

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-FOURTH DAY**

(Continued)

(Thursday, April 19, 2007)

**AFTER RECESS**

The Senate met at 8:03 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.

**CSHB 84** (Carona)

Relating to issuance and renewal of a driver's license of an elderly person.  
(viva voce vote) (31-0) (31-0)

**HB 1447** (Eltife)

Relating to the requirement that a railroad corporation submit articles of incorporation or an amendment to articles of incorporation to the attorney general.  
(viva voce vote) (31-0) (31-0)

**HB 1967** (Averitt)

Relating to the regulation as common carriers of certain owners, operators, or managers of pipelines for the transportation of feedstock for carbon gasification, the products of carbon gasification, or the derivative products of carbon gasification.  
(viva voce vote) (31-0) (31-0)

**CSSB 46** (Nelson)

Relating to certain fees charged for the impoundment and storage of a recovered stolen vehicle.  
(viva voce vote) (31-0) (31-0)

**SB 51** (Zaffirini)

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

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

**CSSB 109** (Deuell)

Relating to the punishment of certain assaults and aggravated assaults committed against employees of primary and secondary schools.

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

**SB 157** (Seliger)

Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

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

**CSSB 242** (Shapiro)

Relating to the transfer to the State Office of Administrative Hearings of contested cases involving the collection, receipt, administration, and enforcement of state taxes and fees by the comptroller of public accounts.

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

**CSSB 323** (Deuell)

Relating to the creation of the Fairfield Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**CSSB 363** (Van de Putte)

Relating to protecting certain members of the Texas National Guard from exposure to depleted uranium.

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

**SB 401** (Deuell)

Relating to the creation of the Moore Farm Water Control and Improvement District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

**CSSB 607** (Ellis)

Relating to the designation of certain areas as banking development districts to encourage the establishment of financial institution branches in those areas.

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

**SB 629** (Deuell)

Relating to the establishment of a peace officer employment opportunity Internet website by the Commission on Law Enforcement Officer Standards and Education.

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

**CSSB 645** (Ellis)

Relating to a study of residential foreclosures in certain counties.

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

**CSSB 649** (Shapleigh)

Relating to requiring the Texas Higher Education Coordinating Board to conduct a study concerning the effectiveness of joint partnerships between institutions of higher education.

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

**SB 658** (Seliger)

Relating to an energy-efficient building accreditation program.

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

**SB 671** (Ellis)

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

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

**SB 705** (Lucio)

Relating to an annual report by the Office of Court Administration of the Texas Judicial System about jury charges and sentences in capital cases.

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

**SB 706** (Lucio)

Relating to the appointment of attorneys ad litem.

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

**CSSB 709** (West)

Relating to requiring notice of certain rental eligibility requirements in residential rental application transactions.

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

**CSSB 781** (Lucio)

Relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border.

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

**(Senator Van de Putte in Chair)**

**CSSB 796** (Janek)

Relating to the authority of a taxing unit to allow split payment of taxes.

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

**SB 811** (Janek)

Relating to requiring the Department of State Health Services to allow health care providers to use certain vaccines in the vaccines for children program.

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

**CSSB 847** (Hinojosa)

Relating to the conversion of certain water rights on subdivided land from irrigation to municipal use.

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

**SB 883** (Deuell)

Relating to the imposition of impact fees on the property of a school district.

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

**CSSB 885** (Whitmire)

Relating to access to criminal history record information by state appellate courts.  
(viva voce vote) (31-0) (31-0)

**SB 963** (Shapleigh)

Relating to the recreational facility fee at The University of Texas at El Paso.  
(viva voce vote) (31-0) (31-0)

**CSSB 968** (West)

Relating to financing tools for certain obligations for public improvements.  
(viva voce vote) (31-0) (31-0)

**CSSB 975** (Hinojosa)

Relating to the abolition of certain water control and improvement, water improvement, and irrigation districts.  
(viva voce vote) (31-0) (31-0)

**CSSB 976** (Brimer)

Relating to the public retirement system of certain municipalities.  
(viva voce vote) (31-0) (31-0)

**CSSB 1036** (Ellis)

Relating to information technology security practices of state agencies.  
(viva voce vote) (31-0) (31-0)

**CSSB 1039** (Lucio)

Relating to the payment of benefits to certain retirees of the Teacher Retirement System of Texas who return to work.  
(viva voce vote) (31-0) (31-0)

**CSSB 1046** (Wentworth)

Relating to the provision of notice to institutions of higher education of meetings of the Texas Higher Education Coordinating Board and to certain telephone conference meetings of the board and other boards of institutions of higher education.  
(viva voce vote) (31-0) (31-0)

**CSSB 1049** (Zaffirini)

Relating to the availability of online information relating to research-based programs and best practices regarding the instruction of students with autism and autism-related disorders in public schools.  
(viva voce vote) (31-0) (31-0)

**CSSB 1050** (Zaffirini)

Relating to the administration of the work-study student mentorship program by the Texas Higher Education Coordinating Board.  
(viva voce vote) (31-0) (31-0)

**SB 1053** (Zaffirini)

Relating to assessing the quality and effectiveness of academic advising services offered by public institutions of higher education.  
(viva voce vote) (31-0) (31-0)

**CSSB 1085** (Carona)

Relating to the suspension, revocation, or cancellation of a driver's license, instruction permit, or operating privilege by the Department of Public Safety of the State of Texas.

