

FORTY-NINTH DAY

(CONTINUED)

THURSDAY, APRIL 15, 1999

PROCEEDINGS

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Harris.

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 Harris on Tuesday, April 13, 1999.

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

HB 229 (Duncan) Relating to student union fees at The University of Texas of the Permian Basin. (30-0) (30-0)

CSSB 32 (Shapiro) Relating to the mandatory detention of a juvenile for engaging in certain conduct. (30-0) (30-0)

CSSB 149 (Moncrief on behalf of Harris) Relating to student intercollegiate athletic fees at The University of Texas at Arlington. (30-0) (30-0)

CSSB 173 (Cain) Relating to the creation of municipal courts of record in Tyler. (30-0) (30-0)

CSSB 258 (West) Relating to the applicability of the Hazard Communication Act to certain inmates of the Texas Department of Criminal Justice. (30-0) (30-0)

CSSB 481 (Moncrief on behalf of Harris) Relating to the purchase of library materials by certain institutions of higher education with constitutional funds. (30-0) (30-0)

CSSB 491 (Luna) Relating to legal services provided to school districts. (30-0) (30-0)

CSSB 518 (Cain) Relating to licensing requirements for the operation of certain farm vehicles and trailers on the highways. (30-0) (30-0)

SB 530 (Lindsay) Relating to the premium tax on certain life, health, and accident insurance policies. (30-0) (30-0)

SB 562 (Duncan) Relating to students fees charged by Texas Tech University. (30-0) (30-0)

SB 672 (Moncrief) Relating to restoring lost sick leave to a former state employee returning to state employment. (30-0) (30-0)

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SECTION 1 of **SB 672** as follows:

On page 1, lines 10-11, strike "the agency currently employing the person" and substitute "another state agency".

The committee amendment was read and was adopted by a viva voce vote.

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

CSSB 686 (Brown) Relating to a child support lien. (30-0) (30-0)

SB 691 (Lucio) Relating to the financing and administration of a program for public library development. (30-0) (30-0)

SB 736 (Armbrister) Relating to the investment of funds of a nonprofit water supply or sewer service corporation. (30-0) (30-0)

CSSB 746 (Shapleigh) Relating to student union fees at The University of Texas at El Paso. (30-0) (30-0)

SB 760 (Duncan) Relating to magistrates in Lubbock County. (30-0) (30-0)

CSSB 821 (Armbrister) Relating to the authority of a county to operate a water or sewer utility system; granting the power of eminent domain and the authority to issue bonds. (30-0) (30-0)

SB 871 (Barrientos) Relating to the co-ownership of certain entities by physicians and podiatrists. (30-0) (30-0)

SB 940 (Armbrister) Relating to student fees for bus services at Southwest Texas State University. (30-0) (30-0)

SB 969 (Lindsay) Relating to form specifications for recording certain legal instruments. (30-0) (30-0)

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 969** as follows:

(1) Strike page 1, line 23 through page 2, line 12, and substitute the following:

(1) "Grantor" includes a person who:

(A) conveys or encumbers the title to property; or

(B) makes a claim under a lis pendens, judgment, notice of lien, order of sale, execution, writ of attachment, or claim of property.

(2) "Grantee" includes a person:

(A) who is granted a conveyance or encumbrance of property or an interest in property;

(B) who is the beneficiary or creditor under a mortgage or other lien; or
(C) against whom a lis pendens, judgment, notice of lien, order of sale,
execution, writ of attachment, or claim of property is placed on record.

(2) On page 2, line 25, strike "side" and substitute "corner".

The committee amendment was read and was adopted by a viva voce vote.

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

SB 979 (Haywood) Relating to the adoption of a medical services fee at Midwestern State University. (30-0) (30-0)

SB 1013 (Duncan) Relating to increasing the flexibility in the types of projects which housing finance corporations may finance. (30-0) (30-0)

SB 1060 (Bivins) Relating to the boards of trustees of certain special-purpose school districts. (30-0) (30-0)

SB 1064 (Fraser) Relating to the appointment of an advisory committee to study unjustified double recovery in certain civil actions. (30-0) (30-0)

SB 1070 (Bivins) Relating to the creation of an administrative penalty for certain violations relating to the production of oil and gas. (30-0) (30-0)

SB 1085 (Moncrief on behalf of Harris) Relating to forming a professional association for the practice of dentistry. (30-0) (30-0)

