

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY

(Continued)

(Saturday, May 23, 2015)

AFTER RECESS

The Senate met at 10:00 a.m. and was called to order by Senator Hancock.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

SB 2074 (Campbell)

Relating to the creation of the Legacy Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 127 (Ellis)

Relating to the issuance of specialty license plates to honor recipients of the Commendation Medal.

(viva voce vote) (31-0) (31-0)

HB 394 (West)

Relating to the information in ad valorem tax appraisal records that may not be posted on the Internet by an appraisal district.

(viva voce vote) (31-0) (31-0)

HB 418 (Huffman)

Relating to child victims of trafficking who are placed in secure foster homes.

(viva voce vote) (31-0) (31-0)

HB 606 (Huffman)

Relating to a study on the benefits of prenatal surgical procedures to treat birth defects.

(viva voce vote) (31-0) (31-0)

HB 635 (Nelson)

Relating to the disposition of fetal remains.

(viva voce vote) (31-0) (31-0)

HB 735 (Ellis)

Relating to the collection of information regarding the number of alternatively fueled vehicles registered in this state.

(viva voce vote) (29-2) "Nays" Burton, V. Taylor (29-2) "Nays" Burton, V. Taylor

HB 763 (Perry)

Relating to a petition to a state agency for adoption of rules.

(viva voce vote) (31-0) (31-0)

HB 764 (Rodríguez)

Relating to the use, collection, and security of health care data collected by the Department of State Health Services.

(viva voce vote) (31-0) (31-0)

HB 804 (Seliger)

Relating to the forms of payment that the operator of a vehicle storage facility must accept.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 830 (Campbell)

Relating to the issuance of Alamo specialty license plates.

(viva voce vote) (31-0) (31-0)

HB 1044 (Nelson)

Relating to the designation of a segment of Farm-to-Market Road 423 in Denton County as the U.S. Army Sergeant Enrique Mondragon Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 1049 (Rodríguez)

Relating to the classification of licensed massage therapy programs as postsecondary education programs.

(viva voce vote) (31-0) (31-0)

HB 1079 (Perry)

Relating to the distribution of certain civil penalties, payments, and civil restitution received by the attorney general.

(viva voce vote) (31-0) (31-0)

HB 1111 (Schwertner)

Relating to the powers and duties of the Williamson County Municipal Utility District No. 23; providing authority to issue bonds; providing authority to impose fees and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 1273 (Uresti)

Relating to certain military specialty license plates.

(viva voce vote) (31-0) (31-0)

HB 1321 (Huffman)

Relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.

(viva voce vote) (31-0) (31-0)

HB 1336 (Huffman)

Relating to fees of office for the Velasco Drainage District.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1464 (Zaffirini)

Relating to the procedure for determining that certain land is no longer eligible for appraisal for ad valorem tax purposes as agricultural or open-space land.

(viva voce vote) (31-0) (31-0)

HB 1542 (Creighton)

Relating to the use of digital message display systems in certain public facilities.

(viva voce vote) (30-1) "Nay" Kolkhorst (30-1) "Nay" Kolkhorst

HB 1665 (Kolkhorst)

Relating to notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.

(viva voce vote) (31-0) (31-0)

HB 1717 (Lucio)

Relating to the use of municipal hotel occupancy taxes by certain municipalities for ecological and space exploration-related tourism.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

HB 1741 (Lucio)

Relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.

(viva voce vote) (31-0) (31-0)

HB 1853 (Huffines)

Relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit.

(viva voce vote) (31-0) (31-0)

HB 1874 (Huffman)

Relating to the establishment of the Palliative Care Interdisciplinary Advisory Council.

(viva voce vote) (31-0) (31-0)

HB 1881 (Creighton)

Relating to authorizing certain private schools to charge fees for processing or handling certain payments or payment transactions.

(viva voce vote) (31-0) (31-0)

HB 2193 (Seliger)

Relating to the office of a public defender appointed by the Commissioners Court of Randall County.

(viva voce vote) (31-0) (31-0)

HB 2332 (Fraser)

Relating to the naming by the Texas Historical Commission of certain areas without historical value that are on historic sites.

(viva voce vote) (31-0) (31-0)

HB 2340 (Lucio)

Relating to regulation of prescribed pediatric extended care centers; amending a provision subject to a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 2354 (Schwertner)

Relating to changing the date of the May uniform election.

(viva voce vote) (31-0) (31-0)

HB 2401 (Zaffirini)

Relating to the powers of the Crosswinds Municipal Utility District; providing authority to issue bonds for road projects.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 2533 (Seliger)

Relating to the repeal of an offense prohibiting offensive noise on a premises covered by an alcoholic beverage license or permit.

(viva voce vote) (31-0) (31-0)

CSHB 2578 (Nelson)

Relating to the efficiency of and consolidation of powers and duties within the health and human services system.

(viva voce vote) (31-0) (31-0)

HB 2747 (Creighton)

Relating to qualifications to serve as a petit juror.

(viva voce vote) (31-0) (31-0)

HB 2776 (Estes)

Relating to certain premium discounts and rating programs for certain residential property insurance policies.

(viva voce vote) (31-0) (31-0)

HB 2778 (Bettencourt)

Relating to the elections for which federal postcard applicant voters may be sent ballots by e-mail.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

HB 3060 (West)

Relating to functions of a municipal building and standards commission panel.

(viva voce vote) (29-2) "Nays" Hall, V. Taylor (29-2) "Nays" Hall, V. Taylor

HB 3160 (West)

Relating to an exception to the period of filing an application for the grant of letters testamentary or of administration of a decedent's estate.

(viva voce vote) (29-2) "Nays" Burton, Hall (29-2) "Nays" Burton, Hall

HB 3286 (Campbell)

Relating to the dissolution of the Rebecca Creek Municipal Utility District.

