

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTEENTH DAY — WEDNESDAY, FEBRUARY 18, 2015

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 36).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Martinez Fischer; Smithee.

Absent — Farias; Frullo; Giddings; Rodriguez, J.; Walle.

The speaker recognized Representative Kacal who introduced Dr. John Crowder, senior pastor, First Baptist Church, West, who offered the invocation as follows:

Our Lord and our God, over the past couple of years, the city of West and the State of Texas have seen firsthand that you are bigger than all of our tragedies—that you are strong when we are weak, that you are a mighty fortress when our world falls apart, that you are the light in our darkest hour, and you are indeed a very present help in times of trouble. We join hearts and minds this morning to thank you for the many ways in which you have blessed us through the years and for all the blessings that you will send our way today. We are grateful for all of the leaders who came before us, for their hard work and sacrifice, and for the trail that they blazed to help us find our way. Now, Lord, we pray that you would help us to continue to lead and make a clear, safe path for the

generations who will come behind us. As we move forward, may we work together cooperatively, dream together enthusiastically, build together sacrificially, and rejoice together wholeheartedly.

We thank you for this day and for all of the opportunities that it holds. We thank you for the privilege of gathering in this historic place. Within these walls, decisions are made and actions are taken that affect every Texan and direct the course of history. That is indeed an awesome responsibility. Therefore, we ask your blessings on these men and women who represent their friends and neighbors in making those incredibly important decisions. Father, guide them as they debate and discuss and deliberate. Help them to clearly see the way things are, and enlighten them as they dream about what might be. Give them wisdom to know what needs to be done, courage to do what is right, and a sense of timing to know when to do it. May their motivations please you and their priorities be your priorities. Help them to work together for the common good and to communicate clearly and honestly with one another. Lord, protect their health, bless their families, and guide their steps.

When the decisions have been made and their work is done, help them to see the benefits of their service. May they be blessed in what they do for Texas and in what they do for you. Move in and among this group, that they may do their work in ways that please you, and in the end, may your will be accomplished here in this place. For we pray it all to your glory. Amen.

The speaker recognized Representative Kacal who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Martinez Fischer on motion of Nevárez.

Smithee on motion of Flynn.

(Farias now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Kacal who presented Dr. George Smith of West as the "Doctor for the Day."

The house welcomed Dr. Smith and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Sheets in the chair)

HR 543 - ADOPTED (by Kacal)

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 543**.

The motion prevailed.

The following resolution was laid before the house:

HR 543, Recognizing February 18, 2015, as West Day at the State Capitol.

HR 543 was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 543** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kacal who introduced a delegation from West.

HR 515 - ADOPTED

(by Spitzer)

Representative Spitzer moved to suspend all necessary rules to take up and consider at this time **HR 515**.

The motion prevailed.

The following resolution was laid before the house:

HR 515, Recognizing February 18, 2015, as Athens Day at the State Capitol.

HR 515 was adopted.

HR 514 - ADOPTED

(by Hunter and Herrero)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 514**.

The motion prevailed.

The following resolution was laid before the house:

HR 514, Recognizing February 18, 2015, as Texas A&M University–Corpus Christi Day at the State Capitol.

HR 514 was adopted.

HR 465 - ADOPTED

(by Galindo)

Representative Galindo moved to suspend all necessary rules to take up and consider at this time **HR 465**.

The motion prevailed.

The following resolution was laid before the house:

HR 465, Commending Blue Skies of Texas in San Antonio for its service in behalf of retired military veterans and their families.

HR 465 was adopted.

(J. Rodriguez and Walle now present)

HR 493 - ADOPTED
(by Landgraf)

Representative Landgraf moved to suspend all necessary rules to take up and consider at this time **HR 493**.

The motion prevailed.

The following resolution was laid before the house:

HR 493, Recognizing February 18, 2015, as Andrews County Day at the State Capitol.

HR 493 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Landgraf who introduced a delegation from Andrews County.

HR 301 - ADOPTED
(by Harless)

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 301**.

The motion prevailed.

The following resolution was laid before the house:

HR 301, Recognizing February 18, 2015, as Alliance of North Houston Chambers of Commerce Day at the State Capitol.

