

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTIETH DAY

(Tuesday, March 10, 2015)

The Senate met at 11:08 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, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Eltife.

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

Dr. David Hardage, Baptist General Convention of Texas, was introduced by Senator West and offered the invocation as follows:

I pray this morning for blessings upon the men and women of the Texas Senate. In a spirit of gratitude for their willingness to serve, I humbly ask that each Senator be gifted with wisdom and discernment. Acknowledging the societal challenges with which they are confronted, may each Senator be granted courage and understanding. For each of these public servants, personally, provide them with protection from harm and with strength for their duty. May they fulfill their responsibilities to the people of Texas through integrity, honesty, loyalty, and diligence. Finally, guidance and direction for this body as a whole is my prayer. Bless these leaders and bless this state. 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 Eltife was granted leave of absence for today on account of an illness in the family.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, March 10, 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:

SCR 16 Lucio Sponsor: Lucio III
Recognizing the Brownsville Independent School District on its 100th anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Navarro County delegation.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 9 by Hancock

Relating to the constitutional limit on the rate of growth of appropriations.
To Committee on Finance.

SB 215 by Campbell, Birdwell, Hinojosa, Nelson, Schwertner

Relating to the transfer of driver and traffic safety education from the Texas Education Agency to the Texas Department of Licensing and Regulation; changing the amounts of certain fees.

To Committee on Education.

SB 216 by Birdwell, Campbell, Hinojosa, Nelson, Schwertner

Relating to the functions and operation of the State Office of Administrative Hearings.
To Committee on State Affairs.

SB 217 by Hinojosa, Birdwell, Campbell, Nelson, Schwertner

Relating to the self-directed and semi-independent status of certain agencies and to the requirements applicable to, and the oversight of, those agencies.

To Committee on Business and Commerce.

SB 961 by Rodríguez

Relating to the designation of February 19 as Iwo Jima Day.
To Committee on Veteran Affairs and Military Installations.

SB 962 by V. Taylor

Relating to legislative and judicial review of state agency rulemaking.
To Committee on State Affairs.

SB 964 by Fraser

Relating to the criteria for awarding the Texas Purple Heart Medal to members of the armed forces wounded or killed at Fort Hood on November 5, 2009.
To Committee on Veteran Affairs and Military Installations.

SB 965 by Bettencourt

Relating to the filing of a copy of certain records related to the release of an accused person on personal bond.
To Committee on Criminal Justice.

SB 966 by Bettencourt

Relating to the recording of the presentment of an indictment by a grand jury.
To Committee on Criminal Justice.

SB 967 by Bettencourt

Relating to the authority of a district clerk to collect certain fees for providing electronic copies of court records.
To Committee on State Affairs.

SB 968 by West

Relating to a prescription drug misuse awareness component of the health curriculum used in public schools.
To Committee on Education.

SB 969 by Zaffirini

Relating to the applicability of the law governing the mineral use of subdivided land.
To Committee on Natural Resources and Economic Development.

SB 970 by Perry

Relating to the failure to handle certain animals in accordance with rules of the Texas Animal Health Commission; imposing a criminal penalty.
To Committee on Agriculture, Water, and Rural Affairs.

SB 971 by Perry

Relating to requirements for certain farm vehicles when operating on a highway.
To Committee on Transportation.

SB 972 by Kolkhorst

Relating to training academies for public school teachers who provide reading comprehension instruction to students in grades four and five.
To Committee on Education.

SB 973 by Zaffirini

Relating to financial assistance administered by the Texas Department of Housing and Community Affairs in certain rural areas.

To Committee on Intergovernmental Relations.

SB 974 by Zaffirini

Relating to the additional tax imposed if the use of land located in certain counties and appraised for ad valorem tax purposes as open-space land is changed.

To Committee on Finance.

SB 975 by Campbell

Relating to the uniform election date.

To Committee on State Affairs.

SB 976 by Rodríguez

Relating to certain rental assistance projects financed by private activity bonds.

To Committee on Intergovernmental Relations.

SB 977 by Rodríguez

Relating to a secondary-level English language learners' program for public school students of limited English proficiency.

To Committee on Education.

SB 978 by Creighton

Relating to public information regarding workers' compensation insurance rate filings.

To Committee on Business and Commerce.

SB 979 by Creighton

Relating to individual indemnity health insurance.

To Committee on Business and Commerce.

