

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTEENTH DAY
(Tuesday, March 3, 2015)

The Senate met at 11:02 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, Rodriguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

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

The Reverend Thomas Wessman, Gulf Prairie Presbyterian Church, Jones Creek, offered the invocation as follows:

Today, I stand here in awe. As a Presbyterian, God has called me to the ministry. But God's calling doesn't stop there. God calls other people to watch over the creation. God has called doctors to heal, teachers to educate, judges to rule, and God has called you to be the foundation and to make the laws so others can fulfill their own calling. You make the laws and the decisions that will affect this great, diverse State of Texas. I am humbled in your presence. With that said, let me pray.

Dear God, I ask for Your blessing this day for those gathered here, the leaders of Texas. I truly believe they are sincere men and women who want to do what is right. But knowing what is right is not always that clear. Open their eyes, allow them to see Your vision for this state. Allow them to know that Your vision is far better than the vision of the world. Dear God, save our leaders from selfishness. Let no personal ambition blind them to their opportunities to fulfill their calling. Open their ears to hear the cries of the people so they know what Texans need. Forgive them for their oversights and compromises they have made. Open their lips to confess their imperfections and ask for Your forgiveness. Allow them to shed off their foolish pride and become Your humble servants. Open their minds to give them Your divine wisdom and a selflessness that will make them think of service, and not of gain, as they lead the people of Texas. Save them from the foolishness of unjust proposals. Open their spirit and give them the faith and the courage to seek Your inspired plan. When they find it, give them the courage to propose it, knowing that when it is Your inspiration,

You will open the way through all obstacles. While on Your righteous path, save them from their adversaries. We pray for Your wisdom, insight, sensitivity, compassion to fill this Chamber throughout this next year and make these lawmakers ones who are not called to serve as they please, but rather pleased to serve You in their call. Open their eyes to Your presence, their minds to Your grace, their lips to Your praises, their hearts to Your love, and their lives to Your healing. I pray through Your son, Christ Jesus. 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. Roland Prezas of Lake Jackson as the Physician of the Day.

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Port Isabel Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 285

Senator Huffman offered the following resolution:

WHEREAS, Proud citizens of Brazoria County are gathering in Austin to celebrate Brazoria County Day at the State Capitol on March 3, 2015; and

WHEREAS, This section of coastal prairie along the Brazos River was inhabited during the first three centuries of Texas' recorded history by the nomadic Karankawa Indians; the Spanish explorer Cabeza de Vaca passed through the region as early as 1528, and the pirate Jean Lafitte was rumored to have used the mouth of the Brazos as a refuge; and

WHEREAS, The region was settled in the 1820s by members of Stephen F. Austin's Old Three Hundred; Henry Smith of Brazoria served as the first American-born governor of the Mexican territory of Texas and as a leader of the movement for independence, and the town of Columbia served as the capital of Texas during the first Texas Congress; in 1836, Brazoria County became one of the original counties established by the new republic; and

WHEREAS, Farming and ranching initially constituted the mainstays of the county's economy; the discovery of oil and sulfur deposits in the early 20th century helped the region grow, and chemical processing became increasingly important during World War II and after; commercial fishing and the recreation industry have helped to ensure continuing economic development; and

WHEREAS, Today, the 24 cities of Brazoria County boast excellent schools and affordable housing; visitors and residents alike take great pleasure in miles of sandy beaches, bay and offshore fishing, scuba diving, outstanding bird-watching, and the Brazoria and San Bernard National Wildlife Refuges; the county is also home to many antique shops and scenic parks, one of the largest county fairs in Texas, and the Nolan Ryan Center; and

WHEREAS, The educational opportunities available to students at Alvin Community College, Brazosport College, and the University of Houston-Clear Lake Pearland Campus further contribute to the county's many amenities; and

WHEREAS, The largest chemical complex in North America, the Texas Gulf Coast Regional Airport, and a flourishing health care industry are among the major contributors to economic growth in the county, and Port Freeport, ranked 24th in the United States in foreign tonnage, is one of the fastest growing ports on the Gulf Coast; and

WHEREAS, Even as they celebrate their rich heritage, the hardworking citizens of Brazoria County are looking ahead to the opportunities of the future and continuing to contribute greatly to the growth and prosperity of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 84th Texas Legislature hereby recognize March 3, 2015, as Brazoria County Day at the State Capitol and extend to the visiting delegation best wishes for a memorable and meaningful stay in Austin.

HUFFMAN
L. TAYLOR

SR 285 was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman, joined by Senator L. Taylor, was recognized and introduced to the Senate a Brazoria County Day delegation: Brazoria County Day Co-chairs Greg Hill and Lucilla Henderson, University of Houston-Clear Lake President Dr. William Staples, Leslie Lowrey, and Jennifer Wehrly.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, March 3, 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 100 Lozano
Commemorating the centennial of the King Ranch Main House.

