

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTIETH DAY

(Continued)

(Thursday, April 12, 2007)

AFTER RECESS

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

SENATOR ANNOUNCED PRESENT

Senator Gallegos, 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 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 674 (Seliger)

Relating to the authority of the Department of Information Resources to accept gifts and grants.

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

HB 675 (Seliger)

Relating to the membership of the governing board of the Department of Information Resources.

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

CSSB 141 (Nelson)

Relating to a feasibility study regarding joint health science courses at a public or private institution of higher education.

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

CSSB 166 (West)

Relating to a prison diversion progressive sanctions program.

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

CSSB 167 (Ellis)

Relating to the administrative procedure for compensation for wrongful imprisonment.

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

SB 182 (Wentworth)

Relating to the prosecution of the offense of criminal trespass.

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

SB 191 (Harris on behalf of Brimer)

Relating to the demolition of certain sports and community venues.

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

CSSB 214 (Fraser)

Relating to authorizing the transfer for consideration of certain fractional mineral interests held by the state to certain landowners.

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

CSSB 233 (Harris)

Relating to the authority of certain law enforcement agencies to establish a checkpoint to determine whether persons are boating while intoxicated.

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

SB 274 (Estes)

Relating to the issuance of Silver Star Medal license plates.

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

CSSB 276 (Wentworth)

Relating to student members of the board of regents of a state university or state university system.

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

SB 302 (Harris)

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

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

SB 307 (Harris)

Relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.

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

SB 371 (Williams)

Relating to an exemption for certain disabled veterans from the fees required for the issuance of a personal identification certificate.

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

CSSB 382 (Carona)

Relating to certain refund requirements regarding credit insurance.

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

SB 384 (Zaffirini)

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

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

CSSB 399 (Harris)

Relating to postponement of jury service in certain counties.

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

CSSB 410 (Harris)

Relating to the authority of certain municipal peace officers on a lake located partly in the municipality.

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

SB 469 (Harris on behalf of Brimer)

Relating to the creation by the Texas Higher Education Coordinating Board of a certificate of recognition for persons who contribute certain gifts or donations to public institutions of higher education.

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

SB 480 (Janek)

Relating to the definition of private or independent institution of higher education applicable to certain statutes.

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

SB 493 (Duncan)

Relating to the creation of a joint elections administrator; providing penalties.

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

CSSB 499 (Duncan)

Relating to postconviction DNA testing.

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

SB 502 (Averitt)

Relating to minimum insurance coverage amounts to establish evidence of financial responsibility under the Texas Motor Vehicle Safety Responsibility Act.

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

(Senator Seliger in Chair)**CSSB 512** (Harris)

Relating to the attachment of a judgment lien to homestead property.

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

SB 515 (Janek)

Relating to the powers of certain cooperative associations to provide central heating and cooling services.

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

SB 528 (Duncan on behalf of Seliger)

Relating to the standards for attorneys representing indigent defendants in capital cases.

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

SB 584 (Carona)

Relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.

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

SB 588 (Nelson)

Relating to the authority of the comptroller of public accounts to perform administrative, economic, fiscal, or policy research or analysis regarding certain issues and to assist political subdivisions with related research or analysis.

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

SB 592 (Wentworth)

Relating to special notice to the news media of the meeting of a governmental body in certain situations under the open meetings law.

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

CSSB 594 (Wentworth)

Relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise.

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

SB 616 (Duncan)

Relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.

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

SB 620 (Jackson)

Relating to the marking of oyster beds.

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

CSSB 625 (Janek)

Relating to restrictions on the interchange of transplant immunosuppressant drugs.

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

CSSB 657 (Duncan on behalf of Seliger)

Relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

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

CSSB 669 (Watson)

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

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

SB 679 (Williams)

Relating to the use of certain surplus revenue in the unemployment compensation fund.

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

SB 686 (Van de Putte)

Relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

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

CSSB 687 (Shapleigh)

Relating to the use of TexasOnline by state agencies and local governments.

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

SB 723 (Lucio)

Relating to requiring that the Department of Family and Protective Services maintain and report certain information in connection with the placement of children.

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

(Senator Uresti in Chair)**CSSB 735** (Hegar)

Relating to the conversion of a two-way frontage road to a one-way frontage road by the Texas Department of Transportation.

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

CSSB 740 (Whitmire)

Relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

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

SB 765 (Eltife)

Relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.

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

SB 766 (Ogden)

Relating to the transfer of powers and duties for accident reports from the Department of Public Safety of the State of Texas to the Texas Department of Transportation.

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

CSSB 778 (Harris)

Relating to the use of an electronic communication method to conduct certain hearings regarding court-ordered mental health services.

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

SB 804 (Van de Putte on behalf of Uresti)

Relating to standing for certain persons to file a suit for the adoption of a child.

