

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Monday, April 8, 2019)

The Senate met at 2:00 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, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Absent-excused: Perry.

The President announced that a quorum of the Senate was present.

Pastor Ronny Marriott, First Baptist Church, Burleson, was introduced by Senator Birdwell and offered the invocation as follows:

Father God, You are holy and worthy of praise, so we pause to give You thanks for Your goodness, for the gift of life. You are a gracious and merciful God and You are loving. Thank You for blessing our nation with freedom and thank You for the men and women who fought and are fighting still to protect that freedom. We acknowledge that You require of us to act justly, love mercy, and walk humbly with You. Your word says that You are the giver of all good things. We ask You to pour out Your blessings on our state. Thank You for the men and women of the Senate. Thank You for their dedication to the people of this great state, their willingness to make a difference, and their desire to do the right thing. They have been called upon to serve and tasked with a heavy responsibility of representing the interests of a diverse people. I know how hard it is to lead a congregation of 2,000, I can't imagine what it is like to lead the millions of people of this state. These are difficult times to navigate, so I ask You to give these men and women wisdom, discernment, and strength to make wise decisions which impact our way of life. I ask You to bless them and their families, protect them and lead them in a way that they find joy in what they do and even in the sacrifices they make for us all. Help us to be diligent in showing our appreciation for their hard work. May they be encouraged knowing that people all over this state believe in them and are praying for them regularly. In Your holy name I pray. 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Perry was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 8, 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 293

King, Ken

Relating to investment training requirements for school district and municipal financial officers.

HB 674

Patterson

Relating to soliciting from school districts served by a regional education service center certain information in conjunction with the annual evaluation of the center.

HB 833

Hernandez

Relating to the creation of a statewide alert system for missing military members.

HB 853

Moody

Relating to the deployment of advanced metering and meter information networks in certain areas outside of ERCOT.

HB 986

Price

Relating to the deployment of advanced metering and meter information networks by certain non-ERCOT utilities.

HB 1286

Smithee

Relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.

HB 1311

Thompson, Senfronia

Relating to the continuation and functions of the Texas Board of Professional Geoscientists.

HB 1326

Flynn

Relating to the continuation and functions of the Texas Military Department.

- HB 1397** Phelan
Relating to the establishment of rates for certain non-ERCOT utilities.
- HB 1422** Paddie
Relating to the continuation and functions of the Texas Historical Commission.
- HB 1595** Paddie
Relating to the deployment of advanced metering and meter information networks in certain areas outside of ERCOT.
- HB 1628** Morrison
Relating to the authority of coastal counties to adopt certain rules for island parks, beach parks, and public beaches; creating a criminal offense.
- HB 1872** Goldman
Relating to public access to certain information included on personal financial statements filed by county judicial officers.
- HB 2709** Frullo
Relating to authorization for the sale of certain Texas Tech University property.
- HB 2867** Metcalf
Relating to the creation of the Sam Houston State University College of Osteopathic Medicine.
- HCR 139** Capriglione
In memory of Ed Speakmon of Keller.
- SCR 22** Hughes
Congratulating Kacey Musgraves for receiving four 2019 Grammy Awards.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

April 8, 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 Securities Board for a term to expire January 20, 2023:

Kenneth R. "Kenny" Koncaba, Jr.
Friendswood, Texas

(replacing Greg "Alan" Waldrop of Austin whose term expired)

To be members of the Texas Economic Development Corporation Board of Directors for terms to expire at the pleasure of the Governor:

James P. "J. Pat" Hickman
Canyon, Texas
(replacing Marcus R. "Mark" Griffin of Lubbock)

Vicki A. Hollub
Galveston, Texas
(replacing Stephen C. "Steve" Head, Ph.D. of The Woodlands)

Woodley L. "Woody" Hunt
El Paso, Texas
(replacing Alejandro G. "Alex" Meade, III of Mission)

James E. "Jim" Lentz, III
Westlake, Texas
(replacing Michael W. "Mike" Rollins of Austin)

Robert "Drayton" McLane, Jr.
Temple, Texas
(replacing Nancy C. Windham of Nacogdoches)

Abidali Z. "Abid" Neemuchwala
Coppell, Texas
(replacing Sanjiv Yajnik of Dallas)

Scott M. Prochazka
Houston, Texas
(pursuant to Government Code Sec. 481.024)

Bryan Sheffield
Austin, Texas
(pursuant to Government Code Sec. 481.024)

To be a member of the Texas Facilities Commission for a term to expire January 31, 2021:

Brian A. Bailey
Austin, Texas
(replacing Robert D. Thomas of Austin who resigned)

Respectfully submitted,

/s/Greg Abbott
Governor

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)**

Senator Hughes submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar Rule, in order to move the Intent Calendar deadline to 5 p.m. today.

