

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIRST DAY

(Continued)

(Tuesday, May 15, 2007)

AFTER RECESS

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

**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 Brimer 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 730 (Carona)

Relating to a study concerning maximum lifetime benefit limits under health benefit plan coverage applicable to hemophilia-related services, supplies, pharmaceuticals, and biologics.

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

CSSB 1015 (Whitmire)

Relating to the application of the doctrine of sovereign immunity in a judicial proceeding to enforce certain employment rights.

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

CSSB 2003 (Estes)

Relating to the creation of the King's Crossing Municipal Utility District of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SCR 58 (Harris)

Designating Lewisville Lake as the Urban Bass Fishing Capital of Texas.

(viva voce vote)

HB 71 (Wentworth)

Relating to counterfeit motor vehicle airbags; providing a penalty.

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

CSHB 73 (Van de Putte)

Relating to the protection of customer telephone records; providing a penalty.

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

HB 90 (Carona)

Relating to the acceptance of certain identification for release of a motor vehicle by vehicle storage facilities.

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

CSHB 126 (Seliger)

Relating to the offense of engaging in organized criminal activity.

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

HB 184 (Ellis)

Relating to an exception to consent as a defense to assaultive conduct.

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

HB 210 (Deuell)

Relating to the designation of a portion of Interstate Highway 20 as the Ronald Reagan Memorial Highway.

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

HB 280 (Gallegos)

Relating to the eligibility of juvenile correctional officers for the fire fighter and law enforcement or security officer home loan program.

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

HB 290 (Wentworth)

Relating to the fee charged for depositing a will during a testator's life.

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

HB 391 (Wentworth)

Relating to the estates of decedents.

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

CSHB 417 (Uresti)

Relating to guardianship matters and proceedings.

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

HB 488 (Hegar)

Relating to disciplinary action by the Commission on Law Enforcement Officer Standards and Education against certain officers elected under the Texas Constitution.

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

CSHB 495 (Seliger)

Relating to the punishment for assault of emergency services personnel; imposing a criminal penalty.

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

(Senator Van de Putte in Chair)

HB 505 (Eltife)

Relating to specialty license plates for certain vehicles transporting agricultural products, drilling equipment, or construction equipment.

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

HB 519 (Wentworth)

Relating to the creation of a trust for the management of an incapacitated person's estate.

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

HB 682 (Nichols)

Relating to the creation of an additional county court at law in Montgomery County.

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

CSHB 776 (Janek)

Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.

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

HB 872 (Nichols)

Relating to the prosecution of and punishment for the offense of tampering with or fabricating physical evidence.

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

HB 930 (Uresti)

Relating to certain orders rendered by an associate judge under the Family Code.

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

Senator Uresti offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 930** by adding new appropriately numbered SECTIONS to read as follows:

SECTION _____. Section 201.007(a), Family Code, is amended to read as follows:

(a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a

subpoena;

(13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;

(14) without prejudice to the right of appeal under Section 201.015, render and sign:

(A) a final order agreed to in writing as to both form and substance by all parties;

(B) a final default order; or

(C) a temporary order; and

(15) take action as necessary and proper for the efficient performance of the associate judge's duties.

SECTION _____. The heading to Section 201.009, Family Code, is amended to read as follows:

Sec. 201.009. COURT REPORTER; RECORD.

SECTION _____. Sections 201.009(a) and (c), Family Code, are amended to read as follows:

(a) A court reporter may be provided during a hearing held by an associate judge appointed under this chapter. A court reporter is required to be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the [The] record may be preserved [in the absence of a court reporter] by any [other] means approved by the associate judge.

The amendment to **HB 930** was read.

Senator Uresti offered the following committee amendment to Committee Amendment No. 1:

Committee Amendment No. 2

Amend Committee Amendment No. 1 to **HB 930** as follows:

1. On page 2, line 1 strike the word "and"

2. On page 2, line 3 strike the period and insert a ; and

3. On page 2 after line 3 insert a new subsection (16) to read as follows:

(16) sign a final order that includes a waiver of the right of appeal pursuant to Section 201.015.

The amendment to Committee Amendment No. 1 to **HB 930** 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.

Question recurring on the adoption of Committee Amendment No. 1 to **HB 930**, the amendment as amended was adopted by a viva voce vote.

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

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

HB 953 (Estes)

Relating to the appointment of the superintendent of juvenile detention facilities in Wichita County.

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

HB 989 (Hegar)

Relating to the filing for record of a plat or replat of a subdivision of real property.

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

HB 1042 (Hegar)

Relating to excepting certain crime victim information from required disclosure under the public information law.

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

CSHB 1060 (Harris)

Relating to the use of electronically readable information from a driver's license or personal identification certificate by hospitals.

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

CSHB 1067 (Janek)

Relating to subdivision replatting by certain municipalities.

