

# FORTY-EIGHTH DAY

(CONTINUED)

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THURSDAY, APRIL 14, 2005

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## PROCEEDINGS

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### AFTER RECESS

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

### SENATOR ANNOUNCED PRESENT

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

### SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

On motion of Senator Harris and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today.

### 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 Harris 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 45** (Nelson)

Relating to the establishment of an advisory committee on health care information technology.

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

#### **CSSB 51** (Nelson)

Relating to eligibility for coverage of, and payment of premiums for, certain individuals covered under certain group health benefit plans.

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

**CSSB 52** (Nelson)

Relating to a competitive grant program for aging and disability services.  
(viva voce vote) (31-0) (31-0)

**SB 55** (Nelson)

Relating to protective orders when family violence occurs between minors.  
(viva voce vote) (31-0) (31-0)

**SB 90** (Hinojosa)

Relating to the authority of a peace officer to make a warrantless arrest for the commission of family violence.  
(viva voce vote) (31-0) (31-0)

**SB 91** (Hinojosa)

Relating to the punishment imposed on certain defendants charged with the offense of assault.  
(viva voce vote) (31-0) (31-0)

**CSSB 123** (Barrientos)

Relating to air quality control measures proposed pursuant to an early action compact.  
(viva voce vote) (31-0) (31-0)

**CSSB 166** (West)

Relating to the effect of an expunction.  
(viva voce vote) (31-0) (31-0)

**CSSB 248** (West)

Relating to authorizing the use of approved nonsurgical methods to sterilize dogs and cats.  
(viva voce vote) (31-0) (31-0)

**SB 265** (Williams)

Relating to certain continuing education requirements for insurance agents.  
(viva voce vote) (31-0) (31-0)

**SB 291** (West)

Relating to the index of court fees and costs.  
(viva voce vote) (31-0) (31-0)

**SB 314** (Gallegos)

Relating to the emergency service fee rate in certain 9-1-1 emergency communication districts.  
(viva voce vote) (31-0) (31-0)

**CSSB 331** (Lindsay)

Relating to the North Harris County Regional Water Authority.  
(viva voce vote) (31-0) (31-0)

**CSSB 363** (Lindsay)

Relating to the general powers, authority, and boundaries and to the directors of the West Harris County Regional Water Authority; providing penalties.  
(viva voce vote) (31-0) (31-0)

**SB 374** (Jackson)

Relating to the repeal of the statutory provision regarding the adoption and use by the Texas Water Development Board of a capital spending plan for certain state-funded water-related programs under the board's jurisdiction.

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

**CSSB 396** (Seliger)

Relating to the interagency exchange of information regarding certain offenders with special needs.

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

**SB 468** (Deuell)

Relating to the depository designated by the Hunt Memorial Hospital District.

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

**CSSB 485** (Armbrister)

Relating to the regulation of underground and aboveground storage tanks.

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

**CSSB 500** (West)

Relating to prices charged for the provision of health care services.

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

**CSSB 502** (West)

Relating to common undergraduate admission application forms for public institutions of higher education in this state.

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

**SB 509** (Armbrister)

Relating to the repeal of the restriction on the amount of money in the water infrastructure fund that may be used for certain purposes in a fiscal year.

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

**SB 616** (Averitt)

Relating to the period for which the deadline for filing a rendition statement or property report for ad valorem tax purposes may be extended.

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

**CSSB 619** (Staples)

Relating to the enforcement of certain standards for commercial motor vehicles.

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

**CSSB 678** (Madla on behalf of Van de Putte)

Relating to the designation of part of Interstate Highway 35 as the Purple Heart Trail.

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

**CSSB 686** (Carona)

Relating to the regulation of air conditioning and refrigeration technicians; providing an administrative penalty.

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

**CSSB 706** (Barrientos)

Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

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

**CSSB 736** (Brimer)

Relating to the authority of certain counties to apply a county fire code to certain buildings.

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

**SB 787** (Williams)

Relating to the eligibility of certain organizations to join a risk pool established by a political subdivision for the purpose of providing uniform group benefits.

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

**SB 829** (Wentworth)

Relating to the authority of counties to establish petty cash funds.

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

Senator Wentworth offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 829** by adding a new section

SECTION \_\_\_\_ Falsifying documents or reports relating to the petty cash fund is an offense according to Sec. 32.21 or Sec. 37.10, Penal Code.

The amendment to **SB 829** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

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

**CSSB 839** (Wentworth)

Relating to the authority of the Cow Creek Groundwater Conservation District to impose fees on certain wells.

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

**SB 846** (Janek)

Relating to distribution of recordings on consignment.

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

**SB 863** (Madla on behalf of Van de Putte)

Relating to the administration of promotional examinations to certain firefighters and police officers who are members of the armed forces on active duty.

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

Senator Madla, on behalf of Senator Van de Putte, offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 863** (introduced version) by striking SECTION 1 of the bill (page 1, lines 6-22) and substituting the following:

SECTION 1. Section 143.032, Local Government Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b) Except as provided by Subsection (j), each ~~[Each]~~ eligible promotional candidate shall be given an identical examination in the presence of the other eligible promotional candidates.