Thank you Mr. President.

HUGHES

The Motion In Writing was read and prevailed without objection.

PHYSICIANS OF THE DAY

Senator Menéndez was recognized and presented Dr. Rebecca Campos and Dr. Ezara Gutierrez of San Antonio as the Physicians of the Day.

The Senate welcomed Drs. Campos and Gutierrez and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 548

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize women judges from across the state and to welcome them to Austin on April 8, 2019, on the occasion of Texas Women Judges' Day at the State Capitol; and

WHEREAS, Women judges in Texas have a storied history dating back to 1925, when Governor Pat Neff appointed Hortense Sparks Ward, Hattie Leah Henenberg, and Ruth Virginia Brazzil to serve as Texas Supreme Court justices for a case from which all of the existing judges on the court had recused themselves; and

WHEREAS, The case involved a fraternal organization that had so many prominent members that no qualified male judges or attorneys could be found who did not have a conflict of interest; the women appointed to serve on the supreme court were all well-established attorneys, and these pioneering women formed the first court in the nation composed entirely of women; and

WHEREAS, The first woman to hold a permanent position on a Texas bench was Sarah Tilghman Hughes, a highly esteemed state representative who was appointed to the 14th District Court in Dallas by Governor James Allred in 1935; Judge Hughes went on to win election to the seat for a full term and was reelected for six more terms; in 1961, she became the first woman to serve as a federal district judge in Texas; and

WHEREAS, Since that time, numerous women have served with distinction on the Texas Supreme Court and on the Texas Court of Criminal Appeals; and

WHEREAS, Today, more than 1,100 women preside over courts throughout the state; they exemplify the highest standards of judicial conduct, and their dedication to public service is truly an inspiration to us all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 86th Legislature, hereby commend the women judges of Texas for their service and their commitment to equal justice under the law and extend to them best wishes for a memorable Texas Women Judges' Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

WEST
HUFFMAN
ZAFFIRINI

SR 548 was read.

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

On motion of Senator West, the resolution was adopted without objection.

GUESTS PRESENTED

Senator West, joined by Senators Zaffirini, Hinojosa, Huffman, Rodríguez, Miles, Johnson, Hall, Menéndez, Flores, Lucio, Paxton, and Whitmire, was recognized and introduced to the Senate a delegation of Texas women judges including Sharon Keller, Michelle Slaughter, Eva Guzman, Barbara Hervey, Mary Lou Keel, Debra Lehrmann, Stephanie Boyd, Norma Gonzales, Gloria Saldana, and Laura Salinas.

The Senate welcomed its guests.

(Senator Fallon in Chair)

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Kolkhorst, was recognized and introduced to the Senate a Nueces County delegation of officials including County Judge Barbara Canales.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate the state champion Del Rio High School Mariachi de Medianoche, accompanied by Band Director Ricardo Rios.

The Senate welcomed its guests.

MOMENT OF SILENCE OBSERVED

At the request of the President, the Senate observed a moment of silence in honor of Trooper Moises Sanchez, who was injured in the line of duty.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate the family and friends of Trooper Jacob Alexander Graves including his wife, Jessica; parents, Mark and Kim Graves; sister, Krystal Wilson; nephew, Cole Wilson; and niece, Hadlie Wilson.

The Senate welcomed its guests and extended its sympathy.

