

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Wednesday, February 11, 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, West, Whitmire, Zaffirini.

Absent-excused: Van de Putte.

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

Pastor Stephen Yuille, Grace Community Church, Glen Rose, offered the invocation as follows:

Our Lord God, Your power is boundless, Your wisdom is limitless, and Your goodness is endless. Great is the Lord, and greatly to be praised. (Psalms 145:3) We praise You for the mercies of ordinary life, for Your care and provision. You alone give food, sleep, health, friends, and families. We receive these good gifts from You, and we honor You by delighting in them. We praise You for our state and country. Thank You for the bounty of resources we enjoy. Thank You for the freedoms we possess. Thank You for the traditions of justice, honesty, and liberty. Thank You for our institutions, our courts, colleges, hospitals, industries, schools, businesses. We pray for our land, for Your continued blessing upon our common life. We pray for our scientists; grant that they might behold the wonders of the universe. We pray for our judges; grant that they might long for truth and justice. We pray for our teachers; grant that they might delight in knowledge. We pray for our artists and poets; grant that they might be overwhelmed by beauty. We pray for our politicians, especially those gathered here; grant that they might be led by You as they seek to lead the people of this state. Anoint them with gifts of justice, fairness, intelligence, compassion, a love of peace, a love of truth, and a love of goodness. To You we make our prayers in the name of Jesus Christ. 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 Van de Putte was granted leave of absence for today on account of important business.

PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Anuj Sharma of Round Rock as the Physician of the Day.

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

SENATE RESOLUTION 150

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Hood County Long Term Recovery Committee for their exemplary work in the aftermath of a tornado that struck the Rancho Brazos community on May 15, 2013; and

WHEREAS, The Hood County Long Term Recovery Committee was formed by a group of concerned citizens who had no prior experience in disaster recovery; faced with the devastation of an EF4 tornado that destroyed 100 homes and killed six people, these citizens studied the issues surrounding the tragedy and worked in a variety of ways to help those displaced by the storm; and

WHEREAS, The dedicated volunteers selflessly performed a wide variety of tasks to help people recover; they procured modular housing from Fort Hood, rebuilt homes, and wrote grants for recovery funding; due to their tireless efforts, victims were able to be reinstated in homes approximately six months earlier than after most disasters; and

WHEREAS, Numerous local organizations and businesses played a vital role in the recovery efforts, including the United Way of Hood County, Mission Granbury, the United Methodist Committee on Relief, Texas Neighborhood Services, Central Texas Title, First National Bank, and churches of all denominations; and

WHEREAS, Thanks to the unstinting and generous work of the Hood County Long Term Recovery Committee, the victims of the 2013 tornado have been able to begin putting their lives back together; it is truly fitting the members of the committee receive special recognition for their outstanding work; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby commend the members of the Hood County Long Term Recovery Committee on their dedication and hard work and extend to all best wishes for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the committee as an expression of esteem from the Texas Senate.

SR 150 was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Hood County and tornado recovery committee delegations: Lance Terry, Marilyn Luton, Mary Flores, Sunny Erwin, and Toni Brown-Belew.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Harlingen-San Benito delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner, joined by Senators Bettencourt, Zaffirini, Creighton, and Ellis, was recognized and introduced to the Senate a *Community Impact Newspaper* delegation, accompanied by owners John and Jennifer Garrett.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Beeville delegation, accompanied by Moreno Junior High School students.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio, joined by Senator Hinojosa, was recognized and introduced to the Senate a Mid-Valley Day 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.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 7**.

**MESSAGE FROM THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES**

The following message from the Speaker of the House of Representatives was read and was referred to the Committee on Nominations:

HOUSE OF REPRESENTATIVES

Joe Straus

Speaker

August 6, 2014

Mr. Frederick "Shad" Rowe, Jr.
3901 Greenbrier
Dallas, TX 75225

Dear Shad,

It is my pleasure to reappoint you to the Employees Retirement System (ERS) of Texas Board of Trustees, pursuant to Section 815.002(a)(3) of the Texas Government Code, following the conclusion of your current term on August 31 of this year. Your new term will take effect on September 1 and expire on August 31, 2020.

You have served this state with distinction. Your perspective and depth of knowledge have been critical to the work of the ERS Board and the well-being of our state workforce. I look forward to your continued leadership and am grateful for your willingness to serve.

If you have any questions or need additional assistance, please don't hesitate to contact Kari Torres, Director of Administration and Special Programs, at (512) 463-1000 or kari.torres@speaker.state.tx.us.

Sincerely,

/s/Joe Straus

Speaker

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:30 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:30 a.m. Tuesday, February 17, 2015.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 493 by Huffman

Relating to evidence or testimony given by certain witnesses in a criminal case based on the trafficking of persons.

To Committee on Criminal Justice.

SB 494 by Watson

Relating to the availability of certain property and casualty insurance forms on the Internet.

To Committee on Business and Commerce.

SB 495 by Watson, Fraser, Kolkhorst

Relating to the service areas of certain junior college districts.

To Committee on Higher Education.

SB 496 by Watson

Relating to Foundation School Program funding for students enrolled in an optional flexible school day program.

To Committee on Education.

SB 497 by Watson

Relating to the use of money in a tax increment fund to pay costs related to public improvements used for social services programs and permanent supportive housing that promotes the development or redevelopment of a reinvestment zone.

