

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Wednesday, February 1, 2017)

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: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

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

Pastor Chad Patterson, Church of the Hills, Cedar Park, offered the invocation as follows:

O Lord God, we bless You who govern the universe, and we thank You for Your mercy, Your grace, Your patience, and Your relentless love. Thank You for Your forgiveness and Your justice. Lord, we bless and speak life, health, and strength to each Member of this Senate and its President. We bless and speak life and health to their bodies, to their minds, to their personal finances. We bless and speak life and health to their desires and to their inner persons. Lord, we bless the relationships found here, relationships with one another, with families, with staff, with constituents. Lord, please grant all connected with this Senate Your eternal and joy-filled perspective that we all may prosper. As the Chief Justice speaks later today, please help us all to hear Your heart and to know our part in Your work to craft righteousness and justice for all the oppressed. Thank You for listening to our prayer. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor regarding emergency matters were read and were filed with the Secretary of the Senate:

STATE OF TEXAS
OFFICE OF THE GOVERNOR
MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 85th Legislature, now convened:

Legislation relating to ethics reform.

Respectfully submitted,

/s/Greg Abbott
Governor

Austin, Texas
January 31, 2017

STATE OF TEXAS
OFFICE OF THE GOVERNOR
MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 85th Legislature, now convened:

Legislation relating to child protective services or foster care.

Respectfully submitted,

/s/Greg Abbott
Governor

Austin, Texas
January 31, 2017

STATE OF TEXAS
OFFICE OF THE GOVERNOR
MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 85th Legislature, now convened:

Legislation or resolutions relating to a Convention of States under Article V of the federal constitution.

Respectfully submitted,
/s/Greg Abbott
Governor

Austin, Texas
January 31, 2017

STATE OF TEXAS
OFFICE OF THE GOVERNOR
MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
EIGHTY-FIFTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 85th Legislature, now convened:

Legislation relating to state or local government cooperation with federal immigration law or federal immigration officials.

Respectfully submitted,
/s/Greg Abbott
Governor

Austin, Texas
January 31, 2017

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas

Wednesday, February 1, 2017 - 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 48

Phillips

Recognizing January 31, 2017, as Moving/Trucking Day at the State Capitol, and congratulating the Southwest Movers Association on the occasion of its 100th anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Hall was recognized and presented Dr. Ronald J. Peron of Greenville as the Physician of the Day.

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

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Mineral Wells and Palo Pinto County delegation.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate students from Indian Springs Middle School.

The Senate welcomed its guests.

SENATE RESOLUTION 4

Senator Burton offered the following resolution:

WHEREAS, Lions Clubs International is celebrating the 100th anniversary of its founding in 1917, and this occasion provides an ideal opportunity to honor the Lions of Texas for their good works; and

WHEREAS, Established in 1917 by Melvin Jones as the Association of Lions Clubs, the community service organization held its first national convention that year in Dallas, with 12 of the 23 participating clubs hailing from Texas; the Lions adopted a prime mission a decade later when Helen Keller urged them to become "Knights of the Blind"; through the years, the organization has undertaken numerous initiatives benefiting the visually impaired while also carrying out many other humanitarian efforts; and

WHEREAS, The Lions of Texas have dedicated themselves to supporting such national programs as Sight for Kids, which has provided nearly 20 million screenings, and SightFirst, which raises funds for cataract operations and for programs to fight the other major causes of blindness; in addition, Texas Lions have introduced a number of effective initiatives, among them Journey for Sight and the Juvenile Diabetes Program; the Midland Lions became the first regional recycling center for collecting glasses to send abroad to those in need, and the Lions of Texas have formed five eye banks to assist in the collection and distribution of corneas for transplantation and medical research; and

WHEREAS, Since 1949, the Texas Lions Camp has welcomed approximately 70,000 children with physical disabilities and diabetes, providing horseback riding, swimming, campouts, and other outdoor activities; the Lions of Texas also support disaster relief, anti-drug campaigns, and vaccination programs; and

WHEREAS, Many Texas Lions have served in key leadership roles with the parent organization, which today has 1.4 million members in over 200 locations around the world; Lions Clubs International was named the top nongovernmental agency in the world by the United Nations in 2012; and

WHEREAS, Embodying the motto "We Serve," which has guided Lions Clubs International for more than four decades, the members of the Lions of Texas have made a lasting, positive impact across the state and beyond, and they are truly deserving of special recognition in this centennial year; now, therefore, be it

RESOLVED, That the Senate of the 85th Texas Legislature hereby honor the Lions of Texas on the occasion of the 100th anniversary of the founding of Lions Clubs International and extend to the members sincere best wishes for continued success in their important endeavors; and, be it further

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

SR 4 was read and was adopted without objection.

GUESTS PRESENTED

Senator Burton was recognized and introduced to the Senate a Lions Clubs International delegation, accompanied by Everett "Ebb" Grindstaff, Jimmy Ross, Sam Lindsey, Ernesto "T. J." Tijerina, and Carolyn Dorman.

