

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTY-FIFTH DAY

(Continued)

(Tuesday, May 22, 2007)

AFTER RECESS

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

## SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Wentworth yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

### **CSSB 1755** (Ellis)

Relating to the collection and dissemination of certain information for a federal firearm background check.

(viva voce vote) Hegar, Nichols "Nay" (29-2) Hegar, Nichols "Nay" (29-2) Hegar, Nichols "Nay"

### **SR 777** (West)

Encouraging the Health and Human Services Commission to partner with private entities to provide education on chronic obstructive pulmonary disease.

(viva voce vote)

### **HB 149** (Estes)

Relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system.

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

**HB 198** (Deuell)

Relating to the capacity of certain correctional facilities operated under contracts between the Texas Board of Criminal Justice and a private vendor or county commissioners court.

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

**HB 308** (Estes)

Relating to the use of laser sighting devices by hunters who are legally blind.

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

**HB 462** (Fraser)

Relating to the authority of certain municipalities to collect an infrastructure fee from certain governmental entities.

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

**CSHB 492** (Averitt)

Relating to the removal, transfer, or exclusion of territory in emergency services districts.

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

**HB 538** (Nichols)

Relating to the scheduling of hearings before appraisal review boards on property tax protests; making conforming changes.

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

**HB 629** (Duncan)

Relating to the date for a consolidation election of two or more municipalities.

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

**HB 643** (Nelson)

Relating to the renewal of an expired dental license for a dentist practicing voluntary charity care.

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

**CSHB 681** (Duncan)

Relating to postconviction forensic testing.

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

**HB 713** (Seliger)

Relating to the authority of a fresh water supply district to issue bonds or to enter into a contract to convey property to another water district or water supply corporation.

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

**(Senator Uresti in Chair)**

**HB 764** (West)

Relating to the collection of a family protection fee.

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

**HB 868** (Shapleigh)

Relating to the recreational facility fee at The University of Texas at El Paso.

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

**HB 891** (Fraser)

Relating to water rights Permit No. 5394A issued to the Upper Guadalupe River Authority.

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

**CSHB 892** (Fraser)

Relating to the timely deposit of, and depositories for, certain county funds and registry funds.

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

**HB 948** (Ellis)

Relating to requirements for labeling certain drugs.

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

**HB 963** (West)

Relating to providing notice of the release or escape of a defendant to certain crime victims and witnesses in criminal trials.

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

**HB 1005** (Van de Putte)

Relating to the timely submission of a claim for payment by a workers' compensation health care provider.

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

**HB 1049** (Wentworth)

Relating to the automatic suspension of the driver's license of certain persons convicted of the offense of manslaughter.

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

**HB 1082** (Van de Putte)

Relating to a pilot program to require reporting of methicillin-resistant *Staphylococcus aureus*.

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

**(Senator Van de Putte in Chair)****CSHB 1086** (Wentworth)

Relating to jurors and alternate jurors in a criminal case.

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

**HB 1179** (Nelson)

Relating to procurements by the Texas Lottery Commission.

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

**HB 1187** (Wentworth on behalf of Van de Putte)

Relating to vouchers for tuition and required fees at certain institutions of higher education for students who sound "Taps" at a veteran's funeral.

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

**HB 1204** (West)

Relating to donations of juror reimbursements.

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

**CSHB 1265** (Seliger)

Relating to the operations of the Task Force on Indigent Defense and a legal services fee for indigent persons paid by members of the state bar.

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

**CSHB 1290** (Fraser)

Relating to the appeal of a decision of the Texas Ethics Commission.

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

**HB 1346** (Deuell)

Relating to continuing education for truancy magistrates in certain counties.

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

**HB 1400** (Shapiro)

Relating to the issuance by a corporation established by the Texas Public Finance Authority of revenue bonds for open-enrollment charter school facilities.

(viva voce vote) West "Present-not voting" (30-0-1) West "Present-not voting" (30-0-1) West "Present-not voting"

**HB 1418** (Ogden)

Relating to the name of Sam Houston State University.

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

**CSHB 1460** (Harris)

Relating to the licensing, acquisition, regulation, and taxation of manufactured housing; providing administrative and criminal penalties.

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

**HB 1561** (Gallegos)

Relating to the investigation of a firefighter in certain municipalities.

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

**CSHB 1667** (Brimer)

Relating to the amount of the fee for issuing certain alcoholic beverage permits.

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

**CSHB 1669** (Ogden)

Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

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

**HB 1679** (Eltime)

Relating to the General Land Office's determination as to the existence of vacant public school land.

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

**(Senator Seliger in Chair)**

**HB 1764** (Wentworth)

Relating to the purchasing methods available to a county when paying with certain funds.

