

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTH DAY

(Wednesday, January 28, 2015)

The Senate met at 11:05 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, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, Whitmire, Zaffirini.

Absent-excused: Van de Putte, West.

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

Pastor Gary Renfro, Corinth Missionary Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, how thankful we are for the grace that gathers us in this place on today, a grace that has kept us, provided for us, and protected us up to this very moment. It is Your divine grace that allows these men and women, who have devoted their time and talents, the opportunity to assemble in order to meet the needs of the people they serve. May Your grace guide their purpose and passion today and throughout this session. May the effort and energy given to conducting the business of this great state be found worthy of Your favor. Grace us with Your presence, we pray. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

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

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

MESSAGE FROM THE STATE BAR OF TEXAS

The following Message from the State Bar of Texas was read and was referred to the Committee on Nominations:

STATE BAR OF TEXAS

January 26, 2015

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

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

TO BE A MEMBER OF THE COMMISSION ON JUDICIAL CONDUCT for a term to expire November 19, 2019:

Demetrius Bivins
ExxonMobil
800 Bell St. Corp-Emb-1583G
Houston, TX 77002

Mr. Bivins was appointed on September 20, 2013 by then President Lisa Tatum for a term beginning November 20, 2013 through November 19, 2019. Mr. Bivins replaces Tom Cunningham, of Houston, whose term expired November 19, 2013.

Respectfully Submitted,

/s/Trey Apffel

President

PHYSICIAN OF THE DAY

Senator Hall was recognized and presented Dr. Ronald Peron of Campbell 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.

(Senator Eltife in Chair)

ACKNOWLEDGMENT

Senator Garcia acknowledged Cervical Cancer Prevention Week.

SENATE RESOLUTION 7

Senator Zaffirini offered the following resolution:

SR 7, Recognizing the members of the Washington's Birthday Celebration Association in Laredo.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Washington's Birthday Celebration Association delegation: President Veronica Castellon, Melissa Cigarroa, Gabriel Castillo, Andrea Gabriela Gloria, Valeria Montemayor, John Roman Galo, Alexandra Carriedo Villarreal, and Franco Garza Carmona.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Schwertner, joined by Senator Creighton, was recognized and introduced to the Senate a delegation of certified registered nurse anesthetists.

The Senate welcomed its guests.

SENATE RESOLUTION 61

Senator Lucio offered the following resolution:

SR 61, Recognizing January 28, 2015, as Brownsville Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a City of Brownsville delegation: Mayor Tony Martinez, Public Utilities Board member Nurith Galonsky, Port of Brownsville Commissioner Ralph Cowen, Texas Southmost College Trustee Francisco Rendon, and United Brownsville Tri-chair Fred Rusteberg.

The Senate welcomed its guests.

SENATE RESOLUTION 65

Senator Zaffirini offered the following resolution:

SR 65, Recognizing January 28, 2015, as Laredo Legislative Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a City of Laredo delegation: Mayor Pete Saenz and Councilmembers Rudy Gonzalez, Jr.; Esteban Rangel; Alejandro Perez, Jr.; Juan Narvaez; Roque Vela, Jr.; Charlie San Miguel; and Roberto Balli.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, January 28, 2015 - 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 50 Simpson

Granting the legislature permission to adjourn for more than three days from Thursday, January 29th, 2015 to Monday, February 2nd, 2015.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

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.

HOUSE CONCURRENT RESOLUTION 50

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED, That the 84th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, January 29th, 2015, and ending on Monday, February 2nd, 2015.

WHITMIRE

HCR 50 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Van de Putte, West.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:40 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, February 2, 2015.

SENATE BILLS ON FIRST READING

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

SB 11 by Birdwell, Bettencourt, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Relating to the carrying of concealed handguns on the campuses of and certain other locations associated with institutions of higher education.

To Committee on State Affairs.

SB 219 by Schwertner

Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals; clarifying certain statutory provisions; authorizing the imposition of fees.

To Committee on Health and Human Services.

SB 226 by Ellis

Relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.

To Committee on Criminal Justice.

SB 227 by Zaffirini

Relating to the designation of a segment of Farm-to-Market Road 624 in McMullen County as the Game Warden James E. Daughtrey Memorial Highway.

To Committee on Transportation.

SB 228 by Creighton

Relating to an exemption from the sales tax for firearms and hunting supplies for a limited period.

To Committee on Finance.

SB 229 by Creighton

Relating to the unlawful seizure of a firearm by a governmental officer or employee; providing penalties.

To Committee on State Affairs.

SB 230 by Watson

Relating to acceptable forms of identification for voting.

To Committee on State Affairs.

SB 231 by Whitmire

Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

To Committee on Criminal Justice.

SB 232 by Schwertner

Relating to exempting textbooks purchased, used, or consumed by university and college students from the sales and use tax for limited periods.

To Committee on Finance.

SB 233 by Schwertner

Relating to limitations on increases in fees and designated tuition charged by public institutions of higher education.

