

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTY-SEVENTH DAY

(Monday, March 25, 2019)

The Senate met at 10:30 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.

Bishop Allen T. Rice Sr., Together We Stand Christian Church, Missouri City, offered the invocation as follows:

Our heavenly Father, Your word says to come boldly before Your throne of grace that we may obtain mercy and grace in time of need. On behalf of the Texas State Senate, the entire legislative body, staff, and all those gathered today, I come before You following the teaching of the Lord, when He said, men ought always to pray and never lose heart. Father, as You have chosen prayer as Your primary means of entering human affairs, I pray for Your mercy, grace, and divine guidance over this body and all those You created and love who are gathered here this morning. I pray specifically for a sovereign move of Your spirit over this Senate, our nation, and every family in this nation. I pray specifically for You to saturate us with Your unconditional love. I ask the prayer in Jesus' name. 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.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 25, 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:

**HB 81** Canales

Relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.

**HB 125** Martinez

Relating to the online publication of home addresses of certain occupational license holders.

**HB 305** Paul

Relating to the requirement that a political subdivision with authority to impose a tax post certain information on an Internet website.

**HB 339** Murr

Relating to the placement of speed limit signs at the end of construction or maintenance work zones.

**HB 396** VanDeaver

Relating to acceptable uses of the instructional materials and technology fund and the instructional materials and technology allotment.

**HB 422** Allen

Relating to annual reporting regarding the establishment of certain school district planning and decision-making committees.

**HB 540** Leach

Relating to the designation of U.S. Highway 75 in Richardson as the Officer David Sherrard Memorial Highway.

**HB 637** González, Mary

Relating to the salaries of the superintendent of the Texas School for the Blind and Visually Impaired and the superintendent of the Texas School for the Deaf.

**HCR 71** Oliverson

Congratulating the Houston Astros on winning the 2017 World Series.

**HCR 142** Craddick

Commemorating the dedication of the PermianCare building in honor of William C. "Bill" Morrow of Midland.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

#### PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Steve Ramirez of Round Rock as the Physician of the Day.

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

**SENATE RESOLUTION 447**

Senator Hall offered the following resolution:

**SR 447**, Recognizing March 25, 2019, as Kaufman County Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

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

The Senate welcomed its guests.

**SENATE RESOLUTION 446**

Senator Taylor offered the following resolution:

**SR 446**, Recognizing March 25, 2019, as The Power of Pre-K Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor was recognized and introduced to the Senate a delegation representing The Power of Pre-K Day.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Flores was recognized and introduced to the Senate a Medina County Day delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate youth ambassadors of the Texas 21 coalition.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator West, joined by Senators Nelson and Miles, was recognized and introduced to the Senate an Omega Psi Phi Fraternity, Incorporated, delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 463**

Senator Alvarado offered the following resolution:

WHEREAS, An unforgettable moment in Texas sports history took place on November 1, 2017, when the Houston Astros won the World Series, becoming the first team from the Lone Star State to hoist the trophy as the champions of Major League Baseball; and

WHEREAS, After an exceptional regular season and victories in the Division and League Championship Series, Houston met the Los Angeles Dodgers in the Fall Classic; it proved one of the most exciting showdowns in recent World Series history, with the two clubs battling one another through seven hard-fought contests; Games 2 and 5 were particularly thrilling, filled with home runs and dramatic shifts in momentum, and in both cases, the Astros ultimately prevailed; finally, with the teams deadlocked at three wins apiece, Houston took charge early in the decisive Game 7 and earned the mantle of world champions with a 5-1 victory; and

WHEREAS, The team's run through the postseason was all the more special in that it provided a much-needed boost for residents of Houston and the Gulf Coast area, who were grappling with the immense destruction inflicted by Hurricane Harvey in late August 2017; wearing jerseys emblazoned with a special "H Strong" patch, the Astros served as a source of inspiration for millions of Texans by overcoming all obstacles to achieve their championship goal; and

WHEREAS, A versatile ball club featuring a wealth of talented players, the 2017 Astros were put together by owner Jim Crane and general manager Jeff Luhnow, and the team was guided by manager A. J. Hinch; while all members of the roster contributed to the title quest, several were recognized with prestigious honors for their superb play; José Altuve was named the American League Most Valuable Player for his season-long excellence, George Springer became the World Series MVP after smashing five home runs against the Dodgers, and pitcher Justin Verlander was selected as the League Championship Series MVP for his spectacular work in helping Houston clinch the AL pennant; the list of the other players who earned a special place in the hearts of the Astros faithful is too long to mention, but such indelible moments as Alex Bregman's game-winning hit in the 10th inning of Game 5 and Charlie Morton's lights-out pitching performance to finish off Los Angeles in Game 7 will be cherished in the Lone Star State for decades to come; and

WHEREAS, In its finest moments, sports provides a means to bring people together; the Houston Astros' World Series triumph, coming in the wake of a devastating natural disaster, helped unite Texans while also furthering the state's proud legacy of athletic excellence, and all those associated with this achievement may reflect with pride on a job well done; now, therefore, be it

RESOLVED, That the Senate of the 86th Texas Legislature hereby congratulate the Houston Astros on winning the 2017 Major League Baseball World Series and extend to the team's players, coaches, and staff sincere best wishes for continued success; and, be it further

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

|             |           |
|-------------|-----------|
| ALVARADO    | KOLKHORST |
| BETTENCOURT | MILES     |
| CREIGHTON   | TAYLOR    |
| HUFFMAN     | WHITMIRE  |

The resolution was read and was adopted by a rising vote of the Senate.

