

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FIRST DAY

(Wednesday, March 11, 2015)

The Senate met at 11:01 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.

The Reverend Cameron Allen, Hospice Austin, Austin, offered the invocation as follows:

Creator God, we thank You for those gathered here today in service of our state. We praise You that You have called these people to work towards the common good of all people. Bless each person with courage to fight for what they believe in. Bless them with imagination to transform this world into Your kingdom. Bless them with energy to tirelessly work for others. Bless them with humility to be servant leaders. Bless them with wisdom to seek Your will above others. Bless them with compassion to see all people as brother and sister. And most of all, God, bless each person with the assurance that You have named them "beloved." Lord, this day may You bless and keep them. May Your face shine upon them and be gracious to them, may You lift Your favor upon them and grant them peace. 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

Wednesday, March 11, 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 79**

Larson

Recognizing musician Phil Collins as an honorary Texan and commending him for his donation of Alamo artifacts to the State of Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

The Senate welcomed Dr. Eidson, accompanied by his son, Beau, and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

HOUSE CONCURRENT RESOLUTION 79

The President laid before the Senate the following resolution:

WHEREAS, Pop music superstar Phil Collins has donated his magnificent collection of historical artifacts to the State of Texas for display at the Alamo; and

WHEREAS, Born in London in 1951, Mr. Collins became interested in the Battle of the Alamo as a boy while watching the classic Walt Disney television series *Davy Crockett, King of the Wild Frontier*; his interest in collecting was sparked in 1994, when his wife gave him a receipt for a saddle sold by John W. Smith, a courier who departed from the Alamo before the battle and who eventually became the first mayor of San Antonio; subsequently, he received more such presents, and he began purchasing items connected to the Alamo and early Texas history; and

WHEREAS, On his second visit to San Antonio in 2004, Mr. Collins formed a friendship with the owner of the History Shop, located just a short distance from the mission; the ground under the store had never been excavated, so Mr. Collins arranged for and participated in a historical dig that recovered a host of significant objects; in addition, he made possible the installation in the History Shop of a large diorama of the Alamo compound, and he recorded narration that enhances its

depiction of the positions of Texian defenders during the attack; he also recognized the importance of George Nelson's book *The Alamo: An Illustrated History* and funded two reprintings of the work; and

WHEREAS, In 2009, Mr. Collins was named an honorary member of a chapter of the Sons of the Republic of Texas and was featured as a guest speaker at the Remembrance Ceremony hosted by the Alamo Defenders Descendants Association; he was subsequently awarded an honorary doctorate in history by McMurry University; moreover, he authored a beautifully illustrated book, *The Alamo and Beyond: A Collector's Journey*, which received a 2013 Publication Award from the San Antonio Conservation Society; and

WHEREAS, Over the years, Mr. Collins assembled what is now considered the world's largest private collection of Alamo and Texas Revolution artifacts; it includes hundreds of documents, among them a letter from Stephen F. Austin and an 1835 grant of land to Sam Houston, as well as a rifle and leather pouch owned by David Crockett and a knife carried in battle by Jim Bowie; and

WHEREAS, The donation of this phenomenal collection will greatly enhance the experience of visitors to the Alamo, providing them with a greater understanding and appreciation of the famous battle and its place in the arc of history; Phil Collins has long been admired by innumerable fans across Texas for his musical accomplishments, and by sharing his love of our frontier heritage through this superlative gift, he has earned the lasting respect and gratitude of all residents of the Lone Star State; now, therefore, be it

RESOLVED, That the 84th Legislature of the State of Texas hereby recognize Phil Collins as an honorary Texan and commend him for the generous donation of his remarkable collection of historical artifacts; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Collins as an expression of high regard by the Texas House of Representatives and Senate.

MENÉNDEZ

HCR 79 was read.

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

(Senator L. Taylor in Chair)

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

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Eltife.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Phil Collins, Kaye Tucker, Becky Dinnin, and George P. Bush.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a City of Palmhurst delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Endie and Makeda Boddie, serving today as Honorary Senate Pages.

The Senate welcomed Endie and Makeda.

GUESTS PRESENTED

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

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate an Ellis County delegation.

The Senate welcomed its guests.

(President in Chair)**SENATE RESOLUTION 359**

Senator V. Taylor offered the following resolution:

SR 359, Honoring Congressman Sam Johnson on the 42nd anniversary of his release as a North Vietnamese prisoner of war.

V. TAYLOR
ESTES

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator V. Taylor was recognized and introduced to the Senate the Honorable Sam Johnson.

The Senate welcomed its guest.

**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.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate Craig and Martha Miller of Jefferson County.

The Senate welcomed its guests.

