

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINETEENTH DAY
(Monday, March 4, 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 Betsy Buhler, Community Bible Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Thank You, God, for this day. As You say in Your word, Your mercies are new every morning, for which we are grateful. Thank You for the men and women in this room who care about our state and our country. I pray that You grant them the wisdom, knowledge, clarity, and peace in all the plans and decisions that are set before them today. I pray they do not grow tired and take time to just rest in the midst of decisions, pressure, and especially this high calling. I pray for joy in the journeys You have each one traveling on now. I pray blessings over this building and each one who enters. I ask Your protection and blessings on our military and first responders who sacrificially stand in the gap for us as individuals and for our nation. Our hope is built on a solid rock and in You, God, we trust. With respect to all beliefs, I pray in the precious 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.

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 appointment:

To be the State Commissioner of Education for a term to expire January 16, 2023:

Michael H. "Mike" Morath
Austin, Texas
(Commissioner Morath is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

February 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 members of the Texas Commission of Licensing and Regulation for terms to expire as indicated:

To Expire February 1, 2021:

Joel S. Garza, Jr.
Pearland, Texas
(replacing Mike Arismendez, Jr. of Shallowater who resigned)

To Expire February 1, 2025:

Thomas F. "Tom" Butler
Deer Park, Texas
(Mr. Butler is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

March 1, 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 the Injured Employee Public Counsel for a term to expire February 1, 2021:

Jessica C. Barta
Austin, Texas
(Ms. Barta is being reappointed)

To be members of the Texas Juvenile Justice Board for terms to expire February 1, 2025:

Mona Lisa Chambers

Houston, Texas

(replacing Scott W. Fisher of Bedford whose term expired)

Melissa C. Martin

Deer Park, Texas

(replacing Mary Lou Mendoza of San Antonio whose term expired)

David "Scott" Matthew

Georgetown, Texas

(Judge Matthew is being reappointed)

Vincent M. Morales, Jr.

Richmond, Texas

(Commissioner Morales is being reappointed)

To be members of the Texas Physician Assistant Board for terms to expire as indicated:

To Expire February 1, 2023:

Jennifer L. Clarner

Dripping Springs, Texas

(Ms. Clarner is being reappointed)

Cameron J. McElhany

Austin, Texas

(replacing Anna Arredondo Chapman of Del Rio whose term expired)

Janith K. Mills

Irving, Texas

(replacing Jason Paul Cooper of Midland whose term expired)

John S. Scott, Jr., D.O.

Keller, Texas

(replacing Felix Chong Wah Koo, M.D., Ph.D. of McAllen whose term expired)

To Expire February 1, 2025:

Lawrence G. "Larry" Hughes, Ed.D.

Frisco, Texas

(replacing Raymond "Blayne" Rush of Frisco who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

PHYSICIAN OF THE DAY

Senator Menéndez was recognized and presented Dr. Stuti Nagpal of San Antonio, accompanied by Michelle Rodriguez, as the Physician of the Day.

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

GUEST PRESENTED

Senator Creighton, joined by Senators Bettencourt, Birdwell, Fallon, Campbell, Whitmire, Hall, and Hinojosa, was recognized and introduced to the Senate U.S. Representative Dan Crenshaw.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate the 2018-2019 Leadership Angleton Class.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez, joined by Senator Lucio, was recognized and introduced to the Senate representatives of the World Boxing Council including Mauricio Sulaimán, Christy Martin, and Erik "El Terrible" Morales.

The Senate welcomed its guests.

SENATE RESOLUTION 298

Senator Johnson offered the following resolution:

SR 298, Recognizing Kenneth H. Cooper on the occasion of his 88th birthday.

JOHNSON
NELSON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Johnson, joined by Senators Nelson and Hughes, was recognized and introduced to the Senate Kenneth Cooper; his daughter-in-law, Angie Cooper; his wife, Millie Cooper; Tedd Mitchell; Bob Shapard; and Drayton McLane.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate seventh-grade students from Brook Hill School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation from the Texas Chapter of the National Emergency Number Association including President Andrea Wilson, Silbia Barajas, and Charlesetta Malone.