To Committee on Natural Resources and Economic Development.

SB 498 by L. Taylor

Relating to building code requirements for residential property insured by the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

SB 499 by Burton

Relating to a requirement that a student's postsecondary transcript include the average or median grade awarded in each class.

To Committee on Higher Education.

SB 500 by Burton

Relating to self-settled asset protection trusts.

To Committee on State Affairs.

SB 501 by Burton

Relating to availability of professional liability insurance under a self-insurance trust for health care.

To Committee on Business and Commerce.

SB 502 by Burton

Relating to reducing paperwork and duplicate reports required of a school district.

To Committee on Education.

SB 503 by Perry

Relating to financial assistance to local governmental entities affected by the realignment of defense jobs or facilities.

To Committee on Veteran Affairs and Military Installations.

SB 504 by Perry

Relating to the application of the professional prosecutors law to the district attorney for the 132nd Judicial District.

To Committee on State Affairs.

SB 505 by Perry

Relating to painting and marking requirements for certain towers; creating an offense.

To Committee on Agriculture, Water, and Rural Affairs.

SB 506 by Perry

Relating to the authority of a political subdivision of this state to execute certain contracts for the use or acquisition of personal property.

To Committee on Business and Commerce.

SB 507 by Lucio

Relating to the placement of video cameras in self-contained classrooms providing special education services.

To Committee on Education.

SB 508 by Rodríguez

Relating to the employment of veterans by a public entity or public work of this state.

To Committee on Business and Commerce.

SB 509 by Rodríguez

Relating to the prosecution of certain offenses committed against a person in custody.

To Committee on Criminal Justice.

SB 510 by Rodríguez

Relating to a criminal penalty for violating a condition of bond, condition of community supervision, or court order requiring installation of an ignition interlock device.

To Committee on Criminal Justice.

SB 511 by Burton

Relating to the termination of a volunteer deputy registrar appointment.

To Committee on State Affairs.

SB 512 by Zaffirini

Relating to the promulgation of certain forms for use in probate matters.

To Committee on State Affairs.

SB 513 by L. Taylor

Relating to the regulation of metal recycling entities; imposing an administrative penalty.

To Committee on Natural Resources and Economic Development.

SB 514 by L. Taylor

Relating to a deduction under the franchise tax for certain contracts with the federal government.

To Committee on Finance.

SB 515 by Bettencourt, Birdwell, Campbell, Creighton, Eltife, Hall, Kolkhorst, Nichols, Perry, Schwertner, L. Taylor, V. Taylor

Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, 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 an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in local revenue.

To Committee on Finance.

SB 516 by Bettencourt, Birdwell, Campbell, Creighton, Estes, Hall, Huffines, Kolkhorst, Perry, Schwertner, L. Taylor, V. Taylor

Relating to increasing the period of time for exempting freeport goods from ad valorem taxation.

To Committee on Finance.

SCR 8 by Burton

Urging Congress to reduce the amount of paperwork required of teachers by federal law.

To Committee on Education.

SJR 28 by Bettencourt, Birdwell, Campbell, Creighton, Estes, Hall, Kolkhorst, Nichols, Perry, Schwertner, L. Taylor, V. Taylor

Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

To Committee on Finance.

SJR 29 by Bettencourt, Birdwell, Campbell, Creighton, Estes, Hall, Huffines, Kolkhorst, Perry, Schwertner, L. Taylor, V. Taylor

Proposing a constitutional amendment to extend the number of days that certain tangible personal property to be transported outside of this state is exempt from ad valorem taxation.

To Committee on Finance.

CO-AUTHORS OF SENATE BILL 17

On motion of Senator Estes, Senators Bettencourt, Birdwell, Campbell, Hall, and L. Taylor will be shown as Co-authors of **SB 17**.

CO-AUTHOR OF SENATE BILL 457

On motion of Senator Burton, Senator Nelson will be shown as Co-author of **SB 457**.

CO-AUTHOR OF SENATE BILL 508

On motion of Senator Rodríguez, Senator Birdwell will be shown as Co-author of **SB 508**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Creighton, Senators Bettencourt, Eltife, Hall, and L. Taylor will be shown as Co-authors of **SCR 1**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Estes, Senator Huffman 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 153 by Nichols, Welcoming the Texas Aggregates and Concrete Association to the State Capitol.

SR 154 by Eltife, Recognizing the Kilgore College Rangerettes on the occasion of the team's 75th anniversary.

SR 155 by Estes, Recognizing Jesse W. Rogers on the occasion of his retirement.

SR 156 by Estes, Welcoming Leadership Montague County to the State Capitol.

Official Designation Resolutions

SR 151 by Lucio, Recognizing February 11, 2015, as Mid-Valley Day.

SR 157 by Estes, Proclaiming February 17, 2015, as Justices of the Peace and Constables Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:40 a.m. adjourned until 10:30 a.m. Tuesday, February 17, 2015.

APPENDIX

RESOLUTIONS ENROLLED

February 10, 2015

SCR 7, SR 37, SR 76, SR 106, SR 124, SR 135, SR 136, SR 137, SR 138, SR 139, SR 140, SR 141, SR 142, SR 143, SR 144, SR 145, SR 146, SR 147, SR 148, SR 149