

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Continued)

(Tuesday, April 9, 2019)

AFTER RECESS

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

Pastor Matthew Hagee, Cornerstone Church, San Antonio, was introduced by Senator Campbell and offered the invocation as follows:

Heavenly Father, today we are reminded that You are the God of all creation. You are full of truth, of justice, wisdom, and compassion. Today, as the leadership of Texas assembles to govern, let us remember that apart from You, we can do nothing, but with You we can do all things. Let truth be the foundation of this house. Let justice be the outcome of its decisions. Let wisdom rest upon every Member of this Legislature, and let the compassion of the creator of heaven and Earth lead the hearts and minds of all who serve the citizens of Texas today. These things I ask in the precious name of my lord and savior. Amen.

SENATOR ANNOUNCED PRESENT

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 22**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 9, 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 141

Springer

Commending artist George Skypeck for donating his painting The Spirit of the Alamo Lives On to the State of Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Hughes was recognized and presented Dr. My-Huyen Tran of Tyler, accompanied by Courtney Pratt, as the Physician of the Day.

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

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 9, 2019
Austin, Texas

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Public Finance Authority for terms to expire February 1, 2023:

Billy M. Atkinson, Jr.
Sugar Land, Texas

(Mr. Atkinson is being reappointed)

Joseph E. "Joe" Williams
Frisco, Texas

(replacing Robert Thomas "Tom" Roddy, Jr. of San Antonio whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate representatives of the International Rescue Committee in Abilene including Chief Ethics and Compliance Officer Susan Ringler.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate Tom and Jennifer Buck, First Baptist Church of Lindale.

The Senate welcomed its guests.

SENATE RESOLUTION 545

Senator Taylor offered the following resolution:

SR 545, Recognizing Leadership Mainland for its service to the community.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate the 2019 Leadership Mainland Class.

The Senate welcomed its guests.

SENATE RESOLUTION 557

Senator Rodríguez offered the following resolution:

SR 557, Recognizing April 16, 2019, as Texas Education and Sharing Day.

RODRÍGUEZ	HUGHES	SELIGER
ALVARADO	JOHNSON	WATSON
BETTENCOURT	KOLKHORST	WEST
CAMPBELL	LUCIO	WHITMIRE
CREIGHTON	MENÉNDEZ	ZAFFIRINI
FLORES	PAXTON	
HINOJOSA	POWELL	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez, joined by Senator Menéndez, was recognized and introduced to the Senate a Texas Education and Sharing Day delegation including Rabbi Levi Greenberg.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Buckingham submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Commissioners, Board of Pilot Commissioners for Galveston County Ports: James Perry Bryan, Galveston County; Charles Frederick Kuebler, Galveston County.

Members, Board, Department of Information Resources: Christian Alexis Alvarado, Travis County; Michael Dean Bell, Harris County; James Perry Dyer, Travis County.

Member, Board of Trustees, Employees Retirement System of Texas: James Kee, Bexar County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Robert E. Brockman, Comal County; Stephen Brent Ehrig, Gonzales County; Oscar H. Fogle, Caldwell County; Kenneth Alan Motl, Calhoun County.

Public Counsel, Office of Injured Employee Counsel: Jessica Corna Barta, Travis County.

Members, Product Development and Small Business Incubator Board: Jack J. Goehring, Travis County; Jimmie Ricardo Limon, Cameron County; Melinda Anne Moore, Angelina County; Manuel Salazar, Kleberg County; Colette Patrice Walls, San Patricio County.

Members, State Board of Dental Examiners: Lorie Lynette Jones, Montgomery County; Margo Yvette Melchor, Harris County.

Members, State Board of Veterinary Medical Examiners: Sue Talaina Allen, McLennan County; Samantha Johnson Mixon, Kendall County; Randall Lee Skaggs, Ochiltree County.

Member, State Cemetery Committee: Carolyn King Hodges, Harris County.

