

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTH DAY

(Monday, February 9, 2015)

The Senate met at 2:06 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, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Perry.

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

Pastor Mark Molina, Living Waters Church, San Benito, was introduced by Senator Lucio and offered the invocation as follows:

Blessed Father, we thank You for this day to be here together as one. We thank You for the gift of life and health we have in this hour. We ask for divine counsel, guidance, and wisdom for Governor Abbott and his staff. We ask for discernment and distinction for Lieutenant Governor Dan Patrick as President of the Senate, its leadership, and all Senate Members of this great State of Texas. For our elected Senate we ask for courage and strength needed to make the necessary and sometimes difficult decisions required to lead our state regarding its people, its policies, and its commerce. May integrity in governance be the mark of these Senate Chambers for all who preside here. In Your precious and holy name 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.

LEAVE OF ABSENCE

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

MESSAGES FROM THE GOVERNOR

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

February 4, 2015
Austin, Texas

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 the Office of the Public Utility Counsel for a term to expire February 1, 2017:
Tonya Rae Baer
Austin, Texas
Ms. Baer is being reappointed.

Respectfully submitted,
/s/Greg Abbott
Governor

February 4, 2015
Austin, Texas

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

On January 15, 2015, former Governor Rick Perry submitted the name of Steven M. Robinson for confirmation to the Interstate Commission for Adult Offender Supervision for a term to expire at the pleasure of the governor.

Because he resigned, effective March 1, 2015, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Greg Abbott
Governor

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate the 2014 Texas Big Brother of the Year, Stefan Sinclair, and the 2014 Texas Big Sister of the Year, Leslie Moss.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 5 by Nichols, Nelson

Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Committee on Transportation.

SB 17 by Estes

Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating a criminal offense; providing penalties.

To Committee on State Affairs.

SB 431 by Seliger

Relating to the deadline for filing a candidate's personal financial statement.

To Committee on State Affairs.

SB 432 by West

Relating to continuation of an additional fee for filing civil cases in certain Dallas County courts.

To Committee on State Affairs.

SB 433 by Burton

Relating to a membership interest in a limited liability company subject to a charging order.

To Committee on Business and Commerce.

SB 434 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 435 by Lucio

Relating to the powers and duties of a county treasurer.

To Committee on Intergovernmental Relations.

SB 436 by Lucio

Relating to the amount of financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

To Committee on State Affairs.

SB 437 by Creighton

Relating to the method of payment for regulated material purchased by a metal recycling entity.

To Committee on Natural Resources and Economic Development.

SB 438 by Hall, Kolkhorst, Perry

Relating to prohibiting public funds from being used to enforce certain federal or international laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

To Committee on State Affairs.

SB 439 by Hall, Bettencourt, Campbell, Estes, Huffines, Kolkhorst, Perry, Seliger, L. Taylor

Relating to the prosecution of the offense of unlawful carrying of weapons.

To Committee on State Affairs.

SB 440 by Burton

Relating to the authority of a county or municipality to prohibit hydraulic fracturing treatment.

To Committee on Natural Resources and Economic Development.

SB 441 by Burton

Relating to the sale of motor vehicles on consecutive Saturdays and Sundays.

To Committee on Transportation.

SB 442 by Watson

Relating to the operation and movement of motorcycles on certain highways during periods of traffic congestion.

To Committee on Transportation.

SB 443 by Watson

Relating to a study and recommendations by the Texas Judicial Council on consolidating the court of criminal appeals and the supreme court or abolishing one of the courts and transferring that court's functions and jurisdiction to the other court.

To Committee on State Affairs.

SB 444 by Hall

Relating to the exercise of eminent domain by certain toll road corporations.

To Committee on Transportation.

SB 445 by Hall

Relating to public agreements or contracts related to United Nations Agenda 21.

To Committee on State Affairs.

SB 446 by Hall

Relating to increased penalties for the offense of trafficking of persons that involves a child victim or the death of any victim.

To Committee on Criminal Justice.

SB 447 by Hall

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

To Committee on Business and Commerce.

SB 448 by Hinojosa

Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

To Committee on Higher Education.

SB 449 by Bettencourt

Relating to the definition of a motorcycle.

To Committee on Transportation.

SB 450 by Schwertner

Relating to the liability of a political subdivision of this state for certain claims relating to land acquired by the political subdivision under certain circumstances.

To Committee on State Affairs.

SB 451 by Seliger

Relating to eliminating certain state-required assessment instruments administered to public school students in certain grades.

To Committee on Education.

SB 452 by Seliger

Relating to administering the Texas Success Initiative assessment instrument to certain public school students.

To Committee on Education.

SB 453 by Seliger

Relating to minimum scores required for public school students to receive credit by an examination administered through the College-Level Examination Program.

To Committee on Higher Education.

SB 454 by Seliger

Relating to the alignment of the college readiness standards and expectations and the essential knowledge and skills.

To Committee on Education.

SB 455 by Creighton

Relating to the creation of a special three-judge district court.

To Committee on State Affairs.

SB 456 by Burton

Relating to establishing a uniform one-half mile extraterritorial jurisdiction limit for municipalities.

To Committee on Intergovernmental Relations.

SB 457 by Burton

Relating to the authority of a justice of the peace to waive the waiting period for a marriage ceremony.

