

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTEENTH DAY
(Monday, March 2, 2015)

The Senate met at 2:00 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, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

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

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

Our God, as our State Senate gathers on this Texas Independence Day, we are reminded that the blessing of liberty is a gift from God and its maintenance, a holy responsibility. As we learn from the pages of the Book of Exodus, freedom was not intended for its own sake but rather for the sake of providing humanity with the opportunity to build a just and compassionate society; the society that You proclaimed through Moses at Sinai and then through the words of Your prophets. May the women and men of this assembly be inspired by You and by Your words to work to make this state worthy of Your presence and of the vision of its founders. And from this Chamber, may our State Senate, in the words of Leviticus 25:10, Proclaim liberty throughout the land unto all the inhabitants thereof. 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.

PHYSICIAN OF THE DAY

Senator Huffman was recognized and presented Dr. Troy Fiesinger of Houston as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives of the Fast Growth School Coalition.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

February 26, 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 Christopher M. Huckabee for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2019.

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

Respectfully submitted,
/s/Greg Abbott
Governor

GUESTS PRESENTED

Senator Nichols, joined by Senator Creighton, was recognized and introduced to the Senate a Golden Triangle Days delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a King Ranch delegation celebrating Texas Independence Day.

The Senate welcomed its guests.

SENATE RESOLUTION 280

Senator Hall offered the following resolution:

SR 280, Recognizing March 2, 2015, as Kaufman County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate a Kaufman County Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 295

Senator Hancock offered the following resolution:

WHEREAS, March 2 marks the anniversary of that historic day in 1836 when residents of Texas officially declared their independence from Mexico, thereby giving birth to the independent republic that would stand on its own for more than nine years before becoming the 28th state of the Union; and

WHEREAS, The proud Texans who issued the call for independence were members of the Convention of 1836, which met at Washington-on-the-Brazos on March 1 of that fateful year; as they gathered, the valiant defenders of the Alamo were facing off against the troops of Mexican ruler Antonio Lopez de Santa Anna, and the Texas revolutionaries had reached a crucial point in their campaign for greater political freedom; and

WHEREAS, Stating the views of the delegates in no uncertain terms, the Texas Declaration of Independence listed their grievances against the Mexican government and announced their bold conclusion: "*that the people of Texas do now constitute a free, Sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations*"; and

WHEREAS, Winning that independence on the battlefield would take another six weeks and the lives of many brave Texans, but with this remarkable proclamation the 59 signatories of the Texas Declaration of Independence had enunciated a vision of liberty, independence, and just government and charted a dramatic new course for the land they called home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby commemorate Texas Independence Day 2015 and pay tribute to the immense contributions of those individuals who helped found the Republic of Texas.

HANCOCK
WATSON

SR 295 was read.

On motion of Senator Watson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hancock, the resolution was adopted without objection.

ACKNOWLEDGEMENT

Senator Zaffirini was recognized and, on behalf of the Senate, thanked Senator Ellis for 25 years of service in the Texas Senate.

SENATE RESOLUTION 291

Senator Ellis offered the following resolution:

SR 291, Recognizing March 2, 2015, as Texas Southern University Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate students from Texas Southern University.

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.

BIRTHDAY GREETINGS EXTENDED

Senator Seliger was recognized and, on behalf of the Senate, extended birthday greetings to Senator Eltife.

SENATE RESOLUTION 287

Senator Ellis offered the following resolution:

SR 287, Recognizing Ezra Roy for his artistic accomplishments.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Ezra Roy and his father, Alvin Roy.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Prairie View A&M University delegation.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Regents, The Texas A&M University System: Phillip David Adams, Brazos County; Robert Leak Albritton, Tarrant County; William Mahomes, Dallas County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Birdwell gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a delegation from The Links, Incorporated.

Senator Ellis also introduced to the Senate members of Alpha Kappa Alpha Sorority, Incorporated.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Whitmire was recognized and introduced to the Senate the Reverend James Dixon.