HR 301 was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 301** as signers thereof.

HR 533 - ADOPTED
(by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 533**.

The motion prevailed.

The following resolution was laid before the house:

HR 533, Recognizing February 18, 2015, as Sheriffs' Association of Texas Day at the State Capitol.

HR 533 was adopted.

On motion of Representatives Ashby and Fletcher, the names of all the members of the house were added to **HR 533** as signers thereof.

(Giddings now present)

HR 458 - ADOPTED
(by Raney)

Representative Raney moved to suspend all necessary rules to take up and consider at this time **HR 458**.

The motion prevailed.

The following resolution was laid before the house:

HR 458, Honoring the participants of the Chancellor's Student Advisory Council of The Texas A&M University System and welcoming them to the State Capitol.

HR 458 was adopted.

HR 508 - ADOPTED
(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 508**.

The motion prevailed.

The following resolution was laid before the house:

HR 508, Recognizing February 18, 2015, as El Cenizo Day at the State Capitol.

HR 508 was adopted.

HR 509 - ADOPTED
(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 509**.

The motion prevailed.

The following resolution was laid before the house:

HR 509, Recognizing February 18, 2015, as Rio Bravo Day at the State Capitol.

HR 509 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced a delegation from El Cenizo and Rio Bravo.

HR 561 - ADOPTED
(by S. Turner)

Representative S. Turner moved to suspend all necessary rules to take up and consider at this time **HR 561**.

The motion prevailed.

The following resolution was laid before the house:

HR 561, Recognizing February 18, 2015, as Indo-Americans of Greater Houston Day at the State Capitol.

HR 561 was adopted.

On motion of Representative Reynolds, the names of all the members of the house were added to **HR 561** as signers thereof.

HR 523 - ADOPTED
(by Wray)

Representative Wray moved to suspend all necessary rules to take up and consider at this time **HR 523**.

The motion prevailed.

The following resolution was laid before the house:

HR 523, Recognizing members of Leadership Midlothian.

HR 523 was adopted.

HR 520 - ADOPTED
(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 520**.

The motion prevailed.

The following resolution was laid before the house:

HR 520, Recognizing February 18, 2015, as Communities In Schools Day at the State Capitol.

HR 520 was adopted.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 520** as signers thereof.

HR 466 - ADOPTED
(by Fallon)

Representative Fallon moved to suspend all necessary rules to take up and consider at this time **HR 466**.

The motion prevailed.

The following resolution was laid before the house:

HR 466, Congratulating the students selected for the House District 106 Internship Program.

HR 466 was adopted.

HR 196 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 196**.

The motion prevailed.

The following resolution was laid before the house:

HR 196, Recognizing February 18, 2015, as United Way Day at the State Capitol.

HR 196 was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 196** as signers thereof.

(Frullo now present)

**HR 512 - ADOPTED
(by Springer)**

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 512**.

The motion prevailed.

The following resolution was laid before the house:

HR 512, Congratulating Janis Sneed on her receipt of the 2014 Outstanding Citizen Award from the Saint Jo Chamber of Commerce.

HR 512 was adopted.

**HR 548 - ADOPTED
(by Springer)**

Representative Springer moved to suspend all necessary rules to take up and consider at this time **HR 548**.

The motion prevailed.

The following resolution was laid before the house:

HR 548, Welcoming members of Leadership Gainesville to the State Capitol.

HR 548 was adopted.

**HR 200 - ADOPTED
(by Gonzales)**

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 200**.

The motion prevailed.

The following resolution was laid before the house:

HR 200, Recognizing February 18, 2015, as Leadership Round Rock Day at the State Capitol.

HR 200 was adopted.

COMMITTEE APPOINTED

The following committee was appointed to escort Chief Justice Nathan L. Hecht to the speaker's rostrum: S. Thompson, chair; Clardy, Landgraf, S. Davis, and Sheets.

HOUSE AT EASE

At 10:56 a.m., the chair announced that the house would stand at ease pending the arrival of guests.

(Speaker in the chair)

The speaker called the house to order at 11:10 a.m.

