

# FIFTY-SECOND DAY

(CONTINUED)

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THURSDAY, APRIL 21, 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.

### 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.

#### **SB 14** (Jackson)

Relating to disapproval by the commissioner of insurance of certain property and casualty insurance rates; providing penalties.

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

#### **CSSB 42** (Nelson)

Relating to health education and physical activity in public primary and secondary schools.

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

#### **CSSB 122** (Hinojosa)

Relating to the prevention and punishment of identity theft and the rights of certain victims of identity theft; providing penalties.

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

#### **CSSB 150** (Wentworth)

Relating to authorizing measures to support efforts to attract major motor sports racing events to this state.

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

**SB 297** (Wentworth)

Relating to the rates charged by a municipally owned utility to certain recreational vehicle parks for potable water or wastewater service.

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

**SB 304** (Armbrister)

Relating to the prosecution of the offense of criminal trespass.

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

**SB 318** (Staples)

Relating to creating a recognition day in remembrance of the Texian Navy.

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

**CSSB 325** (Zaffirini)

Relating to the management of behavior of residents of certain facilities; providing an administrative penalty.

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

**CSSB 352** (Madla)

Relating to the management of state-owned land, including the lease of the right to produce groundwater from certain state-owned land.

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

**CSSB 361** (Carona)

Relating to the provision of information relating to the programs and services available for persons with mental retardation seeking residential services.

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

**SB 394** (Seliger)

Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

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

**CSSB 425** (Hinojosa)

Relating to subdivision platting requirements and assistance for certain counties near an international border.

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

**SB 434** (Duncan)

Relating to the powers and duties of the Lockney General Hospital District.

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

**SB 489** (Estes)

Relating to the license requirements of marine dealers, distributors, and manufacturers.

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

**SB 526** (Hinojosa)

Relating to a county's authority to impose a records archive fee.

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

**SB 565** (Deuell)

Relating to the posting of a list of employees in certain child-care facilities and family homes.

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

**CSSB 578** (Staples)

Relating to the authority of certain honorably retired peace officers to carry certain weapons.

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

**CSSB 588** (Jackson)

Relating to the publication of notice of intent to obtain a permit from the Texas Commission on Environmental Quality for a facility located or proposed to be located in certain populous counties.

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

**SB 592** (Jackson)

Relating to the creation of a Texas Gulf Coast Legislative Working Group and a Multistate Gulf Coast Legislative Working Group.

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

**CSSB 611** (Nelson)

Relating to the electronic creation, transmission, and use of certain documents related to the prosecution of a criminal offense.

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

**SB 621** (Janek)

Relating to the territory of certain 9-1-1 emergency communication districts.

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

**SB 665** (Barrientos)

Relating to work-related exposure to a reportable disease.

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

**CSSB 679** (Duncan)

Relating to the procedure for determining the incompetency of a defendant to stand trial.

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

**SB 738** (Lucio)

Relating to emergency order authority of the Texas Commission on Environmental Quality.

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

**SB 739** (Lucio)

Relating to the payment of certain administrative penalties assessed by the Texas Commission on Environmental Quality under an installment payment schedule.

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

**CSSB 756** (Ogden)

Relating to providing notice to county law enforcement before a parole panel considers the release of an inmate to that county.

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

**SB 781** (Fraser)

Relating to the prosecution of certain acts that constitute the unauthorized business of insurance.

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

**SB 782** (Fraser)

Relating to abolition of certain fraud reporting requirements regarding motor vehicle insurance.

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

**CSSB 805** (Averitt)

Relating to certain small and large employer health cooperatives.

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

**SB 840** (Wentworth)

Relating to park and recreation districts.

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

**SB 854** (Lucio)

Relating to the jurisdiction of certain home-rule municipalities on a barrier island in the Gulf of Mexico.

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

**CSSB 894** (Carona)

Relating to certain procedures for filing documents and service of process.

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

**CSSB 895** (Carona)

Relating to the processing of certain election ballots voted early.

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

**SB 909** (Whitmire)

Relating to the maintenance and contents of certain computerized information systems relating to the criminal justice system.

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

**(Senator Hinojosa in Chair)****SB 919** (Duncan)

Relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.

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

**SB 925** (Duncan)

Relating to competency to be executed in a capital case.