CSSB 1107 (Shapleigh) Relating to information on certain programs and services to assist certain communities and entities impacted by the North American Free Trade Agreement. (30-0) (30-0)

SB 1122 (Armbrister) Relating to circumstances in which cigarettes may not be affixed with stamps or sold; providing penalties. (30-0) (30-0)

SB 1133 (Madla) Relating to the inclusion of nursing in the definition of professional services for purposes of the Professional Services Procurement Act. (30-0) (30-0)

SB 1155 (Carona) Relating to the allocation and reservation system for certain tax-exempt private activity bonds. (30-0) (30-0)

CSSB 1234 (Nelson) Relating to the expansion and funding of the Texas Integrated Funding Initiative of the Health and Human Services Commission. (30-0) (30-0)

CSSB 1237 (Nelson) Relating to the administration of pharmacy benefits under certain health benefit plans. (30-0) (30-0)

CSSB 1238 (Nelson) Relating to accreditation of environmental testing laboratories. (30-0) (30-0)

CSSB 1239 (Nelson) Relating to the Texas Department of Health's regulation of certain food establishments. (30-0) (30-0)

CSSB 1248 (Nelson) Relating to Medicaid third-party recoveries; providing a penalty. (30-0) (30-0)

CSSB 1249 (Nelson) Relating to the regulation of ambulatory surgical centers; providing a penalty. (30-0) (30-0)

(Senator Madla in Chair)

CSSB 1306 (Brown) Relating to the definition of hazardous waste. (30-0) (30-0)

SB 1307 (Brown) Relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems. (30-0) (30-0)

SB 1308 (Brown) Relating to approval of water quality management plans by the Texas Natural Resource Conservation Commission. (30-0) (30-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1308**, Section 2 of the bill, amending Subsection (a), Section 26.037, Water Code, as follows (On page 1, line 23 of the introduced version):

After "plans.", insert the following:

"The commission shall provide an opportunity for an interested person to seek commission review of the executive director's decision regarding a water quality management plan approval or revision."

The committee amendment was read and was adopted by a viva voce vote.

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

CSSB 1309 (Brown) Relating to the clarification of issues involved in consolidation of the enforcement authority of the Texas Natural Resource Conservation Commission; providing penalties. (30-0) (30-0)

SB 1310 (Brown) Relating to providing for representation of agricultural interests in water resource planning and management. (30-0) (30-0)

CSSB 1311 (Brown) Relating to the development and management of the water resources. (30-0) (30-0)

SB 1361 (Harris) Relating to the use of a declaration for mental health treatment. (30-0) (30-0)

SB 1451 (West) Relating to the disposition of surplus and salvage property of certain institutions of higher education. (30-0) (30-0)

SB 1487 (Armbrister) Relating to the authority of the Texas Department of Transportation and the Texas Turnpike Authority division of the Texas Department of Transportation to implement an automated enforcement system on toll roads; providing criminal penalties. (30-0) (30-0)

CSSB 1545 (Sibley) Relating to burials in the State Cemetery. (30-0) (30-0)

SB 1546 (Sibley) Relating to property dedicated to the State Cemetery. (30-0) (30-0)

SB 1555 (Fraser) Relating to administration of bond and other programs by the Veterans' Land Board. (30-0) (30-0)

SB 1569 (West) Relating to the leasing of classroom space for an institution of higher education. (30-0) (30-0)

CSSB 1587 (Zaffirini) Relating to the detection of fraud, waste, and abuse in the state Medicaid program. (30-0) (30-0)

CSSB 1588 (Zaffirini) Relating to fraud control procedures for the Medicaid managed care program. (30-0) (30-0)

CSSB 1589 (Zaffirini) Relating to fraudulent claims for medical or health care benefits submitted under certain state programs. (30-0) (30-0)

CSSB 1590 (Zaffirini) Relating to the prevention, investigation, and prosecution of fraud in the workers' compensation program for state employees. (30-0) (30-0)

SB 1641 (Nixon) Relating to the appraisal of property for ad valorem tax purposes. (30-0) (30-0)

CSSB 1642 (Nixon) Relating to appraisal review board meetings. (30-0) (30-0)

CSSB 1730 (Lucio) Relating to contracts between commissioners courts and private vendors for certain corrections facilities. (30-0) (30-0)

CSSB 1738 (Harris) Relating to the standard order for possession of or access to a child. (30-0) (30-0)

CSSB 1763 (Barrientos) Relating to certain fees charged at certain institutions of higher education. (30-0) (30-0)

SB 1765 (Barrientos) Relating to certain fees charged at certain institutions of higher education. (30-0) (30-0)

Senate bills authored by Senator Wentworth will be read on three several days. They will be laid before the Senate, read second time, amended where applicable, and passed to engrossment. At the next Local and Unconsented Calendar Session they will be read third time and passed. The vote on passage to engrossment or final passage is indicated after each caption.