**GUESTS PRESENTED**

Senator Alvarado was recognized and introduced to the Senate representatives of the Houston Astros, 2017 World Series champions, including Jeff Luhnow, President of Baseball Operations and General Manager; Reid Ryan, President of Business Operations; and players Tony Kemp, Will Harris, and Jake Marisnick.

The Senate welcomed its guests.

**(Senator Hughes in Chair)**

**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate the Texas Commission on the Arts 2019 and 2020 State Artists: Carrie Fountain, Little Joe Hernandez, Mary McCleary, Rick Lowe, Emmy Pérez, Emily Gimble, Earlie Hudnall Jr., and Gabriel Dawe.

The Senate welcomed its guests.

**RECESS**

On motion of Senator Whitmire, the Senate at 11:12 a.m. recessed until 11:45 a.m. today.

**AFTER RECESS**

The Senate met at 11:49 a.m. and was called to order by the President.

**MESSAGES FROM THE GOVERNOR**

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

March 22, 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 Chief Administrative Law Judge for a term to expire May 15, 2020:  
Kristofer S. "Kris" Monson  
Driftwood, Texas  
*(replacing Lesli G. Ginn of Austin whose term expired)*

To be the Chief Executive and Public Counsel of the Office of Public Utility Counsel for a term to expire February 1, 2021:

Lori A. Cobos  
Austin, Texas  
*(replacing Tonya R. Baer of Austin whose term expired)*

To be members of the Texas Industrialized Building Code Council for terms to expire as indicated:

To Expire February 1, 2020:

Janet M. Hoffman

Galveston, Texas

*(replacing Brian L. Eisenrich of Plano whose term expired)*

To Expire February 1, 2021:

Roland L. Brown

Midlothian, Texas

*(Mr. Brown is being reappointed)*

Edward E. "Eddie" Martin

Austin, Texas

*(Mr. Martin is being reappointed)*

Scott A. McDonald

Keller, Texas

*(Mr. McDonald is being reappointed)*

Stephen C. Shang

Austin, Texas

*(Mr. Shang is being reappointed)*

To be members of the Commission on Jail Standards for terms to expire January 31, 2025:

Patricia M. Anthony

Garland, Texas

*(replacing Jerry E. Lowry, Sr. of Porter whose term expired)*

Monica H. McBride

Alpine, Texas

*(replacing Larry S. May of Sweetwater whose term expired)*

William K. "Bill" Stoudt

Longview, Texas

*(Judge Stoudt is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

### RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

**HCR 62, HCR 93, HCR 94, HCR 95, HCR 96, HCR 97, HCR 98, HCR 99, HCR 100, HCR 101, HCR 102, HCR 103, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 113, HCR 114, HCR 115, HCR 116.**

### CONCLUSION OF MORNING CALL

The President at 11:52 a.m. announced the conclusion of morning call.

**(President Pro Tempore Watson in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 12 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 12** at this time on its second reading:

**CSSB 12**, Relating to the contributions to and benefits under the Teacher Retirement System of Texas.

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 12 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 12** 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 BILL 537 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 537** at this time on its second reading:

**SB 537**, Relating to the purchase of food and beverages by the Texas Department of Transportation for certain employees responding to emergencies or disasters.

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 537 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 537** 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.

**(Senator Powell in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 357 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 357** at this time on its second reading:

**CSSB 357**, Relating to outdoor advertising signs regulated by the Texas Department of Transportation.

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 357 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 357** 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.

**(President Pro Tempore Watson in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 553 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 553** at this time on its second reading:

**CSSB 553**, Relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures.

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 553 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 553** 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 BILL 497 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 497** at this time on its second reading:

**SB 497**, Relating to the designation of a portion of State Highway 71 in Travis County as the Trooper Carlos Ray Warren Memorial Highway.

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 497 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 497** 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 BILL 688 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 688** at this time on its second reading:

**SB 688**, Relating to height limitations for certain vehicles transporting seed cotton or cotton.

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 688 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 688** 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 BILL 1915 REREFERRED  
(Motion In Writing)**

Senator Alvarado submitted a Motion In Writing requesting that **SB 1915** be withdrawn from the Committee on Transportation and rereferred to the Committee on Texas Ports.