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

CSSB 810 (Janek)

Relating to control measures and court orders for management of persons with communicable diseases.

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

SB 812 (Janek)

Relating to the exemption from ad valorem taxation of property owned by certain nonprofit corporations that provide chilled water and steam to certain health-related institutions of this state.

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

CSSB 813 (Janek)

Relating to child protective services.

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

CSSB 814 (Janek)

Relating to environmental lead investigations by the Department of State Health Services.

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

(Senator Brimer in Chair)**SB 819 (Wentworth)**

Relating to the fees charged for filing an inventory and appraisement in probate actions.

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

SB 821 (Wentworth)

Relating to the use of certain excess contributions to the judicial fund that are remitted to certain counties.

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

SB 823 (Whitmire)

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

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

SB 835 (Whitmire)

Relating to exempting certain federal judges from certain procedural requirements for obtaining or renewing a concealed handgun license.

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

CSSB 867 (Duncan)

Relating to procedures regarding criminal defendants who are or may be persons with mental illness or mental retardation.

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

CSSB 870 (Uresti)

Relating to the definition of "institution" in the law regulating convalescent and nursing homes.

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

CSSB 871 (Uresti)

Relating to the enforcement of civil penalties against certain assisted living facilities.

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

CSSB 881 (Shapiro)

Relating to the limitation on the issuance of tax-supported bonds by a school district.
(viva voce vote) (31-0) (31-0)

CSSB 884 (Eltime)

Relating to the regulation of consumer debt management services.
(viva voce vote) (31-0) (31-0)

CSSB 893 (Zaffirini)

Relating to international toll bridges in certain counties.
(viva voce vote) (31-0) (31-0)

SB 913 (Harris on behalf of Brimer)

Relating to the continuation and functions of the Texas State Library and Archives Commission.
(viva voce vote) (31-0) (31-0)

SB 914 (Shapleigh)

Relating to the continuation and functions of the Texas Real Estate Commission and the regulation of real estate brokers, salespersons, inspectors, appraisers, residential service companies, and timeshares; providing administrative penalties.
(viva voce vote) (31-0) (31-0)

CSSB 924 (Harris on behalf of Brimer)

Relating to rules and policies adopted by state agencies regarding engineering or architectural errors or omissions.
(viva voce vote) (31-0) (31-0)

CSSB 949 (Hegar)

Relating to the regulation of a private business providing security services by a political subdivision of this state.
(viva voce vote) (31-0) (31-0)

CSSB 955 (Whitmire)

Relating to use of electronically readable information on a driver's license or personal identification certificate by certain organizations that sponsor youth programs.
(viva voce vote) (31-0) (31-0)

CSSB 964 (Shapiro)

Relating to the board of directors of a regional tollway authority.
(viva voce vote) (31-0) (31-0)

SB 969 (Estes)

Relating to exemptions from certain fees for government vessels and outboard motors.
(viva voce vote) (31-0) (31-0)

SB 983 (West)

Relating to the screening of newborns for sickle cell trait by the Department of State Health Services.
(viva voce vote) (31-0) (31-0)

CSSB 993 (Nelson)

Relating to nursing peer review and the regulation of the practice of nursing.
(viva voce vote) (31-0) (31-0)

SB 994 (Nelson)

Relating to prescriptions for certain controlled substances.
(viva voce vote) (31-0) (31-0)

SB 1047 (Seliger)

Relating to the use of information obtained by the attorney general through a civil investigative demand under the Deceptive Trade Practices-Consumer Protection Act.
(viva voce vote) (31-0) (31-0)

CSSB 1048 (Watson)

Relating to the inheritance rights of certain parents.
(viva voce vote) (31-0) (31-0)

(Senator Seliger in Chair)**SB 1074** (Wentworth)

Relating to short-term revenue bonds in certain metropolitan rapid transit authorities.
(viva voce vote) (31-0) (31-0)

SB 1077 (Carona)

Relating to performance audits of certain regional transportation authorities.
(viva voce vote) (31-0) (31-0)

CSSB 1079 (Carona)

Relating to school bus safety; creating an offense.
(viva voce vote) (31-0) (31-0)

SB 1080 (Carona)

Relating to the use of a safety belt by a school bus operator; providing penalties.
(viva voce vote) (31-0) (31-0)

SB 1081 (Carona)

Relating to multifunction school activity buses.
(viva voce vote) (31-0) (31-0)

SB 1084 (Carona)

Relating to advertising in Department of Public Safety of the State of Texas driver's license mailings.
(viva voce vote) (31-0) (31-0)

CSSB 1086 (Carona)

Relating to providing notice of the anticipated fiscal impact of municipal charter amendments.
(viva voce vote) (31-0) (31-0)

SB 1097 (Whitmire)

