

# SIXTIETH DAY

(CONTINUED)

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TUESDAY, MAY 3, 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.

**CSSB 54** (Nelson)

Relating to a restrictive covenant, rule, or other prohibition regulating a homeowner's display of the United States flag.

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

**CSSB 272** (Williams)

Relating to the creation of an oyster license moratorium program.

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

**SB 409** (Nelson)

Relating to the continuation and functions of the Office of Public Utility Counsel.

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

**CSSB 454** (Armbrister)

Relating to commercial shrimp boat licenses and to the creation of a gulf shrimp license moratorium program.

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

**CSSB 624** (Hinojosa)

Relating to the regulation of bail bond sureties.

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

**CSSB 698** (Madla on behalf of Van de Putte)

Relating to required disclosures to health benefit plan enrollees regarding professional services provided by certain non-network health care providers.

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

**CSSB 707** (Madla on behalf of Van de Putte)

Relating to the issuance of an electrician license to certain members of the armed forces.

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

**CSSB 711** (Carona)

Relating to metering services provided to certain electricity customers.

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

**CSSB 712** (Carona)

Relating to the legislature's goal for energy efficiency in this state and related energy efficiency programs.

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

**SB 799** (Lucio)

Relating to the eligibility of certain retired classroom teachers for loans under the professional educators home loan program.

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

**SB 804** (Averitt)

Relating to the liability of license deputies for sales money held in trust for the Parks and Wildlife Department.

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

**SB 806** (Averitt)

Relating to the qualifications of appointed members of the State Soil and Water Conservation Board.

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

**CSSB 905** (Whitmire)

Relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

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

**SB 984** (Madla on behalf of Van de Putte)

Relating to a feasibility study regarding the provision of financial incentives to individuals who undergo training for child protective services.

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

**CSSB 1018** (Staples)

Relating to the extension or modification of residential restrictive covenants in certain counties.

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

**SB 1037** (Lucio)

Relating to tuition rates for Olympic athletes residing and training in Texas.

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

**SB 1044** (Janek)

Relating to efforts by coastal counties to mitigate coastal erosion and improve public access to public beaches; authorizing the issuance of bonds by coastal counties.  
(viva voce vote) (31-0) (31-0)

**SB 1049** (Lindsay)

Relating to the efficient administration of county government.  
(viva voce vote) (31-0) (31-0)

**SB 1056** (Lucio)

Relating to the forced sale of an owner's interest in certain real property.  
(viva voce vote) (31-0) (31-0)

**SB 1104** (Madla)

Relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.  
(viva voce vote) (31-0) (31-0)

Senator Madla offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1104** as follows:

- (1) On page 1, line 13, between "7,500" and "located", insert "that does not own an electric, gas or water utility and is"
- (2) On page 1, line 19, between "ordinance" and "may", insert ", enacted by the accepting municipality prior to January 1, 2007,".

The amendment to **SB 1104** 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 and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1107** (Madla)

Relating to the requirements for removal of a county treasurer.  
(viva voce vote) (31-0) (31-0)

**CSSB 1108** (Madla)

Relating to the bond of a county treasurer.  
(viva voce vote) (31-0) (31-0)

**CSSB 1149** (Harris)

Relating to the electronic transmission of health benefit information between a health benefit plan issuer and a physician or health care provider.  
(viva voce vote) (31-0) (31-0)

**CSSB 1159** (Harris)

Relating to the regulation of persons who repossess motor vehicles; providing penalties.  
(viva voce vote) (31-0) (31-0)

**CSSB 1198** (Ellis)

Relating to the determination of the portion of the tax increment produced by a municipality that the municipality is required to pay into the tax increment fund for a reinvestment zone.

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

**CSSB 1199** (Ellis)

Relating to the deposit of municipal sales and use taxes into a tax increment fund.

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

**SB 1204** (Madla)

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

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

**SB 1206** (Madla)

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

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

**CSSB 1214** (Barrientos)

Relating to the authority of certain counties to select an insurance broker.

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

**SB 1275** (Jackson)

Relating to the issuance of certain court orders to protect victims of family violence.

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

**SB 1284** (Armbrister)

Relating to certain requirements applicable to health maintenance organizations.

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

**SB 1469** (Whitmire)

Relating to reporting the deaths of certain individuals.

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

**CSSB 1507** (Hinojosa)

Relating to the introduction of certain evidence in the sentencing phase of a capital felony case.

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

**CSSB 1537** (Armbrister)

Relating to the administration, powers, duties, and operation of the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.

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

**CSSB 1589** (Carona)

Relating to fraudulent documents offered to the county clerk or the secretary of state for filing.

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

**(Senator Hinojosa in Chair)**

**CSSB 1596** (Estes)

Relating to the sale and service of beer by the holder of a winery permit.