REMARKS ORDERED PRINTED

On motion of Senator Campbell and by unanimous consent, the remarks by Senators Lucio, Hinojosa, and Campbell honoring Troopers Moises Sanchez and Jacob Alexander Graves were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lucio: Thank you, Mr. President. Members, it's with a heavy heart that I address you this afternoon. This weekend we had a horrible tragedy in the Rio Grande Valley. Trooper Moises Sanchez was shot while he was in the line of duty. He remains in stable but very critical condition after undergoing surgery. Last night, as I drove here from the Valley, I spoke to Colonel, Director Steve McGraw, and I can tell you he was taking it very, very hard. When a family member of an agency, you know, when something like this happens to a family member of an agency, it's just something that's very, very personal. And it should be personal to us because he's a member of our Texas family here, of those of us who represent the State of Texas and different agencies and departments. I also spoke to Chief Kevin Cooper of DPS, and he equally was saddened of the events that had occurred. He got shot down in the Valley, Senator Hinojosa, will, I'll yield to him in a few moments, and I are very proud of the service that we get from troopers that not only, well, were born, live, and got to join the department but all troopers that come in from all over the state for what they do to protect our citizenry. But the State of Texas is grateful to Trooper Sanchez for his selflessness in protecting the people of our great state. I ask that you keep Trooper Sanchez and his family in your thoughts and prayers. As Chief Cooper told me, he was, is very well respected and loved by all his co-workers, and he has an incredible commitment to the agency and, of course, his work ethic is exemplary. He's an incredible public servant. I invite all Members and staff and the public to join me at a regularly scheduled Rosary this Wednesday. We have one every Wednesday, but this one's at 8:00 a.m. in the civil rights room in the third floor, 3E.4, which will be dedicated for the health and recovery of Trooper Sanchez. Again, I know that this hits us all pretty hard, and I yield to my good friend, Senator Chuy Hinojosa. Thank you, Mr. President.

Senator Hinojosa: Thank you, Mr. President. Members, I, too, rise to share some of my thoughts and comments on this tragic accident, an incident that happened Saturday night right before midnight. And it happened right, pretty close on the street next to my state office. Trooper Sanchez was responding to a routine traffic accident, and one of the people involved in the accident ran away and left the accident. Trooper Sanchez followed that person, and the person ambushed Trooper Sanchez with a .357 Magnum, shot him in the shoulder and in the head. A very unfortunate situation on a routine call, responding to an accident, and Trooper Sanchez was taken to emergency. He had surgery that same night and he is in critical condition and still the mortality rate for this type of situation, this type of incident is 90 percent. And, and it's very difficult for a simple reason that when a law enforcement officer responds to a routine accident or a routine traffic stop, there's nothing routine about it. You never know, and it's very sad because when they stop somebody they don't know if they're encountering individuals with a gun or a criminal or a violent person. And Trooper Sanchez was well known in the community. Not only was he out there patrolling late at night, taking care of our families and our communities, but also he was very much involved with the Boys & Girls Club. So, think about this, our law enforcement people also have families who are at home and don't know if their loved one will return that night. We simply take it for granted that our law enforcement officers don't face any dangers but once in a while. But that is not the case. Our troopers and our law enforcement people face danger every single day, every time they respond to a

call, every time they stop, make a traffic stop, and in this situation it is, it just pains me that I know this gentleman, I know who he is and his work in the community, to see him suffer this type of injury. The person committed the, allegedly committed the crime, but he committed the crime, is in custody, a 24-year-old young person who's at a party, probably all drugged up, and again it just shows the danger and the commitment that our law enforcement has that they, they will even pay with their lives to protect our families. So, Mr. President, Members, I would ask that our thoughts and prayers are with the trooper, Moises Sanchez, and his family as they stand guard, who, trooper now is in the hands of God, and hopefully he will recover.

