

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIFTH DAY

(Continued)

(Wednesday, May 23, 2007)

AFTER RECESS

The Senate met at 7:00 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.

HB 47 (Hinojosa)

Relating to the provision of educational services to certain inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

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

HB 89 (Harris)

Relating to an exemption for certain political committees from the imposition of civil penalties for violating requirements for reporting political contributions and expenditures.

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

CSHB 147 (Seliger)

Relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts.

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

HB 177 (Gallegos)

Relating to provision of hot water service to residential rental units.

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

CSHB 191 (Carona)

Relating to fees for issuance of specialty license plates to members and former members of the United States armed forces and their surviving spouses.

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

HB 261 (Janek)

Relating to the computation of the motor vehicle sales and use tax on the sale of certain motor vehicles.

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

HB 278 (Hinojosa)

Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy.

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

HB 309 (Harris on behalf of Brimer)

Relating to certain notifications made by the Texas Department of Criminal Justice to close relatives of deceased victims.

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

HB 335 (Hinojosa)

Relating to the time for a court reporter to provide a transcript of the evidence in a case.

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

HB 343 (Carona)

Relating to notification of voter registrar by probate court clerk of recent deaths.

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

HB 373 (Averitt)

Relating to the imposition of the sales and use tax on certain sales made by individuals.

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

HB 431 (Whitmire)

Relating to the release of a defendant convicted of a state jail felony on medically recommended intensive supervision.

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

HB 432 (Seliger)

Relating to the prosecution of the offense of the sale of prison-produced articles or products.

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

HB 433 (Seliger)

Relating to disclosure by the inspector general of the Texas Department of Criminal Justice of the identifying information of victims of sex offenses who are confined in a facility operated by or under contract with the department.

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

HB 455 (Whitmire)

Relating to the confidentiality of certain personal information that pertains to certain officers and employees of a community supervision and corrections department.

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

CSHB 460 (Hegar)

Relating to the offense of fraudulent use or possession of a person's identifying information.

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

HB 485 (Hegar)

Relating to the collection and amount of restitution authorized to be collected from persons charged with or convicted of certain misdemeanor offenses.

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

HB 487 (Hegar)

Relating to the continuing education requirements for constables.

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

HB 541 (Hinojosa)

Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or mandatory supervision.

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

HB 586 (Uresti)

Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

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

Senator Uresti offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 586** as follows:

(1) In the introductory language of SECTION 1 of the bill (House engrossment page 1, lines 5 and 6), strike "Article 45.0511(b), Code of Criminal Procedure, is amended" and substitute "Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended".

(2) In SECTION 1 of the bill, in Subdivision (2)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (House engrossment page 1, line 19), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(3) In SECTION 1 of the bill, in Subdivision (4)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure, (House engrossment page 2, line 10), between "member" and "of", insert ", or the spouse or dependent child of a member,".

(4) At the end of SECTION 1 of the bill (House engrossment page 2, between lines 18 and 19), insert the following:

(c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) unless the judge proceeds under Subsection (c-1), the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant had not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of the offense;

(3) an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as applicable, under this article on the date the request to take the course was made and had not completed such a course that is not shown on the defendant's driving record within the 12 months preceding the date of the offense; and

(4) if the defendant does not have a valid Texas driver's license or permit and is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

The amendment to **HB 586** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 624 (Fraser)

Relating to the securitization of the nonbypassable delivery rates of transmission and distribution utilities.

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

CSHB 730 (West)

Relating to the notice of a municipality's or county's intention to issue certificates of obligation.

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

CSHB 772 (Harris)

Relating to suits affecting the parent-child relationship, including the powers and duties of domestic relations offices and the conducting of social studies.

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

HB 828 (Shapiro)

Relating to the amount of the guaranteed yield under the Foundation School Program.

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

HB 831 (Zaffirini)

Relating to the eligibility of certain counties to adopt a civil service system.

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

(Senator Janek in Chair)**HB 916** (Van de Putte)

Relating to the prosecution and punishment of dog fighting.

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

HB 959 (Seliger)

Relating to the statute of limitations for the offense of injury to a child.

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

HB 964 (Hinojosa)

Relating to allowing certain students to carry a weapon while en route to and from a law enforcement class.

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

CSHB 1066 (Nelson)

Relating to health information technology and the creation of the Texas Health Services Authority.

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

HB 1093 (Harris)

Relating to the offense of funeral service disruption.

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

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1093** as follows:

(1) In Section 3 of the bill, page 1 line 19 strike "This Act takes effect September 1, 2007." and substitute "This act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007."

The amendment to **HB 1093** 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 Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1121 (Van de Putte)

Relating to judicial findings, a criminal offense, and preventative actions regarding human trafficking or other similar abuse.

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

CSHB 1141 (Wentworth)

Relating to the confidentiality of certain home address information in local tax appraisal records regarding current or former peace officers and regarding a current or former employee of a prosecutor's office or of certain offices with jurisdiction over child protective services matters.