The Senate welcomed its guests.

(Senator Creighton in Chair)

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Hinojosa, Uresti, Rodríguez, and Lucio, was recognized and introduced to the Senate a Texas Border Coalition delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Buckingham was recognized and introduced to the Senate a Texas Farm Bureau Leadership Conference delegation.

The Senate welcomed its guests.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Menéndez was granted leave of absence for the remainder of the day on account of an illness in the family.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Texas Alliance of Child and Family Services delegation, accompanied by Eagle Pass Mayor Ramsey Cantu, Del Rio Mayor Robert Garza, and Del Rio Councilmember Diana Salgado.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 56

Senator Campbell offered the following resolution:

SR 56, Recognizing February 3, 2017, as National Wear Red Day in Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate an American Heart Association delegation.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:09 a.m. agreed to adjourn, upon conclusion of the Joint Session, the introduction of bills and resolutions on first reading, and the receipt of committee reports, until 2:00 p.m. Monday, February 6, 2017.

JOINT SESSION

(To hear the State of the Judiciary Address by the Honorable Nathan Hecht, Chief Justice of the Supreme Court of Texas)

The President announced the time had arrived for the Joint Session pursuant to the provisions of **HCR 50**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:15 a.m.

The Honorable Dan Patrick was announced and, on invitation of the Speaker, occupied a seat at the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Nathan Hecht was announced and was escorted to the Speaker's Rostrum by Senators Huffman, Birdwell, Hughes, Whitmire, and Zaffirini on the part of the Senate, and Representatives Smithee, Burrows, Collier, Hernandez, and Murr on the part of the House.

The Honorable Dan Patrick, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

The interpretation of the proceedings of the Joint Session was provided by Sonja Smith and Stephen Nugent.

The President introduced the Honorable Nathan Hecht, who addressed the Joint Session as follows:

Lieutenant Governor Patrick, Speaker Straus, Members of the 85th Legislature, former Chief Justice Phillips, former Chief Justice Jefferson, Members of the Judiciary, distinguished guests, ladies and gentlemen: I have the honor to report to you on the state of the Judiciary. I begin with a story.

Late on a Friday evening, a young man—let's call him Will—drives his mom home from a high school football game—a Texas ritual in the fall. A trash bag blocks the driveway, so he gets out to move it. Suddenly, silently, a figure emerges from the darkness, raises a gun, then shoots through the car window at Will's mother. Glass explodes. Shrapnel and bullet fragments rip her body. Another blast. And another. And another. I'm going to die, she thinks; my life as a mom, wife, and sister is over because of what I do for a living, because I'm a judge.

The shooter flees into the darkness as quickly as he came. The judge is rushed to the emergency room. Her condition, praise God, soon stabilizes; but healing—physical healing, family healing—takes awhile. She stays in the hospital 39 days, enduring 27 surgeries and losing a finger. All in all, it is a miracle she survives. At last, she goes home, at Christmas time.

The story is true, as most of you know from the news. The mother, wife, and sister shot outside her Austin home on November 6, 2015, was District Judge Julie Kocurek. Months later, after she felt stronger, I asked her to come by my chambers. She had wondered and prayed, she said, why me? Following an investigation, a man who had been a defendant in her court has been charged and is awaiting trial. But, she told me, God had given her a second chance. Faith and family had sustained her. "I don't know what the reason is," she said, "but I do believe God was waiting for me in that driveway. He prevailed. Evil did not."

I asked Julie about her plans. She could retire, she said. But if she left the bench, people would think you can threaten a judge and scare her off, maybe scare off other judges, intimidate them, show that justice cannot stand up to violence. She would not do that. Poised, courageous, determined, humble, faithful, she would prove that judges sworn to preserve, protect, and defend the constitution would not cower in the face of lawlessness. She would return to the courtroom—and she did, amidst great celebration.

She is here, with her son, Will, her daughter, Mary Frances, and her husband, Kelly. Ladies and gentlemen, it is my privilege to present to you one of the Texas Judiciary's heroes, Judge of the 390th District Court of Travis County, Julie Kocurek, and her family.

With judges like Judge Kocurek serving the people of Texas every day, I am proud to report to you that the state of the Texas Judiciary is strong.

The attack on Judge Kocurek highlights the need for statewide improvements in judicial and courthouse security. Judges are not the only ones at risk; courthouses must be safe for staff, parties, lawyers, and jurors. Every threat must be taken seriously. Texas judges surveyed after the shooting reported four basic concerns: inadequate training, communication, and security protocols; inadequate resources; no state-level direction; and the ready availability of judges' personal information in publicly searchable government databases.