(viva voce vote) (31-0) (31-0)

HB 3433 (Kolkhorst)

Relating to level of care designations for hospitals that provide neonatal and maternal care.

(viva voce vote) (31-0) (31-0)

CSHB 3610 (West)

Relating to the issuance of Texas Juneteenth specialty license plates.

(viva voce vote) (31-0) (31-0)

HB 3747 (Estes)

Relating to the issuance of a concealed handgun license to certain retired judicial officers.

(viva voce vote) (31-0) (31-0)

HB 4086 (Rodríguez)

Relating to the right to a de novo hearing before the referring court regarding a temporary order rendered by an associate judge in certain family law proceedings.

(viva voce vote) (31-0) (31-0)

CSHB 4097 (Kolkhorst)

Relating to seawater desalination projects.

(viva voce vote) (31-0) (31-0)

HB 4112 (Perry)

Relating to the rights of an owner of groundwater.

(viva voce vote) (31-0) (31-0)

HB 4131 (Ellis)

Relating to competitive bidding procedures and election requirements for the Westchase District.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

HB 4152 (Kolkhorst)

Relating to the board of directors of the Fulshear Town Center Management District.

(viva voce vote) (31-0) (31-0)

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Hancock announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

AT EASE

The Presiding Officer at 10:20 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

JOINT SESSION

(To pay tribute to those who have died in the service of the United States)

The Senate met at 11:08 a.m. in Joint Session in the Hall of the House of Representatives for the purpose of a Joint Session honoring the fallen heroes of Texas, pursuant to the provisions of **SCR 48**.

The Honorable Dan Patrick, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Senator Campbell thanked the Texas Army National Guard for the presentation of colors, Specialist Carlos Meda for singing the national anthem, Sergeant Major Mark Weedon for leading the pledges of allegiance to the United States and Texas flags, and Brigadier General Charles Edwards for the invocation.

Lieutenant Governor Patrick briefly addressed the Joint Session and acknowledged the presence of Governor Greg Abbott.

Lieutenant Governor Patrick then introduced the Honorable Greg Abbott, who addressed the Joint Session as follows:

Thank you Lt. Governor Patrick, Speaker Straus, Members and honored guests.

It is fitting that we gather in this Chamber and in this Capitol to remember and honor those who gave their lives for our country. For the past few months, this Capitol has been a battleground of democracy. The people who made that democratic process possible, the people who ensured we would have the freedom to fight about ideas are the men and women who have worn the uniform of the United States Military.

We are so grateful to all of those who have served, but today we particularly remember those who made the ultimate sacrifice for our country. At this service we recognize especially Texas service members killed in combat since the last legislative session.

Earlier this week Texas hosted an event that adds context to our Memorial Day Service. It was an event in San Antonio to unveil the upcoming mini-series titled "Texas Rising." It tells about the Alamo and the rise of Texas. The story of the Alamo still captivates Americans because of the character demonstrated by the soldiers at the Alamo.

Out-manned and out-gunned, they defiantly battled Santa Ana's army, knowing they faced certain death. Their legacy lives on because they fought and died for a cause greater than themselves – the cause of liberty.

It is the same cause fought for by the men and women we honor today. It is the cause fought for by Americans since the day our country began.

There is an arc in the story of America, and it bends toward freedom. From Valley Forge to Vicksburg, from the Civil War to Civil Rights, from the Cold War to the War on Terror, Americans always remember that freedom is worth fighting for.

We honor the heroes who gave their all to fight for that Freedom, those who went in harm's way to protect the American Way, those who never came home, who offered their lives on the altar of freedom.

They stood in the face of dangers known and unknown and protected us from all that threatened, sacrificing so much and asking for nothing in return other than the respect for the freedom they fought for.

For the families of the fallen with us here today: our words are small solace to the loss you have suffered. When I think of your loss, I'm reminded of the closing scene in the movie Saving Private Ryan. Captain Miller fought through brutal World War II battles to save Private Ryan, who was the last surviving brother of four servicemen. In the closing battle scene Captain Miller is mortally wounded. As he was dying his last words were to Private Ryan, whose life he saved: "Earn this. Earn it."

The movie then fast-forwards several decades later to an elderly Ryan standing at the grave of his rescuer. It was one in a sea of white crosses and Stars of David in a massive military cemetery. Ryan thinks back about his life and says: "I hope in your eyes I've earned all of what you've done for me."

It is a metaphor for what all Americans feel about those who sacrificed their lives for this nation; we hope we have earned what they did for us.

To the families who have lost a son or daughter, mother or father, sister or brother – speaking on behalf of all who work in this Capitol and on behalf of all Texans – we will work to earn what your family has done for us. We will continue on the homeland to fight for the freedom they died for on lands across this globe.

On this day we thank you, and we remember those who served this country and who died for Liberty. May God bless each and every one of you, and may God forever bless the United States of America.

(Note: Prepared text)

Speaker Straus introduced Senator Donna Campbell and Representative Susan Lewis King for the reading of the names of fallen Texans. Governor Abbott and Lieutenant Governor Patrick were joined by Senate and House Members to make the presentation of flags to families of the fallen soldiers.

Speaker Straus requested a moment of silence.

Representative King thanked the family members of the fallen heroes being honored and thanked Specialist Carlos Meda who sang "Amazing Grace," the Texas National Guard Salute Battery for the cannon salute and playing of "Taps," and Brigadier General Charles Edwards for the benediction.

CONCLUSION OF JOINT SESSION

The Speaker of the House of Representatives at 12:05 p.m. announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

ADJOURNMENT

The President at 12:06 p.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand adjourned, in memory of Rio Cantu, until 6:00 p.m. tomorrow.