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

HB 1146 (Jackson on behalf of Janek)

Relating to the authority of small cities to conduct elections only by mail.
(viva voce vote) (31-0) (31-0)

Senator Jackson, on behalf of Senator Janek, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1146** (engrossed version) at page 3, line 20, by adding the following new section:

Sec. 107.007. SUNSET PROVISION. This Chapter expires January 1, 2009.

The amendment to **HB 1146** 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 Jackson, on behalf of Senator Janek, offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1146** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill as necessary:

SECTION ____ . Section 84.004, Election Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) It is an exception to the application of Subsection (a) that the person signed early voting ballot applications for more than one applicant in an election conducted under Chapter 107. This subsection expires January 1, 2009.

The amendment to **HB 1146** 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 Jackson, on behalf of Senator Janek, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1158 (Carona)

Relating to the address to which notice of the forfeiture of a bail bond is delivered.
(viva voce vote) (31-0) (31-0)

HB 1166 (Uresti)

Relating to the authority of certain counties to develop a parks and recreation system under the law governing sports and community venue projects.
(viva voce vote) (31-0) (31-0)

HB 1183 (Nichols)

Relating to liability of landowners who allow their land to be used for radio control flying and related activities.
(viva voce vote) (31-0) (31-0)

HB 1196 (Jackson on behalf of Janek)

Relating to restrictions on the use of certain public subsidies.
(viva voce vote) (31-0) (31-0)

Senator Jackson, on behalf of Senator Janek, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1196** (House engrossment) in proposed Section 2264.051, Government Code (page 2, lines 18 and 19), between "will not" and "employ", by inserting "knowingly".

The amendment to **HB 1196** 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 Jackson, on behalf of Senator Janek, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1205 (Eltife)

Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.
(viva voce vote) (31-0) (31-0)

Senator Eltife offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1205** (engrossed version) as follows:

1) On page 1, line 10, in between "a" and "fire" add the following: "proclamation declaring a state of disaster by the Governor of Texas or the President of the United States that includes a".

2) On page 5, lines 19-21, amend Subsection (b) as follows:

"(b) An action under this section must be brought in the county in which the place of employment is located not later than the 15th business day after [first anniversary of] the date of the violation."

The amendment to **HB 1205** 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 Eltife offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1205** on page 3 as follows, Sec. 23.003. EXCEPTION FOR CERTAIN SMALL EMPLOYERS. ~~(a) Except as provided by Subsection (b), this chapter does not apply to an employer for whom an absence to respond to an emergency by an employee who is a volunteer emergency responder would result in hardship by reducing the employer's workforce by 50 percent.~~

~~(b) An employer described by Subsection (a) may permit an employee to provide services as a volunteer emergency responder. An employer who elects under this subsection to permit an employee to provide services as a volunteer responder is subject to this chapter. This chapter does not apply to employers with fewer than 50 employees.~~

The amendment to **HB 1205** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1212 (Harris)

Relating to the penalties for intoxication assault and intoxication manslaughter and to the sentencing of defendants convicted of those offenses.

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

HB 1241 (Jackson)

Relating to the duty of the security department of a private business to maintain criminal history record information for security department employees.

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

HB 1254 (Averitt)

Relating to environmental permitting fees and electronic reporting.

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

HB 1275 (Uresti)

Relating to the appeal by an individual entitled to a veteran's preference of certain adverse employment decisions.

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

HB 1352 (Harris)

Relating to the operation of a farm, ranch, factory, or other business by the personal representative of a decedent's estate.

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

HB 1370 (Zaffirini)

Relating to the Interagency Coordinating Council for HIV and Hepatitis.

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

HB 1381 (Shapiro)

Relating to the date on which certain reports of political contributions and expenditures must be received by the appropriate authority.

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

(Senator Brimer in Chair)

HB 1385 (Uresti)

Relating to the regulation of and licensing exemptions for certain child-care facilities.

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

HB 1411 (Seliger)

Relating to the unlawful restraint of dogs; providing penalties.

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

HB 1427 (Zaffirini)

Relating to an optometry career program at the University of Houston.

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

HB 1456 (Hinojosa)

Relating to the requirements for filing an annual financial statement by a municipality.
(viva voce vote) (31-0) (31-0)

HB 1493 (Janek)

Relating to the establishment and operation of a severe storm research and planning center.
(viva voce vote) (31-0) (31-0)

HB 1500 (Eltife)

Relating to the composition of the Cass County Juvenile Board.
(viva voce vote) (31-0) (31-0)

CSHB 1541 (Van de Putte)

Relating to preannouncement of certain promotional events and purchases by certain alcoholic beverage permit holders.
(viva voce vote) (31-0) (31-0)

HB 1545 (Duncan)

Relating to competency to be executed in a capital case.
(viva voce vote) (31-0) (31-0)

CSHB 1551 (West)

Relating to remedies for common nuisances.
(viva voce vote) (31-0) (31-0)

CSHB 1563 (Shapleigh)

Relating to the issuance of posthumous high school diplomas to certain students.
(viva voce vote) (31-0) (31-0)

(Senator Van de Putte in Chair)**HB 1573** (Estes)

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District.
(viva voce vote) (31-0) (31-0)

HB 1587 (Brimer)

Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.
(viva voce vote) (31-0) (31-0)

HB 1614 (Ogden)