The Texas Judicial Council, which sets policy for the Judiciary and includes four members of the Legislature—Senator Zaffirini, Senator Creighton, Chairman Smithee, and Representative Murr—has made comprehensive recommendations to improve judicial security. One is to fund a new position, director of state judicial security, to oversee security plans and initiatives statewide. Another is to amend existing laws to ensure that personal information judges provide to government agencies is always, automatically, shielded from public access. Some protections exist already, but gaps should be closed. And state funding for local law enforcement and the Department of Public Safety should be increased to cover essential security costs, including personal protection for threatened judges.

The Judicial Council's recommendations are contained in Senate Bill 42 by Senator Zaffirini. I urge its passage, and I hope you will entitle it the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

Judge Kocurek reminds us again that judges serve at considerable personal sacrifice, including inadequate compensation. Judicial pay is a topic of almost every State of the Judiciary address. I would like to change that.

The problem of setting judicial compensation has vexed legislatures in every state and the national Congress for, well, seemingly, forever. Ten years ago, the 80th Legislature of Texas created the Judicial Compensation Commission—nine members appointed by the Governor—to take a new, data-based, fact-driven approach. The Commission is required to compare salaries of state and federal judges and officials, as well as private sector attorneys, assess changes in the cost of living, and report before each legislative Session the proper salaries necessary to attract and keep the most highly qualified individuals, with diverse experiences.

The Commission has prepared five very thorough reports. No report has ever been faulted. None has been followed. The Commission has done all the Legislature asked, but the difficulties in setting judicial pay persist.

This year, judicial compensation must be increased merely to keep it on a par with 1991. We continue to fall further behind federal judges and judges in other states—27th overall, and last among the six largest states. The

Commission also urges that its recommendations be part of the baseline budget, presumptively accepted unless rejected. The Judicial Council approves.

That would be progress, but I propose a better solution. We already agree that judicial salaries should be based on salaries of other judges, officials, and lawyers, and cost of living increases, all of which can all be quantified. Just look up the numbers. All we need is to agree on a simple mathematical formula to use from now on, then each Session, just plug in the numbers. Tie legislative retirement to the formula, or not. None of it would ever have to be debated again. A formula now would settle the matter once and for all. I urge you to consider it.

You have heard me say many times, the justice system must be accessible to all. Justice only for those who can afford it is neither justice for all nor justice at all. The rule of law, so revered in this country, has no integrity if its promises and protections extend only to the well-to-do.

The Texas Legislature's funding for access to justice has been critical. For veterans returning home to the freedoms they risked their lives to protect, basic legal services can help them manage their bills, stay in their homes, keep their jobs, and sadly, resolve family frictions. Last Session, the Legislature appropriated \$3 million for basic civil legal services specifically for veterans. Please do it again. It changed many lives. Last Session, the Legislature appropriated \$10 million from the Sexual Assault Program Fund for basic civil legal services for sexual assault victims. Please do it again. In only a very short time, these funds have helped more than 4,000 victims.

Legal aid providers handled over 100,000 cases last year. In addition, they helped direct cases to lawyers willing to handle them for free, *pro bono publico*—for the public good. Every dollar for legal aid thus provides many dollars in legal services. Every year, Texas lawyers donate millions of dollars and millions of hours. A million hours, by the way, is 500 work-years. Legal aid helps the poor be productive and adds to the economy's bottom line. That's why national CEOs and general counsel support access to justice initiatives—they're good for employees, good for customers, good for communities, and good for business. And besides all that, it's the right thing to do. As much as has been done, only 10% of the civil legal needs are actually being met. Access to justice still desperately needs your help.

Legal fees are also beyond the means of middle-income families and small businesses. There is a justice gap in this country: people who need legal services, lawyers who need jobs, and a market that cannot bring them together. More and more people try to represent themselves out of desperation. In 2015, the Supreme Court of Texas formed a commission, chaired by my predecessor, Wallace Jefferson, to examine ways to help lawyers provide legal services at lower cost. The commission has reported its recommendations, and we will work to implement them. One way is to continue support for the State Law Library, which makes resources available to lawyers and non-lawyers free of charge.

If justice were food, too many would be starving. If it were housing, too many would be homeless. If it were medicine, too many would be sick. If it were faith, too many houses of worship would be closed. The Texas Judiciary is committed to doing all it can to close the justice gap. We are grateful for the Legislature's support.

Access to justice is also improved by easier access to court records, but we must have a statewide system. The Supreme Court has ordered that all filings in civil cases in county, district, and appellate courts be sent to clerks electronically over the Internet. Last year, more than 8.5 million court documents were filed electronically. The savings to lawyers, parties, and clerks has been monumental. In a little over two years, electronic filing will also be required in criminal cases.

