

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Thursday, March 30, 2017)

The Senate met at 4:41 p.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.

Senator Estes offered the invocation as follows:

Members, before we pray, let me share with you the words of Paul of Tarsus to his young charge, Timothy. He said, I urge them first of all that request prayers, intercession, and thanksgiving be made for everyone. For kings and all those in authority that we may live peaceful and quiet lives in all godliness and holiness, this is good and pleases God our savior who wants all men to be saved and to come to a knowledge of the truth. Please bow your heads with me. Father in heaven, first of all we thank You for all of those men and women of faith who sincerely pray for us according to this particular instruction from holy writ. We add to their prayers with prayers of our own for wisdom and enlightenment for all of us involved in this 85th legislative session, for our Governor, for the House and the Speaker, for our Lieutenant Governor, and for ourselves, that we positively affect the people of our great state, and that we all may live peaceful, quiet lives in all godliness and holiness. 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.

MOMENT OF SILENCE OBSERVED

At the request of the President, the Senate observed a moment of silence for the Traylor family.

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Dr. Donna Campbell of New Braunfels and Dr. Charles Schwertner of Georgetown as the Physicians of the Day.

The Senate welcomed Dr. Campbell and Dr. Schwertner and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

CONCLUSION OF MORNING CALL

The President at 4:48 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 3 ON THIRD READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **CSSB 3** at this time on its third reading and final passage:

CSSB 3, Relating to the establishment of an education savings account program and a tax credit scholarship and educational expense assistance program.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Perry, Schwertner, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Menéndez, Miles, Nichols, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Hughes, Kolkhorst, Lucio, Nelson, Perry, Schwertner, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Huffman, Menéndez, Miles, Nichols, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

SENATE BILL 151 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 151** at this time on its third reading and final passage:

SB 151, Relating to voter approval of obligations for certain municipal liabilities to a public pension fund.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Whitmire.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

(Senator Taylor of Galveston in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 13 ON THIRD READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 13** at this time on its third reading and final passage:

CSSB 13, Relating to payroll deductions for state and local government employee organizations.

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

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

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

SENATE BILL 9 ON THIRD READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 9** at this time on its third reading and final passage:

SB 9, Relating to the constitutional limit on the rate of growth of appropriations.

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

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

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

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **SB 9**:

I submit this statement to explain my vote against S.B. 9.

Senate Bill 9 ties the hands of future legislatures unnecessarily. In the words of the bill author, it would tie the budget *"to the needs of the state rather than the wants of the state."* The needs are determined by the people, through their elected representatives - the Legislature is one such body, as are local entities such as cities and counties.

In my opinion, we have fallen short of addressing our needs. This Legislative body does not agree with that assessment, but future legislatures may agree. This measure, along with others that have passed this session, not only tie the hands of future Legislatures, but also of local communities.

Putting aside the fact that Texas already has various constitutional caps on elements of the budget, we must look at the fact that each Legislature is tasked with setting the budget it thinks appropriate. That's what the Senate did with SB 1, which as it stands today actually grows more slowly than population times inflation, whether All Funds or GR.

This bill further limits future legislative ability to respond to the needs of the state by amending Section 316.008(a), Government Code, to require a finding of an emergency and a 3/5 vote to exceed the cap, instead of allowing a simple legislative majority.

These unnecessary and undemocratic restrictions on future Legislatures also limits the ability to address new needs through General Revenue. For example, while I strongly disagreed this was a need, the Legislature created a new mission, and appropriated from the General Fund, for border security. This funding has grown exponentially faster than population times inflation.

We serve in a representative democracy, and we have to make tough choices. Pre-empting future Legislatures from making the basic decisions about the state budget is an unnecessary infringement on the rights, responsibilities, and role of representatives.

It is for this reason that I vote against SB 9.

RODRÍGUEZ

**COMMITTEE SUBSTITUTE
SENATE BILL 258 ON THIRD READING**

Senator Huffines moved to suspend the regular order of business to take up for consideration **CSSB 258** at this time on its third reading and final passage:

CSSB 258, Relating to the disposition of embryonic and fetal tissue remains; imposing a civil penalty.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Zaffirini.

