

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## EIGHTEENTH DAY

(Wednesday, February 27, 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 Steve Washburn, First Baptist Church, Pflugerville, offered the invocation as follows:

Father, I thank You for the opportunity to stand before this honorable assembly of men and women today. I cannot presume to know their hearts and minds so I do not come leading them in prayer. Rather, I come praying for them. You have called them to this great service. You have ordained them as our leaders and lawmakers. So now, Father, as they begin their divinely appointed role of service in this new day, I lift them up to You and ask You to bless them richly. Bless their health. They work under terrible pressure. Give them rest in the midst of the stress as they labor selflessly on behalf of the people of Texas. No doubt, the demands of this high calling put a great strain on their families. For those who are married, I ask that You bless their marriages and bless and protect their children. And, Father, as the end of the day approaches, send them home with a great sense of accomplishment, knowing they have given themselves in this day to a high and noble calling. On behalf of the people of the State of Texas, I ask that You rain Your blessings down on each of them today, Father. And I ask this all in the great name of Jesus. 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 Schwertner was recognized and presented Dr. Paul Berg of Georgetown, accompanied by his son, Lucas, as the Physician of the Day.

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

### SENATE RESOLUTION 269

Senator Miles offered the following resolution:

WHEREAS, Vanessa E. Wyche serves with great distinction as deputy director of the NASA Johnson Space Center; and

WHEREAS, In her role, Vanessa Wyche helps lead nearly 10,000 civil service and contractor employees in operations and development of human spaceflight programs; she previously served JSC as director of Exploration Integration and Science, guiding efforts to enable human and robotic exploration of deep space in preparation for missions to Mars; over the course of her noteworthy career as an engineer and manager, she has also held such important positions as flight manager of several missions of the retired Space Shuttle Program and executive officer in the Office of the NASA Administrator; and

WHEREAS, Ms. Wyche is vice chair of the board of Space Center Houston, and she serves on the board of advisors of Houston Exponential, SpaceCom, and NASA's College Scholarship Fund; committed to nurturing the next generation of experts in science, technology, engineering, and mathematics, she leads an annual science fair at an underserved elementary school; moreover, she is executive sponsor of the JSC Chapter of the National Society of Black Engineers, and she gives generously of her time and talents to a number of worthy organizations, among them The Links, Incorporated, Delta Sigma Theta Sorority, and Jack and Jill of America; and

WHEREAS, Widely admired for her professional accomplishments and civic contributions, Ms. Wyche has received numerous accolades, including two NASA Outstanding Leadership Medals and two NASA Achievement Medals; in 2017, she was named an Inspiring Woman from South Carolina by Women in Philanthropy and Leadership at Coastal Carolina University; she holds both a bachelor's degree in engineering and a master's degree in bioengineering from Clemson University; and

WHEREAS, Through her vision, leadership, and dedication, Vanessa Wyche has greatly benefited the nation's space program, and she has set an inspiring example for her fellow citizens; now, therefore, be it

RESOLVED, That the Senate of the 86th Texas Legislature hereby honor Vanessa E. Wyche for her outstanding service as deputy director of the NASA Johnson Space Center and extend to her sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Ms. Wyche as an expression of high regard by the Texas Senate.

**SR 269** 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 Miles, **SR 269** was adopted by a rising vote of the Senate.

**GUESTS PRESENTED**

Senator Miles, joined by Senators Bettencourt, Taylor, and West, was recognized and introduced to the Senate Vanessa Wyche, Deputy Director of the NASA Johnson Space Center; her husband, George Wyche Jr.; her son, George Wyche III; and her in-laws George and Rodester Wyche.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate an Alabama-Coushatta Tribe of Texas Day delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 138**

Senator Menéndez offered the following resolution:

**SR 138**, Recognizing Texas PTA for its work on behalf of the state's youth.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Menéndez, joined by Senators Nelson, Lucio, and Paxton, was recognized and introduced to the Senate a Texas PTA delegation, accompanied by President Sheri Doss.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate members of Girl Scout Troop 2074 including Brook Boullion, Mary O'Gorman, Katie Haag, Tegan Wolfe, Madison Smith, Kaylynn Wheeler, Nikki Martinez, Isabella Mora, and Troop Leader Michelle Haag.