To Committee on Higher Education.

SB 234 by Zaffirini

Relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River and to the authority of the district to collect fees; creating an offense and providing penalties.

To Committee on Intergovernmental Relations.

SB 235 by West

Relating to consumption of alcoholic beverages in certain entertainment facilities.

To Committee on Business and Commerce.

SB 236 by Schwertner

Relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

To Committee on Criminal Justice.

SB 237 by Perry

Relating to certain athletic competitions sponsored or sanctioned by the University Interscholastic League.

To Committee on Education.

SB 238 by Zaffirini

Relating to the use of a wireless communication device by a state officer or employee while operating a motor vehicle.

To Committee on Business and Commerce.

SB 239 by Schwertner

Relating to student loan repayment assistance for certain mental health professionals.

To Committee on Higher Education.

SB 240 by Watson

Relating to the state's contribution to the financing of public education.

To Committee on Education.

SB 241 by Watson

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

To Committee on Education.

SB 242 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 243 by Watson

Relating to the cost of education adjustment.

To Committee on Education.

SB 244 by Watson

Relating to the elimination of the cost of education adjustment under the Foundation School Program.

To Committee on Education.

SB 245 by Watson

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Committee on Higher Education.

SB 246 by Watson

Relating to the basic allotment and the equalized wealth level under the Foundation School Program.

To Committee on Education.

SB 247 by Watson

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

To Committee on Education.

SB 248 by Estes

Relating to the allocation of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

To Committee on Finance.

SB 249 by Campbell

Relating to dedicating certain state revenue to the purpose of retiring state general obligation debt.

To Committee on Finance.

SB 250 by Garcia, Rodríguez

Relating to the information on the supplementary birth certificate of an adopted child.

To Committee on State Affairs.

SB 251 by Ellis

Relating to eligibility to serve as an interpreter in an election.

To Committee on State Affairs.

SB 252 by Ellis

Relating to authorizing the issuance of revenue bonds to fund a personalized cancer care building at The University of Texas M. D. Anderson Cancer Center.

To Committee on Higher Education.

SB 253 by Ellis

Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities.

To Committee on Natural Resources and Economic Development.

SB 254 by Ellis

Relating to the use of brokerage statements to meet certain requirements for reports of political contributions and expenditures.

To Committee on State Affairs.

SB 255 by Ellis

Relating to a limitation on the amount of tuition charged by public institutions of higher education.

To Committee on Higher Education.

SB 256 by Ellis

Relating to creating an offense for the unlawful possession or transfer of a large-capacity magazine.

To Committee on State Affairs.

SB 257 by Ellis

Relating to the reporting of a lost or stolen firearm; providing criminal penalties.

To Committee on State Affairs.

SB 258 by Ellis

Relating to the creation of certain offenses concerning firearm sales at gun shows.

To Committee on State Affairs.

SB 259 by Ellis

Relating to criminal history background checks in connection with firearm transfers; creating offenses.

To Committee on State Affairs.

SB 260 by Ellis

Relating to caseloads for attorneys who are appointed to represent indigent defendants in criminal cases.

To Committee on Criminal Justice.

SB 261 by Ellis

Relating to registration powers of volunteer deputy registrars.

To Committee on State Affairs.

SB 262 by Ellis

Relating to requirements for employers who do not obtain workers' compensation insurance coverage under the Texas Workers' Compensation Act; providing an administrative violation.

To Committee on Business and Commerce.

SB 263 by Ellis

Relating to injury and occupational disease reporting requirements for employers who do not obtain or otherwise provide workers' compensation insurance coverage; providing an administrative violation.

To Committee on Business and Commerce.

SB 264 by Ellis

Relating to group health benefits coverage for dependents of persons wrongfully imprisoned.

To Committee on State Affairs.

SB 265 by Ellis

Relating to student use of sunscreen products in public schools.

To Committee on Education.

SB 266 by Seliger

Relating to the first day of instruction of a school year for public school students.
To Committee on Education.

SB 267 by Perry

Relating to the regulation by a municipality or county of the rental or leasing of housing accommodations.
To Committee on Business and Commerce.

SB 268 by Watson

Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.
To Committee on Veteran Affairs and Military Installations, Subcommittee on Border Security.

SB 269 by Watson

Relating to comprehensive development agreements of the Texas Department of Transportation.
To Committee on Transportation.

SB 270 by Watson, Zaffirini

Relating to toll rates for certain vehicles traveling on State Highway 130.
To Committee on Transportation.

SB 271 by Ellis

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 272 by Hancock

Relating to making a voluntary contribution to the Special Olympics Texas fund when registering a motor vehicle or renewing a motor vehicle registration.
To Committee on Transportation.

SB 273 by Campbell

Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty.
To Committee on State Affairs.

SB 274 by West

Relating to the issuance of specialty license plates for county officials.
To Committee on Transportation.