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

**CSSB 935** (West)

Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

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

**CSSB 959** (Shapiro)

Relating to notice to educators of a public school student's misconduct and to placement of a student who has assaulted a teacher.

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

**SB 995** (Averitt)

Relating to donees of anatomical gifts.

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

**SB 996** (Averitt)

Relating to the use of personal leave by a public school employee.

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

**CSSB 1002** (Madla)

Relating to creating a TexasOnline project concerning grant assistance provided by state agencies.

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

**SB 1017** (Staples)

Relating to the creation of the Lower Trinity Groundwater Conservation District; providing authority to issue bonds.

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

**CSSB 1052** (Van de Putte)

Relating to the disclosure of certain information from an early voting roster; providing a penalty.

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

**SB 1068** (Madla)

Relating to an electronic requisition system for counties.

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

**SB 1091** (Madla)

Relating to noxious and invasive plants; providing a criminal penalty.

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

**SB 1106** (Madla)

Relating to continuing education courses for a county treasurer.

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

**SB 1112** (Eltife)

Relating to debt management services; providing a penalty.

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

**SB 1116** (Wentworth)

Relating to the authority of a water and sewer utility to acquire property by eminent domain.

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

**SB 1126** (Lucio on behalf of Hinojosa)

Relating to the confidentiality of records regarding sex offense victims.

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

**SB 1146** (Shapiro)

Relating to an early college education program to provide at-risk and other students accelerated high school graduation and college credit.

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

**SB 1147** (Harris)

Relating to the appointment of visiting associate judges.

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

**SB 1151** (Harris)

Relating to the use of a voluntary acknowledgment of paternity under the Uniform Interstate Family Support Act.

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

**SB 1178** (West)

Relating to the availability of genetic testing in the determination of parentage by the Title IV-D agency.

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

**SB 1202** (Lucio)

Relating to the coordination of colonia initiatives and services to colonia residents.

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

**CSSB 1203** (Madla)

Relating to the payment of certain ad valorem tax refunds.

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

**CSSB 1215** (Eltife)

Relating to financial records and to audits or reviews of certain charitable nonprofit corporations; providing a penalty.

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

**CSSB 1224** (Duncan)

Relating to a landowner's liability for injuries incurred during certain recreational activities.

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

**CSSB 1252** (Janek)

Relating to the creation of an additional statutory county court in Brazoria County.

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

**CSSB 1257** (Lindsay)

Relating to the operation of a motor vehicle by a person who holds a driver's license or a commercial driver's license.

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

**SB 1264** (Whitmire)

Relating to authorizing a fee for certain inspections conducted by the Commission on Jail Standards.

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

**SB 1265** (Whitmire)

Relating to establishing standards for analysis of tests for controlled substances required of defendants placed on community supervision.

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

**SB 1283** (Armbrister)

Relating to the application of certain laws to certain insurance holding company systems.

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

**SB 1290** (Wentworth)

Relating to the sale or use of certain refrigerants.

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

**SB 1305** (Brimer)

Relating to the time a person may be detained in custody for a preliminary examination.

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

**CSSB 1307** (Staples)

Relating to the authority of the Texas Juvenile Probation Commission to issue subpoenas, administer oaths, receive evidence, and gather information.

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

**CSSB 1329** (Nelson)

Relating to the Interagency Council for Genetic Services and the provision of genetic counseling services.

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

**CSSB 1339** (Madla)

Relating to the limitation on the sales and use tax rate of a political subdivision in an advanced transportation district.

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

**SB 1353** (Williams)

Relating to the powers and duties of the Town Center Improvement District of Montgomery County, Texas, and of governmental entities and peace officers that interact with the district; providing a penalty.

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

**SB 1376** (Staples)

Relating to the authority of a parent to designate a child-care facility or grandparent's residence for purposes of transportation provided by a public school transportation system.

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

Senator Staples offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1376** in SECTION 1 of the bill, in the introductory language (page 1, line 6), by striking "Transportation Code" and substituting "Education Code".

The amendment to **SB 1376** 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 Staples and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1384** (Shapiro)

Relating to regional tollway authorities.

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

**CSSB 1413** (Shapleigh)

Relating to county brownfield cleanup and economic redevelopment programs.

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

**SB 1421** (Gallegos)

Relating to eligibility for beginning positions in certain police and fire departments.

