

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTEENTH DAY

(Tuesday, February 26, 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 Ken Kesselus, Calvary Episcopal Church, Bastrop, offered the invocation as follows:

Eternal God, who is love, help us recall the essential values of human community: peace and protection, compassion and hope, justice and mercy, order and renewal, perseverance and patience. We pray for our Lieutenant Governor, our Senators, and the staff who aid them. Give them courage and wisdom, discernment and respect for the dignity of all, a vision for new possibilities, and a spirit of cooperation that will unite all who live in this great state. And, in difficult times, help them remember this promise of the prophet of old: Those who trust in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not faint. All this I pray in the spirit of Your many names.

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, February 26, 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 54 Collier

In memory of former State Representative Reby Cary.

HCR 79 Geren

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 27, 2019, and ending on Monday, March 4, 2019.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Kolkhorst was recognized and presented Dr. Eric Alford of Brenham as the Physician of the Day.

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

SENATE RESOLUTION 241

Senator Nelson offered the following resolution:

SR 241, Recognizing February 26, 2019, as American Cancer Society Cancer Action Network Day.

The resolution was again read.

The resolution was previously adopted on Monday, February 25, 2019.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate an American Cancer Society Cancer Action Network delegation including President Lisa Lacasse, Paul Hall, James Gray, and Jeff Fehlis.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Live Oak County Historical Commission delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 245

Senator Rodríguez offered the following resolution:

SR 245, Recognizing February 26, 2019, as Presidio County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a Presidio County delegation including County Judge Cindy Guevara, Commissioner Buddy Knight, Presidio Mayor John Ferguson and City Manager Joe Portillo, Justice of the Peace David Beebe, Presidio ISD Superintendent Ray Vasquez, and Marfa ISD Superintendent Oscar Aguero.

The Senate welcomed its guests.

(Senator Johnson in Chair)

SENATE RESOLUTION 252

Senator Taylor offered the following resolution:

SR 252, Recognizing February 26, 2019, as Space Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate a NASA Johnson Space Center delegation including Director Mark Geyer, Astronauts Stephanie Wilson and Tracy Caldwell Dyson, Houston Councilmember Dave Martin, and Bay Area Houston Economic Partnership President Bob Mitchell.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West, joined by Senator Miles, was recognized and introduced to the Senate representatives of The Links, Incorporated, including his wife, Carol West.

The Senate welcomed its guests.

SENATE RESOLUTION 230

Senator Perry offered the following resolution:

SR 230, Recognizing February 26, 2019, as Ward County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate a Ward County Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

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

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate representatives of Sacred Heart Catholic School in Uvalde.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

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

The Senate welcomed its guests.

SENATE RESOLUTION 244

Senator Hall offered the following resolution:

SR 244, Recognizing February 26, 2019, as Hunt County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate a Hunt County Day delegation.

The Senate welcomed its guests.

(Senator Fallon in Chair)

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Texas Pharmacy Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 272

Senator Miles offered the following resolution:

SR 272, Recognizing February 26, 2019, as Grammy Texas Music Advocacy Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate a Grammy Texas Music Advocacy Day delegation including Recording Academy Texas Chapter President Yolanda Adams, Vice-president Laura Mordecai, Secretary Ricky Anderson, National Trustee Tim Palmer, and Chapter Governor Paul Wall.

The Senate welcomed its guests.

SENATE RESOLUTION 118

Senator Creighton offered the following resolution:

SR 118, Welcoming the members of the Montgomery County Coalition of Chambers to the State Capitol.

CREIGHTON
NICHOLS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Creighton, joined by Senators Nichols and Kolkhorst, was recognized and introduced to the Senate a Montgomery County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate a Pecos County Day delegation including Joe Shuster, Tom Chapman, Mickey Jack Perry, Santiago Cantu Jr., Chris Alexander, Frank Rodriguez, Mike Ureta, Pam Palileo, Ruben Falcon, and James Warnock.

The Senate welcomed its guests.

SENATE RESOLUTION 270

Senator Miles offered the following resolution:

SR 270, Recognizing February 26, 2019, as Greater Houston Black Chamber Legislative Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate a Greater Houston Black Chamber delegation including Chair Carol Guess, Advocacy and Policy Chair Jeri Brooks, and Angelique Bartholomew.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell, joined by Senator Hughes, was recognized and introduced to the Senate a Texas Nursery & Landscape Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 273

Senator Miles offered the following resolution:

SR 273, Recognizing February 26, 2019, as University of Houston-Downtown Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles, joined by Senator Alvarado, was recognized and introduced to the Senate a University of Houston-Downtown delegation, accompanied by President Juan Sánchez Muñoz, Regents Paula Mendoza and Gerald McElvy, Student Regent Andrew Teoh, and Student Government Association President Amita Tajadod.

The Senate welcomed its guests.

SENATE RESOLUTION 224

Senator Schwertner offered the following resolution:

SR 224, Recognizing February 26, 2019, as Sheriffs' Association of Texas Day.

The resolution was read.

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

On motion of Senator Schwertner, **SR 224** was adopted without objection.

GUESTS PRESENTED

Senator Schwertner, joined by Senators Huffman, Bettencourt, Kolkhorst, and Paxton, was recognized and introduced to the Senate a Sheriffs' Association of Texas delegation including Robertson County Sheriff Gerald Yezak, Brazoria County Sheriff Charles Wagner, Collin County Sheriff Jim Skinner, and Executive Director Steve Westbrook.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate a Texas EMS Trauma & Acute Care Foundation delegation.

The Senate welcomed its guests.

(President in Chair)

HOUSE CONCURRENT RESOLUTION 79

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, February 27, 2019, and ending on Monday, March 4, 2019.