Relating to the establishment and use of a columbarium on the campuses of certain institutions of higher education.
(viva voce vote) (31-0) (31-0)

CSHB 1633 (Deuell)

Relating to the determination of eligibility for Medicaid for certain persons in the armed forces and their family members.
(viva voce vote) (31-0) (31-0)

HB 1687 (Ellis)

Relating to the information that must be included on the face of an appeal bond.
(viva voce vote) (31-0) (31-0)

HB 1728 (Harris)

Relating to confidentiality of certain information in rabies vaccination certificates and dog and cat registries.
(viva voce vote) (31-0) (31-0)

HB 1737 (Fraser)

Relating to business entities and associations.
(viva voce vote) (31-0) (31-0)

HB 1747 (Nelson)

Relating to the termination of parental rights with regard to certain abandoned children.
(viva voce vote) (31-0) (31-0)

HB 1748 (Shapiro)

Relating to the administration of Texas governor's schools.
(viva voce vote) (31-0) (31-0)

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1748** (House engrossment) as follows:

- (1) On page 1, line 15, strike "or".
- (2) On page 1, between lines 15 and 16, insert "(3) fine arts; or".
- (3) On page 1, line 16, strike "(3)" and substitute "(4)".
- (4) On page 2, between lines 16 and 17, insert the following:
"(d) The criteria described by Subsection (c)(2)(B) must include grade point average, academic standing, and extracurricular activities."
- (5) On page 2, line 17, strike "(d)" and substitute "(e)".
- (6) On page 2, line 22, strike "(e)" and substitute "(f)".

The amendment to **HB 1748** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1759 (Williams)

Relating to the transfer of certain state property from the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to Spindletop MHMR Services.
(viva voce vote) (31-0) (31-0)

CSHB 1786 (Seliger)

Relating to an exemption for certain programs from the child-care licensing requirements.
(viva voce vote) (31-0) (31-0)

HB 1795 (Shapleigh)

Relating to certain security technology at unmanned teller machines.

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

HB 1815 (Hinojosa)

Relating to the prosecution of certain offenses that involve carrying weapons on a person's property or in a person's vehicle.

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

HB 1841 (Janek)

Relating to the presumption of validity of an act or proceeding of a navigation district, its governing body, or certain corporations of the district.

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

HB 1847 (Averitt)

Relating to certain noninsurance benefits and related services for accident, health, life, and long-term care insurance.

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

HB 1849 (Brimer)

Relating to certain fees for valuing life insurance policies.

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

HB 1857 (Carona)

Relating to the identification and regulation of land located in a future transportation corridor of a county.

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

Senator Carona offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1857** as follows:

(1) Strike Section 232.0033, Local Government Code (engrossed version page 2, lines 1-22), and substitute the following:

Sec. 232.0033. ADDITIONAL REQUIREMENTS: FUTURE TRANSPORTATION CORRIDORS. (a) This section applies to each county in the state. The requirements provided by this section are in addition to the other requirements of this chapter.

(b) If all or part of a subdivision for which a plat is required under this chapter is located within a future transportation corridor identified in an agreement under Section 201.619, Transportation Code:

(1) the commissioners court of a county in which the land is located:

(A) may refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and

(B) may refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and

(2) each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

The amendment to **HB 1857** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1915 (Duncan)

Relating to the creation of a fire department listing by the Texas Forest Service.
(viva voce vote) (31-0) (31-0)

HB 1920 (Ogden)

Relating to the remedies available in connection with certain disputes between producers of natural gas and persons who gather or transport the gas.
(viva voce vote) (31-0) (31-0)

HB 1995 (Watson)

Relating to the time in which to appeal a report by an associate judge in a suit affecting the parent-child relationship.
(viva voce vote) (31-0) (31-0)

HB 2002 (Fraser)

Relating to notification to check verification entities that a customer is a victim of identity theft and the consequences of the notice.
(viva voce vote) (31-0) (31-0)

CSHB 2060 (Estes)

Relating to the Texas Board of Architectural Examiners; providing penalties.
(viva voce vote) (31-0) (31-0)

HB 2070 (Zaffirini)

Relating to the confirmation election of the Duval County Groundwater Conservation District.
(viva voce vote) (31-0) (31-0)

HB 2077 (Ogden)

Relating to police officers eligible to be certified to enforce commercial motor vehicle safety standards.
(viva voce vote) (31-0) (31-0)

HB 2087 (Wentworth)

Relating to the holding by a county, municipality, or junior college district of a petition-initiated election on whether to establish a limitation on increases in the amount of ad valorem taxes imposed by the county, municipality, or junior college district on residence homesteads of the elderly or disabled.
(viva voce vote) (31-0) (31-0)

HB 2091 (Wentworth)

Relating to municipal consent to the addition to a political subdivision of land located in the extraterritorial jurisdiction of the municipality.

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

HB 2092 (Shapiro)

Relating to the designation of an area in a municipality as a reinvestment zone under the Tax Increment Financing Act.

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

HB 2101 (Jackson)

Relating to the authority of a commissioned security officer to carry certain weapons.

