

THIRTY-EIGHTH DAY
(Continued)
(Thursday, April 6, 1989)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Sims.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 202. Relating to the termination of a condominium regime.

H.B. 163. Relating to designing and supplying a uniform certificate of course completion for successful completion of a driving safety course.

H.B. 494. Relating to public notice and a hearing before the Board of Pardons and Paroles begins construction of or enters into a contract for a halfway house.

H.B. 696. Relating to the payments and projects under contracts between local governments.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

S.C.R. 57 (Uribe) Granting the Lorenzo de Zavala Youth Legislative Session permission to use the House and Senate chambers on August 2-4, 1989. (vv)

S.C.R. 70 (Henderson) Directing the State Department of Highways and Public Transportation to issue "U.S. Judge" plates to federal bankruptcy judges residing in Texas. (vv)

C.S.S.B. 382 (Brown) Relating to the maintenance and disposition of certain county records. (30-1) Washington "Nay" (31-0)

S.B. 529 (Henderson) Relating to the continuation, name change, and operation of the Natural Fibers and Food Protein Commission. (30-1) Washington "Nay" (31-0)

S.B. 713 (Caperton) Relating to the creation, administration, powers, duties, operation, and financing of the Rice Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain. (30-1) Washington "Nay" (31-0)

- S.B. 722** (Parker) Relating to the jurisdiction of the County Court at Law of Liberty County. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 723** (Glasgow) Relating to the right of fresh water supply districts to participate in certain procedures for the disposition of surplus and salvage State property. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 800** (Barrientos) Relating to membership and credit in, contributions to, benefits from, and administration of fire fighters' retirement systems in certain municipalities. (30-1) Washington "Nay" (31-0)
- S.B. 829** (Hailey) Relating to the regulation of credit life and credit accident and health insurance for certain loans and credit transactions. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 847** (Sims) Relating to grants from the Texas Water Development Board for the purchase of equipment for water quality testing. (30-1) Washington "Nay" (31-0)
- S.B. 886** (Whitmire) Relating to exempting certain driver education vehicles from the Certificate of Title Act. (30-1) Washington "Nay" (31-0)
- S.B. 938** (Parker) Relating to the jurisdiction of the 344th District Court. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 954** (Bivins) Relating to the composition, operation, and dissolution of the Deaf Smith County Hospital District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 960** (Sims) Relating to the appointment of bailiffs for certain courts in Tom Green County. (30-1) Washington "Nay" (31-0)
- S.B. 1032** (Henderson) Relating to the dissolution of the Harris County Regional District No. 2. (30-1) Washington "Nay" (31-0)
- S.B. 1115** (Montford) Relating to well-servicing units and self-powered drilling rigs. (30-1) Washington "Nay" (31-0)
- S.B. 1122** (Brown) Relating to the continuing education requirements for a county treasurer. (30-1) Washington "Nay" (31-0)
- S.B. 1136** (Sims) Relating to notes issued by a conservation district. (30-1) Washington "Nay" (31-0)
- S.B. 1186** (Washington) Relating to the adoption and utilization by a home-rule municipality of administrative procedures for the destruction of animals. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1249** (Johnson) Relating to the interment of paupers. (30-1) Washington "Nay" (31-0)
- S.B. 1308** (Montford) Relating to appeals from administrative agencies pursuant to the Administrative Procedure and Texas Register Act. (30-1) Washington "Nay" (31-0)
- H.B. 387** (Ratliff) Relating to the powers of the Hopkins County Hospital District. (30-1) Washington "Nay" (31-0)
- H.B. 393** (Bivins) Relating to the tax rate of the Hall County Hospital District. (30-1) Washington "Nay" (31-0)

**BILL REMOVED FROM LOCAL AND UNCONTESTED
BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
S.B. 1174	Truan and Sims

**CONCLUSION OF SESSION FOR LOCAL AND
UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:44 a.m. adjourned until 11:00 a.m. today.

**THIRTY-NINTH DAY
(Thursday, April 6, 1989)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Santiesteban.

A quorum was announced present.

The Reverend Ray Whitfield, Assistant Rector, Good Shepherd Episcopal Church, Austin, offered the invocation as follows:

Almighty God, we pray for those engaged in the political life of our State as members of its Legislature.

Help them to put loyalty to what is right above loyalty to party or class, above popularity or the praise of mankind; and may their only motive be to serve their community and promote the welfare of their fellow citizens.

You have warned us that a kingdom divided against itself cannot stand: hear us as we pray for the healing of divisions in the life of our community.

