

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-THIRD DAY

(Continued)

(Wednesday, March 13, 2019)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

The Reverend Brian Tarver, St. Philip's Episcopal Church, Beeville, offered the invocation as follows:

Almighty God, may Your goodness dwell among those who have accepted the call to act as leaders. In discernment for what will best serve all people, grant the legislators of the great State of Texas wisdom and courage to work against injustice, to uphold the dignity of all humankind, and to care for the land we use and enjoy. Guide us, Lord, to be an example of integrity, a model of unity, and a symbol of Your compassion and love. Be present this day, working through us for the well-being of all Your blessed creation, and in all things may we embody Your steadfast love. For all these things I pray to You, O God. Amen.

SENATOR ANNOUNCED PRESENT

Senator West, who had previously been recorded as "Absent-excused," was announced "Present."

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 21, HCR 22, HCR 27, HCR 28.**

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 349

Senator Nelson offered the following resolution:

SR 349, Recognizing the Governor's Commission for Women.

NELSON

KOLKHORST

ALVARADO	PAXTON
BUCKINGHAM	POWELL
CAMPBELL	ZAFFIRINI
HUFFMAN	

The resolution was again read.

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

The resolution was previously adopted on Tuesday, March 12, 2019.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Governor's Commission for Women delegation and Cecilia Abbott.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President acknowledged the presence of Cecilia Abbott, First Lady of the State of Texas.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a Palestine Area Chamber of Commerce delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Division Laundry of San Antonio delegation including Cecilia Garcia, Patrick R. Garcia, Patricia Luna, Patrick A. Garcia, Theresa Garcia, Adam Luna, and Jasmine Owens.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Fallon was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Bee County delegation including County Judge Stephanie Moreno, County Sheriff Alden E. Southmayd III, and the Bee County Junior Deputies, accompanied by Brian Tarver and his family.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate John Galo, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

SENATE RESOLUTION 289

Senator Hancock offered the following resolution:

SR 289, Recognizing Brandon Oldenburg for his career in the arts.

The resolution was again read.

The resolution was previously adopted on Friday, March 1, 2019.

GUESTS PRESENTED

Senator Hancock was recognized and introduced to the Senate Academy Award winner Brandon Oldenburg, accompanied by his family.

The Senate welcomed its guests.

SENATE RESOLUTION 352

Senator Seliger offered the following resolution:

SR 352, Recognizing March 13, 2019, as Home Care and Hospice Awareness Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Texas Association for Home Care and Hospice delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 387

Senator Miles offered the following resolution:

SR 387, Congratulating Essence Duplechain on being awarded the Bridging the Dream Scholarship.

SR 387 was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate Essence Duplechain, her mother, Shiela Times, and other family members.

The Senate welcomed its guests.

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.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Erin Elizabeth Lunceford, Harris County.

Member, Board for Lease of Texas Parks and Wildlife Department Lands: Clifton Earl Bickerstaff, Potter County.

Members, Board of Pardons and Paroles: Allen D. Jernigan, Val Verde County; Carmella T. Jones, Matagorda County; James Wayne LaFavers, Randall County; Brian Andrew Long, Gregg County.

Members, Commission on State Emergency Communications: Debbie Sue Hays, Ector County; Catherine Ann Skurow, San Patricio County; Von Cheyenne Washington, El Paso County.

Justice, Court of Appeals, Second Court of Appeals District: Dana Michelle Womack, Tarrant County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Matson, Williamson County.

Member, Gulf States Marine Fisheries Commission: Troy Bello Williamson, San Patricio County.

Member, Judicial Districts Board: Thomas Royal Phillips, Travis County.

Members, Board of Directors, Lower Colorado River Authority: Raymond Alexander Gill, Llano County; Thomas Loran Kelley, Colorado County.

Member, Board of Directors, North Texas Tollway Authority: Frankie Gravley, Grayson County.

Member, School Land Board: Gilbert Burciaga, Travis County.

Member, Board of Directors, State Bar of Texas: Jeffrey William Allison, Harris County.

Members, State Board for Educator Certification: John Patrick Kelly, Brazoria County; Courtney Boswell MacDonald, Kerr County; Jose Manuel Rodriguez, Williamson County.

Members, State Commission on Judicial Conduct: Ronald E. Bunch, Ellis County; Sujeeth Draksharam, Fort Bend County; Lee Gabriel, Tarrant County; Darrick Lamar McGill, Williamson County; Ruben Gonzales Reyes, Lubbock County; Tramer J. Woytek, Lavaca County.

Member, State Preservation Board: Alethea Swann Bugg, Bexar County.

Member, State Soil and Water Conservation Board: Christine Russ Yturria Buford, Cameron County.

Member, Board of Regents, Stephen F. Austin State University: Brigettee Carnes Henderson, Angelina County.

Members, Texas Board of Occupational Therapy Examiners: Blanca Estella Cardenas, Hidalgo County; Karen McPhail Gardner, Washington County; DeLana Kaye Honaker, Randall County; Stephanie Durocher Johnston, Montgomery County; Sally Harris King, Harris County; Pamela Dee Robinson Nelon, Tarrant County.