Senator Campbell: Thank you, Mr. President and Members. Today, I rise in memory of Jacob Alexander Graves, who passed away almost a year ago on April the 12th. He graduated from San Marcos Baptist Academy in 2003, and then he served in the United States Army with the 1st Cavalry Division as an infantryman and cannon crew member in Iraq. For his service, he received numerous awards including the Army Commendation Medal and the National Defense Service Medal. His service didn't stop there. Upon returning from the Army, he became a deputy sheriff in Hays County. He was known as a man of courage, strength, selflessness, and kindness. He lived each day to the fullest and will never be forgotten. In the gallery, we are joined by Jake's loved ones who remember him and his wonderful spirit every day. I would like his family and friends to stand, to be introduced. Go ahead and stand up to be recognized. Jake is survived by his wife, Jessica; his parents, Mark and Kim; his sister, Krystal Graves and her children, Hadlie and Cole; his grandmother, Jerri; his sister-in-law, Hannah; and friends, Joshua, Debra, John, and Joe; and so many others that he worked, served, and lived with, who were touched by his generous spirit. Members, will you please help me thank Jake's loved ones who are here today and those watching back in Hays County for his service to our country and our state. And, Mr. President, I also ask that we observe a moment of silence or we close today's session in honor of his memory and have these remarks reduced to our Journal.

(Senator Fallon in Chair)

SENATE RESOLUTION 531

Senator Rodríguez offered the following resolution:

SR 531, Recognizing April 8, 2019, as Texas Promotores and Community Health Workers Day.

RODRÍGUEZ
ALVARADO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez, joined by Senators Alvarado, Lucio, Hinojosa, and Flores, was recognized and introduced to the Senate a Texas Promotores and Community Health Workers Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 552

Senator Hughes offered the following resolution:

SR 552, Recognizing April 8, 2019, as Texas A&M University–Texarkana Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate a Texas A&M University–Texarkana Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 544

Senator West offered the following resolution:

SR 544, Recognizing April 2019 as National Child Abuse Prevention Month.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a National Child Abuse Prevention Month delegation.

The Senate welcomed its guests.

**SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)**

On motion of Senator Creighton, Senate Rule 7.07(b) was suspended for **SB 2531**.

The Motion in Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2530 by Fallon

Relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2531 by Creighton

Relating to the disposition of an ad valorem tax protest by means of an agreed order.

To Committee on Property Tax.

SB 2532 by Fallon

Relating to the creation of the Grayson County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2533 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Utility District No. 242; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2534 by Bettencourt

Relating to the powers and duties of the Harris County Municipal Utility District No. 441; providing authority to issue bonds; providing authority to impose a tax.

To Committee on Intergovernmental Relations.

SB 2538 by Taylor

Relating to the creation of the Brazoria County Municipal Utility District No. 77; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

HB 27 to Committee on Criminal Justice.

HB 382 to Committee on Business and Commerce.

HB 539 to Committee on Higher Education.

HB 1066 to Committee on Water and Rural Affairs.

HB 1241 to Committee on State Affairs.

HB 1254 to Committee on Property Tax.

HB 1385 to Committee on Business and Commerce.

HB 1442 to Committee on Business and Commerce.

HB 1520 to Committee on Business and Commerce.

HB 1550 to Committee on Natural Resources and Economic Development.

HCR 43 to Committee on Administration.

CONCLUSION OF MORNING CALL

The President at 3:34 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 254 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 254** at this time on its second reading:

CSSB 254, Relating to court appointment of a receiver for a property that is in violation of certain ordinances in certain municipalities.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 254** (senate committee printing) in SECTION 1 of the bill, in added Section 214.003(b-1), Local Government Code (page 1, lines 37-39), by striking the first sentence and substituting the following:

This subsection applies only to a municipality wholly or partly located in a county that is located along the international border and has a population of 800,000 or more.

The amendment to **CSSB 254** 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 except as follows:

Absent-excused: Perry.

CSSB 254 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 254 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1037 ON SECOND READING

Senator Taylor moved to suspend the regular order of business to take up for consideration **SB 1037** at this time on its second reading:

SB 1037, Relating to limitations on the information reported by consumer reporting agencies.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Alvarado, Bettencourt, Birdwell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Campbell, Hughes, Paxton, Schwertner.

Absent-excused: Perry.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

SENATE BILL 1037 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1037** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Alvarado, Bettencourt, Birdwell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Campbell, Hughes, Paxton, Schwertner.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 626 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 626** at this time on its second reading:

CSSB 626, Relating to the Guadalupe-Blanco River Authority; following the recommendations of the Sunset Advisory Commission.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 626** (senate committee printing) in SECTION 3 of the bill, in amended Section 4(b), Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933 (page 4, line 61), by striking "Ten Thousand Dollars (\$10,000)" and substituting "\$100,000 [~~Ten Thousand Dollars (\$10,000)~~]".