ADDRESS BY THE HONORABLE NATHAN L. HECHT (The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of **HCR 53**, providing for a joint session of the senate and house of representatives for the purpose of hearing an address by the Honorable Nathan L. Hecht, chief justice of the Supreme Court of Texas, Lieutenant Governor Dan Patrick and the honorable senators were announced at the door of the house and were admitted.

At 11:11 a.m., the speaker announced that the house would stand at ease pending the arrival of the Honorable Nathan L. Hecht, chief justice of the Supreme Court of Texas.

The Honorable Nathan L. Hecht was announced at the door of the house and, being admitted, was escorted by Senators Garcia, Campbell, Creighton, Huffines, and Uresti, committee on the part of the senate; and Representatives S. Thompson, Landgraf, S. Davis, Sheets, and Clardy, committee on the part of the house.

The Honorable Dan Patrick, president of the senate, called the senate to order at 11:13 a.m. and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order at 11:13 a.m. and stated that a quorum of the house of representatives was present.

Speaker Straus announced that the two houses were in joint session pursuant to **HCR 53** for the purpose of hearing an address by the Honorable Nathan L. Hecht, chief justice of the Supreme Court of Texas.

Speaker Straus recognized members of the Supreme Court of Texas, members of the Court of Criminal Appeals of Texas, members of the Courts of Appeals of Texas, and other administrative judges.

Lieutenant Governor Patrick introduced Chief Justice Hecht, who addressed the joint session, speaking as follows:

Lieutenant Governor Patrick, Speaker Straus, members of the legislature, members of the judiciary, distinguished guests, ladies and gentlemen. Benjamin Cardozo, a United States Supreme Court justice in the mid-20th century, once observed that "courts and legislators work in separation and aloofness." To bridge that division, the chief justice of the Texas Supreme Court is required by statute to deliver a message on the state of the judiciary each regular legislative session "evaluating the accessibility of the courts to the citizens of the state" and the courts' "future directions and needs." In the legislature's words, the state of the

judiciary message is to "promote better understanding between the legislative and judicial branches of government and promote more efficient administration of justice in Texas."

Over the third of a century I have served as a judge, including 26 years as a member of the Texas Supreme Court, I have witnessed relations between the legislature and the judiciary grow stronger. This has benefitted the people of Texas. In the past dozen years, for example, the legislature has repeatedly relied on the supreme court's administrative and procedural rulemaking authority to implement legislative programs, translating policy into practices. For the past six years, at the judiciary's urging, the legislature has provided critical financial support for the legal system's efforts to provide basic civil legal services to the poor. And more recently, the supreme court has opened its courtroom to Senator Whitmire and a convocation of stakeholders interested in juvenile justice—issues from decriminalizing schoolyard misconduct and truancy to improving efforts to rehabilitate juveniles charged with criminal offenses. In these circumstances and others, the legislature and the judiciary, while strictly observing the separation of powers and independently carrying out their separate responsibilities, combined efforts to achieve the best for the people of Texas. At a time when the national government is widely criticized as dysfunctional, the Texas government is working for the people.

The Texas judiciary is committed to upholding the rule of law. It is committed to a court system that is fair, efficient, and just—interpreting and applying the law guided by fixed principles. And it is committed to a justice system that is accessible to all, regardless of means. That is the state of the Texas judiciary, and my message is that the third branch will pursue these commitments, working together with the legislative and executive branches, in every way it can for the good of the people of Texas.

During my tenure on the supreme court, the nature of its cases—and of civil cases in the courts of appeals—has shifted. Fewer cases involve the common law—judge-made law like negligence and other torts, property rights, and contracts. More involve statutory interpretation. In these cases, courts do not decide for themselves what the law should be; rather, their responsibility is to give effect to the intent of the legislative body as expressed in the statutory text. Ascertaining what is meant by what is said can be difficult. Try it with your spouse. Even when a statement is in writing and has been carefully considered, its application in an unforeseen situation can be unclear. Since 1992, several of the federal circuit courts of appeals have participated with Congress in an inter-branch project aimed at improving communication and understanding regarding statutory construction. In the interim following the 76th Session of the Texas Legislature, a house select committee recommended implementing a similar process for better understanding of judicial interpretations of statutes. Given the likelihood that Texas courts will be called upon to interpret the laws passed by this body with even more frequency, I propose that the legislature and the judiciary explore mechanisms for improving their understanding of the

writing and interpretation of statutes. Neither branch can relinquish its constitutional independence or responsibility, but both should work toward a better understanding of the role of each.