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

CSHB 1070 (Estes)

Relating to the liability insurance requirements for certain amusement rides.

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

HB 1127 (Nichols)

Relating to the issuance of bonds for recreational facilities by certain conservation and reclamation districts in Montgomery County.

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

HB 1244 (Williams)

Relating to contributions to, benefits from, and the administration of the Texas Municipal Retirement System.

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

HB 1298 (Duncan)

Relating to the terms and election of the members of the board of directors of the Stonewall County Hospital District.

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

CSHB 1530 (Eltife)

Relating to the regulation of the sale and inspection of real estate and residential service contracts.

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

HB 1590 (Averitt)

Relating to lapse rates in the computation of reserves for certain life insurance contracts.

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

CSHB 1594 (Carona)

Relating to expedited credentialing for certain physicians providing services under a managed care plan.

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

HB 1694 (Gallegos)

Relating to the boundaries of the Airline Improvement District in Harris County.

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

(Senator Brimer in Chair)**HB 1710** (Watson)

Relating to the administration of community property.

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

CSHB 1717 (Hegar)

Relating to the identification requirements for any device with the appearance of a fire hydrant that is nonfunctioning or otherwise unavailable for use in a fire emergency.

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

HB 1739 (Nelson)

Relating to electronic submission of certain information on a death certificate.

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

HB 1766 (Carona)

Relating to the punishment for theft of aluminum, bronze, or copper wiring.

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

HB 1887 (Whitmire)

Relating to the punishment for and prevention of the offense of burglary of vehicles.

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

CSHB 1928 (Lucio)

Relating to the exemption from ad valorem taxation of certain travel trailers.

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

HB 2045 (Deuell)

Relating to revenue from Texas State Rifle Association specialty license plates.

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

CSHB 2075 (Nichols)

Relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

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

CSHB 2168 (Carona)

Relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

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

HB 2278 (Harris on behalf of Brimer)

Relating to a nonsubstantive revision of statutes relating to business and commerce; including conforming amendments.

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

HB 2281 (Uresti)

Relating to administrative approval of replats involving minor plat revisions.
(viva voce vote) (31-0) (31-0)

HB 2282 (Wentworth)

Relating to the issuance of Legion of Merit specialty license plates.
(viva voce vote) (31-0) (31-0)

HB 2288 (Uresti)

Relating to the application of the professional prosecutors law to the district attorney for the 109th Judicial District.
(viva voce vote) (31-0) (31-0)

HB 2400 (Averitt)

Relating to membership in, contributions to, benefits from, and administration of the Texas Emergency Services Retirement System.
(viva voce vote) (31-0) (31-0)

CSHB 2468 (Carona)

Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)

HB 2492 (Williams)

Relating to the applicability of restrictions on corporate political contributions and expenditures to corporations organized under provisions of the Business Organizations Code.
(viva voce vote) (31-0) (31-0)

CSHB 2559 (Wentworth)

Relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.
(viva voce vote) (31-0) (31-0)

HB 2636 (Brimer)

Relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.
(viva voce vote) (31-0) (31-0)

Senator Brimer offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2636** (House engrossment) as follows:

(1) In SECTION 2E.086 of the bill, in amended Paragraph (B), Subdivision (2), Section 884.402, Insurance Code (page 199, line 26), strike "1577".

(2) In SECTION 3A.002 of the bill, insert the following (page 249, between lines 8 and 9):

(c) If any provision of this article conflicts with a provision of H.B. No. 3167, Acts of the 80th Legislature, Regular Session, 2007, this article controls.

The amendment to **HB 2636** 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 Brimer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2682 (Brimer)

Relating to the administration and powers of a coordinated county transportation authority.

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

HB 2840 (Fraser)

Relating to the requirements for a petition seeking an election to abolish a municipality's corporate existence.

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

HB 3089 (Deuell)

Relating to the definition of a roadway in connection with the prohibition against solicitation by a pedestrian.

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

HB 3166 (Brimer)

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

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

HB 3167 (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 79th Legislature to other Acts of that legislature.

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

HCR 70 (Brimer)

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

(viva voce vote)

HCR 125 (Lucio)

Requesting Congress to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patrolling the border.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Jackson, author of the bill, requested in writing that **SB 1998** be removed from the Local and Uncontested Calendar.

Senator Estes, author of the bill, requested in writing that **CSSB 2004** be removed from the Local and Uncontested Calendar.

Senator Estes, author of the bill, requested in writing that **SB 2010** be removed from the Local and Uncontested Calendar.

Senator Patrick and Senator Brimer requested in writing that **HB 41** be removed from the Local and Uncontested Calendar.

Senator Watson and Senator Brimer requested in writing that **HB 2735** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:27 a.m. adjourned until 11:00 a.m. today.