The amendment to **CSSB 626** 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 except as follows:

Absent-excused: Perry.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 626** (senate committee printing) in SECTION 10(a) of the bill (page 9, lines 53 and 54) by striking "expiration of that director's term" and substituting "director's successor is appointed and has qualified".

The amendment to **CSSB 626** 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 except as follows:

Absent-excused: Perry.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 626** (introduced version) as follows:

(1) In SECTION 8 of the bill, in the recital for that section (page 20, line 23), strike "and 25" and substitute "25, and 26".

(2) In SECTION 8 of the bill, immediately following added Section 25, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933 (page 22, between lines 13 and 14), insert the following:

Sec. 26. (a) In this section, "system" means a system for the:

(1) provision of water to the public for human consumption; or

(2) collection and treatment of wastewater.

(b) The District shall adopt an asset management plan by:

(1) preparing an asset inventory that identifies the assets of each system and the condition of the assets;

(2) developing criteria to prioritize assets for repair or replacement, including:

(A) the date by which the asset will need to be repaired or replaced;

(B) the importance of the asset in providing safe drinking water and complying with regulatory standards;

(C) the importance of the asset to the effective operation of the system;
and

(D) other criteria as determined by the District;

(3) estimating asset repair and replacement costs;

(4) identifying and evaluating potential financing options; and

(5) prioritizing systems that are not in compliance with federal or state regulatory standards, including water quality standards.

(c) The District shall review and revise the asset management plan annually to account for regulatory changes and other developments.

(d) The Board shall approve the asset management plan annually as part of its budgeting process.

(e) The findings of the asset management plan must be posted on the District's publicly accessible Internet website.

The amendment to **CSSB 626** 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 except as follows:

Absent-excused: Perry.

CSSB 626 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 626 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 289 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 289** at this time on its second reading:

CSSB 289, Relating to disaster housing recovery.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 289** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 418.132(b)(1), Government Code (page 1, lines 38-40), and substitute the following:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency, as appropriate, on plans developed under Section 418.133;

(2) In SECTION 1 of the bill, in added Section 418.132(b)(3), Government Code (page 1, lines 47-48), strike "carry out the General Land Office's duties relating to long-term disaster recovery" and substitute "review plans developed under Section 418.133".

The amendment to **CSSB 289** 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 except as follows:

Absent-excused: Perry.

CSSB 289 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 289 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 289** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 710 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 710** at this time on its second reading:

CSSB 710, Relating to authorization for the creation of a county ethics commission in any county.

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 except as follows:

Absent-excused: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 710 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 710** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 244 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 244** at this time on its third reading and final passage:

SB 244, Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor, West.

Nays: Alvarado, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, Whitmire, Zaffirini.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 27 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 27** at this time on its second reading:

CSSB 27, Relating to recovery of damages, attorney's fees, and costs related to frivolous claims and regulatory actions by state agencies.

The motion prevailed.

Senator Schwertner asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 27** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 105, Civil Practice and Remedies Code, is amended by adding Section 105.006 to read as follows:

Sec. 105.006. COURT FACTORS FOR FRIVOLOUS CLAIM OR ACTION.

In determining whether a claim or regulatory action is frivolous under this chapter, the court may consider whether:

(1) the claim's or action's realistic chance of ultimate success is slight;

(2) the claim or action has no arguable basis in law or fact;

(3) it is clear that the state agency cannot prove facts in support of the claim

or action; or

(4) the totality of the tendered evidence fails to demonstrate any arguable basis for the claim or action.

(2) In SECTION 6 of the bill, in added Section 2001.903, Government Code (page 2, line 9), between the underlined period and "The", insert "(a)".

(3) In SECTION 6 of the bill, immediately after added Section 2001.903, Government Code (page 2, between lines 17 and 18), insert the following:

(b) In determining whether a regulatory action is frivolous under Subsection (a), the administrative law judge may consider whether:

(1) the action's realistic chance of ultimate success is slight;

(2) the action has no arguable basis in law or fact;

(3) it is clear that the state agency cannot prove facts in support of the

action; or

(4) the totality of the tendered evidence fails to demonstrate any arguable basis for the action.