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

HB 2103 (Ogden)

Relating to a pilot program to provide student loan repayment assistance to certain correctional officers who graduate from Sam Houston State University.

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

CSHB 2106 (Whitmire)

Relating to the regulation of barbering and cosmetology.

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

HB 2112 (Hegar)

Relating to the prosecution of an offense prohibiting the exhibition, use, or threatened exhibition or use of a firearm in or on school property or a school bus.

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

HB 2115 (Zaffirini)

Relating to a defendant's eligibility for deferred adjudication of certain intoxication offenses.

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

HB 2117 (Harris)

Relating to the liability of certain persons who administer emergency care.

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

CSHB 2120 (Williams)

Relating to the operation of the unemployment compensation system and computation of an individual's unemployment compensation benefits; providing a criminal penalty.

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

HB 2151 (Ellis)

Relating to the prosecution and adjudication of the offense of graffiti and to the payment and use of a juvenile delinquency prevention and graffiti eradication fee.

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

(Senator Seliger in Chair)**HB 2174** (Janek)

Relating to excluding the transportation of gas to and from a liquefied natural gas marine terminal from being considered a gas utility.

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

HB 2218 (Ellis)

Relating to the vesting of architectural control committee authority in certain subdivisions.

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

HB 2256 (Deuell)

Relating to the requirements for uniform fair hearing rules for Medicaid services, including services that require prior authorization.

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

HB 2267 (Harris)

Relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

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

HB 2283 (Watson)

Relating to the suspension or removal of a deputy sheriff.

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

HB 2353 (West)

Relating to the applicability of the Texas Fair Housing Act to public housing authorities.

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

HB 2358 (Duncan)

Relating to the deposit of certain employer contributions to the Teacher Retirement System of Texas.

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

HB 2368 (Hegar)

Relating to the composition of the board of navigation and canal commissioners of the Victoria County Navigation District.

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

HB 2385 (Hinojosa)

Relating to the collection of fees by a district attorney, criminal district attorney, or county attorney for certain expenses related to pretrial intervention programs.

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

HB 2389 (Deuell)

Relating to the right of a minor in the custody of the Texas Department of Criminal Justice to consent to medical, dental, psychological, and surgical treatment.

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

CSHB 2392 (Deuell)

Relating to escrow fees required for the construction and leasing of certain health facilities.

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

HB 2417 (Averitt)

Relating to the responsibility for and management of the fuel ethanol and biodiesel production incentive program.

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

CSHB 2426 (Deuell)

Relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.

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

HB 2442 (Estes)

Relating to the powers, duties, operation, and financing of the Collin County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

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

HB 2467 (Van de Putte)

Relating to modification of certain small and large employer health benefit plans.

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

HB 2484 (Deuell)

Relating to the funds allocation advisory committee of the Texas Commission on Fire Protection.

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

HB 2540 (Nelson)

Relating to implementing a pilot project to simplify, streamline, and reduce costs associated with the Medicaid cost reporting and auditing process for certain providers.

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

HB 2551 (Harris)

Relating to refund of excessive or unfairly discriminatory premium; providing penalties.

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

(Senator Hinojosa in Chair)**HB 2569** (Fraser)

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

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

HB 2608 (Eltime)

Relating to funding for applied research for a clean coal project or certain other projects for the generation of electricity from coal.

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

HB 2617 (Zaffirini)

Relating to the creation of municipal courts of record in the city of Laredo.

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

CSHB 2621 (Eltime)

Relating to the preservation, maintenance, and restoration of certain state buildings by the Texas Historical Commission and to the transfer of the Texas Building and Procurement Commission's Governor's Mansion duties to the State Preservation Board.

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

HB 2627 (Deuell)

Relating to the requirements for the issuance of certain specialty license plates.

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

CSHB 2641 (Zaffirini)

Relating to the selection of depositories for certain county funds, including funds held by a county or district clerk.

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

HB 2646 (Watson)

Relating to the award of stipends to nationally certified classroom teachers under the educator excellence awards program.

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

HB 2651 (Ellis)

Relating to the issuance and renewal of certain motor vehicle dealer licenses, motor vehicle license plates, and general distinguishing numbers.

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

HB 2654 (Duncan)

Relating to the regulation of the use of an injection well to inject nonhazardous brine from a desalination operation or to inject nonhazardous drinking water treatment residuals.

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

HB 2660 (Eltife)

Relating to the use of money from the Texas economic development bank fund for rural rail development.

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

HB 2703 (Gallegos)

Relating to interference with the duties of a public health professional; providing a criminal penalty.

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

HB 2713 (Averitt)

Relating to studies, plans, and projects concerning electric generation capacity or electric energy storage, transmission, or distribution.

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

HB 2715 (Van de Putte)

Relating to the enforcement of the fares and other charges imposed by certain metropolitan rapid transit authorities.

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

HB 2723 (Gallegos)

Relating to the sampling of malt beverages on the premises of certain manufacturers and retailers.

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

(Senator Brimer in Chair)**CSHB 2734** (Ogden)

Relating to the creation of the Williamson-Liberty Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 2738 (Harris)

Relating to liens on real property.