BIRTHDAY GREETINGS EXTENDED

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 16**.

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

Absent-excused: Eltife.

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

Member, Board of Regents, The University of Texas System: Sara Alicia Tucker, Dallas County.

The following nominee reported by the Committee on Nominations was confirmed by the following vote: Yeas 27, Nays 3.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, Schwertner.

Absent-excused: Eltife.

Member, Board of Regents, The University of Texas System: David J. Beck, Harris County.

The following nominee reported by the Committee on Nominations was confirmed by the following vote: Yeas 28, Nays 2.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall.

Absent-excused: Eltife.

Member, Board of Regents, The University of Texas System: Robert Steven Hicks, Travis County.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate students from the Knippa Independent School District.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:51 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, March 16, 2015.

(Senator Nelson in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 205 by Campbell, Birdwell, Hinojosa, Nelson, Schwertner
Relating to the functions of the Department of Assistive and Rehabilitative Services.
To Committee on Health and Human Services.

SB 855 by Zaffirini
Relating to the territory and board of the Canyon Regional Water Authority.
To Committee on Agriculture, Water, and Rural Affairs.

SB 1011 by Hancock
Relating to public school choice, including school campus information, student transfers, the public education grant program, and the transportation allotment.
To Committee on Education.

SB 1012 by Hancock
Relating to local control school districts.
To Committee on Education.

SB 1013 by Bettencourt
Relating to periodic zero-based budgeting for certain political subdivisions.
To Committee on Finance.

SB 1014 by Rodríguez
Relating to the possession of and access to a child in a suit affecting the parent-child relationship in which there is evidence of family violence, child abuse or neglect, or the sexual assault of one parent by the other parent.
To Committee on State Affairs.

SB 1015 by Bettencourt
Relating to limiting the amount of assistance a person may provide a voter; creating a criminal offense.
To Committee on State Affairs.

SB 1016 by Hancock

Relating to participation in certain programs by, and insurer premium tax credits for investments in, certified capital companies.

To Committee on Business and Commerce.

SB 1017 by Hancock

Relating to the decertification of a certified capital company.

To Committee on Business and Commerce.

SB 1018 by Hancock

Relating to the provision of direct primary care.

To Committee on Health and Human Services.

SB 1019 by Creighton

Relating to abatement of public nuisances on undeveloped land in the unincorporated area of a county.

To Committee on Intergovernmental Relations.

SB 1020 by Creighton

Relating to the designation of the trustee of an express trust as a beneficiary of a trust account or a P.O.D. payee of a P.O.D. account.

To Committee on State Affairs.

SB 1021 by Creighton

Relating to reporting requirements for certain unclaimed property.

To Committee on Business and Commerce.

SB 1022 by Uresti

Relating to an unsworn declaration made by a private process server in the performance of the server's job duties.

To Committee on State Affairs.

SB 1023 by Seliger

Relating to the designation of van-only parking spaces for use by persons with disabilities; creating an offense.

To Committee on Business and Commerce.

SB 1024 by Seliger

Relating to eligibility for course credit and high school diplomas of students enrolled in educational programs provided by the Windham School District in the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

SB 1025 by Seliger

Relating to supplemental compensation paid to certain county judges.

To Committee on Finance.

SB 1026 by Seliger

Relating to the regulation of the sale of dextromethorphan to minors; providing civil penalties.

To Committee on Health and Human Services.

SB 1027 by Seliger

Relating to refunding certain taxes remitted by racing associations in consideration for enhancing racing purses.

To Committee on Finance.

SB 1028 by V. Taylor

Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

To Committee on Natural Resources and Economic Development.

SB 1029 by V. Taylor

Relating to the authority of certain municipalities to undertake a qualified hotel project.

To Committee on Natural Resources and Economic Development.

SB 1030 by Seliger

Relating to a sales and use tax exemption for certain equipment used for digital audio broadcasting.

To Committee on Finance.

SB 1031 by Watson

Relating to a provisional license to practice funeral directing or embalming.

To Committee on Business and Commerce.

SB 1032 by Watson

Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.

To Committee on Business and Commerce.

SB 1033 by Watson

Relating to relating to the definition of a dependent for health benefit plans offered by certain university systems.

To Committee on State Affairs.

SB 1034 by Rodríguez

Relating to the applicability of canceling an annual application for a ballot to be voted by mail to subsequent elections.

To Committee on State Affairs.

SB 1035 by Rodríguez

Relating to the oversight of state border security activities.

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

SB 1036 by Rodríguez

Relating to leadership development of public school administrators.

To Committee on Education.

SB 1037 by Rodríguez

Relating to law enforcement training programs and policies on using appropriate nonlethal force and nonviolent restraint; changing the education requirements for licensure as a peace officer.