Help us to recognize that the things we have in common are of greater worth than those on which we differ.

Deepen our understanding of one another's needs and our respect for one another's opinions; and unite us in the common cause of justice, truth, and freedom, for the honor and glory of Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

**BILL REMOVED FROM LOCAL AND UNCONTESTED
BILLS CALENDAR**

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LEAVE OF ABSENCE

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BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

H.B. 425
S.C.R. 105

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 63, Congratulating the Kilgore College Rangerettes on their 50th anniversary.

S.C.R. 87, Honoring The University of Texas at El Paso on its 75th anniversary.

H.C.R. 154, Commending the Westfield High School band.

H.C.R. 155, Congratulating the Northwest 45 All-Star baseball team.

H.C.R. 177, Declaring April 15, 1989, as Victoria County Water Appreciation Day.

H.C.R. 193, Commending the East Texas Crisis Center.

H.C.R. 61, Designating the Guadalupe Bass as the Official State Fish of Texas.

H.C.R. 171, Designating Caldwell as the Kolache Capital of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Finance:

S.B. 1142

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 528
S.B. 290
S.B. 794
C.S.S.B. 792
C.S.S.B. 791

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 35

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 1222
 S.B. 1568
 S.B. 856
 C.S.S.B. 370
 C.S.S.B. 718
 C.S.S.B. 1215
 C.S.S.B. 1221
 C.S.S.B. 1223

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 607 (Amended)
 C.S.S.B. 1270

Senator Parker submitted the following report for the Committee on Education:

S.B. 921
 S.B. 1413
 S.B. 563 (Amended)

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

S.B. 839
 S.B. 1133
 S.B. 1289
 C.S.S.B. 1321
 C.S.S.B. 1288
 C.S.S.B. 1607
 C.S.S.B. 468
 C.S.S.B. 1290

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.J.R. 6, To Committee on State Affairs.
 H.B. 163, To Committee on State Affairs.
 H.B. 202, To Committee on Jurisprudence.
 H.B. 302, To Committee on Intergovernmental Relations.
 H.B. 391, To Committee on Natural Resources.
 H.B. 450, To Committee on State Affairs.
 H.B. 494, To Committee on Criminal Justice.
 H.B. 563, To Committee on Intergovernmental Relations.
 H.B. 696, To Committee on Intergovernmental Relations.
 H.B. 1417, To Committee on Natural Resources.
 H.B. 1588, To Committee on Natural Resources.

SENATE BILLS ON FIRST READING

On motion of Senator Barrientos and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1646 by Barrientos Natural Resources
 Relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 3.

S.B. 1647 by Barrientos Natural Resources
 Relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 5.

S.B. 1648 by Barrientos Natural Resources
 Relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 4.

S.B. 1649 by Harris Finance
 Relating to an occupation tax on selling, transporting or brokering the sale or transportation of natural gas that is consumed in this state.

S.B. 1650 by Glasgow Committee of Whole Senate
 Relating to the creation of offenses of fraudulently obtaining or denying workers' compensation benefits.

CO-AUTHOR OF SENATE BILL 1107

On motion of Senator Carriker and by unanimous consent, Senator Dickson will be shown as Co-author of **S.B. 1107**.

SENATE RESOLUTION 365

Senator Washington offered the following resolution:

WHEREAS, Since its inception in 1950, the Association for Retarded Citizens/Texas (ARC/Texas) has been committed to active volunteer advocacy to protect the rights and interests of the over 500,000 Texas citizens who are mentally retarded and to develop a full array of appropriate and cost-effective programs and services that will respond to the unique needs of these valued citizens; and

WHEREAS, ARC/Texas is comprised of more than 10,000 parents, family members, professionals in the field of mental retardation services, and interested citizens in 62 community chapters throughout the State of Texas; and

WHEREAS, ARC/Texas believes that all citizens with mental retardation, regardless of the severity of their disabilities, should be afforded the opportunities and services that will enable them to live productive lives in their home communities and to assume their rightful role in the mainstream of our society; and

WHEREAS, ARC/Texas's advocacy on behalf of citizens with mental retardation has lead to enactment of such landmark Texas legislation as the Mentally Retarded Persons Act, The Comprehensive Special Education Act of 1969, The Limited Guardianship Act, The Early Childhood Intervention Services Act, The Community Homes For Disabled Persons Location Act, and the In-Home and Family Support Services Act of 1987; and