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

**HB 1788** (Hegar)

Relating to the planning, reporting, and review of the state's information resources.  
(viva voce vote) (31-0) (31-0)

**HB 1789** (Hegar)

Relating to the management and oversight of information resources projects.  
(viva voce vote) (31-0) (31-0)

**HB 1839** (Deuell)

Relating to the requirements for renewal of a license to carry a concealed handgun.  
(viva voce vote) (31-0) (31-0)

**HB 2015** (Duncan)

Relating to the reporting of claim information under certain group health plans; providing administrative penalties.  
(viva voce vote) (31-0) (31-0)

**HB 2042** (Nelson)

Relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program.  
(viva voce vote) (31-0) (31-0)

**HB 2132** (Van de Putte)

Relating to the creation of a diabetes mellitus registry pilot program.  
(viva voce vote) (31-0) (31-0)

**HB 2171** (Duncan on behalf of Seliger)

Relating to the first day of instruction in school districts whose prospective or former students generally attend certain grades in another state.  
(viva voce vote) (31-0) (31-0)

**CSHB 2173** (Brimer)

Relating to the continuation and functions of the Prepaid Higher Education Tuition Board.  
(viva voce vote) (31-0) (31-0)

**HB 2313** (Nichols)

Relating to designating the second full week in September as obesity awareness week.  
(viva voce vote) (31-0) (31-0)

**HB 2359** (Wentworth)

Relating to the collection of certain filing fees by statutory probate courts for deposit in the judicial fund, the use of those deposits, and the remittance of the excess of those deposits.  
(viva voce vote) (31-0) (31-0)

**HB 2371** (Zaffirini)

Relating to hearings regarding cease and desist orders against certain persons operating a career school or college without proper authority.  
(viva voce vote) (31-0) (31-0)

**CSHB 2438** (Nelson)

Relating to the allocation of revenue from the municipal hotel occupancy tax for certain transportation systems.

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

**HB 2462** (Brimer)

Relating to providing for the sale of certain gambling equipment seized by a law enforcement agency.

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

**HB 2489** (Duncan)

Relating to registration and reporting requirements for lobbyists.

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

**(Senator Brimer in Chair)****HB 2503** (Williams)

Relating to a technology literacy assessment instrument to be administered to certain public school students.

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

**HB 2518** (Ellis)

Relating to the posting by the General Land Office of information about the process for purchasing commercial real estate from the School Land Board.

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

**HB 2580** (Nelson)

Relating to the designation by the Department of Family and Protective Services of an individual to consent on behalf of the department to medical care for a child in foster care.

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

**HB 2664** (Duncan)

Relating to audits of certain public retirement system actuarial valuations, studies, and reports.

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

**HB 2718** (Ellis)

Relating to treatment of retrospective premiums for group life insurance issued through certain nonprofit membership associations.

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

**HB 2754** (Fraser)

Relating to the regulation of state banks and state trust companies.

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

**HB 2765** (Averitt)

Relating to certain variable insurance contracts.

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

**HB 2882 (Wentworth)**

Relating to the service retirement annuity of certain members of the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

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

**HB 2910 (Ogden)**

Relating to the authority of certain municipalities to regulate certain quarry activities.

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

**HB 2983 (Hegar)**

Relating to a petition for the creation of a fresh water supply district.

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

**CSHB 3066 (Patrick)**

Relating to the use of political contributions to make payments in connection with the rental or purchase of certain real property; providing a criminal penalty.

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

**CSHB 3068 (Zaffirini)**

Relating to the authority and responsibilities of certain political subdivisions in relation to development.

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

**HB 3092 (Duncan)**

Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility.

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

**HB 3132 (Ogden)**

Relating to the authority of certain counties to impose a county hotel occupancy tax.

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

**(Senator Uresti in Chair)****CSHB 3249 (Brimer)**

Relating to the entities reviewed by the Sunset Advisory Commission.

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

**CSHB 3672 (Ellis)**

Relating to mobile food units in certain populous counties; providing a penalty.

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

**CSHB 3876 (Nichols)**

Relating to the regulation of the practice of dentistry; providing penalties.

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

**CSHB 4062 (Nelson)**

Relating to the enforcement and administration of certain programs by the Department of Agriculture.

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

**HCR 67** (Seliger)

Urging Congress to provide further drought relief for Texas.  
(viva voce vote)

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Shapiro, author of the bill, requested in writing that **SB 174** be removed from the Local and Uncontested Calendar.

Senator Hinojosa, author of the bill, requested in writing that **SB 1563** be removed from the Local and Uncontested Calendar.

Senator Williams and Senator Brimer requested in writing that **HB 27** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Brimer requested in writing that **HB 1631** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Brimer requested in writing that **HB 2272** be removed from the Local and Uncontested Calendar.

**RECESS**

Pursuant to a previously adopted motion, the Senate at 8:34 a.m. recessed until 10:30 a.m. today.