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

**SB 1424** (Gallegos)

Relating to filing fees in a civil matter in a justice court or small claims court.

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

**SB 1426** (Gallegos)

Relating to fees charged to persons applying for the expunction of certain offenses committed by minors.

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

**CSSB 1434** (Madla)

Relating to use of money of an advanced transportation district to finance advanced transportation or mobility enhancement by a county, municipality, or local government corporation.

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

**CSSB 1436** (Madla)

Relating to audits of emergency services districts.

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

**SB 1454** (Wentworth)

Relating to the definition of professional surveying.

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

**CSSB 1455** (Wentworth)

Relating to the establishment of regional habitat conservation plans by political subdivisions of this state.

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

**SB 1459** (Wentworth)

Relating to the assignment of certain visiting judges.

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

**SB 1461** (Seliger)

Relating to the offenses for which the use of wire, oral, or electronic interception devices may be authorized.

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

**CSSB 1465** (Whitmire)

Relating to the use of certain electronically readable information on a driver's license or identification certificate to comply with certain alcohol and tobacco related laws; providing a penalty.

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

**CSSB 1473** (Lindsay)

Relating to the provision of education and training programs for law enforcement officers regarding persons with mental impairments.

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

**SB 1518** (Deuell)

Relating to validation of the creation of and certain acts taken by the Rockwall County Public Safety and Fire Assistance District.

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

**SB 1551** (Estes)

Relating to the continuation of certain statutes authorizing the interception of certain communications for law enforcement purposes.

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

**SB 1552** (Estes)

Relating to the continuation of criminal offenses involving the interception of certain communications for law enforcement purposes.

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

**SB 1558** (Lucio)

Relating to the applicability of certain insurance laws to Lloyd's plans and reciprocal and interinsurance exchanges.

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

**SB 1573** (Williams)

Relating to the state employee incentive program, including abolishing the Texas Incentive and Productivity Commission.

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

**CSSB 1591** (Carona)

Relating to accountant practice requirements for certain audits of insurer financial reports.

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

**SB 1592** (Carona)

Relating to special deposits required of certain insurers.

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

**SB 1604** (Staples)

Relating to the administration, powers, duties, and operations of the Neches and Trinity Valleys Groundwater Conservation District.

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

**SB 1635** (Duncan)

Relating to the Schleicher County Hospital District.

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

**CSSB 1668** (Estes)

Relating to the consideration of payments to an affiliate in computing rates for electric utilities.

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

**SB 1707** (Staples)

Relating to the regulation of poultry facilities.

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

**SB 1708** (Staples)

Relating to assessments levied on certain owners of cattle and used for marketing, education, research, and promotion of Texas beef.

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

**SB 1709** (Staples)

Relating to the regulation of a poultry operation that does not use a liquid waste handling system.

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

**SB 1747** (Fraser)

Relating to the interest rate to be paid on utility deposits.

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

**SB 1754** (Duncan)

Relating to the Childress County Hospital District.

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

**SCR 9** (Armbrister)

Designating the cast iron Dutch oven as the official State Cooking Implement.

(viva voce vote)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Shapleigh and Senator Harris requested in writing that **SB 449** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Van de Putte requested in writing that **SB 629** be removed from the Local and Uncontested Calendar.

Senator Brimer and Senator Harris requested in writing that **SB 697** be removed from the Local and Uncontested Calendar.

Senator Shapleigh and Senator Harris requested in writing that **SB 728** be removed from the Local and Uncontested Calendar.

Senator Harris and Senator Madla requested in writing that **SB 1067** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Van de Putte requested in writing that **SB 1130** be removed from the Local and Uncontested Calendar.

Senator West and Senator Van de Putte requested in writing that **SB 1272** be removed from the Local and Uncontested Calendar.

Senator Armbrister and Senator Van de Putte requested in writing that **SB 1282** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Van de Putte requested in writing that **SB 1417** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Harris requested in writing that **SB 1423** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Van de Putte requested in writing that **SB 1500** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Van de Putte requested in writing that **SB 1559** be removed from the Local and Uncontested Calendar.

Senator Carona and Senator Zaffirini requested in writing that **SB 1586** be removed from the Local and Uncontested Calendar.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:43 a.m. adjourned until 11:00 a.m. today.