Members, Board of Directors, Sulphur River Basin Authority: Gary Wayne Cheatwood, Red River County; Bradley Kyle Drake, Lamar County; Wallace Eugene Kraft, Lamar County; Bret Alan McCoy, Morris County; Kelly Douglas Mitchell, Bowie County; Catherine A. Stedman, Titus County.

Member, Board of Trustees, Teacher Retirement System of Texas: James D. Nance, Lavaca County.

Members, Texas Board of Medical Radiologic Technology: Linda Faye Brown, Jefferson County; Jennifer Colleen Flanagan, Parker County; Faraz Adil Khan, Harris County; Regan Leigh Robinson Landreth, Williamson County; Melanie Lutz, Harris County; Carol Waddell, McLennan County.

Members, Texas Commission of Licensing and Regulation: Thomas Felton Butler, Harris County; Gary Franklin Wesson, Bastrop County.

Members, Texas Commission on Fire Protection: Arminda Garza, Hidalgo County; Michael Paul Jones, Johnson County; Bob Douglas Morgan, Tarrant County; Mala Sharma, Harris County; John Paul Steelman, Gregg County.

Members, Texas Diabetes Council: Felicia Fruia-Edge, Cameron County; John W. Griffin, Victoria County; Feyi Obamehinti, Tarrant County; Ardis Ann Reed, Smith County.

Member, Texas Facilities Commission: Rigoberto Villarreal, Hidalgo County.

Members, Texas Juvenile Justice Board: David S. Matthew, Williamson County; Mona Lisa Chambers, Harris County.

Member, Board of Regents, Texas Southern University: Ronald J. Price, Dallas County.

Members, Texas State Board of Public Accountancy: Manuel Cavazos, Travis County; Lisa A. Friel, Bexar County; Jamie De'Sean Grant, Tarrant County; James Drew Ingram, Brazos County; Debra Saldana Sharp, Harris County.

Member, Board of Regents, Texas Tech University System: Ginger Kerrick, Harris County.

Member, Board of Regents, The University of Texas System: Nolan E. Perez, Cameron County.

Members, Board of Directors, Upper Guadalupe River Authority: David Michael Hughes, Kerr County; William Raymond Rector, Kerr County; Margaret Brogan Snow, Kerr County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Buckingham gave notice that tomorrow she would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

COMMITTEE SUBSTITUTE SENATE BILL 627 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 627** at this time on its second reading:

CSSB 627, Relating to the Red 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 627** (senate committee printing), in SECTION 12(a) of the bill (page 7, lines 55-56), by striking "expiration of that director's term" and substituting "director's successor is appointed and has qualified".

The amendment to **CSSB 627** 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 627 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 627 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 627** 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 325 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 325** at this time on its second reading:

CSSB 325, Relating to establishing a protective order registry and the duties of court personnel and other persons and entities in regard to the registry.

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 325 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 325** 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 1640 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1640** at this time on its second reading:

CSSB 1640, Relating to the open meetings law.

The motion prevailed.

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

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:

Nays: Creighton.

**COMMITTEE SUBSTITUTE
SENATE BILL 1640 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1640** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Hancock in Chair)

SENATE BILL 31 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 31** at this time on its second reading:

SB 31, Relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.

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 31 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 31** 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 700 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 700** at this time on its second reading:

CSSB 700, Relating to retail public utilities that provide water or sewer service.

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 700 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 700** 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 1751 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 1751** at this time on its second reading:

CSSB 1751, Relating to the creation and operations of a health care provider participation program by the El Paso County Hospital District.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1751** (senate committee printing) in SECTION 1 of the bill, in added Section 298G.153(d), Health and Safety Code (page 4, lines 41 through 43), by striking "reimbursement, or managed care pass-through payment described by Section 298G.103(c)(1) is available to the district" and substituting "or reimbursement described by Section 298G.103(c)(1) is available to nonpublic hospitals in the district".