SB 980 by Whitmire

Relating to jurisdiction in an eminent domain proceeding in Harris County.

To Committee on State Affairs.

SB 981 by L. Taylor

Relating to a program to provide a free or reduced-price breakfast to eligible students attending a public school and the method of determining the number of educationally disadvantaged students.

To Committee on Education.

SB 982 by Bettencourt

Relating to acceptable forms of identification for voting for certain persons.

To Committee on State Affairs.

SB 983 by Bettencourt

Relating to restrictions on the assessment of the fee charged for issuance of certain birth records.

To Committee on State Affairs.

SB 984 by Bettencourt

Relating to the residence address of a person for purposes of registration under the Election Code.

To Committee on State Affairs.

SB 985 by Bettencourt

Relating to the acceptance of a voter at a polling place.

To Committee on State Affairs.

SB 986 by Bettencourt

Relating to information obtained by a guardian ad litem representing a child in a suit affecting the parent-child relationship.

To Committee on State Affairs.

SB 987 by Zaffirini

Relating to the regulation of dangerous wild animals.

To Committee on Agriculture, Water, and Rural Affairs.

SB 988 by Perry

Relating to the prohibited disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent; providing an administrative penalty.

To Committee on Business and Commerce.

SB 989 by Kolkhorst, Burton

Relating to the establishment and administration of a state bullion depository; authorizing fees.

To Committee on Finance.

SB 990 by Ellis

Relating to the protection of voting rights in the State of Texas; creating a criminal offense.

To Committee on State Affairs.

SB 991 by Rodríguez

Relating to a requirement that the General Land Office and the Texas Water Development Board conduct a study regarding the use of wind and solar power to develop and desalinate brackish groundwater.

To Committee on Agriculture, Water, and Rural Affairs.

SB 992 by Rodríguez

Relating to recovery of costs for pilot programs to measure energy savings that result from water conservation programs.

To Committee on Natural Resources and Economic Development.

SB 993 by Rodríguez

Relating to the relationship between the Estates Code and the former Texas Probate Code.

To Committee on State Affairs.

SB 994 by Rodríguez

Relating to the adoption of the Texas Uniform Disclaimer of Property Interests Act.
To Committee on State Affairs.

SB 995 by Rodríguez

Relating to decedents' estates.
To Committee on State Affairs.

SB 996 by V. Taylor

Relating to notifying a parent or guardian whether an employee of a school is appointed school marshal and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal.
To Committee on Education.

SB 997 by Kolkhorst

Relating to the road powers of the Fort Bend County Municipal Utility District No. 182.
To Committee on Intergovernmental Relations.

SB 998 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Utility District No. 216; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 999 by Kolkhorst

Relating to the creation of the Fulshear Municipal Utility Districts Nos. 4, 5, and 6; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 1000 by Kolkhorst

Relating to the use of sales tax revenue collected under certain contracts.
To Committee on Intergovernmental Relations.

SB 1001 by Kolkhorst

Relating to the creation of the Harris County Municipal Utility District No. 545; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 1002 by Kolkhorst

Relating to the creation of the Harris County Municipal Utility District No. 540; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 1003 by Bettencourt

Relating to eliminating the commissioner of education's authority to approve a school district's issuance of a teaching permit.
To Committee on Education.

SB 1004 by Bettencourt

Relating to the school district students to whom certain public junior colleges may offer certain courses and programs.

To Committee on Education.

SB 1005 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 144; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 1006 by Rodríguez

Relating to gun violence restraining orders and gun seizure warrants; creating a criminal offense.

To Committee on State Affairs.

SB 1007 by Eltife

Relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board; requiring an occupational license; imposing fees.

To Committee on Business and Commerce.

SB 1008 by Eltife

Relating to the authority of certain domestic life, health, and accident insurance companies to make certain investments; adding provisions that may be subject to a criminal penalty.

To Committee on Business and Commerce.

SB 1009 by Eltife

Relating to the amount of a sales and use tax refund for tangible personal property used to provide cable television service, Internet access service, or telecommunications services.

To Committee on Finance.

SB 1010 by V. Taylor

Relating to the use of money paid as restitution to or on behalf of certain individuals depicted in child pornography.

To Committee on State Affairs.

SJR 2 by Hancock

Proposing a constitutional amendment concerning the limitation on the rate of growth in appropriations.