The Senate welcomed its guests.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 11 by Taylor

Relating to policies, procedures, and measures for school safety and mental health promotion in public schools; making an appropriation.

To Committee on Education.

CONCLUSION OF MORNING CALL

The President at 4:07 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 3 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 3** at this time (Submitted by Governor as an emergency matter):

CSSB 3, Relating to additional funding to school districts for classroom teacher salaries.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 3** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 21.4023, Education Code (page 1, line 32), between "TEACHER" and "SALARY", insert "AND LIBRARIAN".

(2) In SECTION 1 of the bill, in added Section 21.4023(a), Education Code (page 1, line 33), between "teacher" and "is", insert "and full-time librarian".

(3) In SECTION 1 of the bill, in added Section 21.4023(b), Education Code (page 1, line 35), between "teacher" and "receives", insert "or librarian".

(4) In SECTION 1 of the bill, in added Section 21.4023(b)(1), Education Code (page 1, line 38), between "teacher" and "the", insert "or librarian".

(5) In SECTION 1 of the bill, in added Section 21.4023(b)(2), Education Code (page 1, line 41), between "teacher" and "is", insert "or librarian".

(6) In SECTION 1 of the bill, in added Section 21.4023(b-1), Education Code (page 1, line 43), between "teacher" and "is", insert "and full-time librarian".

(7) In SECTION 1 of the bill, in added Section 21.4023(b-1)(1), Education Code (page 1, line 45), between "teacher" and "would", insert "or librarian".

(8) In SECTION 1 of the bill, in added Section 21.4023(b-1)(1), Education Code (page 1, line 49), between "teacher" and "would", insert "or librarian".

(9) In SECTION 1 of the bill, in added Section 21.4023(b-3), Education Code (page 1, line 54), between "teacher" and "employed", insert "or full-time librarian".

(10) In SECTION 1 of the bill, in added Section 21.4023(b-3), Education Code (page 1, line 55), between "teacher" and "is", insert "or librarian".

(11) In SECTION 1 of the bill, in added Section 21.4023(b-3), Education Code (page 1, line 57), between "teacher" and "received", insert "or librarian".

(12) In SECTION 1 of the bill, in added Section 21.4023(c), Education Code (page 1, line 60), between "teacher" and "in", insert "or full-time librarian".

(13) In SECTION 1 of the bill, in added Section 21.4023(c), Education Code (page 2, line 1), between "teacher" and "is", insert "or librarian".

(14) In SECTION 1 of the bill, in added Section 21.4023(d), Education Code (page 2, line 3), between "teacher" and "that", insert "and full-time librarian".

(15) In SECTION 1 of the bill, in added Section 21.4023(d), Education Code (page 2, line 4), between "teacher" and "is" insert "or librarian".

(16) In SECTION 1 of the bill, in added Section 21.4023(f), Education Code (page 2, line 8), between "teacher" and "of", insert "or librarian".

(17) In SECTION 2 of the bill, in the heading to added Section 42.25131, Education Code (page 2, line 12), between "TEACHER" and "SALARY", insert "AND LIBRARIAN".

(18) In SECTION 2 of the bill, in added Section 42.25131(a), Education Code (page 2, line 16), following "teachers", insert "and full-time librarians".

(19) In SECTION 2 of the bill, in added Section 42.25131(b), Education Code (page 2, line 20), between "teachers" and "required", insert "and full-time librarians".

(20) In SECTION 3 of the bill, in added Section 822.201(b)(12), Government Code (page 3, line 7), between "teachers" and "under", insert "and librarians".

(21) In SECTION 4 of the bill, in added Section 825.405(b)(3), Government Code (page 3, line 26), between "teacher" and "salary", insert "or librarian".

The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

CSSB 3 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 3 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **CSSB 3**:

I'm proud to vote for and be a co-author of Senate Bill 3, which will provide classroom teachers a long-overdue pay raise of \$5000 starting next school year. While this pay raise will not solve all of the issues and inequities in our public school system, it is an important step in the right direction. Also, as the first bill to be considered and voted out of the Texas Senate, it shows we are focused on the priorities that are important to all Texans across the state rather than the partisan, divisive issues that characterized much of the 2017 legislative sessions.