To Committee on Criminal Justice.

SB 1038 by Rodríguez

Relating to a study by the General Land Office regarding the feasibility of creating a mechanism by which a governmental entity could acquire small parcels of real property in an area and convey them to a developer in order to ensure the property is developed in compliance with model subdivision rules.

To Committee on Business and Commerce.

SB 1039 by Rodríguez

Relating to seeking federal authorization to provide health benefit plan coverage to certain low-income individuals through the private marketplace.

To Committee on Health and Human Services.

SB 1040 by Rodríguez

Relating to the courts authorized to hear certain matters relating to a *capias pro fine*.

To Committee on Criminal Justice.

SB 1041 by Bettencourt

Relating to required disclosures in ballot proposition language authorizing political subdivisions to issue bonds or impose or change a tax.

To Committee on Finance.

SB 1042 by Bettencourt

Relating to fiscal transparency and accountability of certain political subdivisions.

To Committee on Finance.

SB 1043 by Nichols

Relating to the regulation of motor vehicles by the Texas Department of Motor Vehicles; creating a criminal offense; providing a penalty; authorizing fees.

To Committee on Transportation.

SB 1044 by Hall

Relating to the authority of a customer to choose not to have an advanced meter and to liability for damages caused by an advanced meter.

To Committee on Natural Resources and Economic Development.

SB 1045 by Hall

Relating to the authority of the Texas Department of Transportation to enter into a design-build contract for the Interstate Highway 635 East project.

To Committee on Transportation.

SB 1046 by Hall

Relating to disclosure of financial studies and reports associated with a toll project.

To Committee on Transportation.

SB 1047 by Hall

Relating to abolishing the Texas Enterprise Fund and the disposition of the balance of that fund.

To Committee on Natural Resources and Economic Development.

SB 1048 by Hall

Relating to prohibiting the use of certain federal funds for a mass transit passenger rail project.

To Committee on Transportation.

SB 1049 by Campbell

Relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.

To Committee on Finance.

SB 1050 by Rodríguez

Relating to the suspension of an election judge or clerk.

To Committee on State Affairs.

SB 1051 by Kolkhorst

Relating to the powers and duties of the North Fort Bend Water Authority.

To Committee on Agriculture, Water, and Rural Affairs.

SCR 23 by Hall

Urging Congress to propose and submit to the states for ratification a regulation freedom amendment to the U.S. Constitution.

To Committee on State Affairs.

SJR 41 by Huffines

Proposing a constitutional amendment providing that a statute or appropriations act that furthers a legitimate state purpose or interest such as efficiency or local control meets the requirement of providing an efficient system of public schools and that this requirement is the prerogative of the legislature.

To Committee on Education.

SJR 42 by Huffines

Proposing a constitutional amendment prescribing the purposes for which revenues from motor vehicle registration fees and taxes on motor fuels and lubricants may be used.

To Committee on Finance.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Birdwell, Senators Hall and Seliger will be shown as Co-authors of **SB 3**.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Hancock, Senators Birdwell and Creighton will be shown as Co-authors of **SB 9**.

CO-AUTHOR OF SENATE BILL 185

On motion of Senator Perry, Senator Campbell will be shown as Co-author of **SB 185**.

CO-AUTHOR OF SENATE BILL 694

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

CO-AUTHORS OF SENATE JOINT RESOLUTION 2

On motion of Senator Hancock, Senators Birdwell and Creighton will be shown as Co-authors of **SJR 2**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 361 by Birdwell, In memory of Sandra Lee Anderson.

SR 362 by Estes, In memory of Alane Sauder MacGuire.

SR 363 by Watson, In memory of Brett Aaron Aycock.

Congratulatory Resolutions

SR 358 by Nichols, Creighton, and Kolkhorst, Recognizing The 100 Club for its support of first responders.

SR 360 by Ellis, Recognizing the dedication of an official Texas Historical Marker at First Shiloh Missionary Baptist Church in Houston.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:02 p.m. adjourned until 2:00 p.m. Monday, March 16, 2015.

APPENDIX

COMMITTEE REPORTS

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

March 11, 2015

INTERGOVERNMENTAL RELATIONS — **SB 408, CSSB 435, CSSB 569**

EDUCATION — **CSSB 149**

STATE AFFAIRS — **CSSB 273**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 209, SB 664, SB 529, SB 652, SB 695, SB 722, SCR 13**

RESOLUTIONS ENROLLEDMarch 10, 2015**SCR 16, SR 335, SR 345, SR 346, SR 347, SR 348, SR 349, SR 350, SR 351, SR 352, SR 353, SR 354, SR 355, SR 356, SR 357**