The Senate welcomed its guest.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:46 p.m. agreed to adjourn, in memory of Robert "Bob" Armstrong, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator L. Taylor in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 209 by Hinojosa, Birdwell, Campbell, Nelson, Schwertner

Relating to the continuation and functions of the Texas Workforce Investment Council, including assumption of the duties of the Texas Skill Standards Board.

To Committee on Natural Resources and Economic Development.

SB 709 by Fraser

Relating to environmental permitting procedures for applications filed with the Texas Commission on Environmental Quality.

To Committee on Natural Resources and Economic Development.

SB 710 by Burton

Relating to the organization of a municipal government as a Liberty City general-law municipality.

To Committee on Intergovernmental Relations.

SB 711 by Burton

Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.

To Committee on State Affairs.

SB 712 by Burton

Relating to standing for certain individuals to file a suit affecting the parent-child relationship.

To Committee on State Affairs.

SB 713 by Hall

Relating to general officers within the state military department.

To Committee on Veteran Affairs and Military Installations.

SB 714 by Hall

Relating to the authority of the governing body of a local authority to impose a civil penalty for certain violations recorded by an automated traffic control system or a photographic traffic signal enforcement system.

To Committee on Transportation.

SB 715 by Hall

Relating to sworn statements and other documentation provided to support the issuance of a search warrant.

To Committee on Criminal Justice.

SB 716 by Hall

Relating to the methods of delivery for required financial statement forms sent to certain municipal officeholders and candidates for municipal office.

To Committee on State Affairs.

SB 717 by Hall

Relating to the issuance of a concealed handgun license.

To Committee on State Affairs.

SB 718 by Hall

Relating to a permit to show that a person has passed a background check to possess a firearm; authorizing fees.

To Committee on State Affairs.

SB 719 by Burton

Relating to the direct shipment of certain alcoholic beverages to ultimate consumers; authorizing a fee.

To Committee on Business and Commerce.

SB 720 by Burton

Relating to the authority of a political subdivision to prohibit hydraulic fracturing.

To Committee on Natural Resources and Economic Development.

SB 721 by Burton

Relating to the sunset review of regional mobility authorities.

To Committee on Transportation.

SB 722 by Perry

Relating to a disqualification for unemployment benefits for refusing to take or failing a preemployment drug test.

To Committee on Natural Resources and Economic Development.

SB 723 by Perry

Relating to mandatory participation in certain TANF employment and other programs by certain persons.

To Committee on Health and Human Services.

SB 724 by Perry

Relating to the motor vehicle sales tax applicable to motor vehicles used by transportation companies for certain purposes.

To Committee on Finance.

SB 725 by Perry

Relating to the creation of DNA records for the DNA database system.

To Committee on Criminal Justice.

SB 726 by Watson

Relating to notice to parents of public school students regarding human sexuality instruction.

To Committee on Education.

SB 727 by Watson

Relating to the right of an employee to time off from work to obtain an election identification certificate.

To Committee on Natural Resources and Economic Development.

SB 728 by Watson

Relating to the offense of unlawfully prohibiting an employee from voting.

To Committee on State Affairs.

SB 729 by Birdwell

Relating to the qualifications, duties, and limitations of Texas delegates to a constitutional convention called under Article V of the United States Constitution.

To Committee on State Affairs.

SB 730 by Rodríguez

Relating to the regulation of abortion providers and facilities.

To Committee on Health and Human Services.

SB 731 by Rodríguez

Relating to funding for certain transportation infrastructure projects near the international border of this state; making an appropriation.

To Committee on Transportation.

SB 733 by Fraser

Relating to the authority of certain political subdivisions to change the date of their general elections.

To Committee on State Affairs.

SB 734 by Fraser

Relating to the setting of annual interest rates for utility deposits by the Public Utility Commission of Texas.

To Committee on Natural Resources and Economic Development.

SB 735 by Fraser

Relating to the availability and use of certain evidence in connection with an award of exemplary damages.