Members, Texas Board of Professional Engineers: Ademola Adejokun, Tarrant County; Rolando Romeo Rubiano, Cameron County; Kiran Shah, Fort Bend County.

Members, Texas Farm and Ranch Lands Conservation Council: Gilbert Riojas, Jim Hogg County; George David Scott, Fort Bend County.

Members, Texas Low-Level Radioactive Waste Disposal Compact Commission: Lisa Maxine Edwards, Hood County; John Matthew Salsman, Hays County.

Members, Texas Medical Board: Robert Gracia, Fort Bend County; Roberto David Martinez, Hidalgo County.

Member, Board of Regents, Texas State University System: Garry David Crain, Travis County.

Member, Texas Water Development Board: Brooke Teresa Paup, Travis County.

MOTION IN WRITING

Senator Buckingham offered the following Motion In Writing:

Mr. President:

I move that the nomination of Christina Melton Crain to the Trinity River Authority Board of Directors be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 11:34 a.m. announced the conclusion of morning call.

SENATE BILL 319 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 319** at this time on its second reading:

SB 319, Relating to the authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

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

SENATE BILL 319 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 319** 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.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Vanessa Villanueva and Irene Martin and their family members.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 354 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 354** at this time on its second reading:

CSSB 354, Relating to authority of certain officers of certain counties to disburse or direct payment of county funds for salaries or expenses.

The bill was read second time and 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 354 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 354** 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.

COMMITTEE SUBSTITUTE SENATE BILL 500 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 500** at this time on its second reading:

CSSB 500, Relating to making supplemental appropriations and reductions in appropriations and giving direction, including direction regarding reimbursement, and adjustment authority regarding appropriations.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 500** (senate committee report) in SECTION 4 of the bill as follows:

(1) On page 2, line 16, between "for" and the colon, insert "the following purposes related to enhancing school safety".

(2) On page 2, line 21, after the semicolon, strike "and".

(3) On page 2, line 23, between "alarms" and the period, insert the following:

;

(6) two-way radio systems;

(7) perimeter security fencing;

(8) bullet-resistant glass or film for school entrances; and

(9) door-locking systems

The amendment to **CSSB 500** 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 500 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 500 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 500** 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 13, 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 62 White

Recognizing February 27, 2019, as Alabama-Coushatta Tribe of Texas Day at the State Capitol.

HCR 93 Springer

Paying tribute to Allen James Lynch on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 94 Springer

Paying tribute to Bennie G. Adkins on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 95 Springer

Paying tribute to Britt K. Slabinski on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 96 Springer

Paying tribute to Charles Chris Hagemeister on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 97 Springer

Paying tribute to Clarence Eugene Sasser on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 98 Springer

Paying tribute to Donald E. Ballard on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 99 Springer

Paying tribute to Drew Dennis Dix on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 100 Springer

Paying tribute to Gary B. Beikirch on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 101 Springer

Paying tribute to Gary Michael Rose on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 102 Springer

Paying tribute to Gary George Wetzel on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 103 Springer

Paying tribute to Harold A. Fritz on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 104 Springer

Paying tribute to Hershel Woodrow Williams on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 105 Springer

Paying tribute to Hiroshi H. Miyamura on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 106 Springer

Paying tribute to James C. McCloughan on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 107 Springer

Paying tribute to James Allen Taylor on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 108 Springer

Paying tribute to John P. Baca on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 109 Springer

Paying tribute to Melvin Morris on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 110 Springer

Paying tribute to Michael John Fitzmaurice on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 111 Springer

Paying tribute to Michael Edwin Thornton on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 112 Springer

Paying tribute to Robert R. Ingram on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 113 Springer

Paying tribute to Robert J. Modrzejewski on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 114 Springer

Paying tribute to Robert E. O'Malley on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 115 Springer

Paying tribute to Ronald E. Rosser on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 116 Springer

Paying tribute to Walter Joseph Marm Jr. on the occasion of the 2019 Medal of Honor Host City Weekend in Gainesville.

HCR 121 Davis, Sarah

Commemorating the 25th anniversary of the founding of Rice University's Baker Institute for Public Policy.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 24 REREFERRED
(Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **SB 24** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE RESOLUTION 392

Senator Kolkhorst offered the following resolution:

SR 392, In memory of former State Representative D. R. "Tom" Uher.

The resolution was read.

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

On motion of Senator Kolkhorst, **SR 392** was adopted by a rising vote of the Senate.

In honor of the memory of D. R. "Tom" Uher, the text of the resolution is printed at the end of today's *Senate Journal*.

CO-AUTHOR OF SENATE BILL 14

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

CO-AUTHOR OF SENATE BILL 15

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

CO-AUTHOR OF SENATE BILL 240

On motion of Senator Nelson, Senator Hancock will be shown as Co-author of **SB 240**.