SB 925 (Wentworth) Relating to the participation of the Texas Department of Transportation in the construction, maintenance, and operation of toll facilities. (engrossment viva voce vote)

SB 926 (Wentworth) Relating to the pooling of turnpike projects. (engrossment viva voce vote)

SB 1007 (Wentworth) Relating to the staffing of certain courts with statutory probate court jurisdiction. (engrossment viva voce vote)

SB 1138 (Wentworth) Relating to assistance funds for mandatory health care services provided in certain counties. (engrossment viva voce vote)

SB 1150 (Wentworth) Relating to statutory county court jurisdiction with respect to matters over which a statutory probate court has jurisdiction. (engrossment viva voce vote)

SB 1163 (Wentworth) Relating to the jurisdiction of statutory probate courts. (engrossment viva voce vote)

CSSB 1174 (Wentworth) Relating to the creation of alternate subdivision platting requirements in priority groundwater management areas. (engrossment viva voce vote)

SB 1270 (Wentworth) Relating to the designation of water quality protection zones in certain areas. (engrossment viva voce vote)

SB 1282 (Wentworth) Relating to the addition of land to a defined area of a water control and improvement district. (engrossment viva voce vote)

SB 916 (Wentworth) Relating to notices of open meetings posted by the secretary of state. (final passage 30-0)

SB 1001 (Wentworth) Relating to multicounty statutory probate courts. (final passage 30-0)

SB 1005 (Wentworth) Relating to the jurisdiction of a statutory probate court in certain matters relating to decedents' estates. (final passage 30-0)

CSSB 1280 (Wentworth) Relating to an exemption from the requirements of the open meetings law for certain negotiations involving the Texas Lottery Commission. (final passage 30-0)

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Ogden and Senator Harris requested in writing that **SB 1090** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Madla announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:50 a.m. adjourned until 10:00 a.m. today.

FIFTIETH DAY

THURSDAY, APRIL 15, 1999

PROCEEDINGS

The Senate met at 10:00 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, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna.

The President announced that a quorum of the Senate was present.

The Reverend Harley Savage, Christ Episcopal Church, Matagorda, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we thank You for setting us tasks which demand our best efforts that lead us to accomplishments which satisfy and delight You. We thank You for those disappointments and failures that lead us to acknowledge our dependence on You. We thank You for the blessings of family and friends and for Your loving care which surrounds us on every side. We ask You so to guide and bless our Senators and Representatives and the Legislature of this state, that they may enact such laws that shall please You, to the glory of Your name and welfare of the people of the great State of Texas. Amen.

On motion of Senator Truan 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

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 782

On motion of Senator Nelson and by unanimous consent, Senator Bernsen will be shown as Co-author of **SB 782**.

CO-AUTHOR OF SENATE RESOLUTION 662

On motion of Senator Truan and by unanimous consent, Senator Lucio will be shown as Co-author of **SR 662**.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SCR 64 by Nixon

Urging the Veterans' Land Board to establish a veterans home in the City of Carthage.

To Committee on Veteran Affairs and Military Installations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 156 to Committee on State Affairs.

HB 580 to Committee on Health Services.

HB 585 to Committee on Education.

HB 1037 to Committee on Intergovernmental Relations.

HB 1373 to Committee on Jurisprudence.

HB 1707 to Committee on Economic Development.

HB 1732 to Committee on Natural Resources.

HB 1739 to Committee on State Affairs.

HB 2353 to Committee on Jurisprudence.

HB 2514 to Committee on Economic Development.