To Committee on State Affairs.

SB 736 by V. Taylor

Relating to the disclosure on personal financial statements of certain contracts with governmental entities.

To Committee on State Affairs.

SB 737 by Rodríguez

Relating to certain protective orders and magistrate's orders for emergency protection.

To Committee on Criminal Justice.

SB 738 by Hinojosa

Relating to the transfer or termination of certain timeshare interests.
To Committee on Business and Commerce.

SB 739 by Hinojosa

Relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense.
To Committee on State Affairs.

SB 740 by West

Relating to the assessment of court costs and fees on conviction of multiple offenses or on conviction of multiple counts of the same offense.
To Committee on Criminal Justice.

SB 741 by West

Relating to criminal procedures related to certain offenses committed by a student on property under control of a school district.
To Committee on Criminal Justice.

SB 742 by Ellis

Relating to the issuance of Texas Medical Center specialty license plates.
To Committee on Transportation.

SB 745 by Estes

Relating to the governance of certain municipal power agencies; providing authority to issue bonds.
To Committee on Natural Resources and Economic Development.

SB 746 by Whitmire

Relating to the civil commitment of sexually violent predators.
To Committee on Criminal Justice.

SB 747 by West

Relating to a study of the Dallas Men Against Abuse program.
To Committee on Health and Human Services.

SB 748 by Campbell

Relating to voting eligibility requirements for members of a metropolitan planning organization policy board.
To Committee on Transportation.

SB 749 by Hinojosa, Kolkhorst

Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities.
To Committee on Natural Resources and Economic Development.

SB 750 by L. Taylor

Relating to an allotment under the public school finance system for the cost of windstorm and hail insurance.
To Committee on Education.

SB 751 by Rodríguez, Burton

Relating to the scope of practice of and the prescribing and ordering authority of advanced practice registered nurses.

To Committee on Health and Human Services.

SB 753 by Garcia

Relating to a database of employers penalized for failure to pay wages or convicted of certain offenses involving wage theft.

To Committee on Natural Resources and Economic Development.

SB 754 by Watson

Relating to funding for motorcycle training and safety programs, including increasing the motorcycle and moped registration fee.

To Committee on Transportation.

SB 760 by Schwertner

Relating to provider access requirements for a Medicaid managed care organization.

To Committee on Health and Human Services.

SB 764 by Huffman

Relating to the creation of an additional family district court in Harris County.

To Committee on State Affairs.

SB 768 by Ellis

Relating to authorizing the issuance of revenue bonds to fund a science and technology building at the downtown campus of the University of Houston.

To Committee on Higher Education.

SB 769 by Ellis, Whitmire

Relating to reports to the Office of Court Administration of the Texas Judicial System on the composition of grand and petit juries in each county.

To Committee on State Affairs.

SB 770 by Ellis

Relating to the creation of the Texas Commission on Criminal and Juvenile Justice.

To Committee on Criminal Justice.

SB 771 by Hancock

Relating to the frequency with which the Board of Pardons and Paroles considers the eligibility of certain inmates for release on parole.

To Committee on Criminal Justice.

SB 772 by Hancock

Relating to legal representation for certain emergency services districts.

To Committee on Intergovernmental Relations.

SB 773 by Hancock

Relating to the requirement a protest or appeal based upon inequality of appraisal be determined by the application of generally accepted appraisal methods and techniques.

To Committee on Finance.

SB 774 by Fraser

Relating to a study on periodic rate adjustment by electric utilities.
To Committee on Natural Resources and Economic Development.

SB 775 by Fraser

Relating to the repeal of the goal for natural gas use.
To Committee on Natural Resources and Economic Development.

SB 776 by Fraser

Relating to the authority of the Public Utility Commission of Texas to approve certain transmission facilities constructed by a municipally owned utility.
To Committee on Natural Resources and Economic Development.

