

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTIETH DAY

(Tuesday, March 5, 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.

Father Victor Perez, Most Holy Trinity Catholic Church, Angleton, offered the invocation as follows:

Ineffable Creator, who, from the treasures of Your wisdom, have established three hierarchies of angels, have arrayed them in marvelous order above the fiery heavens, and have marshaled the regions of the universe with such artful skill, You are proclaimed the true font of light and wisdom, and the primal origin raised high beyond all things. Pour forth a ray of Your brightness into the darkened places of my mind; disperse from my soul the twofold darkness into which I was born: sin and ignorance. You make eloquent the tongues of infants. Refine my speech and pour forth upon my lips the goodness of Your blessing. Grant to me keenness of mind, capacity to remember, skill in learning, subtlety to interpret, and eloquence in speech. May You guide the beginning of my work, direct its progress, and bring it to completion. Bless all of our Senators, O God. Let them serve You in the tangle of their minds and find solutions to help Your people. Give them Your peace and strength and wisdom and bless their families and take care of any problems in their lives that distract them even now. Give them guidance and give them a love for Your people who they are here to serve in this great State of Texas, which we place again under Your protection. 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:

March 5, 2019
Austin, Texas

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

On January 17, 2019, I submitted the name of John G. Mills, D.O. for appointment to the Correctional Managed Health Care Committee for a term to expire February 1, 2021.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Greg Abbott
Governor

March 5, 2019
Austin, Texas

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

On January 17, 2019, I submitted the name of Joseph F. "Joe" Berry for appointment to the One-Call Board of Texas for a term to expire August 31, 2020.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Greg Abbott
Governor

(Senator Paxton in Chair)

SENATE RESOLUTION 316

Senator Perry offered the following resolution:

SR 316, Recognizing March 5, 2019, as Texas Tech University System Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry, joined by Senators Buckingham, Seliger, Campbell, Kolkhorst, and Rodríguez, was recognized and introduced to the Senate a Texas Tech University System delegation including President Lawrence Schovanec, Regents John Esparza and Tim Lancaster, President Richard Lange, and Student Government Association President Sean Lewis.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Taylor was recognized and presented Dr. James King of Galveston as the Physician of the Day.

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

REPORT OF COMMITTEE ON NOMINATIONS

Senator Buckingham submitted the following reports 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, 405th Judicial District Court, Galveston County: Jared Seth Robinson, Galveston County.

Judge, 95th Judicial District Court, Dallas County: David Warren Evans, Dallas County.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Allan Douglas Cain, Panola County; Robert John Chody, Williamson County.

Presiding Officer, Alamo Regional Mobility Authority: Michael J. Lynd, Bexar County.

Members, Council on Cardiovascular Disease and Stroke: Janet Suzanne Hall, Williamson County; Vanessa F. Hicks-Callaway, Victoria County; John Rutledge, Travis County; Harry Sheets, Taylor County; E'Loria Simon-Campbell, Harris County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Cassandra Jeanette Brown, Travis County.

Member, Governing Board, Texas Civil Commitment Office: Jose Luis Aliseda, Bee County.

Members, Governing Board, Texas School for the Blind and Visually Impaired: Ruben D. Brown, Travis County; Michael Patrick Hanley, Williamson County; Brenda Wood Lee, Brown County; Julie Renae Prause, Colorado County.

Members, Board of Pilot Commissioners for Jefferson and Orange County: Charles Edward Holder, Orange County; William Gates Jenkins, Jefferson County; James Michael Scott, Jefferson County; Shawn Michael Sparrow, Jefferson County; Milton Bradley Taylor, Orange County.

Members, Board of Directors, Lower Colorado River Authority: Stephen Frank Cooper, Wharton County; Laura Denise Figueroa, Austin County.

Independent Ombudsman, Texas Juvenile Justice Department: Jeffery Don Robertson, Hays County.

Inspector General, Health and Human Services Commission: Sylvia Hernandez Kauffman, Travis County.

Public Counsel, Office of Public Insurance Counsel: Melissa Ruth Hamilton, Travis County.

Member, School Land Board: Scott Rohrman, Dallas County.

Member, State Cemetery Committee: James Leavell Bayless, Travis County.

Commissioners, Texas Animal Health Commission: Barret Jay Klein, Kendall County; Wendee Christine Langdon, Lubbock County; Joseph Gerald Osterkamp, Bailey County; Keith Mitchell Staggs, Gonzales County; Leo Dean Vermedahl, Hartley County; Michael Louis Vickers, Brooks County.