The amendment to **CSSB 1751** 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 1751 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 1751 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 1751** 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 733 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 733** at this time on its second reading:

SB 733, Relating to the authorization of a fee for participation in the Managed Lands Deer Program.

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 733 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 733** 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 1378 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1378** at this time on its second reading:

SB 1378, Relating to meeting the graduate medical education needs of medical degree programs offered or proposed by public institutions of higher education.

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 1378 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1378** 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 in Chair)

SENATE RESOLUTION 549

Senator Fallon offered the following resolution:

SR 549, Recognizing the Medal of Honor Host City program.

The resolution was read.

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

On motion of Senator Fallon, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Fallon, joined by Senators Birdwell, Nelson, Kolkhorst, and Campbell, was recognized and introduced to the Senate Sergeant Gary Michael Rose and Sergeant Gary Beikirch and his wife, Loreen Beikirch.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator Kolkhorst and by unanimous consent, Senator Birdwell's remarks regarding **SR 549** were ordered reduced to writing and printed in the *Senate Journal*.

On motion of Senator Menéndez and by unanimous consent, all remarks regarding **SR 549** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Fallon: Thank you, Mr. President and Members. Members, if I could have your attention, this is a very unique moment. Approximately 42 million Americans have worn the uniform over the course of our nation's history. We have some veterans here in the Chamber with us, and today we're honored with two Medal of Honor recipients. Of the patriots that have served, 3,500 members of the 42 million have received this honor, and only 1,059 since 1900. We have two American heroes and American treasures with us today. They would not call themselves heroes, but they are. Of the 22 million living veterans just 71 have been awarded the Medal of Honor, and we're fortunate, as I said, to have Sergeant Gary Michael Rose with us. Sergeant Rose was awarded the Medal of Honor on October 23, 2017, by President Trump for his actions in Laos in September 1970, while serving as a medic with the 5th Special Forces, 1st Special Forces Division. For many years this mission, Operation Tailwind, was classified. Deep inside enemy territory, Sergeant Rose braved a hail of bullets, mortar rounds, and enemy B-40 rockets, sprinting 50 meters to a wounded soldier's side. Suddenly, a rocket impacted just meters from him injuring his head, hand, and foot. Ignoring his wounds, he attempted to hoist wounded personnel onto a hovering helicopter. Over the next two days, Sergeant Rose continued to help care for the wounded, estimated to be half of the entire company. After the Marine door gunner on the final helicopter was shot in the neck, Sergeant Rose also gave him aid and he saved his life. Unfortunately, that helicopter crashed several hundred meters from the evacuation point. Surviving the crash, Rose pulled and carried unconscious and wounded comrades from the burning wreckage until a helicopter arrived. He recovered and returned home to live a remarkable life. For his incredible bravery and service in defense of our nation, the House and Senate have passed this concurrent resolution. And second, I want to welcome Sergeant Gary Beikirch. Sergeant Beikirch was awarded the Medal of Honor on October 15, 1973, by President Richard Nixon for his actions defending Camp Dak Seang during the Vietnam War, while serving as a medical airman of Detachment B-24, Company B. The allied defenders suffered a number of casualties during an intense, devastating attack on the camp. At the beginning of the assault, Sergeant Beikirch manned a 4.2-inch mortar. When it was destroyed by an enemy mortar round, he took over the machine gun. Seeing a fellow Green Beret go down, he ran through heavy fire to help him, and in doing so he was hit by mortar shrapnel in the spine and was paralyzed. Despite this he got two South Vietnamese comrades to carry him through enemy fire so he could treat the fallen, villagers and soldiers alike. As he applied mouth-to-mouth resuscitation to another soldier, Sergeant Beikirch was again shot, this time in the side and stomach. Bleeding heavily and barely conscious, he continued to fire on the enemy while being dragged away by the triage men for treatment. Remarkably he, too, survived this incident,

recovering over six months at Valley Forge Medical Center, slowly relearning to walk. For his remarkable bravery in service and defense of our nation, the House and Senate have passed this Concurrent Resolution 100. Joining Sergeant Beikirch today is his wife, Loreen. Please join me in welcoming them to their state, or our, this Texas State Capitol, in this Chamber.