Teachers are a crucial component to the education system, and can have the biggest impact on the littlest Texans. We give classroom teachers their best opportunity to succeed when we surround them with the wraparound supports they need. We afford them the ability to teach at their highest level when we ensure that the schools they work in are sufficiently staffed with the paraprofessionals, counselors, nurses, librarians, janitors, and bus drivers that are needed to manage that school's student population.

As this session progresses, teacher pay must remain a vital part of any comprehensive school finance solution that addresses ongoing inequities in the system. The public school system is the backbone of this state, and we must make the critical investments needed to ensure our state's future success.

RODRÍGUEZ

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 4, 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 7 Moody

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 6, 2019, and ending on Monday, March 11, 2019.

HCR 87 Craddick

Congratulating the Lamesa Area Chamber of Commerce on its centennial anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 79**.

SENATE BILL 530 REREFERRED
(Motion In Writing)

Senator Birdwell submitted a Motion In Writing requesting that **SB 530** be withdrawn from the Committee on Water and Rural Affairs and rereferred to the Committee on Natural Resources and Economic Development.

The Motion In Writing was read and prevailed without objection.

SENATE RESOLUTION 235

Senator Creighton offered the following resolution:

SR 235, In memory of Glen L. Rekeweg.

On motion of Senator Creighton, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Glen L. Rekeweg, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Creighton was recognized and introduced to the Senate Alice Rekeweg, wife of Glen L. Rekeweg.

The Senate welcomed its guest and extended its sympathy.

ACKNOWLEDGMENT

The President acknowledged the passing of Willis West, father of Senator West, and asked the Senate to rise in honor of Willis West.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills tomorrow: **SB 11**, **SB 477**, **SB 811**.

HOUSE CONCURRENT RESOLUTION 7

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, March 6, 2019, and ending on Monday, March 11, 2019.

WHITMIRE

HCR 7 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.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Nelson, Senators Hall, Schwertner, and Zaffirini will be shown as Co-authors of **SB 3**.

CO-AUTHOR OF SENATE BILL 14

On motion of Senator Nichols, Senator Schwertner will be shown as Co-author of **SB 14**.

CO-AUTHOR OF SENATE BILL 36

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 36**.

CO-AUTHOR OF SENATE BILL 47

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 47**.

CO-AUTHOR OF SENATE BILL 94

On motion of Senator Menéndez, Senator Miles will be shown as Co-author of **SB 94**.

CO-AUTHOR OF SENATE BILL 103

On motion of Senator Menéndez, Senator Miles will be shown as Co-author of **SB 103**.

CO-AUTHOR OF SENATE BILL 155

On motion of Senator Rodríguez, Senator Miles will be shown as Co-author of **SB 155**.

CO-AUTHOR OF SENATE BILL 156

On motion of Senator Rodríguez, Senator Miles will be shown as Co-author of **SB 156**.

CO-AUTHOR OF SENATE BILL 170

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

CO-AUTHOR OF SENATE BILL 189

On motion of Senator Miles, Senator Powell will be shown as Co-author of **SB 189**.

CO-AUTHOR OF SENATE BILL 191

On motion of Senator Miles, Senator Powell will be shown as Co-author of **SB 191**.

CO-AUTHOR OF SENATE BILL 208

On motion of Senator Campbell, Senator Miles will be shown as Co-author of **SB 208**.

CO-AUTHOR OF SENATE BILL 308

On motion of Senator Watson, Senator Miles will be shown as Co-author of **SB 308**.

CO-AUTHORS OF SENATE BILL 312

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

CO-AUTHOR OF SENATE BILL 352

On motion of Senator Powell, Senator Miles will be shown as Co-author of **SB 352**.

CO-AUTHOR OF SENATE BILL 404

On motion of Senator Birdwell, Senator Flores will be shown as Co-author of **SB 404**.

CO-AUTHOR OF SENATE BILL 408

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

CO-AUTHOR OF SENATE BILL 436

On motion of Senator Nelson, Senator Kolkhorst will be shown as Co-author of **SB 436**.