The judiciary has assisted the legislature in passing school ticketing reform. Disruptive conduct thwarts education, and teachers and administrators must have effective means to stop it. But for years, courthouse hallways were lined with youngsters who belonged in school, not in the criminal justice system. Working to balance the interests of children, schools, and the courts, the 83rd Legislature enacted reforms with sweeping results. Fiscal year 2014 saw an 83 percent drop in criminal filings under the Education Code. That's 90,000 fewer tickets written. Other states have followed Texas' lead. As a result, more kids are in classrooms and out of courts.

The reforms last session did not extend to truancy and attendance laws which, while intended to keep kids in school, often operate to keep them out. The theory is that the threat of punishment will incentivize attendance. But when almost 100,000 criminal truancy charges are brought each year against Texas schoolchildren, one has to think this approach may not be working. Playing hooky is bad, but is it criminal? A better, more effective solution may be for schools and courts alike to provide prevention and intervention services for at-risk children to actually achieve the goal: Getting them back in school. This has led the Texas Judicial Council, a policymaking body for the judiciary, to call for decriminalizing the failure to attend school. The stakes are high. Our children are our most precious treasures and our future. Education is the key to their success.

Some 40,000 children are in state conservatorship, and courts play a critical role in determining their future. The Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families has recommended legislative changes to improve handling of cases involving Child Protective Services. Indigent parents are entitled to a court-appointed attorney, but when there is no conflict of interest between them and no history of family violence, the commission recommends that judges be permitted to appoint one attorney for both parents—not an attorney for each—thereby reducing costs and improving efficiency. The commission also recommends the creation of county or regional programs to help provide attorneys for indigent parents. And the commission recommends improved procedures for transferring a case from one county to another so that placement of children in a stable environment is not delayed. The Texas Judicial Council has endorsed all these recommendations, and I urge you to consider them.

In most situations, the poor have no right to basic civil legal services for things like family matters, divorce and child custody, protection from domestic violence, eviction and foreclosure, and assistance for the elderly. Legal aid lawyers and staffs dedicate themselves to this work at personal financial sacrifice, and lawyers and bar associations annually contribute millions of dollars to provide legal services to the poor. A University of North Texas study has shown that Texas lawyers annually donate more than two million hours in pro bono legal

services to the poor, which is worth hundreds of millions of dollars. Funding for legal aid helps provide the infrastructure to connect clients needing services with lawyers willing to help.

Lawyers provide services pro bono public—a Latin phrase meaning "for the good of the public"—as part of their professional responsibility, but the need is far too great for them to meet on their own. Legal aid providers help more than 100,000 families each year, yet they estimate that more than three out of four are turned away for lack of resources to help. Access to justice for all is a righteous cause. It is humanitarian, it is good for the economy, and, most importantly, it is essential to the integrity of the rule of law. Justice for only those who can afford it is neither justice for all nor justice at all.

For three sessions now, the legislature has provided financial support for access to justice during hard times that have diminished available resources, increased the number of poor, and exacerbated their needs. I thank you for that support again this session. In addition, the 80th Legislature passed a statute imposing a \$5 fee on patrons of sexually oriented businesses to be used for legal services programs for sexual assault victims. Now that the statute has been upheld in the courts, I urge this session to keep its promise of funding for these programs.

I must also call upon your help for a special need of access to justice: basic civil legal services for veterans. Too often, servicemen and women return from duty to find benefits delayed, families struggling, jobs scarce, homes in foreclosure, and debt collectors at the door. These enemies at home can be as real a threat to a veteran's survival as the enemies faced in the field. We all cringe at the thought that the country has lost more active military to suicide than to combat in Afghanistan and that 22 veterans a day commit suicide. When basic legal problems pressure veterans, lawyers can help. There are several programs already, like the State Bar's Texas Lawyers for Texas Veterans. But as with other efforts to improve access to justice, resources are needed to support other legal services programs and to bring veterans who need help together with lawyers who can provide it. The supreme court has requested \$4 million for the next biennium to help provide legal aid to veterans.