HCR 179 to Committee on Administration.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas

April 14, 1999

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

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

TO BE MEMBERS OF THE MOTOR VEHICLE BOARD OF THE TEXAS DEPARTMENT OF TRANSPORTATION for terms to expire January 31, 2005:

Robena Jackson
7406 Ophelia Drive
Austin, Texas 78752
(replacing Stephen Paul Webb
of Austin whose term expired)

Kevin D. Pagan
6004 North 28th Lane
McAllen, Texas 78504
(replacing Laurie Brown Watson
of Austin whose term expired)

Joe Wayne Park
5827 Mapleshade Lane
Dallas, Texas 75252
(reappointment)

TO BE MEMBERS OF THE AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD for terms to expire February 1, 2005:

Guy F. Ellyson
11422 Hendon Lane
Houston, Texas 77072
(reappointment)

Lee Jaye Rosenberg
46 Westelm Circle
San Antonio, Texas 78230
(reappointment)

Respectfully submitted,

/s/George W. Bush
Governor

REPORT OF COMMITTEE ON NOMINATIONS

Senator Wentworth submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

Members, Texas Tech University Board of Regents: Carin Marcy Barth, Harris County; Edgar Richard "Dick" Brooks, Dallas County; Brian C. Newby, Travis County.

Members, General Services Commission: James A. Cox, Jr., Travis County; Tomas Cardenas, Jr., El Paso County; Fred N. Moses, Collin County.

Members, Department of Information Resources Governing Board: Mario J. Gonzalez, Ph.D., Travis County; Carole S. Greisdorf, Collin County.

Member, Texas State Library and Archives Commission: Kenneth R. Carr, El Paso County.

Members, Texas State Board of Plumbing Examiners: Walter L. Borgfeld, Jr., Angelina County; Lawrence O. Lemon, Jr., Lubbock County; Terry Wayne Moore, Collin County.

Members, Board of Vocational Nurse Examiners: Melody Lavon Hart, L.V.N., Andrews County; Frank D. Sandoval, Jr., Bexar County.

Members, Interagency Council on Autism and Pervasive Developmental Disorders: Tim Cole, Montague County; Margaret Hasse Cowen, Cameron County.

Members, Texas Appraiser Licensing and Certification Board: Eduardo A. Lopez, Nueces County; L. W. "Wayne" Mayo, Collin County; Robert A. "Pete" Seale, Jr., Harris County; James Melvin Synatzske, Erath County.

Members, Council on Sex Offender Treatment: Liles Arnold, Collin County; Kristy Michelle Carr, Travis County; Walter J. Meyer III, M.D., Galveston County; Maria T. Molett, Dallas County; David Swinson, Jr., McLennan County.

Judge, 215th Judicial District Court, Harris County: Levi J. Benton, Harris County.

Members, State Board of Veterinary Medical Examiners: James Henry Bray, D.V.M., Harris County; Martin E. Garcia II, D.V.M., Willacy County; Jerry Lynn Lawhon, D.V.M., Taylor County; Mary Rebecca B. "Becky" Terry, Brewster County.

Members, State Commission on Judicial Conduct: Keith Baker, Bexar County; Martin J. Chiuminatto, Kleberg County; Michael L. O'Neal, Dallas County.

Members, State Bar of Texas Board of Directors: Loretta Banowsky, Bexar County; Paddy Lann Burwell, DeWitt County; Phyllis S. Jones, Lubbock County; Mary Evans Sias, Ph.D., Dallas County.

Member, Employees Retirement System of Texas Board of Trustees: Milton Hixson, Bexar County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Wentworth gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Brandon Hill, a student at Martin High School in Arlington and President of the Texas Future Farmers of America, accompanied by his father, Marcus.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE RESOLUTION 651

Senator Brown offered the following resolution:

WHEREAS, Texans are proud of their water resources; they delight in their beautiful lakes, rivers, and springs; they welcome rain, which nourishes their crops and replenishes their water table; Texans depend on water for a variety of purposes, both practical and recreational; therefore, the Senate commends the statewide celebration of water, "Water Time in '99," and its campaign to promote awareness and conservancy of this most precious state resource; and

WHEREAS, Recent droughts have reminded Texans that our water supply should not be used frivolously; rather, water use in Texas must be well-managed by citizens who appreciate this resource's importance; and

WHEREAS, The Texas Water Foundation was established in 1998 as a statewide, nonprofit organization to increase public awareness among all Texans about the state's water supplies; the organization's goals are to teach the importance of protecting, conserving, and enhancing these resources for future generations; this grassroots organization has organized a "Water Time" observance in Texas which will

encourage local communities to sponsor water-related educational activities and celebrations; and

WHEREAS, All "Water Time" festivities will be listed in a statewide calendar for distribution in Texas; to increase the public's knowledge of water-related issues and facts, a separate educational insert will be distributed with the calendar; the Texas Water Foundation plans to launch an educational website and to sponsor an Internet field trip for Texas schoolchildren, both of which will focus on water-related facts and fun; finally, to generate public awareness for its cause, the foundation plans to work through regional planning groups; and