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

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2738** as follows:

On page 2, SECTION 3, Sec. 51.0074, line 23 strike "QUALIFICATIONS" and insert "DUTIES"

On page 3, SECTION 3, Sec. 51.0074, line 3 after "(2)" insert "held to the obligations of"

The amendment to **HB 2738** 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 Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2751 (Wentworth)

Relating to the administration of a retirement health care plan for firefighters and police officers in certain municipalities.

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

HB 2752 (Wentworth)

Relating to the pension retirement system in certain municipalities for firefighters and police.

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

CSHB 2762 (Averitt)

Relating to adoption of requirements regarding the replacement of existing life insurance policies and certain annuities; imposing penalties.

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

HB 2782 (Williams)

Relating to the creation of the Liberty County Municipal Utility District No. 5.

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

HB 2820 (Watson)

Relating to the practice of professional land surveying by a business entity.

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

HB 2827 (Jackson)

Relating to rules regarding anaphylaxis treatment provided by emergency medical services personnel.

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

CSHB 2859 (Deuell)

Relating to a memorial sign program for victims of certain vehicle accidents.

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

HB 2884 (West)

Relating to juvenile delinquency; providing penalties.

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

HB 2895 (Hinojosa)

Relating to the criteria for awarding the Texas Humanitarian Service Medal to certain members of the state military forces.

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

HB 2896 (Hinojosa)

Relating to an award for certain members of the state military forces and civilians for superior service.

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

HB 2897 (Hinojosa)

Relating to an award for certain members of the state military forces who served in defense support to a civilian authority mission.

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

HB 2917 (Wentworth)

Relating to limitations on the compensation of county auditors for certain counties.

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

HB 2926 (Ellis)

Relating to using county election precincts in every county for any election held on the November uniform election date.

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

CSHB 2944 (Whitmire)

Relating to permits for erecting certain outdoor signs or advertising.

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

HB 2990 (Seliger)

Relating to use of certain electronic monitoring technology in certain correctional facilities by the Texas Department of Criminal Justice.

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

(Senator Watson in Chair)

HB 2991 (Williams)

Relating to the control of access to highways within certain counties.

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

HB 3008 (Nelson)

Relating to the establishment of a pilot program to match certain teens in foster care with adult mentors.

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

HB 3017 (Averitt)

Relating to the certification of water treatment specialists.

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

HB 3024 (Eltife)

Relating to the weight accorded in a taxpayer protest hearing to the determination by a certified appraiser of appraised value of real property.

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

HB 3038 (Wentworth on behalf of Watson)

Relating to the appointment of a taxpayer liaison officer for certain appraisal districts.

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

CSHB 3064 (Nelson)

Relating to registration and regulation of certain discount health plans; providing penalties.

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

HB 3093 (Janek)

Relating to verification of a customer's zip code in a credit card transaction.

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

HB 3098 (Averitt)

Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

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

CSHB 3101 (Carona)

Relating to a residential tenant's rights and remedies.

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

HB 3114 (Zaffirini)

Relating to student fees at component institutions of The Texas A&M University System.

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

HB 3131 (Hegar)

Relating to the issuance of certain search warrants.

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

HB 3147 (Carona)

Relating to claims against a contractor for construction of common elements under a condominium or cooperative system.

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

HB 3171 (Wentworth)

Relating to the development by the Texas Education Agency of a list of resources concerning Internet safety for use by school districts.

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

HB 3182 (Nelson)

Relating to the creation of the Tradition Municipal Utility District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

CSHB 3184 (Deuell)

Relating to educating parents about the benefits of immunizing certain children against influenza.

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

CSHB 3190 (Carona)

Relating to school bus safety; creating an offense.

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

HB 3195 (Williams)

Relating to the requirements of a municipal or county budget that raises more property taxes than in the previous year's budget.

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

CSHB 3199 (Wentworth)

Relating to the creation of the Judicial Compensation Commission.

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

HB 3200 (Whitmire)

Relating to funding for community supervision and corrections departments.

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

HB 3210 (Whitmire)

Relating to the authority of an investigator employed by a prosecuting attorney.

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

HB 3211 (Whitmire)

Relating to access to criminal history record information by certain county attorneys.

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

HB 3225 (Carona)

Relating to the scope of authority of the Automobile Theft Prevention Authority.

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

(Senator Uresti in Chair)

HB 3236 (Hegar)

Relating to the service areas of the Austin Community College District and the Blinn Junior College District.

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

HB 3261 (Nelson)

Relating to the use of electronic signatures in the administration of health and human services programs.

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

HB 3266 (Jackson)

Relating to fees for certain commercial licenses issued by the Parks and Wildlife Department.

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

HB 3270 (Williams)

Relating to authorizing the issuance of anticipation notes or other obligations by issuers located along the Gulf Coast in the event of an emergency.

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

HB 3273 (Averitt)

Relating to the powers and duties of the Railroad Commission of Texas; providing an administrative penalty.

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

HB 3290 (Nichols)

Relating to expanding the scope of an audit by the state auditor when the state auditor finds evidence of gross mismanagement.

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

HB 3291 (Averitt)

Relating to a prohibition against the governing board of a public institution of higher education entering into certain contracts relating to permanent improvements at the institution.