CO-AUTHOR OF SENATE BILL 548

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

CO-AUTHOR OF SENATE BILL 549

On motion of Senator West, Senator Powell will be shown as Co-author of **SB 549**.

CO-AUTHOR OF SENATE BILL 630

On motion of Senator Rodríguez, Senator Powell will be shown as Co-author of **SB 630**.

CO-AUTHOR OF SENATE BILL 852

On motion of Senator Johnson, Senator Powell will be shown as Co-author of **SB 852**.

CO-AUTHOR OF SENATE BILL 931

On motion of Senator Hughes, Senator Hall will be shown as Co-author of **SB 931**.

CO-AUTHOR OF SENATE BILL 998

On motion of Senator Hinojosa, Senator Creighton will be shown as Co-author of **SB 998**.

CO-AUTHOR OF SENATE BILL 1007

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 1007**.

CO-AUTHOR OF SENATE BILL 1033

On motion of Senator Hancock, Senator Hall will be shown as Co-author of **SB 1033**.

CO-AUTHOR OF SENATE BILL 1226

On motion of Senator Seliger, Senator Nelson will be shown as Co-author of **SB 1226**.

CO-AUTHOR OF SENATE BILL 1257

On motion of Senator Huffman, Senator Perry will be shown as Co-author of **SB 1257**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 24

On motion of Senator Kolkhorst, Senators Johnson, Schwertner, and Taylor will be shown as Co-authors of **SJR 24**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 40

On motion of Senator Johnson, Senator Powell will be shown as Co-author of **SJR 40**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 304 by Hinojosa, In memory of David G. Noyola.

HCR 54 (Powell), In memory of former State Representative Reby Cary.

Welcome and Congratulatory Resolutions

SR 294 by Nelson, Birdwell, Hancock, and Powell, Recognizing the Tarrant County Criminal District Attorney's Office on the occasion of its 100th anniversary.

SR 296 by Nelson, Welcoming members of the Northwest Metroport Chamber of Commerce and Regional Advantage to the State Capitol.

SR 315 by West, Recognizing Stephen Mansfield for his career in the health care field.

Official Designation Resolutions

SR 295 by Nelson, Recognizing March 6, 2019, as Leadership Grapevine Day.

SR 297 by Nelson, Birdwell, Hancock, and Powell, Recognizing March 6 and 7, 2019, as Tarrant County Days.

SR 306 by Lucio, Proclaiming March 4, 2019, 9-1-1 Day.

SR 309 by Paxton and Johnson, Recognizing March 6, 2019, as Richardson/Telecom Corridor Legislative Day.

SR 314 by Taylor, Recognizing February 27, 2019, as Chemistry Technology Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:16 p.m. adjourned, in memory of Glen L. Rekeweg and Willis West, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

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

March 4, 2019

STATE AFFAIRS — **CSSB 15**

RESOLUTIONS ENROLLED

March 1, 2019

SR 289, SR 290, SR 291, SR 292, SR 293, SR 299, SR 301, SR 302

**In Memory
of
Glen L. Rekeweg
Senate Resolution 235**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Glen L. Rekeweg, who died December 30, 2018, at the age of 78; and

WHEREAS, A man of courage, strength, and generous spirit, Glen Rekeweg was an exemplary citizen, and he inspired those who knew him through his commitment to service on behalf of his fellow man; and

WHEREAS, Mr. Rekeweg was a member of the Kingwood Volunteer Fire Department, and he also served as a member of the Atascocita Fire Department; he bravely managed the duties of a firefighter, and he was respected and admired by his colleagues and area citizens; and

WHEREAS, A devoted family man, Glen shared 29 years of marriage with Alice Rekeweg, and he was blessed with three children, James, Suzanne, and David, and with three grandchildren; and

WHEREAS, Glen actively served the Republican Party at local, state, and national levels, and he was an avid ham radio operator; he was a longtime member of Christ the King Lutheran Church; and

WHEREAS, Glen Rekeweg was a beloved member of the community, and he leaves behind memories that will long be cherished by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby extend sincere condolences to the bereaved family of Glen L. Rekeweg; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Glen Rekeweg.

CREIGHTON