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

**SB 1089** (Shapiro)

Relating to the authority of certain development corporations to spend tax revenue on certain mass transit-related facilities.

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

**SB 1104** (Watson)

Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

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

**SB 1133** (Eltfie)

Relating to an exception under the public information law regarding the name of an applicant for superintendent of a public school district.

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

**SB 1165** (Estes)

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

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

**SB 1203** (Seliger)

Relating to the authority of the attorney general to obtain reimbursement to the compensation to victims of crime fund resulting from overpayments made to victims, claimants, and providers.

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

**SB 1231** (Zaffirini)

Relating to refunding tuition and mandatory fees at institutions of higher education for dropped courses and student withdrawals.

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

**CSSB 1232** (Zaffirini)

Relating to the manner of payment of higher education tuition and fees and to the repayment of emergency student loans.

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

**SB 1233** (Zaffirini)

Relating to the general property deposit paid by a student to a public institution of higher education.

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

**(Senator Seliger in Chair)****SB 1236** (Zaffirini)

Relating to the powers and duties of the Starr County Hospital District of Starr County, Texas.

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

**SB 1257** (Averitt)

Relating to the definition of hotel under the Alcoholic Beverage Code.

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

**CSSB 1271** (West)

Relating to county authority to acquire a water or sewer utility system and provide water and sewer services within a municipality.

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

**CSSB 1297** (Wentworth)

Relating to additional criminal law magistrates in Bexar County.

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

**SB 1306** (Wentworth)

Relating to the attendance by a quorum of a governmental body at certain events under the open meetings law.

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

**CSSB 1309** (Wentworth)

Relating to false claims against the state and actions by the state and private persons to prosecute those claims; providing a civil penalty.

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

**CSSB 1310** (Wentworth)

Relating to the reimbursement of travel expenses for state employees.

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

**SB 1315** (Uresti)

Relating to a silver alert for missing senior citizens.

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

**SB 1354** (Carona)

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

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

**CSSB 1372** (Carona)

Relating to the operation of motor vehicles and commercial motor vehicles.

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

**CSSB 1389** (Van de Putte)

Relating to the processing of consumer rebates.

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

**CSSB 1390** (Uresti)

Relating to rental of a vehicle to a member of the armed forces; providing a civil penalty.

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

**SB 1402** (Lucio)

Relating to the refund of excess unearned premiums by insurance premium finance companies.

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

**SB 1412** (Hinojosa)

Relating to certain fees collected by justice courts and small claims courts.  
(viva voce vote) (31-0) (31-0)

**(Senator Brimer in Chair)****SB 1413** (Hinojosa)

Relating to the amount of a judgment that may be appealed or removed from justice court.  
(viva voce vote) (31-0) (31-0)

**SB 1416** (Hinojosa)

Relating to the amount of a judgment that may be appealed from small claims court.  
(viva voce vote) (31-0) (31-0)

**SB 1418** (Hinojosa)

Relating to the establishment and operation of a spatial reference center at Texas A&M University–Corpus Christi.  
(viva voce vote) (31-0) (31-0)

**SB 1424** (Harris on behalf of Brimer)

Relating to the municipalities authorized to use the other events trust fund to attract certain sporting events.  
(viva voce vote) (31-0) (31-0)

**SB 1425** (Harris on behalf of Brimer)

Relating to economic impact studies and other financial issues affecting municipalities and counties that attempt to recruit or retain special events.  
(viva voce vote) (31-0) (31-0)

**CSSB 1426** (Averitt)

Relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit or a retail dealer's on-premise license.  
(viva voce vote) (31-0) (31-0)

**CSSB 1433** (Van de Putte)

Relating to the Employers for Education Excellence Award.  
(viva voce vote) (31-0) (31-0)

**CSSB 1470** (Seliger)

Relating to certain notifications required for persons convicted of a misdemeanor involving family violence.  
(viva voce vote) (31-0) (31-0)

**CSSB 1490** (Watson)

Relating to information that must be provided to the parent of a public school student enrolled in a special education program.  
(viva voce vote) (31-0) (31-0)

**CSSB 1499** (Zaffirini)

Relating to the meeting notice that a governmental body may post in certain emergency situations.  
(viva voce vote) (31-0) (31-0)

**SB 1501** (Zaffirini)

Relating to the removal of an emergency services district board member by a county commissioners court.

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

**SB 1502** (Zaffirini)

Relating to the duties of the board of an emergency services district in connection with a proposed tax rate increase.