CO-AUTHOR OF SENATE BILL 357

On motion of Senator Nichols, Senator Watson will be shown as Co-author of **SB 357**.

CO-AUTHOR OF SENATE BILL 500

On motion of Senator Nelson, Senator Lucio will be shown as Co-author of **SB 500**.

CO-AUTHOR OF SENATE BILL 846

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

CO-AUTHOR OF SENATE BILL 1356

On motion of Senator Powell, Senator Creighton will be shown as Co-author of **SB 1356**.

CO-AUTHOR OF SENATE BILL 1391

On motion of Senator Menéndez, Senator Rodríguez will be shown as Co-author of **SB 1391**.

CO-AUTHOR OF SENATE BILL 1529

On motion of Senator Perry, Senator Buckingham will be shown as Co-author of **SB 1529**.

CO-AUTHOR OF SENATE BILL 2160

On motion of Senator Paxton, Senator Buckingham will be shown as Co-author of **SB 2160**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 386 by Fallon, In memory of Julius E. Fambry.

SR 391 by Seliger, In memory of R. D. Cornelison.

Congratulatory Resolutions

SR 336 by Menéndez, Recognizing Division Laundry on the occasion of its 80th anniversary.

SR 385 by West, Recognizing Elsie Joe Jackson Caldwell on the occasion of her 90th birthday.

SR 390 by Whitmire, Recognizing Bernard A. Harris Jr. on the 25th anniversary of his space walk.

SR 394 by Lucio, Recognizing Ralph Cervantes for his contributions to the field of health management.

Official Designation Resolutions

SR 388 by Watson, Recognizing March 11, 2019, as Texas Adoptee Rights Day.

SR 389 by Watson, Recognizing March 18, 2019, as Physician Assistant Day.

SR 393 by Lucio, Recognizing March of 2019 as Bleeding Disorders Awareness Month.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:39 p.m. agreed to recess until 2:00 p.m. tomorrow for the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, in memory of Ralph Hall and D. R. "Tom" Uher, upon completion of the introduction of bills and resolutions on first reading, until 3:00 p.m. Monday, March 18, 2019.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 13, 2019

INTERGOVERNMENTAL RELATIONS — **SB 337, CSSB 295, SB 124**

STATE AFFAIRS — **SB 552, CSSB 554, SB 557, SB 666, SB 752, SB 874**

HEALTH AND HUMAN SERVICES — **SB 748, SB 420**

WATER AND RURAL AFFAIRS — **SB 563**

BUSINESS AND COMMERCE — **SB 476, SB 401**

STATE AFFAIRS — **CSSB 18, CSSB 41, CSSB 553**

TRANSPORTATION — **SB 365, SB 575, SB 688**

RESOLUTIONS ENROLLED

March 12, 2019

**SR 228, SR 318, SR 335, SR 345, SR 347, SR 349, SR 350, SR 353, SR 354,
SR 355, SR 356, SR 357, SR 358, SR 359, SR 360, SR 361, SR 362, SR 363,
SR 364, SR 365, SR 366, SR 367, SR 368, SR 369, SR 370, SR 371, SR 372,
SR 373, SR 374, SR 375, SR 376, SR 377, SR 378, SR 379, SR 380, SR 381,
SR 382, SR 383, SR 384**

SENT TO GOVERNOR

March 13, 2019

SCR 6, SCR 8, SCR 11, SCR 14

In Memory
of
D. R. "Tom" Uher
Senate Resolution 392

WHEREAS, The Senate of the State of Texas honors and commemorates the life of D. R. "Tom" Uher, who died March 9, 2019, at the age of 81; and

WHEREAS, A native of Bay City, Texas, Tom Uher was born on December 16, 1937, to Alfonso A. Uher and May Bittick Uher; he graduated from Bay City High School in 1956; and

WHEREAS, Tom earned a bachelor's degree in business administration from The University of Texas and a doctorate of jurisprudence from The University of Texas School of Law; he returned to his beloved hometown after graduation to begin his law practice, and he continued to practice for 55 years; and

WHEREAS, On his birthday in 1967, Tom was elected to the Texas House of Representatives, and he was a strong voice for the citizens of Matagorda, Wharton, and Brazoria Counties for 36 years; and

WHEREAS, He served on numerous committees during his legislative tenure, and he was most passionate about his work as vice chair of the Committee on Higher Education and chair of the Higher Education Subcommittee on Budget and Oversight; he authored and guided the passing of the MD Anderson Cancer Center Self Referral Bill, and he served as both speaker pro tempore and dean of the House; and

WHEREAS, A man of deep spiritual faith, Tom taught Bible study at the First Presbyterian Church; he was known for his generous spirit and his outgoing personality, and he enjoyed coaching Little League and cheering for the Texas Longhorns; and

WHEREAS, Tom Uher was a devoted husband, a tireless public servant, and a trusted mentor to many; he was a treasured citizen of the Lone Star State, and he will long be remembered with respect and admiration 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 D. R. "Tom" Uher; 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 Tom Uher.

KOLKHORST