WHEREAS, ARC advocates have worked tirelessly for nearly 40 years with legislators to support increased funding for a wide variety of state agency programs serving citizens with mental retardation emphasizing the need for cost-effective services that train and support these citizens to be productive members of society; and

WHEREAS, ARC members work regularly with officials of the Texas Department of Mental Health and Mental Retardation, Texas Education Agency, Texas Rehabilitation Commission, Texas Department of Human Services, and other agencies to positively influence agency funding priorities, plans, rules, and procedures to insure the delivery of effective services for persons with mental retardation and their families; and

WHEREAS, ARC/Texas has organized and supported the Texas Advocates, an organization of over 700 adults with mental retardation who are learning to advocate for themselves and their peers; and

WHEREAS, Since 1984, ARC staff and volunteers have trained over 2,500 parents and professionals to work cooperatively on development of appropriate individual programs plans for hundreds of Texans with mental retardation and have sponsored a series of conferences and seminars to educate parents and professionals about emerging state-of-the-art residential and habilitation services benefiting citizens who are mentally retarded; and

WHEREAS, ARC/Texas has implemented statewide media campaigns to educate the general public about the condition of mental retardation and the potentials of citizens who are mentally retarded and a variety of other research, planning, and program development initiatives in the areas of progressive residential, vocational, and educational services for persons with disabilities; and

WHEREAS, During the week of April 3-9, 1989, ARC/Texas will be holding its 39th Annual State Convention, including its biannual Capitol Day, in support of mental retardation services; and

WHEREAS, The outstanding achievements of the volunteers of ARC/Texas over the last four decades have contributed significantly to an improved quality of life for Texans who are mentally retarded and are, therefore, most worthy of recognition by the members of the 71st Texas Legislature; now, therefore, be it

RESOLVED, That the week of April 3-9, 1989, be declared ARC/Texas Week in Texas in recognition of the tireless volunteerism of ARC members throughout the state and of their 39 years of dedication and support for advancements in services benefiting Texas citizens who are mentally retarded; and, be it further

RESOLVED, That a copy of this Resolution be prepared for and presented to the leadership of ARC/Texas as an expression of the highest respect and admiration from the members of the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Washington introduced a large delegation of members of the Association for Retarded Citizens seated in the Senate Gallery.

The Senate extended a warm welcome to these special guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 5, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE STATE PURCHASING AND GENERAL
SERVICES COMMISSION, FOR A TERM TO EXPIRE JANUARY 31, 1995:

ROBERT E. DAVIS
1010 Gloucester
Irving, Texas 75062

Mr. Davis is being reappointed.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

HOUSE AND SENATE BILLS REREFERRED

On motion of Senator Montford and by unanimous consent, the following workers' compensation-related bills were withdrawn from the Committee on State Affairs and rereferred to the Committee of the Whole Senate:

H.B. 1	S.B. 1166
S.B. 185	S.B. 1167
S.B. 729	S.B. 164
S.B. 700	S.B. 1408
S.B. 1074	S.B. 1538
S.B. 1164	S.B. 1539
S.B. 1165	S.B. 1592

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 13, Memorializing Congress to increase Medicare compensation to rural hospitals.

H.C.R. 19, Memorializing Congress not to reduce funding of Amtrak service.

H.C.R. 117, Extending an invitation to the people of Canada to join Texas in a relationship of mutual benefit.

H.C.R. 118, Extending an invitation to the people of Mexico to join Texas in a relationship of mutual benefit.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

Members, Texas Parks and Wildlife Commission: LEE MARSHALL BASS, Tarrant County; DELO H. CASPARY, Aransas County; GEORGE C. "TIM" HIXON, Bexar County; JOHN WILSON KELSEY, Harris County.

Members, Board of Regents, University of Houston: MRS. DOROTHY JEAN ALCORN, Victoria County; JAMES L. KETELSEN, Harris County; KENNETH L. LAY, Harris County.

Member, Credit Union Commission: JOE G. THORNTON, Bowie County.

Member, Board of Directors, Texas Housing Agency: GARY ALLEN HAMMOND, Collin County.

Members, Texas Board of Mental Health and Mental Retardation: F. O'NEIL GRIFFIN, Kerr County; MICHAEL JOSEPH MONCRIEF, Tarrant County; DR. FERMIN SARABIA, Bexar County.