To Committee on State Affairs.

SB 458 by Lucio

Relating to the aerospace and aviation office of the Texas Economic Development and Tourism Office and to the aerospace and aviation advisory committee.

To Committee on Natural Resources and Economic Development.

SB 459 by Lucio

Relating to the creation of the Advisory Council on Hispanic Affairs in the office of the governor.

To Committee on Business and Commerce.

SB 460 by Schwertner

Relating to the licensing and regulation of pharmacists and pharmacies.

To Committee on Health and Human Services.

SCR 6 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.

SJR 5 by Nichols, Nelson

Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

To Committee on Transportation.

SENATE BILL 418 REREFERRED
(Motion In Writing)

Senator Whitmire submitted a Motion In Writing requesting that **SB 418** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Criminal Justice.

The Motion In Writing was read and prevailed without objection.

HOUSE CONCURRENT RESOLUTION 53

The President laid before the Senate the following resolution:

WHEREAS, Section 21.004(a), Government Code, provides: "At a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a written or oral state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state."; now, therefore, be it

RESOLVED by the 84th Texas Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives for that purpose on Wednesday, February 18, 2015, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Nathan L. Hecht, Chief Justice of the Supreme Court of Texas, be, and is hereby, invited to address the Regular Session of the 84th Legislature in Joint Session at that time.

WHITMIRE

HCR 53 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Perry.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Michael Kirkpatrick of Temple as the Physician of the Day.

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

CO-AUTHOR OF SENATE BILL 197

On motion of Senator Schwertner, Senator Bettencourt will be shown as Co-author of **SB 197**.

CO-AUTHORS OF SENATE BILL 342

On motion of Senator Huffines, Senators Creighton, Hall, and Kolkhorst will be shown as Co-authors of **SB 342**.

CO-AUTHORS OF SENATE BILL 346

On motion of Senator Estes, Senators Kolkhorst and Seliger will be shown as Co-authors of **SB 346**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Creighton, Senators Estes and V. Taylor will be shown as Co-authors of **SCR 1**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

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

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 109 by Van de Putte, In memory of Alfred Esparza Gomez.

SR 110 by Van de Putte, In memory of Rodolfo M. Rodriguez.

SR 111 by Van de Putte, In memory of Oscar Monsibais Sr.

SR 120 by Watson, In memory of Eugene Paul Schoch Jr.

SR 121 by Ellis, In memory of Billy J. Morton.

Welcome and Congratulatory Resolutions

SR 107 by Seliger, Congratulating Howard Parker and Joe Parsley for receiving the 2014 Top Hand Award.

SR 113 by Watson, Welcoming Korean exchange teachers to Texas.

SR 116 by Hinojosa, Congratulating Lorette Williams on being elected president of the Texas School Public Relations Association.

SR 117 by Nelson, Welcoming Leadership Flower Mound to the Capitol.

SR 119 by Nelson, Recognizing the Pregnancy Resource Centers in this state.

SR 122 by Watson, Recognizing David Boyd on the occasion of his retirement.

SR 123 by West, Recognizing the Alpha Xi Omega chapter of Alpha Kappa Alpha Sorority, Incorporated, on the occasion of its Founders' Day Celebration.

SR 127 by Garcia, Recognizing the League of United Latin American Citizens Council 402 on the occasion of its Annual Scholarship Gala.

SR 130 by West, Recognizing Dorothy Buckhanan Wilson for her leadership of Alpha Kappa Alpha Sorority, Incorporated.

SR 131 by Garcia, Ellis, and Whitmire, Recognizing Jane Cummins, who was sworn in as president of the Texas Lyceum.

Official Designation Resolutions

SR 108 by Watson, Bettencourt, Nelson, and West, Recognizing February 11, 2015, as YMCA Advocacy Day.

SR 112 by Hall and Huffines, Recognizing February 12, 2015, as Rowlett Day.

SR 114 by Hinojosa and Lucio, Celebrating February 10, 2015, as South Texas Independent School District Day.

SR 115 by Hinojosa, Celebrating February 18, 2015, as Texas A&M University–Corpus Christi Day.

SR 118 by Nelson, Birdwell, Burton, and Hancock, Recognizing February 25 and 26, 2015, as Tarrant County Days.

SR 126 by Schwertner, Creighton, Ellis, Kolkhorst, and V. Taylor, Recognizing February 11, 2015, as *Community Impact Newspaper* Day.

SR 128 by Garcia, Celebrating February 15 through 21, 2015, as National LULAC Week.

SR 129 by Nichols, Recognizing February 11, 2015, as Lufkin-Angelina County Day.

SR 132 by Kolkhorst, Recognizing February 10, 2015, as Rita L. Littlefield Kidney Day.

SR 134 by Hinojosa, Recognizing February 9, 2015, as Palmview Day.

Legislative Policy Resolution

SR 133 by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber in the State Capitol on February 21 and 22, 2015.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:26 p.m. adjourned, in memory of Retired Captain Edward Francis Bysinski, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 4, 2015

SR 55, SR 87, SR 94, SR 95, SR 96, SR 97, SR 98, SR 99, SR 100, SR 101, SR 102, SR 103, SR 104, SR 105

SIGNED BY GOVERNOR

February 5, 2015

SCR 3, SCR 4