The amendment to **CSSB 27** 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 except as follows:

Nays: Schwertner.

Absent-excused: Perry.

CSSB 27 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Schwertner.

Absent-excused: Perry.

COMMITTEE SUBSTITUTE SENATE BILL 27 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Schwertner.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

MOTION TO PLACE SENATE BILL 452 ON SECOND READING

Senator Fallon moved to suspend the regular order of business to take up for consideration **SB 452** at this time on its second reading:

SB 452, Relating to the authority of general-law municipalities to impose term limits on the members of their governing bodies.

The motion was lost by the following vote: Yeas 6, Nays 24.

Yeas: Alvarado, Fallon, Flores, Johnson, Paxton, Powell.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Absent-excused: Perry.

SENATE BILL 957 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 957** at this time on its second reading:

SB 957, Relating to voter approval of the issuance of certain obligations by municipalities to pay their unfunded liabilities to a public pension fund.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor, West.

Nays: Alvarado, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, Whitmire, Zaffirini.

Absent-excused: Perry.

The bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

SENATE BILL 452 ON SECOND READING

Senator Fallon again moved to suspend the regular order of business to take up for consideration **SB 452** at this time on its second reading:

SB 452, Relating to the authority of general-law municipalities to impose term limits on the members of their governing bodies.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

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 except as follows:

Absent-excused: Perry.

SENATE BILL 452 ON THIRD READING

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 452** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Menéndez.

Absent-excused: Perry.

COMMITTEE SUBSTITUTE SENATE BILL 625 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 625** at this time on its second reading:

CSSB 625, Relating to the Nueces River Authority, following recommendations of the Sunset Advisory Commission.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 625** (senate committee printing), in SECTION 16(a) of the bill (page 6, lines 6-7), by striking "expiration of that director's term" and substituting "director's successor is appointed and has qualified".

The amendment to **CSSB 625** 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 except as follows:

Absent-excused: Perry.

CSSB 625 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 625 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 625** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 23 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **SB 23** at this time on its second reading:

SB 23, Relating to enforcement of the rights of a living child born after an abortion; creating a civil cause of action; creating a criminal offense.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor, Zaffirini.

Nays: Alvarado, Hinojosa, Johnson, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire.

Absent-excused: Perry.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 23** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to amended Section 151.002, Family Code (page 1, line 26), strike "CIVIL ACTION".

(2) In SECTION 2 of the bill, in added Section 151.002(e), Family Code (page 1, line 44), strike "a civil penalty of not" and substitute "an administrative penalty assessed by the Texas Medical Board in accordance with Chapter 165, Occupations Code, except that the amount of the penalty may not be".

(3) In SECTION 2 of the bill, in added Section 151.002(e), Family Code (page 1, lines 44 and 45), strike the second sentence.

(4) In SECTION 2 of the bill, in added Section 151.002(e), Family Code (page 1, lines 45 and 47), in each place the term appears in the third sentence, strike "civil" and substitute "administrative".

(5) In SECTION 2 of the bill, in added Section 151.002(f), Family Code (page 1, line 50), strike "attorney general" and substitute "Texas Medical Board".

The amendment to **SB 23** was read.

On motion of Senator Kolkhorst, Floor Amendment No. 1 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

Absent-excused: Perry.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 23** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to amended Section 151.002, Family Code (page 1, lines 25-26), strike "AFTER AN ABORTION OR PREMATURE BIRTH; CIVIL ACTION; CRIMINAL OFFENSE" and substitute "; CIVIL ACTION; CRIMINAL OFFENSE [~~AFTER AN ABORTION OR PREMATURE BIRTH~~]".

(2) In SECTION 2 of the bill, in added Section 151.002(c), Family Code (page 1, lines 31-32), strike "after an abortion or attempted abortion".

(3) In SECTION 2 of the bill, in added Section 151.002(c), Family Code (page 1, lines 32-33 and 33-34), strike "performed or attempted the abortion" in each place it appears and substitute "was providing medical services at the time of the child's birth".

