SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTIETH DAY

(Wednesday, April 1, 2015)

The Senate met at 11:00 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, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Lucio.

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

Pastor Jeff McCreight, Rock City, Lubbock, was introduced by Senator Perry and offered the invocation as follows:

Our Father and our God, we approach Your throne today on behalf of our State Senators. We acknowledge that You are God of all creation. And where You are in heaven, where You have Your perfect will, there is everything desirable. We understand that somewhere in some dimension below us there is another place that is everything undesirable, and here we are right in the middle. I invite Your perfect will to be done for us here in the State of Texas and in America. I ask that Your wisdom would be imparted to these individuals enabling them to collectively lead this state to higher heights of accomplishment and deeper depths of moral conviction. We thank You for our leadership. We are thankful that we are not a state without walls. And though we may not always be in perfect agreement and harmony, we are also not a state that is unguarded and vulnerable. I pray as they give of themselves in this leadership position that the seeds of effort would create a great return in their personal lives and in their families. Bless their marriages and bless their health. As did King David, may they serve their generations well. Now, may Your kingdom come and Your will be done here for us where we are, in the middle. We ask these things in the name of the savior of the world, Jesus Christ. 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 Lucio was granted leave of absence for today on account of a death in the family.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Rusk County Days delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 463

Senator V. Taylor offered the following resolution:

SR 463, Recognizing March 31 and April 1, 2015, as Plano Legislative Days.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 31, 2015.

GUESTS PRESENTED

Senator V. Taylor was recognized and introduced to the Senate a Plano Legislative Days delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Goodwill Excel Center faculty and students.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator V. Taylor was recognized and introduced to the Senate Volunteer McKinney participants.

The Senate welcomed its guests.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 293**.

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.

(Senator Eltife in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:18 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 940 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 940** at this time on its second reading:

CSSB 940, Relating to the notification duties of a state governmental entity with public retirement system investment holdings in Sudan or Iran.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 940 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 940** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Hinojosa, on behalf of Senator West, was recognized and introduced to the Senate Oliver W. Holmes Humanities/Communications Academy eighth-grade students.

The Senate welcomed its guests.

SENATE BILL 804 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 804** at this time on its second reading:

SB 804, Relating to the period of eligibility for support from the universal service plan for certain providers.

The motion prevailed.

Senators Burton and Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Burton, Huffines. Absent-excused: Lucio.

SENATE BILL 804 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 804** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Burton, Huffines. Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

(President in Chair)

SENATE BILL 1066 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1066** at this time on its second reading:

SB 1066, Relating to continuing eligibility requirements for institutions of higher education to participate in the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship Program.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio.

SENATE BILL 1066 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1066** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Northwest Vista College Honors Government Class delegation.

The Senate welcomed its guests.

SENATE BILL 653 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **SB** 653 at this time on its second reading:

SB 653, Relating to increasing the amount of burial benefits required to be paid by an insurance carrier under the workers' compensation system.

The motion prevailed.

Senator Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Huffines.

Absent-excused: Lucio.

SENATE BILL 653 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 653** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Huffines.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 159 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 159** at this time on its second reading:

SB 159, Relating to certification requirements for teachers in bilingual education.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

SENATE BILL 159 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 159** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 193 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 193** at this time on its second reading:

SB 193, Relating to the issuance of specialty license plates to honor recipients of certain military medals.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio.

SENATE BILL 193 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 193** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 656 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 656** at this time on its second reading:

SB 656, Relating to perpetual care cemeteries.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

SENATE BILL 656 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 656** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 236 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 236** at this time on its second reading:

SB 236, Relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio.

SENATE BILL 236 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 236** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 108 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 108** at this time on its second reading:

CSSB 108, Relating to certain criminal procedures for misdemeanor offenses committed by children.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

COMMITTEE SUBSTITUTE SENATE BILL 108 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 314 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 314** at this time on its second reading:

CSSB 314, Relating to appointment of a nonparent as managing conservator of a child.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 314 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 314** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 713 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 713** at this time on its second reading:

SB 713, Relating to general officers within the state military department.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 0.

SENATE BILL 713 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 713** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 519 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 519** at this time on its second reading:

CSSB 519, Relating to the registration of dental support organizations; imposing a fee; requiring an occupational registration; providing a civil penalty.

The motion prevailed.

Senators Burton, Fraser, Hall, and Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Burton, Fraser, Hall, Huffines.

Absent-excused: Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 519 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 519** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Burton, Fraser, Hall, Huffines.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

SENATE RULE 7.07(b) SUSPENDED (Permission to Introduce) (Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 2029**, **SCR 37**.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 2022 by Campbell

Relating to the Driftwood Economic Development Municipal Management District. To Committee on Intergovernmental Relations.

SB 2024 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 146; 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 2025 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 147; 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 2026 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 150; 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 2027 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 149; 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 2028 by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 151; 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 2029 by Menéndez

Relating to the expiration of the municipal sales and use tax for street maintenance in certain municipalities.