The 75th Legislature created the Judicial Committee on Information Technology to develop a statewide, electronic, court document system. The Committee has now recommended that judges, clerks, and lawyers have access to electronic filings through a portal called re:SearchTX, simply by pressing a button. This convenience will greatly reduce costs and delays in litigation. Soon, the Committee will make recommendations on public access to electronic filings, improving transparency for the justice system. The Committee will recommend ways for protecting privacy, preventing abusive data-mining, recovering costs, and providing counties revenue to establish and maintain a statewide system. A statewide system will also provide more information about how the work of courts is changing, what kinds of cases the courts are handled, and what improvements can be made. In planning for the future, this information is crucial.

Texas is a leader in technology. We have three of the world-recognized knowledge capitals: Austin, Dallas, and Houston. A 21st century statewide electronic court record system will save money, improve transparency, and increase efficiencies. The federal courts have used a similar system, PACER, throughout the country for 16 years. The Texas electronic filing and access system will be the largest in the country and will be the single most significant modernization of the Texas courts in history.

In the past two Sessions, the Judiciary has joined forces with the Legislature to decriminalize truancy and student misconduct at school. Children and families have been the beneficiaries. Now it is time for us to take up reform of the bail system and criminal pretrial release.

Twenty years ago, not quite one-third of the state's jail population was awaiting trial. Now the number is three-fourths. Liberty is precious to Americans, and any deprivation must be scrutinized. To protect public safety and ensure that those accused of a crime will appear at trial, persons charged with breaking the law may be detained before their guilt or innocence can be adjudicated, but that detention must not extend beyond its justifications. Many who are arrested cannot afford a bail bond and remain in jail awaiting a hearing. Though presumed innocent, they lose their jobs and families, and are more likely to re-offend. And if all this weren't bad enough, taxpayers must shoulder the cost—a staggering \$1 billion per year.

Take a recent case in point, from *The Dallas Morning News*. A middle-aged woman arrested for shoplifting \$105 worth of clothing for her grandchildren sat in jail almost two months because bail was set at \$150,000—far more than all her worldly goods. Was she a threat to society? No. A flight risk? No. Cost to taxpayers? \$3,300. Benefit: we punished grandma. Was it worth it? No. And to add to the nonsense, Texas law limits judges' power to detain high-risk defendants. High-risk defendants, a threat to society, are freed; low-risk defendants sit in jail, a burden on taxpayers. This makes no sense.

Courts in five counties use readily available risk assessment tools to determine that the overwhelming majority of people charged with non-violent crimes can be released on their personal recognizance without danger to the public or risk of flight, and at less cost to the taxpayers. The Judicial Council recommends that this be standard practice throughout Texas. Liberty, and common sense, demand reform.

Many who enter the criminal justice system suffer from serious mental illness. Untreated, they are eight times more likely to be incarcerated, and if released, pose problems for the communities to which they return. Like the bail system, ineffective approaches to mental illness cost defendants, the courts, the government, and society. The Judicial Council recommends changes in the Code of Criminal Procedure to allow more effective management of mentally ill criminal defendants and better procedures for obtaining treatment, medication, and restoration. I urge you to consider them.

Last year, Texas' 2,100 justices of the peace and municipal judges handled 7 million traffic, parking, and other minor offenses. Most people ticketed just paid the fine and court costs. Others needed a little time and were put on payment plans for an extra fee. Altogether, over \$1 billion was collected. Some defendants said they couldn't pay at all. Judges believed them in about 100,000 cases, waiving the fines or sentencing them to community service. In 640,000 cases—16%—defendants went to jail for minor offenses.

Jailing criminal defendants who cannot pay their fines and court costs—commonly called debtors' prison—keeps them from jobs, hurts their families, makes them dependent on society, and costs the taxpayers money. Most importantly, it is illegal under the United States Constitution. Judges must determine whether a defendant is actually unable, not just unwilling, to pay a fine. A defendant whose liberty is at stake must be given a hearing and may be entitled to legal counsel. For the indigent, the fine must be waived and some alternative punishment arranged, such as community service or training. For those who can pay something but only by struggling, adding multiple fees threatens to drown the defendant in debt: there are extra fees for payment plans, for missed payments, for making payments—yes, there is even a fee for *making a payment*—pay to *pay*—warrant issuance fees, warrant service fees—the list goes on and on. And revoking a defendant's driver's license just keeps him from going to work to earn enough to pay the fines and fees.

A parent disciplining a child may say, this hurts me more than it hurts you. When taxpayers have to say to criminal defendants, this hurts us more than it hurts you, something's wrong. The Judicial Council has concluded that the system must be revamped. I urge you to adopt its recommendations.

The population is aging, and the number of elderly and incapacitated Texans needing help managing their affairs is increasing. There are more than 50,000 active guardianships in Texas, involving an astounding \$5 billion. To protect the people being cared for and their assets, the law requires guardians to report regularly. The Office of Court Administration's Guardianship Compliance Project, funded in the last Session as a pilot, has reviewed more than 10,000 cases in 18 courts and 11 counties. In almost half the reviewed cases, guardians had not complied, and courts did not have the resources to monitor the cases. To protect the assets and quality of life for the elderly and incapacitated, the Judicial Council recommends that the Compliance Project be extended statewide.