Nays: Garcia, Hinojosa, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Kolkhorst announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. She then gave notice that the Local and Uncontested Calendar Session would be held at 12:30 p.m. Monday, April 3, 2017, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet at the end of today's session.

CO-AUTHOR OF SENATE BILL 28

On motion of Senator Creighton, Senator Taylor of Galveston will be shown as Co-author of **SB 28**.

CO-AUTHOR OF SENATE BILL 292

On motion of Senator Huffman, Senator Perry will be shown as Co-author of **SB 292**.

CO-AUTHOR OF SENATE BILL 430

On motion of Senator Rodríguez, Senator Burton will be shown as Co-author of **SB 430**.

CO-AUTHOR OF SENATE BILL 463

On motion of Senator Seliger, Senator Huffman will be shown as Co-author of **SB 463**.

CO-AUTHORS OF SENATE BILL 576

On motion of Senator Huffman, Senators Nelson and Zaffirini will be shown as Co-authors of **SB 576**.

CO-AUTHOR OF SENATE BILL 598

On motion of Senator Bettencourt, Senator Creighton will be shown as Co-author of **SB 598**.

CO-AUTHOR OF SENATE BILL 673

On motion of Senator Miles, Senator Hinojosa will be shown as Co-author of **SB 673**.

CO-AUTHOR OF SENATE BILL 680

On motion of Senator Hancock, Senator Huffines will be shown as Co-author of **SB 680**.

CO-AUTHOR OF SENATE BILL 758

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 758**.

CO-AUTHOR OF SENATE BILL 928

On motion of Senator Rodríguez, Senator Watson will be shown as Co-author of **SB 928**.

CO-AUTHOR OF SENATE BILL 968

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 968**.

CO-AUTHOR OF SENATE BILL 969

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 969**.

CO-AUTHOR OF SENATE BILL 1066

On motion of Senator Schwertner, Senator Bettencourt will be shown as Co-author of **SB 1066**.

CO-AUTHOR OF SENATE BILL 1091

On motion of Senator Seliger, Senator Bettencourt will be shown as Co-author of **SB 1091**.

CO-AUTHORS OF SENATE BILL 1163

On motion of Senator Garcia, Senators Burton and Menéndez will be shown as Co-authors of **SB 1163**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Buckingham, Senators Bettencourt, Burton, Campbell, Hancock, and Nelson will be shown as Co-authors of **SCR 1**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 541 by Buckingham, Recognizing the Lake Travis High School football team for winning a state championship.

SR 543 by Schwertner, Recognizing the Brazos County World War I Centennial Committee for their work on behalf of local veterans.

SR 544 by Creighton, Recognizing the Tin Roof BBQ Cook-off.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:32 p.m. agreed to recess until 12:30 p.m. Monday, April 3, 2017, for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Louis Constancio, Charles Akins, Gilbert Lozano, and Laura Lee Traylor, upon conclusion of the Local and Uncontested Calendar Session, until 2:00 p.m. Monday, April 3, 2017.

APPENDIX

COMMITTEE REPORTS

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

March 30, 2017

STATE AFFAIRS — **CSSB 42**

BUSINESS AND COMMERCE — **CSSB 706**

TRANSPORTATION — **SB 1001, SB 1034, SB 1205, SB 1251, SB 1523**

FINANCE — **CSSB 533**

INTERGOVERNMENTAL RELATIONS — **SB 1620, SB 990, SB 467, CSSB 488, SB 1090, CSSB 744, CSSB 1229, CSSB 1544**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 832, SB 1045, SB 1046, SB 1421, SB 1422, CSSB 1541, SCR 26**

HEALTH AND HUMAN SERVICES — **SB 304, SB 203, CSSB 584, SB 948, SB 314, SB 1414, SB 1063, CSSB 293**

BILLS ENGROSSED

March 29, 2017

SB 30, SB 87, SB 88, SB 256, SB 330, SB 490, SB 622, SB 670, SB 705, SB 843, SB 884, SB 1107

RESOLUTIONS ENROLLED

March 29, 2017

SR 478, SR 515, SR 516, SR 518, SR 519, SR 520, SR 521, SR 522, SR 523, SR 524, SR 525, SR 526, SR 527, SR 528, SR 529, SR 530, SR 531, SR 532, SR 533, SR 534, SR 535, SR 536, SR 537, SR 538