(4) In SECTION 2 of the bill, in added Section 151.002(d), Family Code (page 1, lines 38-40), strike "A woman on whom an abortion, as defined by Section 245.002, Health and Safety Code, is performed or attempted to be performed" and substitute "The mother of the child born alive".

(5) In SECTION 2 of the bill, in added Section 151.002(e), Family Code (page 1, line 43), strike "after an abortion or an attempted abortion".

(6) In SECTION 2 of the bill, in added Section 151.002(g), Family Code (page 1, lines 56-57), strike "after an abortion or an attempted abortion".

The amendment to **SB 23** was read.

POINT OF ORDER

Senator Hancock raised a point of order that Floor Amendment No. 2 to **SB 23** was not germane to the body of the bill.

POINT OF ORDER RULING

The President ruled that the point of order was well-taken and sustained.

SB 23 was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Schwertner, Seliger, Taylor, Zaffirini.

Nays: Alvarado, Hinojosa, Johnson, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire.

Absent-excused: Perry.

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **SB 23**:

As a pro-life Democrat who believes in the sanctity of all life, I always have believed deeply that we must protect not only the rights of unborn children, but also programs that meet their needs throughout their life.

Unfortunately, many divide us all into two categories—as being either pro-life or pro-choice. The reality is, however, that there are countless pro-lifers like me who also support Planned Parenthood; family planning; sex education; access to health care; and, because abortion is the law of the land, access to safe and legal abortions. The reality also is that there are pro-choicers who, like me, support reasonable regulations that protect the interests of unborn children and who also support issues associated closely with pro-life, such as parental consent and parental notification. The lines are not as clear-cut as some think—or wish.

The picture painted by SB 23 is horrific. The idea that a doctor would, in the aftermath of a failed abortion, witness a newborn child struggle for life and do nothing to assist is incomprehensible and abhorrent. My most serious concern about SB 23 is that its criminal penalties may cause some doctors to restrict a woman's legal right to a safe and legal abortion. Once a baby is born alive, however, he or she is born alive. Not taking care of the infant certainly would violate the doctor's standard of care. Accordingly, I believe the doctor likely could be charged with murder even without the bill.

Although declining to provide all life-saving measures possible to a child who was born alive already is against the law, a child born in such extenuating circumstances is vulnerable and warrants additional protections and penalties that will deter physicians

from acting in a manner contrary to the law. What's more, requiring persons who witness such illegal acts to make a report will ensure any physician who acts against the interests of a child born alive after a failed abortion answers for that crime. For these reasons, I voted for SB 23.

ZAFFIRINI

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Property Tax permission to meet while the Senate was meeting tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Property Tax might meet and consider **SB 2531** tomorrow.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Bettencourt, Senator Hall will be shown as Co-author of **SB 2**.

CO-AUTHORS OF SENATE BILL 27

On motion of Senator Hughes, Senators Bettencourt and Creighton will be shown as Co-authors of **SB 27**.

CO-AUTHORS OF SENATE BILL 30

On motion of Senator Birdwell, Senators Bettencourt, Campbell, and Hughes will be shown as Co-authors of **SB 30**.

CO-AUTHOR OF SENATE BILL 625

On motion of Senator Birdwell, Senator Zaffirini will be shown as Co-author of **SB 625**.

CO-AUTHOR OF SENATE BILL 626

On motion of Senator Birdwell, Senator Zaffirini will be shown as Co-author of **SB 626**.

CO-AUTHOR OF SENATE BILL 710

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-author of **SB 710**.

CO-AUTHOR OF SENATE BILL 957

On motion of Senator Bettencourt, Senator Creighton will be shown as Co-author of **SB 957**.

CO-AUTHOR OF SENATE BILL 1037

On motion of Senator Taylor, Senator Rodríguez will be shown as Co-author of **SB 1037**.

CO-AUTHOR OF SENATE BILL 1378

On motion of Senator Buckingham, Senator Zaffirini will be shown as Co-author of **SB 1378**.

CO-AUTHOR OF SENATE BILL 1454

On motion of Senator Taylor, Senator West will be shown as Co-author of **SB 1454**.

CO-AUTHORS OF SENATE BILL 1494

On motion of Senator Paxton, Senators Alvarado, Buckingham, Fallon, Hinojosa, Johnson, Menéndez, Powell, Rodríguez, Schwertner, and Watson will be shown as Co-authors of **SB 1494**.

