

SEVENTY-SIXTH DAY

(CONTINUED)

TUESDAY, MAY 24, 2005

PROCEEDINGS

AFTER RECESS

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

SENATOR ANNOUNCED PRESENT

Senator Van de Putte, 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.

CSSB 178 (Brimer)

Relating to regulation of sharing of certain profits and fees by premium finance companies and certain related persons or entities.

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

CSSB 1296 (Deuell)

Relating to development regulations for certain unincorporated areas associated with the watersheds of Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River; providing a penalty.

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

CSSB 1544 (West)

Relating to the purchasing and contracting practices of public junior college districts; providing criminal penalties.

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

HB 68 (Williams)

Relating to public nuisance actions involving criminal street gangs.
(viva voce vote) (31-0) (31-0)

CSHB 126 (Eltife)

Relating to the penalty for tampering with a governmental record establishing residency for enrollment in a public school.
(viva voce vote) (31-0) (31-0)

CSHB 129 (Eltife)

Relating to the authority to require a convicted person to perform manual labor for a nonprofit organization or a cemetery maintained by the county.
(viva voce vote) (31-0) (31-0)

CSHB 160 (Wentworth)

Relating to motor vehicles equipped with recording devices.
(viva voce vote) (31-0) (31-0)

HB 248 (Harris)

Relating to the amendment of certain qualified domestic relations orders.
(viva voce vote) (31-0) (31-0)

HB 252 (Harris)

Relating to the use of parenting plans and parenting coordinators in suits affecting the parent-child relationship.
(viva voce vote) (31-0) (31-0)

HB 258 (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)

HB 265 (Eltife)

Relating to the time for processing a municipal building permit.
(viva voce vote) (31-0) (31-0)

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 265** as follows:

On page 1, lines 18-21 strike Subsection 214.904(c) and substitute with a new Subsection 214.904(c) to read,

(c) For a permit application for which notice is provided under Subsection (b)(2), the applicant must provide the missing information or correct the permit application as stated in the notice provided under Subsection (b)(2) within 30 days. A municipality must then grant or deny the permit not later than the 30th day after the date all the missing and/or corrected information is received.

The amendment to **HB 265** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 291 (Carona)

Relating to victim notification regarding the release of certain defendants following acquittal by reason of insanity.
(viva voce vote) (31-0) (31-0)

HB 308 (Staples)

Relating to discipline in public schools and the assignment of certain public school students involved in a sexual assault.
(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 **HB 308** (engrossed version) by striking SECTION 1 and SECTION 4 of the bill and renumbering remaining sections appropriately.

The amendment to **HB 308** 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.

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

Committee Amendment No. 2

Amend **HB 308** in SECTION 2 of the bill, in added Section 25.0341(d), Education Code (engrossed version, page 3, line 23), by striking "A" and substituting "To the extent permitted under federal law, a".

The amendment to **HB 308** 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. 2.

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

HB 352 (Brimer)

Relating to the collection of municipal hotel occupancy taxes.
(viva voce vote) (31-0) (31-0)

HB 410 (Harris)

Relating to the property interests of spouses in connection with certain separate and community property.
(viva voce vote) (31-0) (31-0)

HB 422 (Wentworth)

Relating to park and recreation districts.
(viva voce vote) (31-0) (31-0)

HB 549 (Seliger)

Relating to prohibiting the introduction of certain items in correctional facilities.

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

HB 598 (Staples)

Relating to a recreational sports fee at Stephen F. Austin State University.

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

CSHB 629 (Brimer)

Relating to notice required for a mechanic's, contractor's, or materialman's lien in certain circumstances.

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

HB 657 (Averitt)

Relating to terminating the parent-child relationship of a parent convicted of certain crimes.

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

CSHB 754 (Fraser)

Relating to transportation of loose materials.

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

HB 788 (Duncan)

Relating to the jurisdiction of the district court and the transfer of cases from the county courts in the 50th Judicial District to the district court.

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

HB 798 (Madla on behalf of Van de Putte)

Relating to release of a child taken into protective custody by a law enforcement or juvenile probation officer.

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

CSHB 840 (Williams)

Relating to the forfeiture of contraband used to facilitate or intended to be used to facilitate the commission of certain criminal offenses.

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

HB 841 (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)

HB 856 (Lindsay)

Relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.

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

HB 956 (Ogden)

Relating to the composition of the juvenile board of Leon County.