SB 777 by Fraser

Relating to the authority of the Public Utility Commission of Texas to restrict participation in the retail electric market for significant violations.
To Committee on Natural Resources and Economic Development.

SB 778 by Seliger

Relating to performance-based tuition limitations for certain public institutions of higher education.
To Committee on Higher Education.

SB 779 by Huffman

Relating to the access to certain medical test results by a grand jury.
To Committee on State Affairs.

SB 780 by Huffman

Relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses.
To Committee on Criminal Justice.

SB 781 by Eltife

Relating to the purchase of certain insurance coverage and the performance of related risk management services for certain university systems and the component institutions of those systems.
To Committee on Business and Commerce.

SB 782 by Eltife

Relating to the investigation by the commissioner of insurance of acts of insurance fraud and other offenses.
To Committee on Business and Commerce.

SB 783 by Eltife

Relating to the development of antifraud educational programs by the Texas Department of Insurance and acceptance of gifts, grants, and donations for the department's fraud unit.
To Committee on Business and Commerce.

SB 784 by Eltife

Relating to collection and use of certain information reported to and by the Texas Department of Insurance and certain approval authority and hearings held in connection with reported information.

To Committee on Business and Commerce.

SB 785 by Uresti

Relating to a prohibition on a resident admission requirement for on-site inspections of assisted living facility license applicants.

To Committee on Health and Human Services.

SB 786 by Zaffirini

Relating to establishing an agriculture ombudsman office in the Department of Agriculture.

To Committee on Agriculture, Water, and Rural Affairs.

SB 787 by Rodríguez, Eltife

Relating to the improvement of oral health care access through the regulation of dental hygiene practitioners, dental hygienists, and dentists in this state.

To Committee on Health and Human Services.

SB 788 by Eltife

Relating to requiring direct access to 9-1-1 service from certain telephone systems and Internet Protocol services.

To Committee on Natural Resources and Economic Development.

SB 789 by Eltife

Relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

To Committee on Agriculture, Water, and Rural Affairs.

SB 790 by Kolkhorst

Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

To Committee on Criminal Justice.

SB 791 by Kolkhorst

Relating to testing for and education about congenital cytomegalovirus in infants.

To Committee on Health and Human Services.

SB 792 by Kolkhorst

Relating to authorizing the Post Oak Savannah Groundwater Conservation District to use revenue from export fees to fund road and water infrastructure projects.

To Committee on Agriculture, Water, and Rural Affairs.

SB 793 by Kolkhorst

Relating to the administration of the Blinn Junior College District.

To Committee on Higher Education.

SB 794 by Hancock

Relating to the authority of a political subdivision to issue debt to purchase or lease tangible personal property.

To Committee on Finance.

SB 795 by Perry, Bettencourt, Birdwell, Burton, Campbell, Hall, Hancock, Huffines, Kolkhorst, Nelson, Schwertner, Seliger, V. Taylor

Relating to establishing an interstate voter registration crosscheck program.

To Committee on State Affairs.

SB 796 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 797 by Lucio

Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.

To Committee on Agriculture, Water, and Rural Affairs.

SB 798 by Estes

Relating to the sales and use tax exemption for the repair, remodeling, or maintenance of aircraft.

To Committee on Finance.

SB 799 by Eltife

Relating to indemnification and duties of engineers and architects under certain governmental contracts.

To Committee on Business and Commerce.

SB 800 by V. Taylor

Relating to the authority of a district clerk to post official and legal notices by electronic display.

To Committee on State Affairs.

SB 845 by L. Taylor

Relating to an exemption from and a limitation on the sales tax imposed on certain boats and boat motors.

To Committee on Finance.

SJR 34 by Uresti

Proposing a constitutional amendment to authorize the Kickapoo Traditional Tribe of Texas to conduct gaming by executing a gaming agreement with this state; providing for licensing of persons under the agreement; limiting certain taxes and fees.

To Committee on State Affairs.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 156

On motion of Senator Nichols, Senator Huffines will be shown as Co-author of **SB 156**.

