

# SIXTY-SECOND DAY

(CONTINUED)

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THURSDAY, MAY 5, 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 Lucio, 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 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.

#### **CSHB 102** (Lindsay)

Relating to the renewal requirements for a respiratory care practitioner certificate.  
(viva voce vote) (31-0) (31-0)

#### **HB 224** (Shapiro)

Relating to the treatment of certain persons younger than 18 years of age admitted for voluntary inpatient mental health services and discharge from that treatment for those persons.

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

#### **HB 231** (Wentworth)

Relating to trial by special judge in civil and family law cases.

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

#### **HB 593** (Seliger)

Relating to the terms of court of the 47th Judicial District.

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

**HB 597** (Seliger)

Relating to the creation of an additional county court at law in Randall County.  
(viva voce vote) (31-0) (31-0)

**HB 801** (Nelson)

Relating to training for Department of Family and Protective Services personnel receiving reports of child abuse and neglect.  
(viva voce vote) (31-0) (31-0)

**HB 802** (Nelson)

Relating to the investigation of certain reports of child abuse and neglect.  
(viva voce vote) (31-0) (31-0)

**HB 885** (Brimer)

Relating to premium reserve amounts required for title insurers.  
(viva voce vote) (31-0) (31-0)

**HB 918** (Wentworth)

Relating to the authority of a municipality to establish economic development programs in certain areas.  
(viva voce vote) (31-0) (31-0)

**CSHB 937** (Madla)

Relating to authorizing the sampling or tasting of certain alcoholic beverages.  
(viva voce vote) (31-0) (31-0)

**CSHB 1007** (Lucio)

Relating to certain low-interest home loan programs administered by the Texas State Affordable Housing Corporation.  
(viva voce vote) (31-0) (31-0)

**HB 1286** (Brimer)

Relating to the regulation of service contract providers and administrators.  
(viva voce vote) (31-0) (31-0)

**HB 1393** (Shapiro)

Relating to the regulation of certain investigators by the Texas Private Security Board.  
(viva voce vote) (31-0) (31-0)

**HB 1604** (Shapiro)

Relating to the period in which a birth certificate must be filed or a birth reported.  
(viva voce vote) (31-0) (31-0)

**HB 2307** (Fraser)

Relating to the terms of office of the Product Development and Small Business Incubator Board.  
(viva voce vote) (31-0) (31-0)

**HB 2761** (Fraser)

Relating to the amount of homeowners insurance required in connection with certain financing arrangements.  
(viva voce vote) (31-0) (31-0)

**HB 2870** (Eltime)

Relating to regulation of rates and forms used to write guaranty bonds.  
(viva voce vote) (31-0) (31-0)

**HB 2872** (Eltime)

Relating to the applicability of certain insurance laws to multi-peril insurance policies.  
(viva voce vote) (31-0) (31-0)

**HB 2913** (Hinojosa)

Relating to the jurisdiction of the district courts in Nueces County to receive guilty pleas in and dispose of certain misdemeanor cases.  
(viva voce vote) (31-0) (31-0)

**CSSB 433** (Wentworth)

Relating to the authorization of airport districts and the issuance of bonds and the exercise of eminent domain by the districts.  
(viva voce vote) (31-0) (31-0)

**CSSB 628** (Lucio)

Relating to an urban land bank program in certain municipalities.  
(viva voce vote) (31-0) (31-0)

**CSSB 630** (Madla on behalf of Van de Putte)

Relating to audits of providers in the medical assistance program.  
(viva voce vote) (31-0) (31-0)

**SB 645** (Barrientos)

Relating to the authority of certain counties to regulate the use of outdoor lighting.  
(viva voce vote) (31-0) (31-0)

Senator Barrientos offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 645** on page 2, between lines 14 and 15, by inserting new Section 240.054, to read as follows:

"Sec. 240.054. GRANDFATHERED FACILITIES. This subchapter does not apply to outdoor lighting owned and maintained by a utility or the use of outdoor lighting for the purpose of the operations of an electric utility or a power generation company or a transmission and distribution utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or surface coal mining and reclamation operations as defined by Section 134.004, Natural Resources Code, existing prior to September 1, 2005.