The Senate welcomed its guests.

**(Senator Watson in Chair)**

**GUESTS PRESENTED**

Senator Hughes was recognized and introduced to the Senate a Lamar County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 262**

Senator Seliger offered the following resolution:

**SR 262**, Recognizing February 27, 2019, as Howard County Day.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Howard County delegation.

The Senate welcomed its guests.

### SENATE RESOLUTION 232

Senator Perry offered the following resolution:

**SR 232**, Recognizing February 27, 2019, as United Way's Community Day.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Perry, joined by Senator Campbell, was recognized and introduced to the Senate representatives of United Ways of Texas and the women's United Way coalition.

The Senate welcomed its guests.

### SENATE RESOLUTION 274

Senator Hinojosa offered the following resolution:

**SR 274**, Recognizing February 27, 2019, as Coastal Bend Day.

HINOJOSA  
KOLKHORST  
LUCIO  
ZAFFIRINI

The resolution was read.

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

On motion of Senator Hinojosa, **SR 274** was adopted without objection.

### GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Coastal Bend Day delegation including Philip Ramirez, Rosemary Vega, Jeff Hentz, Shelly Stuart, and Jane Gimler.

The Senate welcomed its guests.

**(President in Chair)**

### GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Westlake High School Career Day students: Anney Woodard, Ty Williams, and Daniel Salazar.

The Senate welcomed its guests.

**(Senator Hughes in Chair)**

### SENATE RESOLUTION 123

Senator Taylor offered the following resolution:

**SR 123**, Recognizing February 27, 2019, as Pearland Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a Pearland Day delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Buckingham was recognized and introduced to the Senate a delegation representing the American Society of Heating, Refrigeration, and Air Conditioning Engineers.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate an Eva's Heroes Day delegation including Seth Walton.

The Senate welcomed its guests.

**(President in Chair)**

**SENATE RESOLUTION 233**

Senator Perry offered the following resolution:

**SR 233**, Recognizing February 27, 2019, as Lubbock Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Perry was recognized and introduced to the Senate a delegation from Lubbock including Mayor Dan Pope, County Judge Curtis Parrish, Abel Castro, Tedd Mitchell, Lindley Herring, and U.S. Representative Jodey Arrington.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate a delegation from the City of Buda.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hughes was recognized and introduced to the Senate a Harrison County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 264**

Senator Watson offered the following resolution:

**SR 264**, In memory of John E. McCarthy.

The resolution was again read.

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

In honor of the memory of John E. McCarthy, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Watson was recognized and introduced to the Senate family and friends of Bishop John E. McCarthy: Charlene McCarthy, sister-in-law; Bishop Joe Vasquez; Richard Daly; Luci Baines Johnson; and St. Edward's University President George Martin.

The Senate welcomed its guests and extended its sympathy.

#### **GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Bastrop County delegation of community leaders.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Fallon was recognized and introduced to the Senate a Young County You Lead delegation including Becca Sullivan, Brendan Weatherman, Charise Bewley, Christian Sanders, Colby Kramer, Dan DeLaCruz, Dana Dickey, Erin Gatton, Jamie Epperson, Jared Hampton, Samantha Purdy, Stephanie Campbell, Tim Walker, and Tracey Terasas.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 108**

Senator Birdwell offered the following resolution:

**SR 108**, Welcoming the members of the Texas State Technical College delegation to the State Capitol.

BIRDWELL	KOLKHORST
BUCKINGHAM	LUCIO
HUFFMAN	PERRY
HUGHES	SCHWERTNER

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Birdwell, joined by Senators Perry and Buckingham, was recognized and introduced to the Senate a Texas State Technical College delegation, accompanied by Chancellor Mike Reeser, Regent John Hatchel, Jonathan Bonkoske, Iris De La Fuente, and Victoria Rincones.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Fallon was recognized and introduced to the Senate the Leadership Montague Class of 2019: Kenny Hopkins, Nell Ann McBroom, Cindy Roller, Melanie Potter, Casey Polhemus, Donna Culpepper, Ethan Romine, Jack Lawson, Cara Krueger, and Justin Hansard.

