughes, joined by Senator Campbell, was recognized and introduced to the Senate a Texas FFA Association Day delegation.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Rita Schindeler-Trachta of Austin as the Physician of the Day.

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

(President in Chair)

GUESTS PRESENTED

Senator Fallon was recognized and introduced to the Senate a Wise County delegation including County Judge J. D. Clark and Commissioners Danny White, Kevin Burns, Harry Lamance, and Gaylord Kennedy.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate a delegation representing TXRXlabs in Houston including Lauren Caldarera, Joseph Miller, and Katy Stanton.

The Senate welcomed its guests.

SENATE RESOLUTION 216

Senator Perry offered the following resolution:

SR 216, Recognizing February 19, 2019, as Small and Rural Incumbent Local Exchange Carriers Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate a Small and Rural Incumbent Local Exchange Carriers Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Texas Association of Chicanos in Higher Education (TACHE) delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation of registered nurses and licensed vocational nurses celebrating Nurse Day including Capitol Nurse Practitioner Ginger Mcgalin.

The Senate welcomed its guests.

SENATE RESOLUTION 33

Senator Kolkhorst offered the following resolution:

SR 33, Recognizing February 19, 2019, as Matagorda County Day.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 23, 2019.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Matagorda County Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 113

Senator Flores offered the following resolution:

WHEREAS, Many dedicated officers and honorably retired officers of the Texas Parks and Wildlife Department are visiting Austin on February 19, 2019, to celebrate Texas Game Warden Day in conjunction with the annual Texas Game Warden and Game Warden Peace Officer Association Conference at the State Capitol; and

WHEREAS, Since 1895, when the office of Fish and Oyster Commissioner was created by the 24th Texas Legislature, game wardens have played an essential role in wildlife conservation; the Fish and Oyster Commission was given jurisdiction in 1899 over all public waters, including freshwater streams, lakes, and ponds, and its purview was soon extended to shrimping and hunting; and

WHEREAS, The name of the agency later became the Game, Fish, and Oyster Commission, and it changed again several times to reflect the expansion of its mission until, in 1963, it merged with the State Parks Board to form the current agency; in 1919, there were just six wardens, but their numbers grew as their duties continued to

evolve, encompassing such tasks as the promotion of recreational water safety and the apprehension of criminals involved in a range of illegal activities in addition to wildlife law violations; and

WHEREAS, In 1971, the legislature formally recognized as peace officers all law enforcement officers within the Texas Parks and Wildlife Department; the state is served today by some 550 game wardens, whose responsibilities have grown to include participation in homeland security initiatives on the state's border with Mexico; and

WHEREAS, For well over a century, game wardens have enforced natural resource conservation laws in the Lone Star State, and their vital contributions have earned the deep appreciation of all Texans; now, therefore, be it

RESOLVED, That the Senate of the 86th Texas Legislature hereby recognize February 19, 2019, as Texas Game Warden Day at the State Capitol and honor these outstanding professionals as they commemorate 124 years of public service.

SR 113 was read and was adopted without objection.

GUESTS PRESENTED

Senator Flores, joined by Senators Menéndez and Lucio, was recognized and introduced to the Senate a Texas Game Warden Day delegation including Quint Balkcom, Margaret Martin, and Grahame Jones.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate a Panola County delegation including Carthage City Manager Steve Williams, Tommie Ritter Smith, Olin Joffrion, Jerry Hanszen, Ida Beck, and Greg Powell.

The Senate welcomed its guests.

SENATE RESOLUTION 200

Senator Hinojosa offered the following resolution:

SR 200, Recognizing February 19, 2019, as Jim Wells County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Jim Wells County Day delegation including County Judge Juan Rodriguez, Commissioners Wicho Gonzalez and Carlos Gonzalez, County Attorney Michael Guerra, and Alice Chamber of Commerce Ambassador Nena Castillo-Pitts.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fallon was recognized and introduced to the Senate a Stephenville Economic Development Corporation delegation including Mayor Doug Svien and Dwain Mayfield.

The Senate welcomed its guests.