Working at the other end of the generational spectrum, the Supreme Court's Children's Commission has enlisted hundreds of professionals contributing thousands of hours to improve the foster care system. The Commission has provided training to judges and lawyers handling children's cases. It has shown how to improve educational outcomes for children in foster care. It has advocated for changes in the law and developed tools and best practices to prevent child fatalities and end human trafficking. At Senator Kolkhorst's request, the Commission helped implement a bill to prevent the overuse of psychotropic medication with foster children. And the Commission is working with Senator Schwertner and others this Session on legislation that will bring sweeping changes to the foster care system.

The Commission has always operated with federal grant funds. Until those grants are again funded, I must ask this Legislature to make up the difference. Any lack of support for the Commission now would be a sharp blow to improvements in the foster care system the Legislature is considering. Texas' greatest asset by far is her children. The Commission helps preserve that asset for us all.

I will say only a word about judicial selection, but it is a word of warning. In November, many good judges lost solely because voters in their districts preferred a presidential candidate in the other party. These kinds of partisan sweeps are common, with judicial candidates at the mercy of the top of the ticket. I do not disparage our new judges. I welcome them. My point is only that qualifications did not drive their election; partisan politics did. Such partisan sweeps are demoralizing to judges and disruptive to the legal system. But worse than that, when partisan politics is the driving force, and the political climate is as harsh as ours has become, judicial elections make judges more political, and judicial independence is the casualty.

There is no perfect alternative to judicial elections. But removing judges from straight-ticket voting would help some, and merit selection followed by nonpartisan retention elections would help more.

Judges across the country are concerned that recent tensions between law enforcement and communities, which have weakened our institutions, not erode public trust in the courts. Trust is the Judiciary's most important asset. People must not think the justice system is rigged. As the country works through its political and social differences, we want all to have utter confidence in the courts to be fair, to hear all sides, and to provide equal justice under law.

In December, the Supreme Court and the Court of Criminal Appeals convened a historic Summit in Dallas to discuss law, justice, and communities. We invited all stakeholders to participate: judges, prosecutors, defense lawyers, civil rights lawyers, law enforcement, educators, community activists, and the clergy. We asked them to have an authentic, frank conversation about the courts and the justice system. And we did what judges do best: we listened.

An African-American college student body president told how her brother was killed by police when she was growing up. Moments later, sitting a few feet away, a white police officer, the widow of a police officer killed in the demonstrations in Dallas last July, told how she had filed their marriage certificate earlier that day, the happiest day of her life, only to be wakened in the middle of the night by a knock at the door and word that her husband was dead. For a few hours, 200 people with opposing passions tried to hear one another and understand what it means for there to be justice for all. And we and they left vowing to get closer to that goal, justice for all. Faith in the courts, just for inviting the dialogue, and listening, was strengthened.

The Rev. Dr. Tony Evans reminded us that cracks in society, like cracks in a house, mean the foundation is weak. Trust is the courts' foundation. The Judiciary's commitment is to strengthen that foundation. We ask the Legislature's help.

The Judiciary is committed to doing its work efficiently. The Supreme Court of Texas now decides all argued cases by the end of June, just as the United States Supreme Court does. Lawyers now expect all decisions by June. We are processing petitions faster. The Court of Criminal Appeals is still the busiest court in the country and still timely resolves its cases. The courts of appeals are staying caught up. Those courts have had the same number of justices for 36 years, but their work is up 35%. Last year, our more than 3,000 trial court judges disposed of nearly 9.5 million cases. The courts are doing an enormous amount of work timely and efficiently. We have not yet had to make bricks without straw, but we have certainly had to make the straw go further. Soon we will begin using technology to revamp processes in civil cases to bring public justice closer to the people.

As important as it is for courts to be efficient, it is more important for them to get every case right. We are committed to making all our processes serve the cause of justice. In that spirit, we ask your help with security and compensation, electronic access to court documents, and guardianship monitoring, and your continued help with access to justice for the poor and

the middle class. We pledge to work with you to reform the bail system, the treatment of those with mental illness, and the imposition of fines, fees, and costs for minor offenses.

The framers of the Constitution divided the power of government among three Branches, intending them to be competitive. They succeeded. But in this State, we have proved that the Branches can work together for the people's good. That is the state of the Texas Judiciary.

God bless you, and may God bless Texas.

(Note: Prepared text)

CONCLUSION OF JOINT SESSION

The Speaker of the House of Representatives at 12:00 p.m. announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

The President at 12:00 p.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand adjourned, pending the introduction of bills and resolutions on first reading and the receipt of committee reports, until 2:00 p.m. Monday, February 6, 2017.

(Senator Huffines in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 3 by Taylor of Galveston

Relating to the establishment of an education savings account program and a tax credit scholarship and educational expense assistance program.