The Texas Veterans Commission has endorsed the court's request and, in turn, the court supports the commission's pledge of \$1.5 million for legal aid and for veterans criminal courts. Texas has 20 veterans courts—more than any other state—but Texas has the second highest veterans population. Veterans courts have proven effective in determining when rehabilitation is better than punishment. Veterans courts do not offer a get-out-of-jail-free card. Their programs are serious and demanding, but they recognize that punishment should not always be the default.

The rule of the battlefield is leave no one behind. It is ingrained in every serviceman and woman. Our military cannot return from risking their lives in defense of our freedoms and values only to find that the justice system they fought for has left them behind. Their access to justice must be assured.

Access to justice is a struggle not only for the poor, but for many in the middle class and small businesses who need the legal system but find the costs prohibitive and are forced to try to represent themselves. There are lawyers looking for work and clients who need lawyers, but the cost of legal services keeps them apart. This has been called the "justice gap," and it's growing. Standard forms for use in court proceedings and for other purposes can help people represent themselves, and the Texas Supreme Court continues to work to provide them, but the best solution is personal legal assistance.

An important factor in the cost of legal services is the expense of a legal education. New lawyers often enter practice with a heavy load of student debt. The new UNT Dallas College of Law, under the leadership of former judge and now Dean Royal Furgeson and Professor Ellen Pryor, is trying to provide a legal education at a fraction of the cost of other public law schools. There may be other ways to encourage lawyers to provide legal services at reduced rates to people of limited means, and I know our other law schools want to help address the problem. This week, I will ask the supreme court to convene a select group of representatives of the courts, the law schools, the State Bar of Texas, the practicing lawyers, and the legal aid and public service communities to consider ways to encourage interested law students after their second year of law school to devote their practice to providing legal services at more affordable rates and help close the justice gap.

The legislature and the judiciary have partnered in efforts to improve the criminal justice system. Since 2008, the Criminal Justice Integrity Unit, established by the Court of Criminal Appeals and Presiding Judge Sharon Keller and led by Judge Barbara Hervey, has continued to take a hard look at the strengths and weaknesses of the Texas criminal justice system. Innocence commissions at each of the public law schools review cases for potential exonerations. Based on DNA evidence, Texas has exonerated 52 defendants, more than any other state. That is not, in my view, because Texas judges, prosecutors, and juries make more mistakes, but rather, because Texas has not been afraid to take a hard look at the system and own up to mistakes when they have occurred. Every conviction of an innocent person is tragic; ruining lives, destroying public confidence, threatening public safety when the guilty remain at large, and denying victims justice. Together, the legislature and the judiciary must continue to make all reasonable efforts to assure that any innocent person who has been convicted is exonerated and that only the guilty are convicted. One way is to continue to make the promise of *Gideon v. Wainwright* a reality. *Gideon* is the 1963 U.S. Supreme Court case upholding the constitutional right of indigent criminal defendants to court-appointed counsel. Since 2001, the number of Texas criminal defendants receiving court-appointed counsel has increased 45 percent, and the amount spent, mostly by the counties, has increased 137 percent. But more must be done, and the Texas Judicial Council and Texas Indigent Defense Commission have both called for an additional investment by the state in indigent criminal defense and support for expanding public defenders' offices and

assigned counsel systems. Also, *Gideon's* promise is fully realized only when the court-appointed lawyer is qualified, experienced, and not too busy to give attention to each case. The state should increase its investment in these programs.

The judiciary is ever more efficient. Last year, Texas' 3,300 judges disposed of over 10 million cases—from traffic violations to capital murders and from simple debt collection to complex business cases. In fiscal year 1984, the courts of appeals with 80 justices disposed of a little over 8,000 cases. For more than 30 years, the number of courts of appeals justices has not changed. There are still 80. In 2014, with the same number of justices as in 1984, the courts of appeals disposed of well over 11,000 cases, a 40 percent increase in workload. The high courts are also productive. The Court of Criminal Appeals is one of the busiest courts in the entire country. The supreme court ended the year with only four argued cases pending—as few as at any time in its history.