To Committee on Finance.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

HCR 43 to Committee on Administration.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Delta Sigma Theta Sorority, Incorporated, delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Brewster County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 327

Senator Ellis offered the following resolution:

SR 327, Recognizing the *I See You* art exhibit at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 4, 2015.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate *I See You* art exhibit participants.

The Senate welcomed its guests.

**SENATE BILL 642 REREFERRED
(Motion In Writing)**

Senator Bettencourt submitted a Motion In Writing requesting that **SB 642** be withdrawn from the Committee on Finance and rereferred to the Committee on Education.

The Motion In Writing was read and prevailed without objection.

SENATE CONCURRENT RESOLUTION 25

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 11, 2015, and ending on Monday, March 16, 2015.

WHITMIRE

SCR 25 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: Eltife.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet today.

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:

Member, Board of Trustees, Employees Retirement System of Texas: Frederick Rowe, Dallas County.

Members, Board of Regents, The University of Texas System: David J. Beck, Harris County; Robert Steven Hicks, Travis County; Sara Alicia Tucker, 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.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Birdwell, Senator V. Taylor will be shown as Co-author of **SB 3**.

CO-AUTHOR OF SENATE BILL 97

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

CO-AUTHOR OF SENATE BILL 133

On motion of Senator Schwertner, Senator Garcia will be shown as Co-author of **SB 133**.

CO-AUTHOR OF SENATE BILL 296

On motion of Senator V. Taylor, Senator Perry will be shown as Co-author of **SB 296**.

CO-AUTHOR OF SENATE BILL 340

On motion of Senator Huffines, Senator Perry will be shown as Co-author of **SB 340**.

CO-AUTHOR OF SENATE BILL 447

On motion of Senator Hall, Senator Perry will be shown as Co-author of **SB 447**.

CO-AUTHOR OF SENATE BILL 476

On motion of Senator Kolkhorst, Senator Perry will be shown as Co-author of **SB 476**.

CO-AUTHOR OF SENATE BILL 531

On motion of Senator Campbell, Senator Perry will be shown as Co-author of **SB 531**.

CO-AUTHOR OF SENATE BILL 895

On motion of Senator L. Taylor, Senator Perry will be shown as Co-author of **SB 895**.

CO-AUTHOR OF SENATE BILL 900

On motion of Senator L. Taylor, Senator Hinojosa will be shown as Co-author of **SB 900**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 22

On motion of Senator Creighton, Senator Nelson will be shown as Co-author of **SJR 22**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 345 by Campbell, In memory of Joel Craig Gandy.

SR 346 by Creighton, In memory of Carmen M. Garcia.

SR 347 by Zaffirini, In memory of Alissa Aileen Winch Bradford.

Welcome and Congratulatory Resolutions

SR 335 by Hinojosa and Lucio, Recognizing April E. Lopez for her contributions to the Rio Grande Valley.

SR 348 by Watson, Welcoming Patrick Guinness to the State Capitol.

SR 349 by Schwertner, Recognizing Robert and Ramona Williams on the occasion of their 50th wedding anniversary.

SR 350 by Schwertner, Recognizing Patrick and Jeanette McCaslin on the occasion of their 50th wedding anniversary.

SR 351 by Kolkhorst, Recognizing Louis McMillan, owner of McMillan's Bar-B-Q in Fannin.

SR 352 by Hall, Recognizing the BBQ on the Banks of Lake Tawakoni annual barbecue cook-off.

SR 353 by West, Recognizing the Dallas Chapter of Continental Societies, Incorporated, on the occasion of its 35th anniversary.

SR 354 by Rodríguez, Recognizing Clinton Ferguson Cross on the occasion of his retirement.

SR 355 by Rodríguez, Recognizing the El Paso Youth Symphony Elecktrick Rock Orckestra on the occasion of its Band for Peace Tour.

SR 356 by Hinojosa, Recognizing Karla Espinosa for receiving a Prudential Spirit of Community Award.

Official Designation Resolution

SR 357 by Hinojosa, Recognizing March 5, 2015, as Mission Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:47 a.m. adjourned, in memory of Sandra Lee Anderson, wife of State Representative Charles "Doc" Anderson, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

March 9, 2015

SR 330, SR 332, SR 333, SR 334, SR 336, SR 337, SR 338, SR 339, SR 340, SR 341, SR 342, SR 343, SR 344