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

**CSSB 1631** (Carona)

Relating to the right of redemption after the foreclosure of certain properties.  
(viva voce vote) (31-0) (31-0)

**SB 1654** (Staples)

Relating to notice of hearing on a motion for enforcement regarding child support and child custody.  
(viva voce vote) (31-0) (31-0)

**CSSB 1660** (Carona)

Relating to the assumption of road district powers and duties by certain municipal utility districts; authorizing bonds.  
(viva voce vote) (31-0) (31-0)

**CSSB 1669** (Estes)

Relating to the composition of the wine sold or dispensed by wineries located in this state.  
(viva voce vote) (31-0) (31-0)

**SB 1693** (Duncan)

Relating to collateral for deposits of public school funds.  
(viva voce vote) (31-0) (31-0)

**CSSB 1751** (Duncan)

Relating to the powers and board of directors of the Lubbock Reese Redevelopment Authority; authorizing a bond or similar obligation.  
(viva voce vote) (31-0) (31-0)

**CSSB 1764** (Gallegos)

Relating to the creation of the Airline Improvement District; providing authority to impose a tax and issue a bond or similar obligation.  
(viva voce vote) (31-0) (31-0)

**SB 1791** (Whitmire)

Relating to the prosecution of the offense of capital murder.  
(viva voce vote) (31-0) (31-0)

**CSSB 1795** (Armbrister)

Relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
(viva voce vote) (31-0) (31-0)

**SB 1824** (Duncan)

Relating to the expansion of the Salt Fork Water Quality District and the appointment of directors by the commissioners court of each county included within the boundaries of the district.  
(viva voce vote) (31-0) (31-0)

**CSSB 1826** (Estes)

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; granting the power of eminent domain.

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

**SB 1832** (Lindsay)

Relating to the assignment of judges to hear certain cases in the Harris County civil courts at law.

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

**SB 1847** (Zaffirini)

Relating to the creation, administration, powers, duties, operation, and financing of the Duval County Groundwater Conservation District.

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

**SB 1848** (Zaffirini)

Relating to the creation, administration, powers, duties, operation, and financing of the Starr County Groundwater Conservation District.

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

**CSSB 1849** (Estes)

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Stephens Regional Special Utility District; granting the power of eminent domain.

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

**SCR 10** (Staples)

Memorializing Congress to include Texas' transportation priorities in legislation to reauthorize TEA-21.

(viva voce vote)

**CSSCR 16** (Madla)

Recognizing the Texas wine industry.

(viva voce vote)

**CSSCR 17** (Madla)

Requesting Texas institutes of higher education to offer education and research opportunities in viticulture and enology.

(viva voce vote)

**CSSCR 18** (Madla)

Memorializing Congress to enact legislation to provide funding to support the protection and growth of the Texas wine industry.

(viva voce vote)

**CSSCR 19** (Madla)

Requesting the Texas Wine Marketing Research Institute at Texas Tech University include comparisons of the economic impacts of the states in the wine industry.

(viva voce vote)

**SCR 27** (West)

Memorializing Congress to eliminate current caps on funded Medicare resident training slots and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments.

(viva voce vote)

**HB 297** (Wentworth)

Relating to changing the title of assistant secretary of state to deputy secretary of state.

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

**CSHB 364** (Brimer)

Relating to the use, sale, purchase, or possession of a traffic-control signal preemption device; providing criminal penalties.

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

**CSHB 372** (Brimer)

Relating to the required use of towing safety chains on certain vehicles.

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

**HB 708** (Jackson)

Relating to the issuance of permits by the School Land Board authorizing continued use of certain structures on coastal public land.

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

**CSHB 747** (Staples)

Relating to the designation of the El Camino East/West Corridor.

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

**HB 760** (Jackson)

Relating to fees for registration and inspection of certain fuel measuring and dispensing devices.

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

**HB 901** (Jackson)

Relating to expiration dates for certain licenses issued or renewed by the Department of Agriculture.

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

**HB 932** (Lucio)

Relating to structures on coastal public land.

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

**HB 1099** (Lucio)

Relating to migrant labor housing facilities.

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

**HB 1154** (Averitt)

Relating to limited liability companies and partnerships.

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

**HB 1236** (Harris)

Relating to an exemption from The Real Estate License Act for persons who conduct foreclosure sales.

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

**HB 1319** (Fraser)

Relating to business entities and associations.

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

**HB 1489** (Williams)

Relating to the purposes for which money in the compensation to victims of crime fund may be used.

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

**HB 1507** (Fraser)

Relating to the regulation of corporations; providing a penalty.

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

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Ellis and Senator Harris requested in writing that **SB 1227** be removed from the Local and Uncontested Calendar.

Senator Deuell and Senator Harris requested in writing that **SB 1519** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:30 a.m. adjourned until 11:00 a.m. today.