Efficiency is important to the courts, but always the most important thing is to have the time and resources to get every case right. One reason the appellate courts have been able to increase productivity without increasing the number of judges has been the addition of legal and clerical staff. But the gap between private and public sector legal and clerical salaries is large, and to attract the best people to court positions, law clerk, staff attorney, and clerical salaries must not fall further behind. The courts of appeals have worked together to present an almost entirely unified budget request to treat similar court positions similarly and equal to other positions in the government. The requests are modest and reasonable. They are essential to our work. Please remember that state funding for the judiciary is barely one-third of one percent of the state's budget. I urge the legislature to fund the courts' budget requests fully.

Another reason all the courts have increased efficiency is better technology. Most of us are accustomed to accessing information through the Internet at the click of a mouse—or at least, most of our children are accustomed to doing that. The appellate courts share a docket management system that allows judges to securely access briefs, memos, and drafts from anywhere there is Internet availability, as well as to check deadlines and timetables. The supreme court has mandated electronic filing in civil cases in all appellate courts and in trial courts in the 39 largest counties. E-filing is also voluntary in another 71 counties, making it available in courts where 93 percent of Texans reside. The e-filing system will soon be required throughout Texas in civil cases and will be available in criminal cases. A small amount of additional state funding will be needed to provide equipment and software in the less populous counties. In the end, the savings to courts, clerks, lawyers, litigants, and taxpayers will be incalculable, not to mention the increased transparency to the public. The success of the e-filing project in a state as big and diverse as Texas has been almost entirely due to the efforts of the Office of Court Administration and its director, David Slayton. A 21st century Texas will soon have a 21st century judiciary.

New challenges loom. The Texas over-65 population is expected to double by 2040—a "silver tsunami." The elderly and incapacitated often need the care of a guardian appointed by the court, but a person for whom a guardian is appointed loses important rights—rights to manage finances and make personal decisions.

Guardians are a godsend to some, but unfortunately guardians can also take unfair advantage. There are already 50,000 active guardianships in Texas, and the number is climbing. Two years ago, a special committee of the Texas Judicial Council began to study ways of ensuring the safety and financial security of our elders, something that most courts lack the resources to do. One way is to monitor guardianships to protect against exploitation and abuse and to ensure that they exist only when necessary. The council has now called for a pilot program to be implemented by the Office of Court Administration in several areas of the state to explore best methods and practices for monitoring guardianships. I urge the legislature to approve the small price tag for that important program.

I cannot end without urging your consideration of the Judicial Compensation Commission's 2014 report. To attract and keep the qualified judges Texans want and need, judges must be fairly compensated. I urge your consideration of the commission's recommendations on the amount of judicial compensation and on handling the issue in future sessions.

I have not spoken to the problems of judicial selection because I have no consensus solution. The issue has been discussed throughout the state's history and remains mired in controversy to this day. But let me say two things. First, Texans rightly demand that judges, like all public officials, be accountable, but when voters have no way of knowing a candidate's qualifications, election results are usually the product of campaign spending, familiar names, political swings, and blind luck. The current system rarely serves the public's desire for accountability. Second, the political parties want to participate in judicial selection, and their interest is legitimate. But the increasingly harsh political pressures judges face, and to which they are not permitted as judges to respond, threaten the independence judges must maintain to wield the power to decide the people's disputes with each other and with their government. Judges try to resist those pressures. The public is understandably skeptical they can succeed. Judges, like others, disagree about judicial selection. But in my view, the tensions in judicial selection are mounting and will tear at the judiciary's integrity. I hope the legislature will continue to consider paths to reform.

All people yearn for justice. The prophet Amos cried, "Let justice roll down like waters, and righteousness like an ever-flowing stream." The Texas judiciary is committed to this sacred cause. We ask for your help. God bless you, and God bless Texas.