SENATE RESOLUTION 220

Senator Miles offered the following resolution:

SR 220, Commemorating the 46th anniversary of the year Mickey Leland was sworn in as a member of the Texas House of Representatives.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate Theophilus Herrington, Carroll G. Robinson, and a delegation of students and faculty from Texas Southern University.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 46**.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Buckingham submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Justice, Court of Appeals, Eleventh Court of Appeals District: Keith David Stretcher, Midland County.

Justice, Court of Appeals, Tenth Court of Appeals District: John Edward Neill, Johnson County.

Justice, Court of Appeals, Thirteenth Court of Appeals District: Gregory Thomas Perkes, Nueces County.

Criminal District Attorney, Navarro County: William James Dixon, Navarro County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Buckingham gave notice that she would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Bettencourt, Senator Campbell will be shown as Co-author of **SB 2**.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Nelson, Senators Powell, Bettencourt, and Alvarado will be shown as Co-authors of **SB 3**.

CO-AUTHOR OF SENATE BILL 71

On motion of Senator Nelson, Senator Alvarado will be shown as Co-author of **SB 71**.

CO-AUTHOR OF SENATE BILL 194

On motion of Senator Perry, Senator Alvarado will be shown as Co-author of **SB 194**.

CO-AUTHOR OF SENATE BILL 312

On motion of Senator Buckingham, Senator Rodríguez will be shown as Co-author of **SB 312**.

CO-AUTHOR OF SENATE BILL 548

On motion of Senator Birdwell, Senator Nichols will be shown as Co-author of **SB 548**.

CO-AUTHOR OF SENATE BILL 586

On motion of Senator Watson, Senator Alvarado will be shown as Co-author of **SB 586**.

CO-AUTHOR OF SENATE BILL 591

On motion of Senator Watson, Senator Campbell will be shown as Co-author of **SB 591**.

CO-AUTHOR OF SENATE BILL 641

On motion of Senator Huffman, Senator Alvarado will be shown as Co-author of **SB 641**.

CO-AUTHOR OF SENATE BILL 646

On motion of Senator Birdwell, Senator Nichols will be shown as Co-author of **SB 646**.

CO-AUTHOR OF SENATE BILL 779

On motion of Senator Zaffirini, Senator Menéndez will be shown as Co-author of **SB 779**.

CO-AUTHOR OF SENATE BILL 792

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 792**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Buckingham, Senator Powell will be shown as Co-author of **SJR 10**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 203 by Watson, In memory of Grover L. Bynum Jr.

SR 204 by Watson, In memory of Charles Dicky Travis.

SR 206 by Seliger, In memory of Jimmie Ray Bridges.

SR 207 by Zaffirini, In memory of J. Taylor Brite.

SR 213 by Zaffirini, In memory of Elsa Gonzalez Laurel.

Welcome and Congratulatory Resolutions

SCR 6 by Hughes, Recognizing Bobby Lockhart on the occasion of his retirement.

SCR 8 by Hughes, Recognizing James R. Cowart on the occasion of his retirement.

SCR 11 by Hughes, Recognizing the Shoults family on the 75th anniversary of Bear Creek Smokehouse.

SCR 14 by Hughes, Recognizing James Henry Russell for his service as president of Texarkana College.

SR 209 by Nelson, Hancock, and Johnson, Recognizing the Dallas-Fort Worth International Airport for being named the Global Airport of the Year.

SR 210 by Nelson, Welcoming Leadership Frisco to the State Capitol.

SR 212 by Buckingham, Congratulating Shawn Stephenson, Jeff Evans, Steve Tippett, and Cody Buckaloo for receiving DPS Life Saving Awards.

SR 215 by Rodríguez, Recognizing the community action agencies of Texas.

Official Designation Resolutions

SR 124 by Taylor, Recognizing February 18, 2019, as State of Texas Anniversary Remembrance Day.

SR 202 by Nelson and Fallon, Recognizing February 18 through 20, 2019, as Denton County Days.

SR 208 by Hall, Recognizing February 20, 2019, as Garland Day.

SR 218 by Flores, Recognizing February 6, 2019, as Uvalde County Day.

ADJOURNMENT

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

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 19, 2019

HEALTH AND HUMAN SERVICES — CSSB 10

RESOLUTIONS ENROLLED

February 14, 2019

SR 195, SR 198, SR 199, SR 201

SENT TO SECRETARY OF STATE

February 19, 2019

SCR 16