WHITMIRE

HCR 79 was read.

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

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:

Judge, 200th Judicial District Court, Travis County: Dustin Mark Howell, Travis County.

Judge, 213th Judicial District Court, Tarrant County: Christopher Robert Wolfe, Tarrant County.

Judge, 254th Judicial District Court, Dallas County: Ashley Elizabeth Wysocki, Dallas County.

Judge, 453rd Judicial District Court, Hays County: David Crawford Junkin, Hays County.

Judge, 462nd Judicial District Court, Denton County: Lee Ann Breeding, Denton County.

Judge, 464th Judicial District Court, Hidalgo County: Jaime Eduardo Tijerina, Hidalgo County.

Judge, 51st Judicial District Court, Coke, Irion, Schleicher, Sterling, and Tom Green Counties: Carmen Symes Dusek, Tom Green County.

Judge, 76th Judicial District Court, Camp, Morris, and Titus Counties: Angela Hammonds Saucier, Camp County.

Presiding Judge, Eighth Administrative Judicial Region: David Lattimore Evans, Tarrant County.

Presiding Judge, Eleventh Administrative Judicial Region: Susan Baetz Brown, Harris County.

Presiding Judge, First Administrative Judicial Region: Raymond G. Wheless, Collin County.

Presiding Judge, Fourth Administrative Judicial Region: Sidney Lee Harle, Bexar County.

Presiding Judge, Second Administrative Judicial Region: Olen U. Underwood, Montgomery County.

Presiding Judge, Tenth Administrative Judicial Region: Fredrick Charles, Gregg County.

Presiding Judge, Third Administrative Judicial Region: Billy Ray Stubblefield, Williamson County.

Commissioner of Insurance: Kent C. Sullivan, Travis County.

Commissioner, Department of Family and Protective Services: Henry Lee Whitman, Wilson County.

Criminal District Attorney, Wood County: Angela Lea Albers, Wood County.

Executive Commissioner, Health and Human Services Commission: Courtney N. Phillips, Travis County.

Director, Office of State-Federal Relations: Thomas W. Hambrick, Harris County.

Commissioners, Public Utility Commission of Texas: Shelly Lyn Botkin, Travis County; Arthur Cleveland D'Andrea, Travis County; DeAnn Thomason Walker, Travis County.

Member, Texas Commission on Environmental Quality: Emily Kathryn Lindley, Travis County.

Adjutant General, Texas Military Department: Tracy Ray Norris, Travis County.

Member, Board of Directors, Texas Mutual Insurance Company: Ronald Ellis Simmons, Denton 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-AUTHORS OF SENATE BILL 14

On motion of Senator Nichols, Senators Seliger and West will be shown as Co-authors of **SB 14**.

CO-AUTHOR OF SENATE BILL 31

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 31**.

CO-AUTHOR OF SENATE BILL 183

On motion of Senator Miles, Senator Watson will be shown as Co-author of **SB 183**.

CO-AUTHORS OF SENATE BILL 312

On motion of Senator Buckingham, Senators Nichols and Schwertner will be shown as Co-authors of **SB 312**.

CO-AUTHOR OF SENATE BILL 346

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 346**.

CO-AUTHOR OF SENATE BILL 362

On motion of Senator Huffman, Senator Hinojosa will be shown as Co-author of **SB 362**.

CO-AUTHOR OF SENATE BILL 401

On motion of Senator Hancock, Senator Watson will be shown as Co-author of **SB 401**.

CO-AUTHORS OF SENATE BILL 404

On motion of Senator Birdwell, Senators Nichols and Schwertner will be shown as Co-authors of **SB 404**.

CO-AUTHOR OF SENATE BILL 408

On motion of Senator Birdwell, Senator Nichols will be shown as Co-author of **SB 408**.

CO-AUTHOR OF SENATE BILL 846

On motion of Senator Hughes, Senator Schwertner will be shown as Co-author of **SB 846**.

CO-AUTHOR OF SENATE BILL 863

On motion of Senator Watson, Senator Seliger will be shown as Co-author of **SB 863**.

CO-AUTHOR OF SENATE BILL 891

On motion of Senator Huffman, Senator Creighton will be shown as Co-author of **SB 891**.

CO-AUTHOR OF SENATE BILL 943

On motion of Senator Watson, Senator Nichols will be shown as Co-author of **SB 943**.

CO-AUTHOR OF SENATE BILL 1005

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 1005**.

CO-AUTHOR OF SENATE BILL 1006

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 1006**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 35

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SJR 35**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 43

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SJR 43**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolution

SR 277 by Lucio, Recognizing Arturo Elias Ayub for his selection as Mr. Amigo 2018.

Official Designation Resolutions

SR 250 by Hughes, Recognizing February 26, 2019, as East Texas Coalition Day.

SR 268 by Flores, Recognizing February 26, 2019, as Pecos County Day.

SR 271 by Miles, Recognizing February 26, 2019, as The Links, Incorporated, Day.

SR 275 by Kolkhorst, Recognizing February 28, 2019, as Aransas County Day.

SR 276 by Campbell, Recognizing February 27, 2019, as Buda Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:20 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 26, 2019

FINANCE — **CSSB 3**

RESOLUTIONS ENROLLED

February 25, 2019

**SR 137, SR 211, SR 227, SR 229, SR 239, SR 241, SR 242, SR 243, SR 246,
SR 247, SR 248, SR 249, SR 251, SR 253, SR 254, SR 255, SR 256, SR 257,
SR 258, SR 259, SR 260, SR 261, SR 263, SR 264, SR 266, SR 267**