SENATE RECESS

At 11:48 a.m., Lieutenant Governor Patrick stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand recessed until 12 p.m. today.

HOUSE AT EASE

At 11:49 a.m., the speaker announced that the house would stand at ease pending the departure of guests.

(Simpson in the chair)

The chair called the house to order at 11:57 a.m.

PROVIDING FOR ADJOURNMENT

At 11:59 a.m., Representative Kacal moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Elkins in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:06 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 122 (By Pickett), Relating to the Texas Mobility Fund.
To Transportation.

HB 129 (By Goldman), Relating to the allocation to the state highway fund of revenue from the taxes imposed on the sale, rental, or use of motor vehicles and other taxes imposed on motor vehicles.
To Appropriations.

HB 202 (By Leach), Relating to the allocation of certain motor vehicle sales, use, and rental tax revenue to the state highway fund and to the uses of that revenue.
To Appropriations.

HB 203 (By Leach), Relating to the allocation of revenue derived from the taxes imposed on the sale, storage, or use of new and used motor vehicle tires and parts to the state highway fund and to the uses of that revenue.
To Transportation.

HB 373 (By Simmons), Relating to the allocation of certain revenue from the taxes imposed on the sale, rental, or use of motor vehicles to the state highway fund and to the uses of that revenue.

To Appropriations.

HB 396 (By McClendon), Relating to the state minimum wage, including adjustments based on the consumer price index and authorization for a county or municipality to establish a local minimum wage.

To Business and Industry.

HB 399 (By Harless), Relating to taxes wholly or partly deposited to the credit of the state highway fund; increasing the rates of the gasoline and diesel fuel taxes and authorizing the increase or decrease of those rates in subsequent years.

To Appropriations.

HB 401 (By Harless), Relating to certain fees deposited to the credit of the state highway fund; increasing motor vehicle registration fees.

To Transportation.

HB 434 (By S. Thompson), Relating to the classification of certain construction workers and complaints filed with the Texas Workforce Commission; providing a penalty.

To Business and Industry.

HB 469 (By Metcalf), Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Appropriations.

HB 492 (By Hernandez), Relating to the period during which an employee may file a claim for unpaid wages with the Texas Workforce Commission.

To Business and Industry.

HB 498 (By Hernandez), Relating to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, stalking, or trafficking case.

To Criminal Jurisprudence.

HB 503 (By Guillen), Relating to the appointment of special rangers for the State Board of Veterinary Medical Examiners.

To Homeland Security and Public Safety.

HB 512 (By Moody), Relating to waiver of immunity in certain employment discrimination actions in connection with a workers' compensation claim.

To Business and Industry.

HB 523 (By P. King), Relating to abolishing the Texas emerging technology fund.

To Economic and Small Business Development.

HB 532 (By McClendon), Relating to the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

To Business and Industry.

HB 539 (By P. King, Geren, Paddie, Guillen, and T. King), Relating to the procedural requirements for the adoption of a municipal regulation, limitation, or prohibition on the production, storage, or transportation of oil or natural gas; authorizing a fee.

To Energy Resources.

HB 541 (By Canales), Relating to the electronic recording of certain custodial interrogations.

To Select Emerging Issues In Texas Law Enforcement.

HB 542 (By Raymond), Relating to an annual state budget and legislative budget sessions in even-numbered years and to political contributions made during a legislative session.

To Appropriations.

HB 543 (By Dutton), Relating to the creation of a specialty court for certain first-time DWI offenders; imposing fees for participation and alcohol monitoring.

To Judiciary and Civil Jurisprudence.

HB 544 (By Dutton), Relating to payment by a school district of the costs of developmental coursework provided by an institution of higher education under the success initiative.

To Public Education.

HB 545 (By Dutton), Relating to the enforcement of an order to pay child support by contempt.

To Juvenile Justice and Family Issues.

HB 547 (By J. White), Relating to the creation and dissolution of a covenant marriage.

To Juvenile Justice and Family Issues.

HB 549 (By Johnson), Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

To County Affairs.

HB 550 (By Price, Burkett, Gonzales, Raymond, and Dutton), Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals; clarifying certain statutory provisions; authorizing the imposition of fees.