SB 275 by Nichols

Relating to authorizing the issuance of revenue bonds for a Science, Technology, Engineering, and Mathematics Education and Research Center at Stephen F. Austin State University.
To Committee on Higher Education.

SB 276 by Campbell

Relating to state savings and government efficiency achieved through a taxpayer savings grant program administered by the comptroller of public accounts.

To Committee on Education.

SB 277 by Schwertner

Relating to the abolition of certain health-related task forces, work groups, advisory councils, and advisory committees.

To Committee on Health and Human Services.

SB 278 by Watson

Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district and the increase of the exemption amount in subsequent years to reflect inflation, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of a disabled or elderly person to reflect the increased exemption amounts, and the protection of school districts against the resulting loss in local revenue.

To Committee on Finance.

SB 279 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.

To Committee on Finance.

SB 280 by Watson

Relating to ad valorem tax protests and appeals on the ground of the unequal appraisal of property.

To Committee on Finance.

SB 281 by Watson

Relating to the information required to be included in an affidavit submitted by a property owner who elects to offer evidence or argument by affidavit in an appraisal review board hearing on certain protests.

To Committee on Finance.

SB 282 by Watson

Relating to the period for which certain property acquired by a charitable organization to provide low-income housing may be exempted from ad valorem taxation.

To Committee on Finance.

SB 283 by West

Relating to requirements for the nonjudicial foreclosure of certain residential mortgage liens.

To Committee on Business and Commerce.

SB 284 by West

Relating to service of citation in connection with an application for an expedited court order allowing the foreclosure of a contract lien.

To Committee on State Affairs.

SB 285 by West

Relating to court jurisdiction and procedures for truancy.
To Committee on Criminal Justice.

SB 286 by West

Relating to additional primary election ballot information for judicial candidates.
To Committee on State Affairs.

SB 287 by West

Relating to the elimination of certain court fees and costs.
To Committee on State Affairs.

SB 288 by Estes

Relating to the designation of a portion of State Highway 16 in Young County as the Texas Game Warden Joseph Marshall Evans Memorial Highway.
To Committee on Transportation.

SB 289 by Estes

Relating to the licensure or certification of volunteer firefighters and members of industrial emergency response teams.
To Committee on Agriculture, Water, and Rural Affairs.

SB 290 by Zaffirini

Relating to the recording of a proceeding in a municipal court in San Antonio.
To Committee on State Affairs.

SB 291 by Nelson

Relating to the jurisdiction of certain county criminal courts in Tarrant County.
To Committee on State Affairs.

SB 292 by Nelson

Relating to a request for a waiver of the waiting period before human remains may be cremated.
To Committee on Health and Human Services.

SB 293 by Nelson

Relating to a clarification of the law governing eligibility of National Association for Stock Car Auto Racing events for funding under the Major Events trust fund.
To Committee on Natural Resources and Economic Development.

SB 294 by West

Relating to the coordination of educational support services for and information regarding students who are currently or were formerly placed in foster care.
To Committee on Health and Human Services.

SB 295 by Schwertner

Relating to tracking career information for graduates of Texas medical schools and persons completing medical residency programs in Texas.
To Committee on Higher Education.

SB 296 by V. Taylor

Relating to the first day of the school year for public schools.
To Committee on Education.

SB 297 by Watson

Relating to health education curriculum and instruction in public schools.
To Committee on Education.

SB 298 by Watson

Relating to the vaccination against bacterial meningitis of public school students.
To Committee on Education.

SB 299 by Watson

Relating to the form of the Legislative Budget Board's report of equalized funding elements to the commissioner of education and the legislature.
To Committee on Education.

SB 300 by Watson

Relating to notice to parents of public school students regarding human sexuality instruction.
To Committee on Education.

CO-AUTHOR OF SENATE BILL 52

On motion of Senator Nelson, Senator Bettencourt will be shown as Co-author of **SB 52**.

CO-AUTHOR OF SENATE BILL 135

On motion of Senator Whitmire, Senator Ellis will be shown as Co-author of **SB 135**.

CO-AUTHOR OF SENATE BILL 346

On motion of Senator Estes, Senator Birdwell will be shown as Co-author of **SB 346**.

CO-AUTHOR OF SENATE BILL 353

On motion of Senator Nelson, Senator Schwertner will be shown as Co-author of **SB 353**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Estes, Senator Hall will be shown as Co-author of **SCR 5**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Welcome and Congratulatory Resolutions

SR 67 by Nelson, Welcoming members of the Texas Medical Association to the Capitol.

SR 69 by Lucio, Recognizing the ribbon-cutting ceremony for the Octaviano "Tony" Gonzalez Health Science Center.

Official Designation Resolution

SR 66 by Nelson, Proclaiming February 12, 2015, CASA Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:49 a.m. adjourned until 2:00 p.m. Monday, February 2, 2015.

APPENDIX

RESOLUTIONS ENROLLED

January 27, 2015

SR 18, SR 19, SR 62, SR 63, SR 64