SCR 15 Lucio Sponsor: Lozano
Commemorating the centennial of the King Ranch Main House.

SCR 18 Whitmire Sponsor: Israel
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 25, 2015, and ending on Monday, March 2, 2015.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Wharton County Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Boys and Girls Clubs of America delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Baylor University Bullock Scholars Program delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 197

Senator Schwertner offered the following resolution:

SR 197, Celebrating Texas Public Schools Week.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 18, 2015.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate a Texas School Public Relations Association delegation celebrating Texas Public Schools Week.

The Senate welcomed its guests.

SENATE RESOLUTION 277

Senator L. Taylor offered the following resolution:

SR 277, Recognizing March 3, 2015, as Space Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator L. Taylor was recognized and introduced to the Senate a National Aeronautics and Space Administration delegation: Kirk Shireman, Deborah Conder, Mike Kincaid, Bob Mitchell, Tim Kopra, and Lauren Savage.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 19

The President laid before the Senate the following resolution:

SCR 19, Recognizing Johnny Trotter of Hereford on the occasion of his induction into the Texas Cowboy Hall of Fame.

SELIGER

The resolution was read.

On motion of Senator Seliger and by unanimous consent, the resolution was considered immediately and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate President and CEO of Livestock Investors, Limited, Johnny Trotter and his wife, Jana.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate members of the Texas chapter of the National Emergency Number Association.

The Senate welcomed its guests.

SENATE RESOLUTION 288

Senator V. Taylor offered the following resolution:

SR 288, Recognizing March 2 and 3, 2015, as Collin County Days.

V. TAYLOR
ESTES

The resolution was again read.

The resolution was previously adopted on Monday, March 2, 2015.

GUESTS PRESENTED

Senator V. Taylor, joined by Senator Estes, was recognized and introduced to the Senate a Collin County delegation: Murphy Chamber of Commerce Executive Director Debra Mandala, McKinney Chamber of Commerce IOM President Lisa Hermes, Plano Chamber of Commerce President and CEO Jamee Jolly, Frisco Chamber of Commerce President and CEO Tony Felker, and Allen Fairview Chamber of Commerce President and CEO Sharon Mayer.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Republican Women's Club of Katy delegation.

Senator Kolkhorst also introduced a Victoria County Day delegation and a Lee County delegation: Lee County Judge Paul Fischer, Lee County Commissioners Maurice Pitts, Charles Murray, Alan Turner, and Steven Knobloch, and Giddings City Manager Ricky Jorgensen.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Texas Breastfeeding Coalition delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Garcia was recognized and introduced to the Senate a Texas chapter of the National Association of Social Workers delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Dripping Springs Chamber of Commerce delegation.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 58**.

**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.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

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

SENATE CONCURRENT RESOLUTION 21

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 by 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 Wednesday, March 4, 2015, and ending on Monday, March 9, 2015.

WHITMIRE

SCR 21 was read.

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

PERSONAL PRIVILEGE STATEMENT

The personal privilege statement by Senator West was printed in the *Senate Journal* as follows:

Constable Cleophas R. Steele Jr., who died February 18, 2015, at the age of 69; and Cleo Steele was born on July 13, 1945; he was one of the first African Americans to graduate from Southern Methodist University School of Law, and he began his legal career by working for the Dallas Legal Services Project, which provides assistance to low-income clients in civil matters; and

He went on to found one of the first black law firms in Dallas, and he was one of the city's first attorneys to sign a petition supporting the desegregation of the Dallas public schools; during those years, he also served for a time as an associate municipal judge; and

He served the citizens of Dallas County for more than three decades as a justice of the peace; during his tenure, he was noted for his fairness and impartiality, his thorough knowledge of the law, and his commitment to the principle that his court belonged to the people; and

Mr. Steele demonstrated his dedication to public service when he came out of retirement in 2012 to serve as constable of Dallas County Precinct 1; among the awards and honors he received through the years was the Dallas Bar Association's 2002 Martin Luther King Jr. Justice Award; and

A devout Christian who practiced his faith in his daily life, he was a longtime member of Good Street Baptist Church, where he served for many years as a deacon and as a member of the board of trustees; and

He was a man of courage, strength, and wisdom who gave unselfishly to others; he will be remembered for his kindness, his remarkable composure under pressure, and his enthusiasm for living each day to the fullest; and

He was devoted to his beloved wife, Barbara, and to their children, and he will be deeply missed by all who were privileged to share in his life.

WEST

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:05 p.m. agreed to adjourn, in memory of Joe Garcia, Cleo Steele, Brett Aaron Aycock, and Mike Higgins, 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 3 by Birdwell

Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.

To Committee on Veteran Affairs and Military Installations, Subcommittee on Border Security.

SB 6 by L. Taylor, Campbell

Relating to public school performance ratings.