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

HB 3295 (Williams)

Relating to the DNA samples taken from certain offenders.

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

HB 3300 (Estes)

Relating to classifying llamas, alpacas, and exotic livestock as livestock under the Agriculture Code.

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

HB 3353 (Shapleigh)

Relating to the repeal of the authority of certain water supply or sewer service corporations to dissolve and transfer assets and liabilities to a municipality.

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

HB 3355 (Brimer)

Relating to the board of trustees, benefits, and contributions of certain fire and police pension funds.

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

CSHB 3385 (Janek)

Relating to the use of certain state money for costs related to the relocation to this state of the Interstate Oil and Gas Compact Commission, for the support of that commission, and for related economic development.

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

HB 3407 (Nichols)

Relating to the appointment of emergency services boards in districts located in more than one county.

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

CSHB 3426 (Shapleigh)

Relating to the continuation and functions of the Texas Veterans Commission.

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

HB 3435 (Hinojosa)

Relating to peace officers of navigation districts.

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

(Senator Van de Putte in Chair)

HB 3439 (Jackson)

Relating to county fiscal matters.

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

CSHB 3440 (Harris)

Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain airport facilities.

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

CSHB 3441 (Estes)

Relating to the eligibility of an establishment to be included on a specific information logo sign along a highway.

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

HB 3470 (Williams)

Relating to the program of supplemental health coverage for individuals eligible under the TRICARE military health system offered through the Employees Retirement System of Texas.

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

HB 3475 (Uresti)

Relating to the authority of certain counties to acquire, construct, or operate a water supply system or sewage system and own or operate a utility.

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

Senator Uresti offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3475** (House engrossment) as follows:

(1) In SECTION 1 of the bill, on page 1, line 12, strike "is" and substitute with "and a national recreation are".

(2) In SECTION 1 of the bill, in proposed Section 412.017, Local Government Code, strike Subsection (b) (page 1, lines 13-19), and substitute the following:

(b) The commissioners court of a county to which this section applies may acquire, construct, or operate a water supply system or a sewage system to serve unincorporated areas of the county.

(3) In SECTION 1 of the bill, in proposed Section 412.017, Local Government Code (page 2, between lines 9 and 10), insert the following:

(g) This section does not authorize a county to sell water for a purpose other than for local use.

The amendment to **HB 3475** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3502 (Wentworth)

Relating to the protection and preservation of caves; providing penalties.

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

CSHB 3517 (Watson)

Relating to competitive purchasing requirements for local governments.

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

HB 3558 (Brimer)

Relating to the issuance of warrants to certain persons for fire, health, and code inspections.

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

CSHB 3571 (Uresti)

Relating to a pilot program to facilitate food stamp program outreach efforts and eligibility determination processes.

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

HB 3593 (Zaffirini)

Relating to the time by which certain persons found to have engaged in family violence must complete court-ordered counseling.

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

CSHB 3609 (Ellis)

Relating to membership and service credit in the Employees Retirement System of Texas for certain employees.

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

HB 3619 (Zaffirini)

Relating to the authority of a political subdivision other than a county to change the date of its general election.

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

HB 3647 (Lucio)

Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

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

HB 3659 (Ellis)

Relating to the disclosure of the name of a student or minor who is involved in an improper relationship with an educator.

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

HB 3688 (Eltife)

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to the City of Winnsboro.

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

CSHB 3711 (Shapleigh)

Relating to the repeal of obsolete statutes regulating railroads.

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

HB 3723 (Janek)

Relating to the voting rights of residents in an area annexed for limited purposes under a strategic partnership agreement.

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

HB 3735 (Nichols)

Relating to a diabetes demonstration pilot program.

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

HB 3736 (Hinojosa)

Relating to establishing parole officer maximum caseloads.

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

HB 3764 (Estes)

Relating to use of marine dealer, distributor, and manufacturer numbers and issuance of validation cards.

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

(Senator Seliger in Chair)**HB 3770** (Hegar)

Relating to the acquisition of road powers by a municipal utility district.

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

HB 3787 (Shapleigh)

Relating to a probate fee exemption for estates of members of the armed forces of the United States who died while serving in a combat zone.

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

HB 3832 (Uresti)

Relating to video equipment on a motor vehicle.

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

HB 3834 (Hinojosa)

Relating to authorizing the amount of a fee charged by certain counties for issuing certain utility certificates.

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

HB 3879 (Uresti)

Relating to the powers and duties of defense base development authorities; modifying the power of eminent domain.

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

HB 3934 (Van de Putte)

Relating to the establishment of a student outcomes pilot program by Alamo Community College District.

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

HB 3954 (Wentworth)

Relating to improvement projects in certain counties.

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

HB 3979 (Estes)

Relating to the creation of the McKinney Municipal Utility Districts Nos. 1 and 2 of Collin County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 3980 (Jackson)

Relating to the navigation district powers and the confirmation of the Galveston County Municipal Utility District No. 67; providing authority to issue bonds.

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

HB 3982 (Whitmire)

Relating to the creation of the Harris County Municipal Utility District No. 494; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 3988 (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 438; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 3989 (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 437; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 3991 (Estes)

Relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 3992 (Estes)

Relating to the county courts at law in Parker County.