President: We have a few other Members before we welcome them.

Senator Fallon: Absolutely.

President: Have a few other Members who would like to speak. Lieutenant Colonel Birdwell, Senator Birdwell.

Senator Birdwell: Thank you, Mr. President, Members. Thank you, gentlemen, for joining us. The nature of your service, it is a, I mean, I've had the privilege of meeting Medal of Honor winners, and there's actually a large book, Members, of, that provides the citations of Medal of Honor recipients. And in the Pentagon, there's a, there's a small little area that, that's called the Hall of Heroes, and it's got the name of every Medal of Honor winner. And at my time at, at the Pentagon, when, when there were times I would take folks through that, that were visiting, I'd always take them there. These men are very special. I want you to understand just how special they are. There's a Korean War citation for Captain Millett, and most of us think of, particularly with the first Gulf War and since being a very high tech video game, and it's not. During the Napoleonic wars, of which the Civil War was the last of the Napoleonic wars, bayonet charges were routine, but the last American bayonet charge was led by Captain Millett in 1952 on the Korean peninsula. While I don't have the citations of Sergeant Rose and Sergeant Beikirch, that's the category of courage that we are speaking of here. For every man that has earned the Medal of Honor, there's 10 men that were with him earning it. So, I want to make sure, Members, that we're not just simply recognizing two men that are wearing the most distinguished medal, that we're recognizing every man and woman that was with these two men, earning it with them. Because when I got to meet Captain Millett, back in 2000, the 14 men that charged that Chinese position, out of ammunition with bayonets fixed, only four survived. But those 13 other men were who had earned that Medal of Honor with Captain Millett. And that's what these gentlemen represent now, and I want you to know one other thing, the President of the United States is the Commander in the Chief, and in every circumstance but one receives the salute, except for surviving members or surviving individuals that did not receive their Congressional Medal of Honor posthumously. The President of the United States initiates the salute to a man wearing the Congressional Medal of Honor. I want you to understand exactly the nature of valor and honor that is standing in this Chamber today. Thank you, gentlemen, particularly in the wars that you were in. You came home not to shower away the smell of battle or the sting of jungle, but you came to wash away the contempt of your fellow Americans after the Vietnam War was over with. Let this nation never again make such a mistake. God bless you. Thank you to each one of you. Hooah. Thank you for this resolution, Senator Fallon.

President: Thank you, Senator Birdwell. Senator Nelson.

Senator Nelson: Thank you, Mr. President, and thank you, Senator Fallon, for bringing this resolution before us. I have an opportunity to visit Gainesville on a very regular basis and, Members, if you have never had the opportunity to be up there, they have a three-day weekend that they honor Congressional medal heroes from all over the country. They raise money to fly them into DFW airport. There is a caravan accompanied by our blue from all over North Texas that escort them up 35 from DFW airport to Gainesville, and every overpass has flags hanging down, people up there waving, saluting our heroes, and they spend three, and I think there were about 35 maybe last time, Senator Fallon, up there. They go into our schools, talk to our children, it is the neatest thing you could ever imagine, honoring these heroes. And Rand McNally recognized Gainesville a few years back as the most patriotic city in the country, because of what they do for our heroes. So, thank you, Senator Fallon, for bringing this to our attention. And, certainly, thank you to our Congressional Medal of Honor heroes. We appreciate you.

President: Thank you, Senator Nelson. Senator Kolkhorst.

Senator Kolkhorst: Thank you, Mr. President. I rise to, of course, honor those heroes that stand on our Senate floor today. I would like, Mr. President, to have the words that were given by Lieutenant Colonel Birdwell, Senator Birdwell, reduced to writing and put in the Journal that forever, generations to come, can read what he said.