The Senate welcomed its guests.

**MESSAGES FROM THE GOVERNOR**

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

February 27, 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 a member of the State Cemetery Committee for a term to expire February 1, 2025:

Carolyn K. Hodges

Houston, Texas

*(Ms. Hodges is being reappointed)*

To be members of the Texas Board of Medical Radiologic Technology for terms to expire February 1, 2025:

Faraz A. Khan, M.D.

Houston, Texas

Regan L. R. Landreth

Georgetown, Texas

Carol Waddell

West, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott

Governor

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 60**.

**GUESTS PRESENTED**

Senator Fallon, joined by Senator Paxton, was recognized and introduced to the Senate a delegation from the City of Wylie including Stacie Gooch, Heather Leggett, Stacie Smith, Mitch Herzog, Matt Atkins, Barbara Goss, Mayor Eric Hogue, and Councilmember Keith Stephens.

The Senate welcomed its guests.

### **RECESS**

On motion of Senator Whitmire, the Senate at 12:49 p.m. recessed until 12:59 p.m. today.

### **AFTER RECESS**

The Senate met at 1:08 p.m. and was called to order by the President.

### **GUEST PRESENTED**

Senator Fallon was recognized and introduced to the Senate Sylvia Overton.

The Senate welcomed its guest.

### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Buckingham.

Senator Buckingham moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### **NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

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 Breading, 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.

**SENATE RULE 8.02 SUSPENDED**  
**(Referral to Committee)**

On motion of Senator Creighton and by unanimous consent, Senate Rule 8.02 was suspended in order to amend the Senate Rules.

**SENATE RESOLUTION 300**

Senator Creighton offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate, 86th Legislature, be amended by amending Rule 11.02 to read as follows:

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)
- (3) Committee on Business and Commerce (9 members)
- (4) Committee on Criminal Justice (7 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 (9 members) [~~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) Committee on Transportation (9 members)
- (15) Committee on Veteran Affairs and Border Security (7 members)
- (16) Committee on Water and Rural Affairs (7 members).

**SR 300** was read and was adopted by the following vote: Yeas 31, Nays 0.

STANDING COMMITTEE MEMBERS APPOINTED

The President announced the appointment of the following committee members:

HIGHER EDUCATION

Flores, Menéndez.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Nelson, Senators Birdwell, Menéndez, Johnson, Rodríguez, and Seliger will be shown as Co-authors of **SB 3**.

CO-AUTHORS OF SENATE BILL 14

On motion of Senator Nichols, Senators Bettencourt, Hall, Kolkhorst, and Nelson will be shown as Co-authors of **SB 14**.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Huffman, Senator Lucio will be shown as Co-author of **SB 21**.

CO-AUTHOR OF SENATE BILL 37

On motion of Senator Zaffirini, Senator Menéndez will be shown as Co-author of **SB 37**.

CO-AUTHOR OF SENATE BILL 170

On motion of Senator Perry, Senator Buckingham will be shown as Co-author of **SB 170**.

**CO-AUTHOR OF SENATE BILL 190**

On motion of Senator Menéndez, Senator Hughes will be shown as Co-author of **SB 190**.

**CO-AUTHOR OF SENATE BILL 306**

On motion of Senator Watson, Senator Menéndez will be shown as Co-author of **SB 306**.

**CO-AUTHOR OF SENATE BILL 317**

On motion of Senator Hughes, Senator Perry will be shown as Co-author of **SB 317**.

**CO-AUTHOR OF SENATE BILL 329**

On motion of Senator Seliger, Senator Lucio will be shown as Co-author of **SB 329**.

**CO-AUTHOR OF SENATE BILL 383**

On motion of Senator Nelson, Senator Lucio will be shown as Co-author of **SB 383**.

**CO-AUTHORS OF SENATE BILL 616**

On motion of Senator Birdwell, Senators Buckingham, Hall, Nichols, and Watson will be shown as Co-authors of **SB 616**.

**CO-AUTHOR OF SENATE BILL 641**

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

**CO-AUTHOR OF SENATE BILL 734**

On motion of Senator Watson, Senator Johnson will be shown as Co-author of **SB 734**.