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

**CSSB 1504** (Van de Putte)

Relating to a school district policy for responding to a train derailment near a district school.

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

**CSSB 1519** (Wentworth)

Relating to longevity pay for certain state judges and justices.

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

**SB 1526** (Hegar)

Relating to regulation by the Brookshire-Katy Drainage District of the construction of drainage facilities or improvements.

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

**CSSB 1533** (Fraser)

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Burnet County.

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

**SB 1540** (Fraser)

Relating to financing statements and other records under the secured transactions law.

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

**SB 1541** (Fraser)

Relating to the Uniform Commercial Code provisions relating to negotiable instruments.

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

**SB 1542** (Fraser)

Relating to registration statements filed by an insurer that is a member of an insurance company holding system.

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

**(Senator Seliger in Chair)**

**SB 1548** (Hinojosa)

Relating to certain open meetings requirements applicable to a regional mobility authority.

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



**CSSB 1555** (Hinojosa)

Relating to compensation and payment of attorney's fees of attorneys serving as guardians of a ward.

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

**SB 1618** (West)

Relating to the award of a contract by an airport authority created by certain municipalities.

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

**SB 1624** (Watson)

Relating to genetic testing in proceedings to declare heirship; providing a criminal penalty.

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

**CSSB 1679** (Janek)

Relating to physical examination requirements for participation in extracurricular athletic activities.

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

**SB 1694** (Nelson)

Relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

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

**CSSB 1713** (Eltime)

Relating to the authority of a parent to designate a child-care facility or grandparent's residence for purposes of transportation provided by a public school transportation system.

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

**CSSB 1722** (Ogden)

Relating to physical fitness and appearance standards for certain state law enforcement officers.

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

**SB 1735** (Shapiro)

Relating to the effect of a charter provision relating to the sale of alcoholic beverages for off-premise consumption on a subsequent local option election for the sale of alcoholic beverages in certain home-rule municipalities.

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

**SB 1752** (Duncan on behalf of Seliger)

Relating to the election, powers, and duties of the members of the board of directors of the Midland County Hospital District.

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

**SB 1780** (Whitmire)

Relating to the use of proceeds from criminal asset forfeiture to fund the operation of drug court programs in certain counties.

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

**SB 1805** (Hinojosa)

Relating to creating a recognition day in honor of Dr. Hector P. Garcia.

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

**SB 1809** (Brimer)

Relating to the implementation of a project plan or financing plan for a reinvestment zone under the Tax Increment Financing Act and the granting of exemptions from ad valorem taxes imposed on real property in a reinvestment zone under that Act.

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

**(Senator Brimer in Chair)****SB 1828** (Whitmire)

Relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol-related laws.

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

**CSSB 1871** (Zaffirini)

Relating to the compilation and reporting by the Texas Education Agency of certain student data disaggregated by the instruction method used.

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

**SB 1877** (Averitt)

Relating to the determination of compensation under the Teacher Retirement System of Texas.

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

**SB 1913** (Shapleigh)

Relating to employer contributions for certain retirees under the Teacher Retirement System of Texas who are employed by a school district affected by base realignment and closure.

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

**SB 1970** (Hinojosa)

Relating to the destruction by the Department of Public Safety of the State of Texas of drugs and controlled substances seized by a state, local, or federal agency and the fee charged by the department for that service.

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

**SCR 17** (Averitt)

Designating the Texas Medal of Honor Memorial on the campus of Hill College in Hillsboro as the official State Memorial to Texas-Born Medal of Honor Recipients.

(viva voce vote)

**SCR 46** (Averitt)

Requesting the United States Congress to authorize the Secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center in Marlin, Texas, to the State of Texas.

(viva voce vote)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Zaffirini, author of the bill, requested in writing that **SB 142** be removed from the Local and Uncontested Calendar.

Senator West and Senator Brimer requested in writing that **SB 194** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Brimer requested in writing that **CSSB 691** be removed from the Local and Uncontested Calendar.

Senator Averitt, author of the bill, requested in writing that **CSSB 816** be removed from the Local and Uncontested Calendar.

Senator Janek, author of the bill, requested in writing that **CSSB 1072** be removed from the Local and Uncontested Calendar.

Senator Hegar, author of the bill, requested in writing that **SB 1178** be removed from the Local and Uncontested Calendar.

Senator Hegar, author of the bill, requested in writing that **SB 1179** be removed from the Local and Uncontested Calendar.

Senator Watson, author of the bill, requested in writing that **SB 1623** be removed from the Local and Uncontested Calendar.

Senator Eltife and Senator West requested in writing that **SB 1744** be removed from the Local and Uncontested Calendar.

Senator Whitmire, author of the bill, requested in writing that **SB 1750** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Brimer requested in writing that **SB 1761** be removed from the Local and Uncontested Calendar.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:50 a.m. adjourned, in memory of Justin Hurst, until 10:00 a.m. today.