Members, Texas Board of Professional Land Surveying: Jay Dean Canine, Fort Bend County; Coleen Marie Johnson, Williamson County; Michael David McCloskey, Williamson County.

Members, Texas Crime Stoppers Council: Lauren Hart Day, Travis County; Charles P. Gilmore, Potter County; Carl Garza Hernandez, Cameron County.

Members, Texas Medical Board: Sharon J. Barnes, Brazoria County; George L. De Loach, Polk County.

Members, Board of Directors, Texas Mutual Insurance Company: Kristina R. Koncaba, Galveston County; John Dayton Swanson, Denton County.

Members, Board of Directors, Texas State Affordable Housing Corporation: Valerie Vargas Cardenas, Hidalgo County; Lori Ann Cobos, Travis County.

Member, Board of Regents, Texas State Technical College System: John Kent Hatchel, McLennan County.

Secretary of State: Gregory D. Whitley, Travis 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.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Texas Home School Coalition delegation.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 310

Senator Huffman offered the following resolution:

SR 310, Recognizing March 5, 2019, as Brazoria County Day.

HUFFMAN
TAYLOR

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman, joined by Senator Taylor, was recognized and introduced to the Senate a Brazoria County delegation including County Judge Matt Sebesta, Sheriff Charles Wagner, Yvonne Mintz, Bo Stallman, Brazosport College President Millicent Valek, and Monsignor Leo Wleczyk.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Buckingham was recognized and introduced to the Senate the Leadership Temple Class of 2019.

The Senate welcomed its guests.

SENATE RESOLUTION 319

Senator Menéndez offered the following resolution:

SR 319, Recognizing March 5, 2019, as VIVA San Antonio Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Menéndez, joined by Senators Campbell, Flores, and Zaffirini, was recognized and introduced to the Senate a VIVA San Antonio delegation including Richard Perez, John Agather, Kristi Villanueva, Al Arreola, and John Clamp.

The Senate welcomed its guests.

(Senator Campbell in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, March 5, 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 50

Craddick

Congratulating Dr. Bill Dean on his retirement as president and CEO of the Texas Tech Alumni Association.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 303

Senator Hall offered the following resolution:

SR 303, Recognizing March 5, 2019, as Van Zandt County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

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

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Buckingham was recognized and introduced to the Senate the Westlake High School cheerleading squad, 2019 national champions.

The Senate welcomed its guests.

SENATE RESOLUTION 307

Senator Lucio offered the following resolution:

SR 307, Welcoming the Kenedy County delegation to the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Kenedy County delegation including King Ranch owner Helen Kleberg Groves.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Paxton was recognized and introduced to the Senate teachers and faculty from the Frisco Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Taylor, joined by Senators Buckingham and Schwertner, was recognized and introduced to the Senate students from The University of Texas Medical Branch at Galveston.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate Bill Dean, former Texas Tech Alumni Association President and CEO, and his wife, Peggy.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 313

Senator Taylor offered the following resolution:

SR 313, Recognizing the Bay Area Houston Economic Partnership, the Clear Lake Area Chamber of Commerce, and the League City Regional Chamber of Commerce for their contributions to Bay Area Houston.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate a Bay Area Houston delegation.

Senator Taylor also introduced to the Senate a Texas Computer Education Association delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Fallon was recognized and introduced to the Senate Ka'Maurion "KJ" Jackson.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The President at 12:03 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 10 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 10** at this time (Submitted by Governor as an emergency matter):

CSSB 10, Relating to the creation of the Texas Mental Health Care Consortium.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 10** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 113.0105, Health and Safety Code (page 3, lines 5-8).

(2) In SECTION 1 of the bill, in added Section 113.0156, Health and Safety Code, strike Subdivisions (2), (3), and (4) (page 4, lines 51-57) and substitute the following:

(2) the health-related institutions of higher education listed in Section 113.0052 that receive funding by the executive committee; and

(3) any research accomplishments associated with the consortium.

The amendment to **CSSB 10** 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.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 10** (senate committee report) in SECTION 1 of the bill, in added Section 113.0153, Health and Safety Code (page 4, between lines 10 and 11), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() Data on or personally identifying information of a person obtained under Section 113.0152 may not be used for a research project funded under this section.

The amendment to **CSSB 10** 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. 2.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 10** (senate committee report) in SECTION 1 of the bill, in added Subchapter D, Chapter 113, Health and Safety Code (page 4, between lines 38 and 39), by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

Sec. 113.____. CONSENT REQUIRED FOR SERVICES TO MINOR. (a) A person may provide mental health care services to a child younger than 18 years of age through a program established under this chapter only if the person obtains the written consent of the parent, legal guardian, or caretaker of the child.