To Human Services.

HB 552 (By Huberty and Metcalf), Relating to the phaseout and repeal of the franchise tax; lowering the rates of the tax.

To Ways and Means.

HB 553 (By Moody), Relating to the repeal of the offense of homosexual conduct.

To Criminal Jurisprudence.

HB 555 (By Springer), Relating to the width requirements for an area annexed by a municipality.

To Land and Resource Management.

HB 556 (By Springer), Relating to juvenile probation fees and court costs imposed by a juvenile court; increasing fees.

To Juvenile Justice and Family Issues.

HB 557 (By Farias), Relating to the growth or cultivation of industrial hemp for certain research purposes.

To Agriculture and Livestock.

HB 558 (By Farias), Relating to the issuance of specialty license plates for Vietnam veterans.

To Defense and Veterans' Affairs.

HB 559 (By Anchia and Moody), Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.

To Criminal Jurisprudence.

HB 560 (By Dutton), Relating to the qualifications for service as a grand juror.

To Criminal Jurisprudence.

HB 561 (By Dutton), Relating to the secrecy of grand jury proceedings.

To Criminal Jurisprudence.

HB 563 (By Dutton), Relating to the prosecution of and punishment for the offense of official oppression.

To Criminal Jurisprudence.

HB 564 (By Dutton), Relating to the admissibility of certain evidence in capital cases in which the state seeks the death penalty.

To Criminal Jurisprudence.

HB 565 (By Burkett and Flynn), Relating to powers of private toll project entities.

To Transportation.

HB 566 (By Herrero), Relating to the use of epinephrine auto-injectors on public and open-enrollment charter school campuses and at off-campus school-sanctioned events.

To Public Education.

HB 567 (By Allen), Relating to corporal punishment in public schools.

To Public Education.

HB 568 (By Allen), Relating to a review by the commissioner of education of state law regarding student suspension, expulsion, or other disciplinary action and the implementation of that law by school districts.

To Public Education.

HB 569 (By Allen), Relating to providing inmates of the Texas Department of Criminal Justice with information regarding reentry and reintegration resources.

To Corrections.

HB 570 (By Allen), Relating to the eligibility of certain persons for the supplemental nutrition assistance program.

To Human Services.

HB 572 (By Burkett and Larson), Relating to the sunset review of regional tollway authorities.

To Transportation.

HB 573 (By J. White), Relating to a defense to prosecution for the offense of possessing or carrying a firearm on the premises of a polling place.

To Criminal Jurisprudence.

HB 574 (By G. Bonnen), Relating to the operation of certain managed care plans with respect to health care providers.

To Insurance.

HB 575 (By G. Bonnen), Relating to the notice of contract expiration provided to retail electric customers by retail electric providers.

To State Affairs.

HB 576 (By G. Bonnen), Relating to service retirement benefits payable by the Teacher Retirement System of Texas to certain bus drivers who return to work.

To Pensions.

HB 577 (By Flynn), Relating to pay, benefits and requirements for state active duty service members.

To Defense and Veterans' Affairs.

HB 578 (By J. White), Relating to an exemption from the cosmetologist licensing law for persons who provide certain services at a special event.

To Licensing and Administrative Procedures.

HB 580 (By Wu), Relating to the statute of limitations for aggravated assault.

To Criminal Jurisprudence.

HB 583 (By Larson), Relating to donations to certain local veteran's charities ordered as a condition of community supervision.

To Corrections.

HB 584 (By Pickett), Relating to designating the fourth Saturday in July as National Day of the Cowboy.

To Culture, Recreation, and Tourism.

HB 585 (By Fallon), Relating to the service retirement annuity of certain state employees.

To Pensions.

HB 588 (By Hernandez), Relating to restricting certain state and school district assessments of public school students in prekindergarten and kindergarten.

To Public Education.

HB 589 (By Burkett and Harless), Relating to a disqualification for unemployment benefits for refusing to take or failing a preemployment drug test.

To Economic and Small Business Development.

APPENDIX

SENT TO THE SECRETARY OF THE STATE

February 17 - HCR 50, HCR 53