President: Thank you, Senator Kolkhorst. Any objection to that motion? Hearing none, the motion is adopted. Senator Campbell, you're recognized.

Senator Campbell: Thank you, Mr. President and Members. Thank you, Senator Fallon, for bringing our Congressional Medal of Honor men with us today. As Chairwoman of Veterans Affairs and Border Security, I always start the meeting with there's no more honorable profession and no greater title of valor that anyone can have than to be called a veteran. Thank you for what you've done. Thank you for your mindset in the life that you've led, preserving and protecting our freedom. We all live under the banner of the work that you did to defend our country. Thank you for that, very much, from the bottom of our hearts. Thank you, Mr. President.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Young Women's Leadership Academy students, accompanied by teachers Ted Guerra, Jennifer Delmer, and Steven Winters.

The Senate welcomed its guests.

(Senator Creighton in Chair)

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate constituents from his district including Virginia Rodgers Grasso, Netta Trahan, Marylan Whittaker, Barbara Cooper, Rosalyn Francis, Abur Abner Lyons, Albert Coleman, Roy Grant, Ken Campbell, Elehue Livingston, and Rahsaan King.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator Zaffirini acknowledged the presence of Greg Abbott, Governor of Texas.

(Senator Perry in Chair)

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate representatives from Utilis Israel, Ltd. including CEO Elly Perets.

The Senate welcomed its guests.

(President in Chair)

SENATE BILL 1636 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1636** at this time on its second reading:

SB 1636, Relating to an annual report prepared by the Health Professions Council.

The motion prevailed.

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

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:

Nays: Buckingham.

SENATE BILL 1636 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 1636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Buckingham.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1572 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **SB 1572** at this time on its second reading:

SB 1572, Relating to municipal registration of vacant buildings.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Buckingham, Campbell, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Fallon, Hancock, Hughes, Paxton.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1572** (senate committee printing), in SECTION 1 of the bill, in amended Section 214.233(a), Local Government Code (page 1, line 24), between "official" and the period, by inserting the following:

if the municipality is located in:

(1) a county that has a population of two million or more; or

(2) a county that:

(A) has a population of more than 285,000 and less than 300,000; and

(B) borders the Gulf of Mexico

The amendment to **SB 1572** 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.

SB 1572 as amended was passed to engrossment by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Fallon, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Hancock, Hughes.

SENATE BILL 1572 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1572** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Fallon, Flores, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Hancock, Hughes.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

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

COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSHB 1** at this time on its second reading:

CSHB 1, General Appropriations Bill.

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

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

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

COMMITTEE SUBSTITUTE
HOUSE BILL 1 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 **CSHB 1** 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 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.

SENATE BILL 1891 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 1891** at this time on its second reading:

SB 1891, Relating to a limit on the rate of growth of certain appropriations.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 21 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 21** at this time on its second reading:

CSSB 21, Relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Bettencourt, Campbell, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Fallon, Hall, Hancock, Hughes, Nichols, Paxton, Schwertner, Whitmire.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 21** (senate committee printing) as follows:

(1) In the recital to SECTION 4 of the bill (page 1, lines 41 and 42), strike "Sections 161.082(a) and (e), Health and Safety Code, are amended" and substitute "Section 161.082, Health and Safety Code, is amended by amending Subsections (a) and (e) and adding Subsection (f)".

(2) In SECTION 4 of the bill, immediately following amended Section 161.082(e), Health and Safety Code, (page 1, between lines 59 and 60), insert the following new subsection:

(f) It is an exception to prosecution under Subsection (a)(1) that the person to whom the cigarette, e-cigarette, or tobacco product was sold:

(1) is at least 18 years of age;

(2) is on active duty in the United States military forces or the state military forces; and

(3) presented at the time of purchase a valid military identification card.