To Committee on Education.

SB 351 by Watson

Relating to the creation and administration of a disaster recovery fund.

To Committee on Finance.

SB 352 by Watson

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Committee on Higher Education.

SB 353 by Watson

Relating to the use of revenue received as a result of the purchase of attendance credits to supplement the basic allotment under the public school finance system.

To Committee on Education.

SB 354 by Watson

Relating to language acquisition for children less than eight years of age who are deaf or hard of hearing.

To Committee on Education.

SB 355 by Watson

Relating to the adoption and implementation of a recess policy by public school districts.

To Committee on Education.

SB 356 by Watson

Relating to the equalized wealth level and the guaranteed yield under the public school finance system.

To Committee on Education.

SB 357 by Watson

Relating to the equalized wealth level and the cost of attendance credits under the public school finance system.

To Committee on Education.

SB 358 by Watson

Relating to a transportation allotment credit for school districts required to take action to reduce wealth per student.

To Committee on Education.

SB 359 by Watson

Relating to the new instructional facility allotment under the foundation school program.

To Committee on Education.

SB 360 by Watson

Relating to the transportation allotment provided under the Foundation School Program.

To Committee on Education.

SB 361 by Nichols

Relating to transportation network companies.

To Committee on Business and Commerce.

SB 362 by Perry

Relating to the use of information from the lists of noncitizens excused or disqualified from jury service.

To Committee on State Affairs.

SB 363 by Perry

Relating to the uniform election dates for certain political subdivisions.

To Committee on State Affairs.

SB 364 by Kolkhorst

Relating to the designation of a portion of Alternate United States Highway 90 in Lavaca County as the Sheriff Ronnie Dodds Memorial Highway.

To Committee on Transportation.

SB 365 by Kolkhorst

Relating to the designation of a portion of State Highway 95 in Lavaca County as the Sergeant David M. Furrh Memorial Highway.

To Committee on Transportation.

SB 366 by Zaffirini

Relating to the availability on the Internet of reports of political contributions and expenditures filed in connection with certain county judicial offices.

To Committee on State Affairs.

SB 367 by Garcia

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Committee on Higher Education.

SB 368 by Garcia

Relating to the regulation of automotive wrecking and salvage yards in certain counties.

To Committee on Transportation.

SB 369 by Garcia

Relating to the right of a public employee to representation in certain internal investigatory interviews.

To Committee on Natural Resources and Economic Development.

SB 370 by Garcia

Relating to the removal, suspension, or expulsion of a public school student enrolled in certain grade levels.

To Committee on Education.

SB 371 by Watson

Relating to the grounds for refusal, cancellation, or suspension of certain alcoholic beverage licenses.

To Committee on Business and Commerce.

SB 372 by Hall

Relating to regulation of title insurance.

To Committee on Business and Commerce.

SB 373 by Hall

Relating to designating English as the official language of this state.

To Committee on Business and Commerce.

SB 374 by Taylor of Collin

Relating to the time period for the withdrawal of a candidate for a general primary election.

To Committee on State Affairs.

SB 375 by Taylor of Collin

Relating to providing a voter in a party primary notice of party conventions.

To Committee on State Affairs.

SB 376 by Creighton

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SB 377 by Perry

Relating to the Texas Achieving a Better Life Experience (ABLE) Program.
To Committee on Business and Commerce.

SB 378 by Perry

Relating to the persons authorized to conduct an inquest in certain counties.
To Committee on State Affairs.

SB 379 by Perry

Relating to the penalty for noncompliance with certain eminent domain reporting requirements.
To Committee on State Affairs.

SB 380 by Burton

Relating to repealing civil asset forfeiture provisions and establishing criminal asset forfeiture in this state.
To Committee on State Affairs.

SB 381 by Burton

Relating to the authority of peace officers to conduct certain searches.
To Committee on Criminal Justice.

SB 382 by Burton

Relating to donation of unused prescription drugs; authorizing a fee.
To Committee on Health and Human Services.

SB 383 by Burton

Relating to eligibility for certain higher education grant programs.
To Committee on Higher Education.

SB 384 by Burton

Relating to the scheduling of the administration of certain postsecondary readiness assessment instruments to public high school students.
To Committee on Education.

SB 385 by Burton

Relating to voter approval of local acceptance and use of federal funds for passenger rail projects.
To Committee on Transportation.

SB 386 by Burton

Relating to the use of federal funds by political subdivisions for payment of the political subdivision's debt obligations.
To Committee on Intergovernmental Relations.

SB 387 by Burton

Relating to the use of certain unspent bond proceeds and voter approval of certain political subdivision actions, including the issuance of certain bonds and the use of certain unspent bond proceeds.
To Committee on Intergovernmental Relations.

SB 388 by Burton

Relating to the repeal of the authorization for a governing body to conduct economic development negotiations in a closed meeting under the open meetings law.

To Committee on Business and Commerce.