SENATE RESOLUTION 370

Senator Barrientos offered the following resolution:

WHEREAS, All Texans take great pride in our state's wilderness areas which have remained oases of peace, inspiration, and beauty since the days of the Republic; and

WHEREAS, A refuge from the complexities of modern life, these areas should be preserved in their pristine splendor for future generations to enjoy; and

WHEREAS, On Saturday, April 8, 1989, a group of concerned volunteers will band together in a cleanup day at the Wild Basin Wilderness Preserve to clear out a dump site; and

WHEREAS, A 200-acre area of protected Hill Country habitat, the Preserve encompasses an abundance of plant and animal life; and

WHEREAS, Home to many endangered species, the Wild Basin Wilderness Preserve is a haven for the endangered Black-capped Vireo and the rare Golden-cheeked Warbler; and

WHEREAS, Central Texans from all walks of life have treasured time spent there birdwatching, stargazing, and moonlit hiking; and

WHEREAS, The success of the day will be due in large measure to the commitment of time, energy, and resources of volunteer workers; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby declare April 8, 1989, as Wild Basin Cleanup Day; and, be it further

RESOLVED, That all citizens be urged to join the employees of the Texas Senate and Texas House of Representatives in this very worthwhile endeavor.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Armbrister was recognized and presented Dr. Robert A. Williamson of Gonzales.

Dr. Williamson, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 590, Relating to validation of governmental acts and proceedings by municipalities. (As amended)

S.B. 41, Relating to the required wearing of protective headgear by motorcycle riders. (As amended)

S.B. 51, Relating to the authority of a municipality to annex certain political subdivisions and to the authority of the subdivisions' governing bodies to continue in existence after the annexation.

S.B. 139, Relating to the filing of a financing statement under a trade name.

S.B. 236, Relating to the addition of independent ginning services to other ginning services eligible to hold an agricultural permit.

S.B. 577, Relating to criminal law magistrates in Lubbock County.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 1279 ON SECOND READING

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1279, Relating to balancing of the state budget; making an appropriation. (Submitted by Governor as an emergency matter)

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Leedom, Washington.

Absent-excused: Santiesteban.

The bill was read second time and was passed to third reading viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1279 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Leedom, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Leedom and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1477 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1477, Relating to the issuance of general obligation bonds for projects relating to corrections institutions and Texas Youth Commission facilities and to emergency appropriations to the Texas Department of Corrections for projects related to corrections institutions and to the Texas Youth Commission for certain facilities of the commission. (Submitted by Governor as an emergency matter)

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1477 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1477** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 897 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 897, Relating to deferred compensation plans for employees of the state and political subdivisions of the state; making an appropriation.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.S.B. 897** as follows:

(1) Delete Subsection (e), SECTION 3 (Committee Printing page 12, lines 65-69), relating to the appropriation of \$567,000 to the Employees Retirement System, in its entirety.

The amendment was read and was adopted viva voce vote.

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

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 897 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 897 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 52, Reauthorizing the construction of a memorial honoring veterans of the Korean War and the war in Southeast Asia.

H.C.R. 90, Authorizing the National Hispanic Institute to use the House and Senate Chambers on August 2-4, 1989.

H.C.R. 114, Encouraging maximum participation in the State Use Program providing for purchases of products and goods of disabled persons.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 898 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 898, Relating to deferred compensation plans for employees of the state and political subdivisions of the state; making an appropriation.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 898 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 898** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

**COMMITTEE SUBSTITUTE
SENATE BILL 899 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 899, Relating to deferred compensation plans for employees of the state and political subdivisions of the state; making an appropriation.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 899 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

**COMMITTEE SUBSTITUTE
SENATE BILL 1140 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1140, Relating to a commercial fisheries marketing council in the agriculture department.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 1140** as follows:

(1) In Subdivision (2), Subsection (a), Section 45.001 (Committee Printing page 1, line 34), delete "the production" and substitute "product availability."

(2) In Subdivision (5), Subsection (a), Section 45.001 (Committee Printing page 1, line 42), delete "production" and substitute "product availability."

(3) In Subsection (b), Section 45.004 (Committee Printing page 2, line 36), delete "the production" and substitute "product availability."

The amendment was read and was adopted viva voce vote.