Relating to the penalties for the offense of criminal trespass.
(viva voce vote) (31-0) (31-0)

SB 1106 (Watson)

Relating to county accounting procedures regarding certain audits, debts, and records.
(viva voce vote) (31-0) (31-0)

CSSB 1107 (Watson)

Relating to the powers and duties of certain healthcare districts; authorizing the issuance of anticipation notes and the imposition of taxes.
(viva voce vote) (31-0) (31-0)

CSSB 1117 (Carona)

Relating to the designation by name of parts of the highway system.
(viva voce vote) (31-0) (31-0)

SB 1130 (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)

(Senator Uresti in Chair)**SB 1152** (Carona)

Relating to an exclusion from unemployment compensation chargebacks for certain employers of continuously employed part-time employees.
(viva voce vote) (31-0) (31-0)

CSSB 1154 (Carona)

Relating to sales of certain regulated material and to the criminal penalties for violations relating to those sales.
(viva voce vote) (31-0) (31-0)

CSSB 1180 (Hegar)

Relating to the powers and duties of the DeWitt Medical District.
(viva voce vote) (31-0) (31-0)

CSSB 1182 (Watson)

Relating to the imposition of an additional filing fee in certain proceedings for the support of the Supreme Court of Texas.
(viva voce vote) (31-0) (31-0)

CSSB 1187 (Nelson)

Relating to data collection at the Department of State Health Services.
(viva voce vote) (31-0) (31-0)

CSSB 1209 (Carona)

Relating to the relocation of utility facilities required by improvement of a state highway.
(viva voce vote) (31-0) (31-0)

CSSB 1249 (Seliger)

Relating to the sale and delivery of certain motor fuels.
(viva voce vote) (31-0) (31-0)

CSSB 1253 (Averitt)

Relating to the frequency and expenses of certain examinations conducted by the Texas Department of Insurance.

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

SB 1264 (Brimer)

Relating to the authority of a taxing unit to make a loan to the board of directors of a tax increment financing reinvestment zone for deposit in the tax increment fund for the zone.

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

(Senator Brimer in Chair)**CSSB 1266** (Harris on behalf of Brimer)

Relating to pass-through financing and the creation and operation of the transportation reinvestment fund.

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

CSSB 1287 (Van de Putte)

Relating to providing certain notices to be posted on the premises of alcoholic beverage retailers.

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

SB 1375 (Carona)

Relating to the issuance of commercial paper notes by certain regional transportation authorities.

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

SB 1536 (Fraser)

Relating to the issuance of bonds by a municipality for certain improvements on the state highway system; providing authority to impose a tax.

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

SB 1627 (Carona)

Relating to the prosecution of workers' compensation insurance fraud.

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

SB 1631 (Wentworth)

Relating to payment for the provision of services by a metropolitan rapid transit authority to persons with disabilities in a unit of election that has withdrawn from the authority.

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

SB 1657 (Nichols)

Relating to powers and duties of the Texas Department of Transportation related to relocation assistance.

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

SB 1665 (Averitt)

Relating to regulation of emissions from residential water heaters.

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

SB 1666 (Averitt)

Relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.
(viva voce vote) (31-0) (31-0)

SB 1667 (Averitt)

Relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.
(viva voce vote) (31-0) (31-0)

SB 1670 (Averitt)

Relating to certificates of compliance issued by the Railroad Commission of Texas to owners or operators of certain wells subject to the jurisdiction of the commission.
(viva voce vote) (31-0) (31-0)

CSSB 1671 (Averitt)

Relating to the financial responsibility requirements applicable to owners or operators of certain underground storage tanks.
(viva voce vote) (31-0) (31-0)

SB 1672 (Averitt)

Relating to nitrogen oxide allowance allocation adjustments and the incorporation of modifications to federal rules under the state implementation plan.
(viva voce vote) (31-0) (31-0)

CSSB 1673 (Averitt)

Relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.
(viva voce vote) (31-0) (31-0)

SB 1711 (Hegar)

Relating to access to the state highway system and damages for diminished access to the state highway system.
(viva voce vote) (31-0) (31-0)

CSSB 1734 (Nelson)

Relating to providing Medicaid services to certain persons with traumatic brain or spinal cord injuries.
(viva voce vote) (31-0) (31-0)

CSSCR 28 (Watson)

Urging the Texas congressional delegation to support legislation to expand telemedicine/telehealth services.
(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Gallegos and Senator Uresti requested in writing that **CSSB 137** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Brimer requested in writing that **CSSB 161** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Brimer requested in writing that **SB 643** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Brimer requested in writing that **CSSB 1132** be removed from the Local and Uncontested Calendar.

Senator Seliger, author of the bill, requested in writing that **SB 1172** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:00 a.m. adjourned, in memory of Marcos Paredes, Sr., of Brownsville, until 10:00 a.m. today.