(b) The consortium shall develop and post on its Internet website a model form for a parent, legal guardian, or caretaker to provide consent under this section.

(c) This section does not apply to services provided by a school counselor in accordance with Section 33.005, 33.006, or 33.007, Education Code.

The amendment to **CSSB 10** 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. 3.

CSSB 10 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 10 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 10** 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.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.13 were suspended in order that the Committee on Property Tax might meet in the Betty King Room today.

AUTHOR WITHDRAWN

The following letter was received by the Secretary of the Senate:

BRANDON CREIGHTON
State Senator
District 4

March 5, 2019

Ms. Patsy Spaw
Secretary of the Senate
Room 2E.22, Texas State Capitol

Secretary Spaw,

Please accept this letter as a request to remove my name as author to S.B. 12 by Senator Huffman. Should you have any questions, please don't hesitate to call me or my staff member, Tara Garcia.

Sincerely,

/s/ Brandon Creighton
State Senator District 4

CO-AUTHORS OF SENATE BILL 14

On motion of Senator Nichols, Senators Fallon, Huffman, Powell, and Watson will be shown as Co-authors of **SB 14**.

CO-AUTHOR OF SENATE BILL 15

On motion of Senator Creighton, Senator Hall will be shown as Co-author of **SB 15**.

CO-AUTHOR OF SENATE BILL 21

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

CO-AUTHOR OF SENATE BILL 170

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

CO-AUTHOR OF SENATE BILL 295

On motion of Senator Lucio, Senator Menéndez will be shown as Co-author of **SB 295**.

CO-AUTHOR OF SENATE BILL 326

On motion of Senator Alvarado, Senator Menéndez will be shown as Co-author of **SB 326**.

CO-AUTHOR OF SENATE BILL 387

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 387**.

CO-AUTHOR OF SENATE BILL 438

On motion of Senator Nelson, Senator Rodríguez will be shown as Co-author of **SB 438**.

CO-AUTHOR OF SENATE BILL 526

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 526**.

CO-AUTHOR OF SENATE BILL 556

On motion of Senator Kolkhorst, Senator Menéndez will be shown as Co-author of **SB 556**.

CO-AUTHOR OF SENATE BILL 628

On motion of Senator Whitmire, Senator Zaffirini will be shown as Co-author of **SB 628**.

CO-AUTHOR OF SENATE BILL 686

On motion of Senator Alvarado, Senator Menéndez will be shown as Co-author of **SB 686**.

CO-AUTHOR OF SENATE BILL 880

On motion of Senator Hughes, Senator Buckingham will be shown as Co-author of **SB 880**.

CO-AUTHOR OF SENATE BILL 926

On motion of Senator Hall, Senator Schwertner will be shown as Co-author of **SB 926**.

CO-AUTHOR OF SENATE BILL 938

On motion of Senator Flores, Senator Perry will be shown as Co-author of **SB 938**.

CO-AUTHORS OF SENATE BILL 943

On motion of Senator Watson, Senators Campbell and Nelson will be shown as Co-authors of **SB 943**.

CO-AUTHOR OF SENATE BILL 1024

On motion of Senator Perry, Senator Hall will be shown as Co-author of **SB 1024**.

CO-AUTHOR OF SENATE BILL 1028

On motion of Senator Hall, Senator Johnson will be shown as Co-author of **SB 1028**.

CO-AUTHOR OF SENATE BILL 1205

On motion of Senator Campbell, Senator Buckingham will be shown as Co-author of **SB 1205**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 24

On motion of Senator Kolkhorst, Senators Bettencourt, Hancock, and Lucio will be shown as Co-authors of **SJR 24**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

HCR 87 (Perry), Congratulating the Lamesa Area Chamber of Commerce on its centennial anniversary.

SCR 22 by Hughes, Congratulating Kacey Musgraves for receiving four 2019 Grammy Awards.

SR 320 by Huffman, Recognizing Brazosport College on the occasion of its 50th anniversary.

SR 322 by Hughes, Congratulating Sumeyye Samento and Desiree Samford on the grand opening of 24 Karrots café.

Official Designation Resolution

SR 312 by Paxton and Nelson, Recognizing March 5, 2019, as Frisco Independent School District Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:09 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

BILL ENGROSSED

March 4, 2019

SB 3

RESOLUTIONS ENROLLED

March 4, 2019

SR 235, SR 294, SR 295, SR 296, SR 297, SR 298, SR 304, SR 306, SR 309, SR 314, SR 315