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

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1140 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1140 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

SENATE JOINT RESOLUTION 14 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 14, Proposing a constitutional amendment to allow certain public employees serving on the governing body of a political subdivision to be compensated for that service.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 14 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.J.R. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 1388 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1388, Authorizing the creation of programs for the grant of public money under Article III, Section 52-a, of the Texas Constitution by any home-rule city with

a population exceeding 780,000 to any organization exempt from taxation under certain provisions of the Internal Revenue Code of 1986.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1388 ON THIRD READING

Senator Tejada moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1388** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 691 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 691, Relating to a requirement that certain persons serving in elective offices as peace officers be licensed by the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 691 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 691** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

SENATE BILL 807 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 807, Relating to an offer of merchandise in a carnival contest sponsored by a nonprofit agricultural or civic group.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 807 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 807 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

**SENATE CONCURRENT RESOLUTION 61
ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 61, Recommending that the State Board of Education increase its efforts to promulgate and make available to school districts a comprehensive age-appropriate health education curriculum that focuses on behavior that is conducive to the development of responsibility for personal wellness, safety and disease prevention.

The resolution was read second time.

Senator Armbrister offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **S.C.R. 61** as follows:

1. Line 47, page 1, strike "unwanted teenage pregnancies" and substitute the following: "adolescent sexual activity, unwanted teenage pregnancies"

2. Line 52, page 1, strike "unwanted teenage pregnancy" and substitute the following: "adolescent sexual activity, unwanted teenage pregnancy"

The amendment was read and was adopted viva voce vote.

Senator Armbrister offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **S.C.R. 61** as follows:

1. Line 33, page 1, insert the following language between "Texas" and "receive": "be given the opportunity to"

2. Strike lines 57-59, page 1, and substitute the following: "and Central Education Agency shall be urged to utilize licensed physicians or registered nurses; and, be it further"

3. Strike lines 15-18, page 2, and substitute the following: "the latest medical information that indicates the health consequences and statistical efficacy of contraception;"

4. Strike lines 30-31, page 2, and substitute the following: "school districts comprehensive health education materials; and, be it further"

5. On line 35, page 2, strike "inservice training,"

The amendment was read.

On motion of Senator Johnson, the amendment was tabled by the following vote: Yeas 15, Nays 15.

The President announced that he would vote "Yea" on the motion to table the amendment.

Yeas: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Haley, Johnson, Lyon, Parker, Parmer, Truan, Uribe, Washington, Whitmire.

Nays: Armbrister, Bivins, Brown, Glasgow, Green, Harris, Henderson, Krier, Leedom, McFarland, Montford, Ratliff, Sims, Tejada, Zaffrini.

Absent-excused: Santiesteban.

The resolution as amended was adopted viva voce vote.

RECORD OF VOTES

Senators Armbrister, Brown, Henderson and Montford asked to be recorded as voting "Nay" on the adoption of the resolution.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 142, Authorizing the Speaker and Lieutenant Governor to appoint special joint committees during the interim.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CONGRATULATORY RESOLUTIONS

S.R. 371 - By Green: Recognizing the Sam Houston High School newspaper Aegis on its 100 years of publication.

S.R. 372 - By Dickson: Extending congratulations to the six cooperative groups of the Killeen Independent School District for their vocational programs.

S.R. 373 - By Krier: Commending Peter C. Gekas for his dedicated efforts toward being a winner and for motivating his associates and acquaintances to become winners.

S.R. 374 - By Edwards: Extending congratulations to Mr. and Mrs. Paul L. Jackson of Waxahachie on their 50th wedding anniversary.

S.R. 375 - By Edwards: Extending congratulations to Mr. and Mrs. Leroy Gragg on their 50th wedding anniversary.

S.R. 376 - By Edwards: Extending congratulations to Mr. and Mrs. Horace Collins of Corsicana on their 50th wedding anniversary.

S.R. 377 - By Edwards: Extending congratulations to Mr. and Mrs. Joe Anderson of Corsicana on their 60th wedding anniversary.

S.R. 378 - By Edwards: Extending congratulations to Mr. and Mrs. J. E. Duggan of Cedar Creek Lake on their 50th wedding anniversary.

S.R. 379 - By Tejada: Commending William T. Donahue for his achievements toward the growth and progress of the City of San Antonio.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:57 p.m. adjourned, in memory of former Member of the Senate, the Honorable Grady Hazlewood, until 11:00 a.m. Monday, April 10, 1989.

APPENDIX

Signed by Governor
(April 4, 1989)

S.B. 315 (Effective immediately)
(April 5, 1989)

H.B. 753 (Effective immediately)

FORTIETH DAY (Monday, April 10, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father and Lord of our lives, give these the long view of their task, and may they see beyond the immediate. We pause to pray for these who make law and for those who will be governed by it and ask that both come together in harmony and understanding.

Thank You for this day and all the gifts we share. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 6, 1989, was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.C.R. 63
S.C.R. 87
S.B. 51
S.B. 139