The amendment to **SB 645** 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 Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 723** (Lucio)

Relating to a study of affordable housing needs and potential revenue sources for affordable housing.

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

**CSSB 833** (Barrientos)

Relating to the required use of tax increment financing to provide affordable housing in certain reinvestment zones.

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

**CSSB 1035** (West)

Relating to the Council on Cardiovascular Disease and Stroke.

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

**CSSB 1100** (Deuell)

Relating to the promotion of tourism related to the musical heritage of this state.

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

**SB 1122** (West)

Relating to the Board of Law Examiners board member compensation.

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

**(Senator Hinojosa in Chair)****CSSB 1138** (Estes)

Relating to a student recreational and health facilities fee at Midwestern State University.

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

**CSSB 1183** (West)

Relating to fetal and infant mortality review; imposing penalties.

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

**SB 1225** (Barrientos)

Relating to the regulation of rainwater harvested for domestic use.

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

**CSSB 1253** (Brimer)

Relating to measures to support efforts of municipalities and counties to recruit or retain special events.

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

**CSSB 1295** (Deuell)

Relating to the distribution of proceeds from the sale of certain forfeited property in a criminal case.

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

**CSSB 1377** (Staples)

Relating to certain fees imposed by the secretary of state and the maximum amount that may be imposed in connection with the adoption of a child in another country.

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

**CSSB 1433** (Madla)

Relating to the conditions of employment for firefighters employed by certain districts and entities; providing penalties.

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

**SB 1491** (Williams)

Relating to a fee charged for services provided by the staff of the state law library.

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

**CSSB 1581** (Zaffirini)

Relating to the creation of a state pharmacy assistance program based on up-front discounts and to supplemental rebates obtained for prescription drugs provided under certain other state programs.

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

**CSSB 1648** (Staples)

Relating to civil actions.

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

**CSSB 1659** (Carona)

Relating to municipal authority over certain property that is subject to an agreement.

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

**CSSB 1673** (Barrientos)

Relating to the creation of a sheriff's department civil service system in certain counties.

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

**SB 1742** (West)

Relating to authorizing certain nature centers to charge admission fees.

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

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1742** as follows:

In Section 336.001, add a new (a) that reads as follows:

(a) In this section: "Nature Center" has the meaning of a geological and/or environmentally unique undeveloped property of at least 30-50 acres that has been assembled for the purpose of preserving this habitat/geology, that provides passive/low-impact recreational activities like hiking, that has limited development, and that offers educational programs.

Renumber accordingly.

The amendment to **SB 1742** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1794** (Armbrister)

Relating to suspending the implementation of certain gas utilities' interim cost recovery and rate adjustments.

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

**CSSB 1798** (Armbrister)

Relating to the creation of the North Fort Bend Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing an administrative penalty.

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

**SB 1827** (Whitmire)

Relating to the system by which an application for a low income housing tax credit is scored.

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

**CSSB 1828** (Estes)

Relating to the creation of the Smiley Road Water Control and Improvement District; providing authority to impose a tax and issue bonds.

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

**SB 1864** (Jackson)

Relating to the powers of the Galveston County Municipal Utility District No. 51, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes; providing the authority to impose taxes and issue bonds.

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

**SB 1867** (Jackson)

Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

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

**SB 1871** (Jackson)

Relating to the creation of the Brazoria County Municipal Utility District No. 44; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 1878** (Deuell)

Relating to validating actions of and amending assessments imposed by the Falcon's Lair Utility and Reclamation District, of Dallas County, Texas.

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

**SB 1881** (Deuell)

Relating to the validation, annexation, powers, and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**SB 1882** (Jackson)

Relating to the creation of the Galveston County Municipal Utility District No. 67; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**CSSB 1009** (Harris)

Relating to reporting of expenditures by persons registered as lobbyists.

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

**CSSB 1010** (Harris)

Relating to prohibited conflicts of interest of registered lobbyists.

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

**CSSB 1161** (Harris)

Relating to corrected reports, registrations, and statements filed with the Texas Ethics Commission.

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

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Zaffirini and Senator Harris requested in writing that **SB 1382** be removed from the Local and Uncontested Calendar.

Senator Gallegos, author of the bill, requested in writing that **SB 1786** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:25 a.m. adjourned until 9:30 a.m. today.