To Committee on Education.

SB 13 by Perry, Estes, Hall, Schwertner, Seliger

Relating to measures to support public school student academic achievement and career preparation, including measures to improve and support dual-credit courses.

To Committee on Education.

SB 14 by L. Taylor, Creighton

Relating to empowering the parents of students to petition for the reconstitution, repurposing, alternative management, or closure of low-performing public school campuses.

To Committee on Education.

SB 801 by Zaffirini, Campbell

Relating to a high quality prekindergarten program provided by public school districts.

To Committee on Education.

SB 802 by Eltife

Relating to consumption of alcoholic beverages in public entertainment facilities.

To Committee on Business and Commerce.

SB 803 by Seliger

Relating to the validation of certain actions relating to municipal airport zoning regulations.

To Committee on Intergovernmental Relations.

SB 804 by Seliger

Relating to the period of eligibility for support from the universal service plan for certain providers.

To Committee on Natural Resources and Economic Development.

SB 805 by Campbell

Relating to the employment of individuals qualified for a veteran's employment preference.

To Committee on Veteran Affairs and Military Installations.

SB 806 by Campbell

Relating to the College Credit for Heroes program.

To Committee on Veteran Affairs and Military Installations.

SB 807 by Campbell

Relating to occupational license application and examination fees for certain military service members, military veterans, and military spouses.

To Committee on Veteran Affairs and Military Installations.

SB 808 by Eltife

Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

To Committee on Business and Commerce.

SB 809 by V. Taylor

Relating to governmental actions affecting private property rights in certain oil and gas wells.

To Committee on Natural Resources and Economic Development.

SB 810 by Seliger

Relating to the authority of an independent school district to contract with a municipality for the design, improvement, or construction of an instructional facility, stadium, or other athletic facility.

To Committee on Education.

SB 811 by Rodríguez

Relating to providing a translated copy of a student's individualized education program to parents unable to speak English.

To Committee on Education.

SB 812 by Rodríguez

Relating to the appointment of an associate judge in a family law proceeding involving a name change.

To Committee on State Affairs.

SB 813 by Rodríguez

Relating to the use of digitized signatures in certain family law proceedings.
To Committee on State Affairs.

SB 814 by Rodríguez

Relating to waivers of citation in certain family law suits.
To Committee on State Affairs.

SB 815 by Rodríguez

Relating to a temporary restraining order for preservation of property and protection of the parties in a suit for the dissolution of marriage.
To Committee on State Affairs.

SB 816 by Rodríguez

Relating to a dismissal or nonsuit of an application for a protective order.
To Committee on State Affairs.

SB 817 by Rodríguez

Relating to the definitions of dating violence and family violence for purposes of the issuance of a protective order.
To Committee on State Affairs.

SB 818 by Rodríguez

Relating to the requirement that a parent appointed as a conservator of a child disclose certain information regarding family violence.
To Committee on State Affairs.

SB 819 by Rodríguez

Relating to certain temporary orders in a suit for modification of an order in a suit affecting the parent-child relationship.
To Committee on State Affairs.

SB 820 by Rodríguez

Relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; creating an offense; authorizing fees.
To Committee on State Affairs.

SB 821 by Rodríguez

Relating to references to school in the Texas Family Code.
To Committee on State Affairs.

SB 822 by Rodríguez

Relating to the applicability of certain definitions and certain laws governing attorneys ad litem and amicus attorneys in family law proceedings.
To Committee on State Affairs.

SB 823 by Rodríguez

Relating to a suit for possession of or access to a child by a grandparent.
To Committee on State Affairs.

SB 824 by Huffman

Relating to the number of jurors required in certain civil cases pending in a statutory county court.

To Committee on State Affairs.

SB 825 by Huffman

Relating to the prosecution of the offense of prostitution.

To Committee on Criminal Justice.

SB 826 by Hall

Relating to the requirements for request for proposals for design-build contracts for highway projects.

To Committee on Transportation.

SB 827 by Hall

Relating to the format of the general appropriations bill.

To Committee on Finance.

SB 828 by L. Taylor

Relating to the sale of distilled spirits to ultimate consumers by the holder of a distiller's and rectifier's permit.

To Committee on Business and Commerce.

SB 829 by Kolkhorst

Relating to the verification of information provided to the comptroller and contained in reports on compliance with agreements under the Texas Economic Development Act.

To Committee on Natural Resources and Economic Development.

SB 830 by Kolkhorst

Relating to the establishment of an office of consumer affairs for children in foster care.

To Committee on Health and Human Services.

SB 831 by Kolkhorst

Relating to voluntary and informed consent to an abortion and prevention of coerced abortions; providing penalties; creating an offense.

To Committee on State Affairs.

SB 832 by Campbell

Relating to the coordinating workgroups of the Texas Coordinating Council for Veterans Services.