CO-AUTHOR OF SENATE BILL 1757

On motion of Senator Creighton, Senator West will be shown as Co-author of **SB 1757**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 139 (Hancock), In memory of Ed Speakmon of Keller.

Congratulatory Resolutions

SR 546 by Watson, Recognizing David Hamill for his work with the New Horizons Lacrosse Foundation.

SR 547 by Watson, Recognizing David L. Howell on the occasion of his retirement.

SR 550 by Fallon, Recognizing the Aledo High School football team for winning a state championship.

SR 553 by Nelson, Recognizing members of Leadership Flower Mound for their public service.

SR 555 by Buckingham, Alvarado, Bettencourt, Birdwell, 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, and Zaffirini, Recognizing Gary P. Nunn for his contributions to music.

HCR 146 (Seliger), Congratulating Denna Marcum McGuire and Allen Grover McGuire Jr. of Midland on their 50th wedding anniversary.

RECESS

On motion of Senator Whitmire, the Senate at 6:29 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 8, 2019

HEALTH AND HUMAN SERVICES — CSSB 706, CSSB 705, CSSB 569

STATE AFFAIRS — CSSB 322, CSSB 362, CSSB 2119

HIGHER EDUCATION — CSSB 16

PROPERTY TAX — SB 196, SB 579, SJR 47, SB 1013

HEALTH AND HUMAN SERVICES — CSSB 781, CSSB 750

BUSINESS AND COMMERCE — CSSB 1210, CSSB 1450, CSSB 944

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — SB 2309, SB 320, SB 534, SB 1270, SB 1319, SB 1467, SB 2182, SB 2208

FINANCE — CSSB 69, CSSB 1214, CSSB 962

BUSINESS AND COMMERCE — SB 2305, SB 986, SB 2410, CSSB 1264, CSSB 42, CSSB 1532, CSSB 943, CSSB 787

HEALTH AND HUMAN SERVICES — CSSB 170

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — SB 1516, CSSB 2137, CSSB 1431, CSSB 1307, CSSB 1393, CSSB 1262, CSSB 1719, CSSB 1850, CSSB 1281, CSSB 649, CSSB 753, CSSB 1021, CSSB 1511, CSSB 531

CRIMINAL JUSTICE — SB 719, CSSB 1154, CSSB 1259, SB 1397, SB 1702, SB 1820, CSSB 2100, CSSJR 32

STATE AFFAIRS — CSSB 2485, CSSB 2488, CSSB 2486, CSSB 2487

BUSINESS AND COMMERCE — SB 799, SB 1034, CSSB 1530

EDUCATION — CSSB 54, SB 251, SB 676, CSSB 863, SB 1276, CSSB 1306, CSSB 1451, CSSB 1679, CSSB 1731, CSSB 2073

STATE AFFAIRS — SB 370, SB 440, SB 466, SB 741, SB 751, SB 772, SB 801, SB 901, SB 903, SB 905, SB 966, SB 974, SB 1255, SB 1420, CSSB 46, CSSB 902, CSSB 904, CSSB 1189, CSSB 1190, CSSB 1209, CSSB 1229, CSSB 1257, CSSB 1426, CSSB 1491, CSSB 1774, CSSB 1784, CSSB 1792, CSSB 1801, CSSB 1827, CSSB 1975, CSSB 1995, CSSB 2128, CSSB 2206, CSSB 2342, CSSB 2390, CSSB 2353, CSSB 205

VETERAN AFFAIRS AND BORDER SECURITY — SB 1597, SB 822, SB 2048

BILLS ENGROSSED

April 4, 2019

SB 14, SB 59, SB 71, SB 235, SB 285, SB 300, SB 421, SB 555, SB 568, SB 601, SB 615, SB 621, SB 624, SB 646, SB 674, SB 790, SB 812, SB 925, SB 936, SB 971, SB 988, SB 1010, SB 1012, SB 1152, SB 1231, SB 1574, SB 2190

RESOLUTIONS ENROLLED

April 4, 2019

SR 536, SR 540, SR 542, SR 543