**CO-AUTHOR OF SENATE BILL 789**

On motion of Senator Johnson, Senator Hall will be shown as Co-author of **SB 789**.

**CO-AUTHOR OF SENATE BILL 943**

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

**CO-AUTHOR OF SENATE BILL 1081**

On motion of Senator Taylor, Senator Campbell will be shown as Co-author of **SB 1081**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 279** by Campbell, In memory of Richard Kenneth Coleman.

**SR 281** by Watson, In memory of John Belton Duncan Jr.

**SR 282** by Hughes, In memory of James W. Arnold.

**SR 283** by Hughes, In memory of Franklin D. Battles.

**SR 284** by Hughes, In memory of James Kenneth Smith.

**SR 286** by Hughes, In memory of Harry Gaylon Riddle.

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

**SR 278** by Menéndez, Welcoming Eva's Heroes to the State Capitol.

**SR 280** by Fallon, Welcoming You Lead to the State Capitol.

**SR 288** by West, Recognizing the City of DeSoto on the occasion of its 70th birthday.

#### **Official Designation Resolutions**

**SR 231** by Perry, Recognizing February 27, 2019, as Snyder Day.

**SR 285** by Birdwell, Recognizing March 6, 2019, as Navarro County Day.

**SR 287** by Flores, Recognizing February 28, 2019, as Reeves County Day.

#### **RECESS AND MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:13 p.m. agreed to recess until 10:00 a.m. Friday, March 1, 2019, for the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, in memory of Ethan Medina, Jonathan Aguilar, Monte Howell, and John E. McCarthy, until 3:00 p.m. Monday, March 4, 2019.

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### **APPENDIX**

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#### **RESOLUTIONS ENROLLED**

February 26, 2019

**SR 118, SR 224, SR 230, SR 244, SR 245, SR 250, SR 252, SR 268, SR 270, SR 271, SR 272, SR 273, SR 275, SR 276, SR 277**

**In Memory**  
**of**  
**John E. McCarthy**  
**Senate Resolution 264**

WHEREAS, Bishop John E. McCarthy of Austin passed away on August 18, 2018, at the age of 88, leaving behind an exceptional record of social advocacy and charity work; and

WHEREAS, John McCarthy was born in Houston on June 21, 1930, to George and Grace McCarthy; a graduate of Saint Thomas High School, he received a bachelor's degree and a master's degree in theology from the University of Saint Thomas; and

WHEREAS, Ordained to the priesthood on May 26, 1956, Bishop McCarthy spent the early years of his career in Pasadena, where he served as assistant pastor at Saint Pius Parish; following his tenure as assistant pastor at Saint Cecilia's Parish and administrator of All Saints' Parish, both in Houston, he was appointed executive director of the Bishops' Committee for the Spanish Speaking in San Antonio; and

WHEREAS, From 1967 through 1969, Bishop McCarthy was involved with the United States Catholic Conference in Washington, D.C., and served as director of the Division for Poverty Programs; embracing the civil rights movement, he became a founding member of the Catholic Campaign for Human Development, which addresses poverty nationwide and holds civic leaders accountable for their communities; he returned to Houston in 1969 as pastor of Saint Theresa's Parish and went on to serve as executive director of the Texas Catholic Conference and auxiliary bishop for the Archdiocese of Galveston-Houston; and

WHEREAS, Appointed bishop of the Austin Diocese in 1986, Bishop McCarthy dedicated himself to meeting the needs of his fast-growing district throughout his 15-year tenure; known for his signature mantra of "Let us go forth, and let us go forth together," he established missionary programs, encouraged social advocacy and charity work, and opened Catholic schools and parishes, never seeking recognition for his achievements; and

WHEREAS, Profoundly devoted to his faith, to serving the poor, and to reaching out to people of all backgrounds, Bishop John McCarthy touched the lives of countless individuals in ways beyond measure, and his compassionate, selfless works will be remembered with deepest appreciation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby pay tribute to the memory of Bishop John E. McCarthy and extend deepest sympathy to all those who mourn his passing; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family and that when the Senate adjourns this day, it do so in memory of Bishop John McCarthy.

WATSON