SB 389 by Burton

Relating to abolishing the Major Events reimbursement program.

To Committee on Natural Resources and Economic Development.

SB 390 by Burton

Relating to abolishing the Motor Sports Racing trust fund.

To Committee on Natural Resources and Economic Development.

SB 391 by Burton

Relating to abolishing the Events trust fund.

To Committee on Natural Resources and Economic Development.

SB 392 by Burton

Relating to abolishing the Major Events Trust fund, the Events trust fund, and the Motor Sports Racing trust fund.

To Committee on Natural Resources and Economic Development.

SB 393 by Burton

Relating to abolishing the Texas Enterprise Fund and the disposition of the balance of that fund.

To Committee on Natural Resources and Economic Development.

SB 394 by Buckingham

Relating to the required vote by a presidential elector; providing a civil penalty.

To Committee on State Affairs.

SB 395 by Campbell

Relating to the prosecution of the offense of operation of unmanned aircraft over correctional facility or critical infrastructure facility.

To Committee on Criminal Justice.

SB 396 by Zaffirini

Relating to the designation of a portion of Interstate Highway 10 in Guadalupe County as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway.

To Committee on Transportation.

SB 397 by Kolkhorst

Relating to the composition of the governing bodies of and the consultation policies of local mental health authorities with respect to local law enforcement agencies.

To Committee on Health and Human Services.

SB 398 by Kolkhorst

Relating to a study conducted by the State Auditor's Office to compare the projected cost estimate attached to certain bills and resolutions to the actual cost to the state of the bills and resolutions.

To Committee on Administration.

SB 399 by Kolkhorst

Relating to nontolled lanes on a highway that has been converted from a nontolled highway to a toll project.

To Committee on Transportation.

SB 400 by Kolkhorst

Relating to the verification of information provided to the comptroller and contained in reports on compliance with agreements under the Texas Economic Development Act.

To Committee on Natural Resources and Economic Development.

SB 401 by Huffman

Relating to the seizure of property by a peace officer.

To Committee on State Affairs.

SB 402 by Zaffirini

Relating to notice provided to persons with disabilities regarding the eligibility of persons with disabilities to use certain public transportation services.

To Committee on Transportation.

SB 403 by Kolkhorst

Relating to a temporary prohibition on increasing the market value of certain parcels of real property for ad valorem tax purposes following determination of a protest or appeal.

To Committee on Finance.

SB 404 by Kolkhorst

Relating to prohibiting health care practitioners from providing alcoholic beverages to certain persons; imposing an administrative penalty.

To Committee on Business and Commerce.

SB 405 by Hall

Relating to voting and election procedures; creating an offense.

To Committee on State Affairs.

SB 406 by Hall

Relating to certificates of birth resulting in stillbirth, fetal death certificates, and the disposition of fetal remains; imposing administrative penalties.

To Committee on Health and Human Services.

SB 407 by Watson

Relating to the exception from disclosure under the public information law for information related to competition or bidding.

To Committee on Business and Commerce.

SB 408 by Watson

Relating to the definition of a governmental body for the purposes of the public information law.

To Committee on Business and Commerce.

SB 409 by Huffines

Relating to the jurisdiction of county and justice courts in civil matters.
To Committee on State Affairs.

SB 410 by Watson

Relating to the use of light-emitting diode (LED) light bulbs in state buildings.
To Committee on Business and Commerce.

SB 411 by Watson

Relating to the participation of campus-based mental health professionals in certain health benefit plans.
To Committee on Business and Commerce.

SB 412 by Bettencourt, Nichols

Relating to requiring a presidential elector to vote for the candidates for president and vice president who won the popular vote in this state for those offices.
To Committee on State Affairs.

SB 413 by Taylor of Collin

Relating to the maintenance of information entered into a fee record in certain counties.
To Committee on State Affairs.

SB 414 by Taylor of Collin

Relating to the authority of a district clerk to post official and legal notices by electronic display.
To Committee on State Affairs.

SB 416 by Watson

Relating to the composition of the board of directors of the State Bar of Texas.
To Committee on State Affairs.

SB 417 by Watson

Relating to notice to policyholders and agents of certain changes to property and casualty insurance policies.
To Committee on Business and Commerce.

SB 418 by Watson

Relating to the authority of the governing body of a taxing unit other than a school district to adopt an exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead, the authority of the governing body of certain taxing units that have adopted such an exemption to reduce the amount of or repeal certain other exemptions, and the treatment of such an exemption in the calculation of certain ad valorem tax rates.
To Committee on Finance.

SB 419 by Kolkhorst

Relating to the extension of additional state aid for tax reduction provided to certain school districts.
To Committee on Education.

SB 420 by Perry

Relating to a partial exemption for a county from taxes imposed on gasoline and diesel fuel purchased for the county's exclusive use.

To Committee on Finance.