To Committee on Veteran Affairs and Military Installations.

SB 833 by Campbell

Relating to the continuation of a residence homestead exemption from ad valorem taxation while the owner is temporarily absent because of military service.

To Committee on Veteran Affairs and Military Installations.

SB 834 by Creighton

Relating to procedures required before a condominium association files a suit or initiates an arbitration proceeding for a defect or design claim.

To Committee on State Affairs.

SB 835 by V. Taylor

Relating to increasing the punishment for the offense of fraudulent or fictitious military record.

To Committee on Veteran Affairs and Military Installations.

SJR 37 by V. Taylor

Proposing a constitutional amendment providing for certain excess revenue to be dedicated toward contributions to state retirement systems, the health benefit plan for retired education employees and their dependents, the Texas tomorrow fund, the permanent school fund, and the permanent university fund.

To Committee on Finance.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Nichols, Senators Bettencourt, Burton, Garcia, and L. Taylor will be shown as Co-authors of **SB 5**.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Nelson, Senator Campbell will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 97

On motion of Senator Hinojosa, Senator Campbell will be shown as Co-author of **SB 97**.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Hinojosa, Senator Nelson will be shown as Co-author of **SB 101**.

CO-AUTHOR OF SENATE BILL 137

On motion of Senator Perry, Senator Birdwell will be shown as Co-author of **SB 137**.

CO-AUTHOR OF SENATE BILL 219

On motion of Senator Schwertner, Senator Zaffirini will be shown as Co-author of **SB 219**.

CO-AUTHOR OF SENATE BILL 276

On motion of Senator Campbell, Senator Bettencourt will be shown as Co-author of **SB 276**.

CO-AUTHORS OF SENATE BILL 293

On motion of Senator Nelson, Senators Fraser and Zaffirini will be shown as Co-authors of **SB 293**.

CO-AUTHORS OF SENATE BILL 318

On motion of Senator Hinojosa, Senators Lucio and Rodríguez will be shown as Co-authors of **SB 318**.

CO-AUTHOR OF SENATE BILL 324

On motion of Senator Nichols, Senator Perry will be shown as Co-author of **SB 324**.

CO-AUTHOR OF SENATE BILL 339

On motion of Senator Eltife, Senator Rodríguez will be shown as Co-author of **SB 339**.

CO-AUTHOR OF SENATE BILL 353

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

CO-AUTHOR OF SENATE BILL 364

On motion of Senator Estes, Senator Birdwell will be shown as Co-author of **SB 364**.

CO-AUTHOR OF SENATE BILL 546

On motion of Senator Eltife, Senator Rodríguez will be shown as Co-author of **SB 546**.

CO-AUTHORS OF SENATE BILL 642

On motion of Senator Bettencourt, Senators Campbell and Huffines will be shown as Co-authors of **SB 642**.

CO-AUTHORS OF SENATE BILL 673

On motion of Senator Perry, Senators Hall and Huffines will be shown as Co-authors of **SB 673**.

CO-AUTHOR OF SENATE BILL 753

On motion of Senator Garcia, Senator Rodríguez will be shown as Co-author of **SB 753**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 5

On motion of Senator Nichols, Senators Bettencourt, Burton, Garcia, and L. Taylor will be shown as Co-authors of **SJR 5**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 7

On motion of Senator Hinojosa, Senator Nelson will be shown as Co-author of **SJR 7**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 11

On motion of Senator Perry, Senator Birdwell will be shown as Co-author of **SJR 11**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 306 by Watson, In memory of Joel Mark Selber.

Congratulatory Resolutions

SR 301 by Schwertner, Recognizing the Bryan Fire Department and Chief Randy McGregor for being honored by the Texas Fire Chief Association.

SR 304 by Hinojosa, Recognizing the Boys and Girls Clubs in Texas for the services they provide.

SR 305 by Ellis, Recognizing the Berean Seventh-Day Adventist Church on the occasion of its mortgage burning celebration.

SR 309 by Bettencourt, Commending the work of the KK125 Ovarian Cancer Research Foundation.

Official Designation Resolutions

SR 303 by Kolkhorst, Recognizing March 3, 2015, as Victoria County Day.

SR 307 by Garcia, Recognizing May 3, 2015, as Lemonade Day.

SR 308 by Garcia, Recognizing May 3, 2015, as National Mental Health and Dignity Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:14 p.m. adjourned, in memory of Joe Garcia, Cleo Steele, Brett Aaron Aycock, and Mike Higgins, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

March 2, 2015

SR 272, SR 274, SR 275, SR 276, SR 278, SR 279, SR 280, SR 281, SR 282, SR 283, SR 284, SR 286, SR 287, SR 288, SR 289, SR 291, SR 292, SR 293, SR 294, SR 295, SR 297, SR 298, SR 299, SR 300