

# FORTY-FOURTH DAY

(CONTINUED)

---

---

THURSDAY, APRIL 7, 2005

---

---

## PROCEEDINGS

---

### AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Janek.

### SENATOR ANNOUNCED PRESENT

Senator Eltife, who had previously been recorded as "Absent-excused," was announced "Present."

### 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. Notice of consideration of the local calendar was given by Senator Hinojosa yesterday.

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.

#### **CSSB 37** (Zaffirini)

Relating to the right of certain sexual assault victims to a forensic medical examination.

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

#### **CSSB 56** (Nelson)

Relating to requiring notice before the amount of bail set in certain cases is reduced.

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

#### **CSSB 96** (Shapleigh)

Relating to the provision on the Internet of forms and permit or license information by state agencies.

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

**CSSB 149** (Wentworth)

Relating to the recording of certain aircraft repair and maintenance liens; providing a criminal penalty.

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

**SB 171** (Harris)

Relating to the emergency service fee rate in certain 9-1-1 emergency communication districts.

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

**CSSB 183** (Lucio)

Relating to the appointment, operation, and recommendations of the Border Trade Advisory Committee.

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

**SB 188** (Zaffirini)

Relating to a memorandum of understanding between the Texas School for the Blind and Visually Impaired and the Texas Education Agency.

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

**CSSB 189** (Zaffirini)

Relating to the operation of the Texas School for the Blind and Visually Impaired.

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

**SB 255** (Carona)

Relating to the removal of data from data processing equipment disposed of or transferred by state agencies.

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

**CSSB 307** (Duncan)

Relating to a mental health court program.

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

**SB 338** (Carona)

Relating to the amount of the use tax imposed on certain motor vehicles brought into this state by a new resident.

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

**SB 355** (Fraser)

Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.

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

**CSSB 359** (Harris)

Relating to notice regarding rental car damage waivers.

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

**CSSB 424** (Carona)

Relating to the deadline for passing the examination for a license to practice medicine in this state.

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

**SB 428** (Lindsay)

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 388 be confirmed by a specific date.

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

**SB 429** (Lindsay)

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 387 be confirmed by a specific date.

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

**SB 461** (Madla)

Relating to the confidentiality of and access to certain personal information in instruments recorded with a county clerk.

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

**CSSB 492** (Van de Putte)

Relating to drug compounding by a pharmacy for a practitioner's office use and to distribution of compounded and prepackaged drugs to pharmacies under common ownership.

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

**SB 495** (Williams)

Relating to the fee paid to the attorney general for examining the record of proceedings authorizing the issuance of a public security or related credit agreement.

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

**SB 511** (Deuell)

Relating to public testimony at regular meetings of the governing board of a general academic teaching institution.

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

**CSSB 522** (Armbrister)

Relating to the Texas Emergency Services Retirement System; providing an administrative penalty.

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

**SB 527** (Hinojosa)

Relating to authorizing a sports recreation and wellness facility fee at The University of Texas–Pan American.

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

**SB 554** (Duncan)

Relating to the liability of an ERISA-regulated employee benefit plan under certain state law.

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

**CSSB 602** (Ellis)

Relating to the development of bicycle tourism trails in this state.

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

**CSSB 637** (Lindsay)

Relating to the precedence of certain county highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.  
(viva voce vote) (31-0) (31-0)

**SB 644** (Wentworth)

Relating to the eligibility of persons to participate in the public sale in certain counties of certain real property.  
(viva voce vote) (31-0) (31-0)

**CSSB 651** (Harris)

Relating to the University of North Texas Health Science Center at Fort Worth missing persons DNA database.  
(viva voce vote) (31-0) (31-0)

**SB 672** (Seliger)

Relating to the Randall County Juvenile Board.  
(viva voce vote) (31-0) (31-0)

**SB 693** (Ogden)

Relating to vacancies on municipal utility district boards.  
(viva voce vote) (31-0) (31-0)

**SB 709** (Carona)

Relating to the amount of a late charge or reinstatement fee under a rental-purchase agreement.  
(viva voce vote) (31-0) (31-0)

**SB 718** (Eltife)

Relating to boundaries of emergency services districts.  
(viva voce vote) (31-0) (31-0)

**CSSB 732** (Williams)

Relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety of the State of Texas.  
(viva voce vote) (31-0) (31-0)

**SB 766** (Wentworth)

Relating to allowing a lodge or other local organization affiliated with a grand lodge or similar charitable or benevolent institution or order incorporated under state law to hold a charitable raffle.  
(viva voce vote) (31-0) (31-0)

**SB 796** (Lucio)

Relating to the combative sports program.  
(viva voce vote) (31-0) (31-0)

**SB 807** (Averitt)

Relating to interest rate ceilings on certain commercial loans.  
(viva voce vote) (31-0) (31-0)

**SB 810** (Averitt)

Relating to the regulation of the sale and inspection of real estate.

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

**SB 812** (Deuell)

Relating to the powers of a community center.

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

**SB 821** (Lindsay)

Relating to an administrative cost for the enforcement of the collection of tolls in certain counties.

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

**SB 866** (Staples)

Relating to the operation of authorized emergency vehicles conducting a police escort.

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

**SB 876** (Lindsay)

Relating to financial reporting requirements of a nonprofit corporation.

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

**SB 903** (Whitmire)

Relating to certain persons that are special investigators.

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

**SB 907** (Whitmire)

Relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.

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

**SB 910** (Whitmire)

Relating to the repeal of certain obsolete laws defining and regulating nitrous oxide as a volatile chemical.

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

**SB 945** (Armbrister)

Relating to the filing of a disclosure statement by a vendor or member of a governing body of a port authority or navigation district; imposing a penalty.

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

**SB 961** (Shapiro)

Relating to a clearinghouse of energy and water conservation information and programs for school districts.

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

**SB 963** (Shapiro)

Relating to the establishment of and liability for failing to comply with certain administrative and instructional ratios for public school districts.

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

**SB 986** (Duncan)

Relating to the election of directors of the Wes-Tex Groundwater Conservation District.

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

**CSSB 988** (Carona)

Relating to education courses required for a mortgage broker or loan officer license.

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

**SB 1014** (Harris)

Relating to records on appeal in municipal courts of record.

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

**SB 1088** (Madla)

Relating to the retirement system for firefighters and police officers in certain municipalities.

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

**SB 1641** (Lucio)

Relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

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

**CSSCR 7** (Duncan)

Urging the Supreme Court of Texas and the Court of Criminal Appeals of Texas to adopt rules providing for the random assignment to courts of appeals of cases pending or on appeal from counties with overlapping appellate jurisdictions and adopt rules determining the court of appeals precedent applicable in such randomly assigned cases.

(viva voce vote)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Staples and Senator Harris requested in writing that **SB 283** be removed from the Local and Uncontested Calendar.

Senator Ellis, author of the bill, requested in writing that **SB 603** be removed from the Local and Uncontested Calendar.

Senator Lindsay, author of the bill, requested in writing that **SB 748** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:29 a.m. adjourned until 10:00 a.m. today.