The Motion In Writing was read and prevailed without objection.

**SENATE CONCURRENT RESOLUTION 56**

The President Pro Tempore 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 27, 2019, and ending on Monday, April 1, 2019.

WHITMIRE

**SCR 56** 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.

**ACKNOWLEDGMENT**

Senator West was recognized and introduced to the Senate LaJuana Barton and acknowledged her 26 years of state service.

The Senate welcomed its guest.

**CO-AUTHOR OF SENATE BILL 12**

On motion of Senator Huffman, Senator Lucio will be shown as Co-author of **SB 12**.

**CO-AUTHOR OF SENATE BILL 26**

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 26**.

**CO-AUTHOR OF SENATE BILL 72**

On motion of Senator Nelson, Senator Lucio will be shown as Co-author of **SB 72**.

**CO-AUTHOR OF SENATE BILL 244**

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 244**.

**CO-AUTHOR OF SENATE BILL 414**

On motion of Senator Huffman, Senator Taylor will be shown as Co-author of **SB 414**.

**CO-AUTHOR OF SENATE BILL 477**

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 477**.

**CO-AUTHOR OF SENATE BILL 497**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 497**.

**CO-AUTHORS OF SENATE BILL 553**

On motion of Senator Schwertner, Senators Bettencourt, Creighton, and Kolkhorst will be shown as Co-authors of **SB 553**.

**CO-AUTHOR OF SENATE BILL 557**

On motion of Senator Kolkhorst, Senator Lucio will be shown as Co-author of **SB 557**.

**CO-AUTHOR OF SENATE BILL 778**

On motion of Senator Zaffirini, Senator Kolkhorst will be shown as Co-author of **SB 778**.

**CO-AUTHOR OF SENATE BILL 799**

On motion of Senator Alvarado, Senator Kolkhorst will be shown as Co-author of **SB 799**.

**CO-AUTHOR OF SENATE BILL 891**

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

**CO-AUTHOR OF SENATE BILL 987**

On motion of Senator Zaffirini, Senator Kolkhorst will be shown as Co-author of **SB 987**.

**CO-AUTHOR OF SENATE BILL 991**

On motion of Senator Menéndez, Senator Lucio will be shown as Co-author of **SB 991**.

**CO-AUTHOR OF SENATE BILL 1338**

On motion of Senator Zaffirini, Senator Kolkhorst will be shown as Co-author of **SB 1338**.

**CO-AUTHOR OF SENATE BILL 1867**

On motion of Senator Hinojosa, Senator Perry will be shown as Co-author of **SB 1867**.

**CO-AUTHOR OF SENATE BILL 2089**

On motion of Senator Hughes, Senator Perry will be shown as Co-author of **SB 2089**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 24**

On motion of Senator Kolkhorst, Senators Creighton and Nelson will be shown as Co-authors of **SJR 24**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 472** by Lucio, In memory of Quresha Zamir.

**SR 473** by Lucio, In memory of Chauncey Walter David Hagg.

**SR 475** by Watson, In memory of Gustavo Capuchino.

### **Congratulatory Resolutions**

**SR 455** by Menéndez, Recognizing the 2019 Texas Commission on the Arts honorees.

**SR 456** by Menéndez, Recognizing the 2020 Texas Commission on the Arts honorees.

**SR 468** by Paxton, Recognizing Bruce Glasscock on the occasion of his retirement.

**SR 474** by Nichols, Recognizing the Smokey Bear Wildfire Prevention campaign on the occasion of its 75th anniversary.

**SR 476** by Miles, Recognizing Micheal Brown for earning scholarships to 20 universities.

**SR 478** by Lucio, Recognizing the Helping Our Heroes Committee on the occasion of its golf tournament.

**HCR 53** (Seliger), Honoring Lettie England of Odessa for her contributions to the community.

**HCR 67** (Hinojosa), Honoring the Objective Watchers of the Legal System organization for its work in South Texas.

**HCR 130** (Flores, Campbell, Hughes, and Taylor), Congratulating former State Representative Ken Mercer on his retirement from USAA.

### **Official Designation Resolution**

**SR 471** by West, Recognizing March 25, 2019, as Texas Association of African American Chambers of Commerce Black Business Day.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:55 p.m. adjourned, in memory of Carlos Ray Warren, until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

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

March 25, 2019

CRIMINAL JUSTICE — **CSSB 2191**

HIGHER EDUCATION — **CSSB 479, CSSB 345, CSSB 330, CSSB 34**

BUSINESS AND COMMERCE — **CSSB 614**

TRANSPORTATION — **CSSB 198**

BUSINESS AND COMMERCE — **CSSB 241**

EDUCATION — **CSSB 811**

BUSINESS AND COMMERCE — **CSSB 59, CSSB 935**

**RESOLUTIONS ENROLLED**

March 21, 2019

**SR 460, SR 461, SR 462, SR 465, SR 466, SR 467**