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

CSHB 989 (Seliger)

Relating to recovery of certain transmission investments of electric utilities.
(viva voce vote) (31-0) (31-0)

HB 993 (Hinojosa)

Relating to the installment payment of tuition and fees charged by a public junior college, public technical institute, or public state college for a summer term.
(viva voce vote) (31-0) (31-0)

HB 1059 (Wentworth)

Relating to the enforcement of certain protective orders.
(viva voce vote) (31-0) (31-0)

HB 1179 (Harris)

Relating to the authority of an associate judge in certain family law cases.
(viva voce vote) (31-0) (31-0)

HB 1213 (Deuell)

Relating to fitness incentive pay for certain fire fighters and police officers.
(viva voce vote) (31-0) (31-0)

HB 1224 (Duncan)

Relating to a study of the effects of take-or-pay contracts on water conservation.
(viva voce vote) (31-0) (31-0)

HB 1235 (Harris)

Relating to the notice required for a sale of real property under a contract lien.
(viva voce vote) (31-0) (31-0)

HB 1267 (Armbrister)

Relating to changing the name of the Texas Industrial Fire Training Board to the Texas Industrial Emergency Services Board.
(viva voce vote) (31-0) (31-0)

HB 1283 (Carona)

Relating to the continuation and functions of the Texas State Board of Examiners of Professional Counselors; providing an administrative penalty.
(viva voce vote) (31-0) (31-0)

HB 1394 (Brimer)

Relating to the appointment of magistrates to serve the municipal court of record in Kennedale.
(viva voce vote) (31-0) (31-0)

HB 1458 (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)

CSHB 1567 (Williams)

Relating to the transition to competition of certain electric utilities outside of ERCOT.
(viva voce vote) (31-0) (31-0)

HB 1586 (Seliger)

Relating to the transaction of business by the Court of Appeals for the Eleventh Court of Appeals District.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

CSHB 1588 (Williams)

Relating to the qualifications and removal of and continuing education requirements for a constable.

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

HB 1606 (Ellis)

Relating to the level of municipal participation in contracts with developers for public improvements.

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

Senator Deuell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1606** on page 1, between lines 15 and 16 by inserting the following:

"(3) In addition, if the municipality has a population of 1.8 million or more, the municipality may participate at a level not to exceed 100 percent of the total contract price for all required drainage improvements related to the development and construction of affordable housing. Under this subsection, affordable housing is defined as housing which is equal to or less than the median sales price, as determined by the Real Estate Center at Texas A&M University, of a home in the Metropolitan Statistical Area (MSA) in which the municipality is located."

Renumber remaining sections accordingly.

The amendment to **HB 1606** 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 Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1622 (Averitt)

Relating to the creation of a county court at law in Hill County.

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

HB 1642 (Harris)

Relating to the appointment of interpreters for judicial proceedings.

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

HB 1645 (Eltife)

Relating to the designation of United States Highway 80 in this state as the World War II Veterans Memorial Highway.

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

HB 1685 (Ellis)

Relating to the establishment of an interagency coordinating council for the prevention of child abuse and neglect.

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

HB 1697 (West)

Relating to the use of gifts to fund technology workforce development grants and to the evaluation of the technology workforce development grant program.

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

(Senator Hinojosa in Chair)**CSHB 1813** (Madla)

Relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

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

HB 2017 (Harris)

Relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.

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

HB 2018 (West)

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 78th Legislature to other Acts of that legislature.

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

HB 2019 (Harris)

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

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

HB 2108 (Eltife)

Relating to a student union fee at The University of Texas at Tyler.

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

HB 2172 (Seliger)

Relating to eligibility for a license or registration for an exemption to engage in liquefied petroleum gas-related activities and to disciplinary action against licensees and registrants.

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

HB 2200 (Carona)

Relating to the appointment of certified court interpreters.

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

CSHB 2243 (Carona)

Relating to the regulation of locksmiths and locksmith companies under the Private Security Act.

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

HB 2272 (Estes)

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

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

HB 2275 (Ellis)

Relating to the forfeiture of certain contraband used in the commission of certain felony intoxication offenses.

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

CSHB 2466 (Ellis)

Relating to recycling market development.

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

CSHB 2518 (Duncan)

Relating to a mental health court program.

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

HB 2746 (Janek)

Relating to the examination requirements for mold assessors and remediators.

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

HB 2885 (Carona)

Relating to an arrest warrant or complaint for the issuance of a bad check.

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

HB 2900 (Van de Putte)

Relating to the eligibility of certain persons for burial in the state cemetery.

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

HB 3010 (Harris)

Relating to the transfer of a failure to attend school proceeding to juvenile court.

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

HB 3113 (Seliger)

Relating to performance incentive awards for certain employees of state agencies who provide services to veterans.

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

HB 3163 (Shapleigh)

Relating to the membership of the Texas Military Preparedness Commission.

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

HB 3199 (Staples)

Relating to the terms of court of the 410th District Court.

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

HB 3263 (Janek)

Relating to the powers and duties of the district attorney and county attorney in Fort Bend County.

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

HB 3481 (Staples)

Relating to the appointment of magistrates in the district courts and statutory county courts in Montgomery County.
(viva voce vote) (31-0) (31-0)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:28 a.m. adjourned until 10:00 a.m. today.