To Committee on Finance.

SCR 37 by L. Taylor

Urging Congress to encourage the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

To Committee on Veteran Affairs and Military Installations.

(Senator Schwertner in Chair)

(President in Chair)

SENATE JOINT RESOLUTION 22 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SJR 22** at this time on its second reading:

SJR 22, Proposing a constitutional amendment relating to the right to hunt, fish, and harvest wildlife.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Ellis, Garcia, Rodríguez.

Absent-excused: Lucio.

The resolution was read second time.

Senator Creighton offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 22** (senate committee printing) in SECTION 1 of the resolution, at the end of added Section 34, Article I, Texas Constitution (page 1, between lines 28 and 29), by inserting the following:

(d) This section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety.

The amendment to SJR 22 was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Lucio.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

SJR 22 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ellis, Garcia, Rodríguez.

Absent-excused: Lucio.

SENATE JOINT RESOLUTION 22 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SJR 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Ellis, Garcia, Rodríguez.

Absent-excused: Lucio.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

SENATE RULES SUSPENDED (Posting Rules)

Senator Schwertner moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Health and Human Services might meet in the Senate Chamber today.

The motion prevailed by a viva voce vote.

All Members are deemed to have voted "Yea" on suspension of the posting rules except as follows:

Nays: Watson.

Absent-excused: Lucio.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Campbell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

CO-AUTHOR OF SENATE BILL 18

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

CO-AUTHOR OF SENATE BILL 125

On motion of Senator West, Senator Zaffirini will be shown as Co-author of SB 125.

CO-AUTHOR OF SENATE BILL 159

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-author of SB 159.

CO-AUTHORS OF SENATE BILL 474

On motion of Senator Kolkhorst, Senators Birdwell and V. Taylor will be shown as Co-authors of **SB 474**.

CO-AUTHOR OF SENATE BILL 481

On motion of Senator Hancock, Senator Hinojosa will be shown as Co-author of SB 481.

CO-AUTHOR OF SENATE BILL 844

On motion of Senator V. Taylor, Senator Eltife will be shown as Co-author of SB 844.

CO-AUTHOR OF SENATE BILL 892

On motion of Senator Seliger, Senator West will be shown as Co-author of SB 892.

CO-AUTHOR OF SENATE BILL 1407

On motion of Senator Schwertner, Senator Uresti will be shown as Co-author of SB 1407.

CO-AUTHORS OF SENATE JOINT RESOLUTION 22

On motion of Senator Creighton, Senators Bettencourt, Burton, and L. Taylor will be shown as Co-authors of SJR 22.

CO-AUTHOR OF SENATE JOINT RESOLUTION 37

On motion of Senator V. Taylor, Senator Menéndez will be shown as Co-author of SJR 37.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 485 by Zaffirini and Watson, In memory of Consuelo Raymond Kazen.

Welcome and Congratulatory Resolutions

SR 478 by Watson, Recognizing Wynn Kwok on the occasion of his retirement.

SR 479 by Creighton, Commending Sean T. Chapman for achieving the rank of Eagle Scout.

SR 480 by Schwertner, Recognizing Daisy L. Jones on the occasion of her 100th birthday.

SR 481 by Birdwell, Welcoming the Ennis Chamber of Commerce to the State Capitol.

SR 482 by Huffines and West, Recognizing James P. Graham for receiving the 2015 Spirit of the Centennial Award.

SR 484 by Birdwell, Welcoming the 2014-2015 Leadership Granbury class to the State Capitol.

Official Designation Resolution

SR 483 by Watson, Declaring the month of April as Testicular Cancer Month in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:47 p.m. adjourned, in memory of Consuelo Raymond Kazen, until 11:00 a.m. Tuesday, April 7, 2015.

APPENDIX

COMMITTEE REPORTS

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

April 1, 2015

AGRICULTURE, WATER, AND RURAL AFFAIRS — SB 1301, SB 1101, SB 1051, SB 928, CSSB 363, SB 521 (Amended), CSSB 1099, CSSB 523, SB 855, SB 1137, SB 1204, SB 1459

HEALTH AND HUMAN SERVICES — CSSB 195

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — SB 898, SJR 39, SB 603

BUSINESS AND COMMERCE — CSSB 332, CSSB 543

BILLS ENGROSSED

March 31, 2015

SB 6, SB 20, SB 34, SB 378, SB 382, SB 390, SB 478, SB 538, SB 761, SB 806, SB 850

BILL AND RESOLUTIONS ENROLLED

March 31, 2015

SB 293, SR 410, SR 435, SR 463, SR 464, SR 465, SR 466, SR 467, SR 469, SR 470, SR 471, SR 472, SR 473, SR 474, SR 475, SR 476, SR 477

SENT TO GOVERNOR

April 1, 2015

SB 293