CO-AUTHOR OF SENATE BILL 169

On motion of Senator Uresti, Senator Lucio will be shown as Co-author of **SB 169**.

CO-AUTHORS OF SENATE BILL 219

On motion of Senator Schwertner, Senators Rodríguez and V. Taylor will be shown as Co-authors of **SB 219**.

CO-AUTHOR OF SENATE BILL 249

On motion of Senator Campbell, Senator Huffines will be shown as Co-author of **SB 249**.

CO-AUTHOR OF SENATE BILL 297

On motion of Senator Watson, Senator Garcia will be shown as Co-author of **SB 297**.

CO-AUTHOR OF SENATE BILL 300

On motion of Senator Watson, Senator Garcia will be shown as Co-author of **SB 300**.

CO-AUTHOR OF SENATE BILL 398

On motion of Senator Schwertner, Senator Huffines will be shown as Co-author of **SB 398**.

CO-AUTHOR OF SENATE BILL 468

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of **SB 468**.

CO-AUTHOR OF SENATE BILL 694

On motion of Senator Bettencourt, Senator Campbell will be shown as Co-author of **SB 694**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 14

On motion of Senator Nichols, Senator Huffines will be shown as Co-author of **SJR 14**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 272 by Lucio, In memory of Ruben H. Edelstein.

SR 274 by Estes, In memory of Clarence William Muehlberger.

SR 275 by West, In memory of Al Patterson.

SR 278 by V. Taylor, In memory of Gerald Lee Kunkle.

SR 284 by L. Taylor, In memory of Helen Kilroy.

Congratulatory Resolutions

SR 279 by Watson, Recognizing the Elizabeth Christian Public Relations firm on the occasion of its 20th anniversary.

SR 281 by Hall, Commending Lorne Greene Brodie Jr. for achieving the rank of Eagle Scout.

SR 282 by L. Taylor, Congratulating Ellis Pickett for earning the Surfrider Coastal Impact Award.

SR 283 by Creighton, Commending Jordan Schmaltz for achieving the rank of Eagle Scout.

SR 293 by Watson, Recognizing Sharon Lockhart on the occasion of her retirement.

SR 294 by Whitmire, Recognizing the dedication of the W. P. Mulcahy House as a Recorded Texas Historic Landmark.

SR 297 by Birdwell, Huffines, Nelson, L. Taylor, Watson, and Whitmire, Recognizing the Bob Bullock Scholars Program of Baylor University.

SR 298 by Birdwell, Congratulating the Ennis High School Lions football team for winning a state championship.

SR 299 by Birdwell, Recognizing the Ellis County Sheriff's Office Explorer Post for winning a state competition.

SR 300 by Birdwell, Recognizing the BBQ on the Bricks Annual Barbecue Cook-off in Kerens.

Official Designation Resolutions

SR 276 by Schwertner, Celebrating April 8, 2015, as Texas Pharmacy Day.

SR 286 by Kolkhorst, Recognizing March 2, 2015, as Prairie View A&M University Day.

SR 288 by V. Taylor and Estes, Recognizing March 2 and 3, 2015, as Collin County Days.

SR 289 by West, Recognizing February 26, 2015, as Expanded Learning Opportunities Day.

SR 292 by Nichols, Recognizing March 1 through 3, 2015, as Golden Triangle Days.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:59 p.m. adjourned, in memory of Robert "Bob" Armstrong, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 2, 2015

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 318, SB 488**

TRANSPORTATION — **CSSB 5, CSSJR 5**

HEALTH AND HUMAN SERVICES — **SB 197, CSSB 424, CSSB 133, CSSB 97**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 293**

RESOLUTIONS ENROLLED

February 25, 2015

SR 179, SR 232, SR 237, SR 248, SR 257, SR 258, SR 259, SR 260, SR 261, SR 262, SR 263, SR 264, SR 265, SR 266, SR 267, SR 268, SR 269, SR 270, SR 271