(j) If an eligible promotional candidate who is serving on active military duty is unable to take the examination in the presence of the other eligible promotional candidates because of circumstances related to the candidate's service on active military duty, the candidate may take the examination outside of the presence of the other candidates and at a different time than the other candidates. The commission may adopt rules under Subsection (a) providing for the efficient administration of promotional examinations to eligible promotional candidates who are members of the armed forces serving on active military duty. The rules shall require that, if a candidate serving on active military duty takes a promotional examination outside the presence of other candidates and passes the examination, the candidate's name shall be included in the eligibility list of names of promotional candidates who took and passed the identical examination.

The amendment to **SB 863** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

On motion of Senator Madla, on behalf of Senator Van de Putte, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 874** (Nelson)

Relating to quality-of-care monitoring visits to long-term care facilities.

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

**SB 883** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 8; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 884** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 885** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 10; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 886** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 11; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 887** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 12; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 889** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 891** (Williams)

Relating to the creation of the East Montgomery County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**(Senator Hinojosa in Chair)****SB 898** (Carona)

Relating to tax liability for property omitted from an appraisal roll.

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

**SB 955** (Seliger)

Relating to awards for certain members of the state military forces serving on active federal military duty.

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

**CSSB 983** (Van de Putte)

Relating to hospice services under the state child health plan.

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

**CSSB 993** (Ellis)

Relating to the creation of the Harris County Improvement District No. 5; providing authority to impose a tax and issue a bond or similar obligation.

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

**SB 1006** (Harris)

Relating to the period of time during which a person may be supervised in a pretrial intervention program and the fee that may be charged for the program.

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

**CSSB 1053** (Janek)

Relating to the enforcement of the regulation of nursing.

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

**CSSB 1060** (Whitmire)

Relating to the disposition of revenue from local authority agreements with towing companies.

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

**CSSB 1061** (Whitmire)

Relating to the authority of the Texas Department of Transportation to review certain traffic programs of local authorities.

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

**CSSB 1062** (Whitmire)

Relating to the authority of a political subdivision to require the operator of a tow truck to obtain a license or permit.

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

**SB 1065** (Madla)

Relating to the regulation of certain water wells by the Presidio County Underground Water Conservation District.

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

**CSSB 1074** (Staples)

Relating to the authority of the Department of Public Safety of the State of Texas or the public safety director to adopt rules in connection with commercial motor vehicles.

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

**CSSB 1131** (Van de Putte on behalf of Hinojosa)

Relating to the conveyance of a ferry by the Texas Department of Transportation to certain counties and local government corporations.

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

**CSSB 1211** (Deuell)

Relating to providing information about respiratory syncytial virus under certain continuing education programs.

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

**SB 1217** (Seliger)

Relating to the punishments authorized under the Texas Code of Military Justice.

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

**SB 1258** (Lindsay)

Relating to the issuance or renewal of a commercial driver's license and the expiration of a commercial driver's license or commercial driver learner's permit.

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

**SB 1303** (Seliger)

Relating to certain employment records maintained by the Commission on Law Enforcement Officer Standards and Education; providing an administrative penalty.  
(viva voce vote) (31-0) (31-0)

**CSSB 1330** (Nelson)

Relating to the immunization of elderly persons by certain health care facilities.  
(viva voce vote) (31-0) (31-0)

**SB 1342** (Van de Putte)

Relating to unemployment compensation eligibility and chargebacks regarding certain spouses of military personnel.  
(viva voce vote) (31-0) (31-0)

**SB 1373** (Madla)

Relating to the terms of court of the 112th Judicial District.  
(viva voce vote) (31-0) (31-0)

**CSSB 1378** (Staples)

Relating to the certification of certain nonprofit hospitals and hospital systems for limited liability.  
(viva voce vote) (31-0) (31-0)

**SB 1430** (Madla)

Relating to the subdivision of land in the unincorporated area of certain counties.  
(viva voce vote) (31-0) (31-0)

**SB 1435** (Madla)

Relating to the numbering of emergency services districts converted from rural fire prevention districts.  
(viva voce vote) (31-0) (31-0)

**SB 1437** (Madla)

Relating to emergency services district boards in districts located in more than one county.  
(viva voce vote) (31-0) (31-0)

**CSSB 1447** (Averitt)

Relating to including pension and other postemployment benefits in the computation of rates for electric utilities.  
(viva voce vote) (31-0) (31-0)

**CSSB 1480** (Shapleigh)

Relating to the powers and duties of the Texas Veterans Commission.  
(viva voce vote) (31-0) (31-0)

**SB 1485** (Williams)

Relating to providing that the social security number of a living person is excepted from required disclosure under the public information law and may be redacted without the necessity of requesting a decision from the attorney general.  
(viva voce vote) (31-0) (31-0)



**CSSB 1494** (Fraser)

Relating to the unbundling of electric utilities in the transition to competitive retail electric markets.

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

**SB 1495** (Fraser)

Relating to the securitization of the nonbypassable delivery rates of transmission and distribution utilities.

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

**SB 1524** (Zaffirini)

Relating to fees charged for a vital statistics record.

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

**SB 1563** (Estes)

Relating to uniform law on negotiable instruments and bank deposits and collections.

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

**SB 1570** (Williams)

Relating to the rate of interest on certain tax refunds.

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

**SB 1593** (Carona)

Relating to uniform law on documents of title.

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

**SB 1620** (Lucio)

Relating to the composition of the judicial districts in Cameron and Willacy Counties.

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

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Nelson and Senator Harris requested in writing that **SB 98** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Harris requested in writing that **CSSB 1320** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:43 a.m. adjourned until 10:00 a.m. today.