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

HB 3993 (Estes)

Relating to the compensation of the members of the juvenile board of Parker County.

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

HB 3997 (Harris)

Relating to the Uniform Parentage Act, termination of parental rights, and matters relating to determination of paternity.

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

HB 3998 (Williams)

Relating to the creation of the Southeast Montgomery County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4004 (Ellis)

Relating to the creation of the International Management District; providing authority to impose assessments and taxes and to issue bonds.

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

HB 4006 (Janek)

Relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

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

(Senator Hinojosa in Chair)**HB 4007** (Lucio on behalf of Hinojosa)

Relating to the county courts at law in Nueces County.

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

Senator Lucio, on behalf of Senator Hinojosa, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 4007** (House engrossed version) by striking SECTION 3 of the bill (page 1, line 16) and substituting the following appropriately numbered SECTION:

SECTION ____. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment to **HB 4007** 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 Lucio, on behalf of Senator Hinojosa, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 4008 (Shapleigh)

Relating to the creation of additional county criminal courts at law in El Paso County.
(viva voce vote) (31-0) (31-0)

HB 4009 (Uresti)

Relating to the name, directors, and elections of the Emerald Underground Water Conservation District.
(viva voce vote) (31-0) (31-0)

HB 4010 (Janek)

Relating to the creation of the Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 4017 (Whitmire)

Relating to the creation of the Harris County Municipal Utility District No. 510; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
(viva voce vote) (31-0) (31-0)

HB 4018 (Patrick)

Relating to the powers and duties of the Harris County Municipal Utility District No. 416; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

HB 4019 (Hegar)

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

HB 4022 (Hegar)

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

HB 4024 (Hegar)

Relating to the creation of the Fort Bend County Municipal Utility District No. 190; providing authority to impose a tax and issue bonds.
(viva voce vote) (31-0) (31-0)

CSHB 4028 (Brimer)

Relating to the creation of the Northern Trinity Groundwater Conservation District.
(viva voce vote) (31-0) (31-0)

HB 4031 (Jackson)

Relating to the creation of the Brazoria County Municipal Utility District No. 62; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4037 (Zaffirini)

Relating to the terms of court for the 49th and 341st District Courts.

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

HB 4038 (Whitmire)

Relating to the powers and duties of the Harris County Municipal Utility District No. 473; providing authority to impose a tax and issue bonds.

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

HB 4039 (Averitt)

Relating to the appointment of magistrates in McLennan County.

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

HB 4040 (Averitt)

Relating to the composition of the McLennan County Juvenile Board.

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

HB 4041 (Wentworth)

Relating to the powers and duties of the Sunfield Municipal Utility District No. 3 regarding elections and road projects; providing authority to impose a tax and issue bonds.

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

HB 4042 (Wentworth)

Relating to the powers and duties of the Sunfield Municipal Utility District No. 4 regarding elections and road projects; providing authority to impose a tax and issue bonds.

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

HB 4043 (Wentworth)

Relating to the powers and duties of the Sunfield Municipal Utility District No. 1 regarding elections and road projects; providing authority to impose a tax and issue bonds.

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

CSHB 4045 (Patrick)

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

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

HB 4046 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 104; providing authority to impose taxes and issue bonds.

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

HB 4047 (Estes)

Relating to the powers and duties of the Electra Hospital District.

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

HB 4056 (Wentworth)

Relating to the creation of the Hays County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4057 (Harris)

Relating to the powers and duties of the Denton County Levee Improvement District No. 1 of Denton and Dallas Counties, Texas; providing authority to issue bonds.

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

HB 4061 (Estes)

Relating to the creation of the Denton County Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4067 (Zaffirini)

Relating to the boundaries of the Zavala-Dimmit Counties Water Improvement District No. 1.

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

(Senator Watson in Chair)**HB 4070** (Jackson)

Relating to the creation of the Galveston County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4072 (Ogden)

Relating to the creation of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4074 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 102; providing authority to impose taxes and issue bonds.

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

HB 4079 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 119; providing authority to impose taxes and issue bonds.

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

HB 4080 (Jackson)

Relating to the creation of the Harris County Municipal Utility District No. 509; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4083 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 117; providing authority to impose taxes and issue bonds.

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

HB 4084 (Williams)

Relating to the creation of the Montgomery County Municipal Utility District No. 120; providing authority to impose taxes and issue bonds.

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

HB 4093 (Williams)

Relating to the creation of the Chambers-Liberty Counties Improvement District; providing authority to impose a tax and issue bonds.

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

HB 4097 (Estes)

Relating to the creation of the Gunter Municipal Utility District No. 2; providing authority to impose taxes and issue bonds.

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

HB 4098 (Estes)

Relating to the creation of the Gunter Municipal Utility District No. 1; providing authority to impose taxes and issue bonds.

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

HB 4099 (Estes)

Relating to the creation of the Preston Summit Municipal Utility District No. 1 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)

HB 4101 (Estes)

Relating to the powers of the Talley Ranch Water Control and Improvement District No. 1 of Denton County; providing authority to impose a tax and issue bonds.