SB 421 by Rodríguez

Relating to the bilingual education allotment under the Foundation School Program.

To Committee on Education.

SB 422 by Rodríguez

Relating to the admission policy of an open-enrollment charter school.

To Committee on Education.

SB 423 by Rodríguez

Relating to a study regarding the costs of educating educationally disadvantaged students and students of limited English proficiency in public schools.

To Committee on Education.

SB 424 by Rodríguez

Relating to the secure confinement of certain children.

To Committee on Criminal Justice.

SB 425 by Rodríguez

Relating to the availability under the public information law of information contained in a bid or proposal after a contract is executed or awarded.

To Committee on Business and Commerce.

SCR 1 by Buckingham

Calling on Congress to repeal the Patient Protection and Affordable Care Act.

To Committee on Health and Human Services.

SCR 2 by Hall

Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

To Committee on State Affairs.

SCR 3 by Creighton

Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Committee on State Affairs.

SCR 4 by Nichols

Authorizing the State Preservation Board, subject to state law and rules of the board, to approve and permit the relocation of the Texas Game Warden Memorial to a site at the State Capitol, south of the Sam Houston Building, just outside of the historic grounds.

To Committee on Administration.

SCR 5 by Hall

Designating Rockwall as the official Live Music Capital of North Texas.
To Committee on Administration.

SCR 8 by Huffines

Designating the cannon as the official state gun of Texas.
To Committee on Administration.

SCR 9 by Lucio

Urging Congress to explore and negotiate the creation of a binational framework allowing the United States and Mexico to address the threat of communicable diseases.

To Committee on Health and Human Services.

SCR 11 by Kolkhorst

Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

To Committee on Administration.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:25 p.m. again adjourned until 2:00 p.m. Monday, February 6, 2017, pending the receipt of committee reports.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Taylor of Galveston, Senators Hall, Hancock, and Huffines will be shown as Co-authors of **SB 3**.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Bettencourt, Senators Estes and Perry will be shown as Co-authors of **SB 7**.

CO-AUTHOR OF SENATE BILL 8

On motion of Senator Schwertner, Senator Estes will be shown as Co-author of **SB 8**.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Schwertner, Senator Estes will be shown as Co-author of **SB 11**.

CO-AUTHOR OF SENATE BILL 12

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

CO-AUTHOR OF SENATE BILL 20

On motion of Senator Taylor of Galveston, Senator Bettencourt will be shown as Co-author of **SB 20**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Schwertner, Senator Estes will be shown as Co-author of **SB 23**.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Huffman, Senator Campbell will be shown as Co-author of **SB 24**.

CO-AUTHOR OF SENATE BILL 176

On motion of Senator Schwertner, Senator Bettencourt will be shown as Co-author of **SB 176**.

CO-AUTHOR OF SENATE BILL 325

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

CO-AUTHOR OF SENATE BILL 326

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

CO-AUTHOR OF SENATE BILL 327

On motion of Senator Burton, Senator Huffines will be shown as Co-author of **SB 327**.

CO-AUTHORS OF SENATE BILL 407

On motion of Senator Watson, Senators Burton and Nelson will be shown as Co-authors of **SB 407**.

CO-AUTHORS OF SENATE BILL 408

On motion of Senator Watson, Senators Burton and Nelson will be shown as Co-authors of **SB 408**.

CO-AUTHOR OF SENATE BILL 416

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 416**.

CO-AUTHOR OF SENATE BILL 419

On motion of Senator Kolkhorst, Senator Hughes will be shown as Co-author of **SB 419**.

CO-AUTHOR OF SENATE BILL 480

On motion of Senator Burton, Senator Huffines will be shown as Co-author of **SB 480**.

CO-AUTHOR OF SENATE BILL 494

On motion of Senator Burton, Senator Huffines will be shown as Co-author of **SB 494**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 90 by West, In memory of Samuel Washington Sr.

SR 93 by West, In memory of Carolyn Y. Rogers Jones.

Congratulatory Resolutions

SR 88 by Perry, Recognizing members of the Abernathy High School Graduating Class of 1967 on the occasion of their 50th anniversary reunion.

SR 92 by Lucio, Recognizing Domingo P. Sepulveda for his contributions to the Weslaco community.

SR 95 by Creighton, Commending Grayson Roach for achieving the rank of Eagle Scout.

(Senator Kolkhorst in Chair)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:47 p.m. Friday, February 3, 2017, again adjourned until 2:00 p.m. Monday, February 6, 2017.

APPENDIX

COMMITTEE REPORTS

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

February 2, 2017

STATE AFFAIRS — **SB 14, SB 500, SB 501, SB 502, SB 503, SB 504, SB 505**

February 3, 2017

STATE AFFAIRS — **CSSB 4**

RESOLUTIONS ENROLLED

January 31, 2017

SR 78, SR 79, SR 80, SR 81, SR 82, SR 83, SR 84, SR 85, SR 86, SR 87