(3) In SECTION 7 of the bill, in amended Section 161.084(b), Health and Safety Code (page 2, line 31), immediately following "WEIGHT.", insert the following:

THE PROHIBITIONS DESCRIBED ABOVE DO NOT APPLY TO A PERSON WHO IS ON ACTIVE DUTY IN THE UNITED STATES MILITARY FORCES OR STATE MILITARY FORCES.

(4) In SECTION 13 of the bill, immediately following amended Section 161.252(c), Health and Safety Code (page 4, between lines 34 and 35), insert the following new subsection:

(c-1) It is an exception to the application of this section that the individual younger than 21 years of age:

(1) is at least 18 years of age;

(2) is on active duty in the United States military forces or the state military forces; and

(3) presents at the time of purchase a valid military identification card.

The amendment to **CSSB 21** 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 21 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Bettencourt, Campbell, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Fallon, Hall, Hancock, Hughes, Nichols, Paxton, Schwertner, Whitmire.

CO-AUTHORS OF SENATE BILL 30

On motion of Senator Birdwell, Senators Creighton, Fallon, Hall, Kolkhorst, Nelson, Paxton, Perry, Rodríguez, and Schwertner will be shown as Co-authors of **SB 30**.

CO-AUTHORS OF SENATE BILL 31

On motion of Senator Zaffirini, Senators Hall and Miles will be shown as Co-authors of **SB 31**.

CO-AUTHORS OF SENATE BILL 213

On motion of Senator Seliger, Senators Huffman, Lucio, Menéndez, Miles, Nichols, Paxton, Powell, Schwertner, and Zaffirini will be shown as Co-authors of **SB 213**.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Huffman, Senator Creighton will be shown as Co-author of **SB 325**.

CO-AUTHOR OF SENATE BILL 531

On motion of Senator Birdwell, Senator Rodríguez will be shown as Co-author of **SB 531**.

CO-AUTHOR OF SENATE BILL 539

On motion of Senator Johnson, Senator Lucio will be shown as Co-author of **SB 539**.

CO-AUTHORS OF SENATE BILL 686

On motion of Senator Alvarado, Senators Fallon and Watson will be shown as Co-authors of **SB 686**.

CO-AUTHORS OF SENATE BILL 943

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

CO-AUTHOR OF SENATE BILL 944

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 944**.

CO-AUTHOR OF SENATE BILL 1253

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 1253**.

CO-AUTHOR OF SENATE BILL 1640

On motion of Senator Watson, Senator Buckingham will be shown as Co-author of **SB 1640**.

CO-AUTHORS OF SENATE BILL 1850

On motion of Senator Rodríguez, Senators Birdwell, Fallon, Flores, Hinojosa, Lucio, Miles, West, and Zaffirini will be shown as Co-authors of **SB 1850**.

CO-AUTHOR OF SENATE BILL 1887

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 1887**.

CO-AUTHORS OF SENATE BILL 2297

On motion of Senator Powell, Senators Johnson and Watson will be shown as Co-authors of **SB 2297**.

CO-AUTHOR OF SENATE BILL 2412

On motion of Senator Menéndez, Senator Creighton will be shown as Co-author of **SB 2412**.

CO-AUTHOR OF SENATE BILL 2485

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 2485**.

CO-AUTHOR OF SENATE BILL 2486

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 2486**.

CO-AUTHOR OF SENATE BILL 2487

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 2487**.

CO-AUTHOR OF SENATE BILL 2488

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-author of **SB 2488**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 558 by Fallon and Nelson, In memory of Julius E. Fambry.

Congratulatory Resolutions

SR 559 by Hancock, Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, and Zaffirini, Recognizing Friends of the Governor's Mansion on the occasion of its 40th anniversary.

SR 560 by Watson, Recognizing Carl Ziegler on the occasion of his retirement.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:45 p.m. adjourned, in memory of Jacob Alexander Graves, Walter Derrick, and Lonnetta Tucker, until 3:50 p.m. today.