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

HB 4104 (Williams)

Relating to the powers and duties of the Montgomery County Municipal Utility District No. 112; providing authority to impose a tax and issue bonds.

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

HB 4107 (Hinojosa)

Relating to the appointment and duties of criminal magistrates for certain courts in Nueces County.

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

Senator Hinojosa offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 4107** (House engrossment) in SECTION 2 of the bill by striking added Section 54.1783, Government Code (page 3, lines 15 through 26) and substituting the following:

Sec. 54.1783. ELIGIBILITY FOR APPOINTMENT. In determining whom to appoint as a magistrate under this subchapter, the judges of the district courts or the judges of the county courts at law, as applicable, shall consider persons who:

- (1) are licensed to practice law in this state;
- (2) reside in Nueces County;
- (3) have at least 10 years of active experience in criminal law practice; and
- (4) exhibit judicial temperaments.

The amendment to **HB 4107** 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 Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 4111 (Seliger)

Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

HB 4112 (Hegar)

Relating to the creation of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

(Senator Estes in Chair)

HB 4114 (Jackson)

Relating to the powers and financing of the Brazoria County Groundwater Conservation District.

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

HB 4123 (Ellis)

Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

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

(Senator Uresti in Chair)

HCR 12 (Hinojosa)

Designating the bolo tie as the official State Tie of Texas.

(viva voce vote)

HCR 16 (Seliger)

Urging the U.S. Congress to honor the sacrifice and service of the U.S. Merchant Marine in World War II by passing the Belated Thank You to the Merchant Mariners of World War II Act of 2005.

(viva voce vote)

HCR 25 (Seliger)

Designating Friona as the official Cheeseburger Capital of Texas.

(viva voce vote)

HCR 102 (Van de Putte on behalf of Uresti)

Designating silver as the official precious metal of Texas.

(viva voce vote)

HCR 111 (Brimer)

Authorizing the placement of a monument commemorating the federal Bill of Rights.

(viva voce vote)

HCR 164 (Van de Putte on behalf of Uresti)

Encouraging the United States and Mexican federal governments to reopen the bridge and border crossing at La Linda, Coahuila, Mexico.

(viva voce vote)

HCR 187 (Duncan)

Expressing the commitment of the 80th Legislature of the State of Texas to providing a supplemental annuity in the form of a 13th check for eligible ERS retirees.

(viva voce vote)

SCR 76 (Van de Putte)

Requesting the United States Air Force to consider the impact of transferring work from the Port of San Antonio to military depots.

(viva voce vote)

SCR 77 (Van de Putte)

Urging the president of the United States to award the American Defense Service Medal to military personnel serving during the Cold War.

(viva voce vote)

SCR 79 (Hinojosa)

Posthumously awarding the Texas Legislative Medal of Honor to Sergeant Alfredo Gonzalez for his heroic actions in Vietnam during the Tet Offensive.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Fraser, sponsor of the bill, requested in writing that **HB 556** be removed from the Local and Uncontested Calendar.

Senator Ellis, sponsor of the bill, requested in writing that **HB 814** be removed from the Local and Uncontested Calendar.

Senator West, sponsor of the bill, requested in writing that **HB 866** be removed from the Local and Uncontested Calendar.

Senator Seliger, sponsor of the bill, requested in writing that **HB 1267** be removed from the Local and Uncontested Calendar.

Senator Hegar, sponsor of the bill, requested in writing that **HB 1372** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Brimer requested in writing that **HB 1423** be removed from the Local and Uncontested Calendar.

Senator Brimer, sponsor of the bill, requested in writing that **HB 1467** be removed from the Local and Uncontested Calendar.

Senator Whitmire, sponsor of the bill, requested in writing that **HB 1473** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Brimer requested in writing that **HB 2099** be removed from the Local and Uncontested Calendar.

Senator West, sponsor of the bill, requested in writing that **HB 2225** be removed from the Local and Uncontested Calendar.

Senator Lucio, sponsor of the bill, requested in writing that **HB 2701** be removed from the Local and Uncontested Calendar.

Senator West, sponsor of the bill, requested in writing that **HB 2749** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Hinojosa requested in writing that **HB 3063** be removed from the Local and Uncontested Calendar.

Senator Deuell, sponsor of the bill, requested in writing that **HB 3154** be removed from the Local and Uncontested Calendar.

Senator West, sponsor of the bill, requested in writing that **HB 3293** be removed from the Local and Uncontested Calendar.

Senator Shapiro, sponsor of the bill, requested in writing that **HB 3460** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Brimer requested in writing that **HB 3585** be removed from the Local and Uncontested Calendar.

Senator Jackson, sponsor of the bill, requested in writing that **HB 3674** be removed from the Local and Uncontested Calendar.

Senator Uresti, sponsor of the bill, requested in writing that **HB 4077** be removed from the Local and Uncontested Calendar.

Senator Estes, sponsor of the bill, requested in writing that **HB 4120** be removed from the Local and Uncontested Calendar.

RECESS

Pursuant to a previously adopted motion, the Senate at 8:59 a.m. recessed until 10:30 a.m. today.