WHEREAS, The "Water Time in '99" campaign's purpose of promoting and preserving our beautiful Texas water resources through education and celebration are truly noble; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby recognize the "Water Time in '99" campaign and commend its organizers' impressive efforts; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of high regard from the Texas Senate.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown, the resolution was adopted by a viva voce vote.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:16 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1129 ON SECOND READING

On motion of Senator Armbrister 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:

CSSB 1129, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

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

COMMITTEE SUBSTITUTE SENATE BILL 1129 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1129** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 1129 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate a delegation from Leadership Brazosport.

The Senate welcomed its guests.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 200 ON SECOND READING**

On motion of Senator Moncrief 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:

CSSB 200, Relating to imposition of administrative penalties against personal care facilities.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 200** as follows:

In Sec. 247.0451(6)(b) of the bill (committee substitute, page 2, line 15) after "may not exceed" strike "\$10,000" and replace with "\$5,000".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief 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 by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 200 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 200** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 200 was read third time and was passed by a viva voce vote.

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. Paul Berg of Georgetown as the "Doctor for the Day."

The Senate welcomed Dr. Berg and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Wentworth was again recognized and introduced to the Senate representatives of Traditional Educators Association of Castle Hills (TEACH) in San Antonio.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1076 ON THIRD READING

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

CSSB 1076, Relating to certain types of noncredit insurance and other products offered in connection with a consumer loan.

CSSB 1076 was read third time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1076** as follows:

(1) On page 1, line 57, insert the following:

"(e) The commissioner shall adopt a rule providing for Spanish language disclosure of the information required in Subsection (b)."

(2) On page 2, line 69, insert the following:

"(e) The commissioner shall adopt a rule providing for Spanish language disclosure of the information required in Subsection (b)."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

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

CSSB 1076 as again amended was finally passed by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 73 ON SECOND READING

On motion of Senator Truan 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:

SB 73, Relating to the establishment of a video teleconferencing pilot program to assist certain businesses in establishing international trade relationships.

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

SENATE BILL 73 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 73** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 73 was read third time and was passed by a viva voce vote.

SENATE JOINT RESOLUTION 10 ON SECOND READING

On motion of Senator Brown 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:

SJR 10, Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

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

SENATE JOINT RESOLUTION 10 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 10** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SJR 10 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

SENATE BILL 71 ON SECOND READING

On motion of Senator Brown 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:

SB 71, Relating to the creation of the Judicial Compensation Commission.

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

SENATE BILL 71 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 71** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 71 was read third time and was passed by a viva voce vote.

SENATE BILL 751 ON SECOND READING

On motion of Senator Sibley 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:

SB 751, Relating to the composition of the University of North Texas System.

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

SENATE BILL 751 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 751** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 751 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

(Senator Ogden in Chair)

SENATE RESOLUTION 658

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Texans who have honorably served their country and state in the military forces and to proclaim April 15, 1999, Veterans Day at the Capitol; and

WHEREAS, Veterans Day at the Capitol is an opportunity for Texans across our state to be reminded of the valuable services our veterans have performed on our country's behalf; and

WHEREAS, The veterans of our state are among the brave men and women throughout America who have defended our nation's ideals, security, and safety and who are committed to protecting against unwarranted aggression in the world; and

WHEREAS, It is fitting that the Texas Senate honor the veterans of Texas for the love they have demonstrated for our country through their service in the military and for their valor and dedication to their fellowman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the veterans of our Lone Star State and join all Texans in paying tribute to them on Veterans Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of high regard from the Texas Senate.

The resolution was read.

On motion of Senator Shapleigh and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a delegation of representatives from various Texas veterans organizations.

The Senate welcomed its guests.

SENATE RESOLUTION 662

Senator Moncrief offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in recognizing the Honorable Doyle Willis, who will be honored on April 15, 1999, as recipient of the first annual Texas Veteran of the Year Award; and

WHEREAS, Born on August 8, 1908, in Kaufman County, he was educated in the public schools and won a football scholarship to The University of Texas at Austin; he was also the football coach at Thorndale, becoming part of a championship tradition; and

WHEREAS, During the Depression, Doyle Willis worked his way through Georgetown University Law School and had the opportunity to work for Sam Rayburn and the leaders of the New Deal; and

WHEREAS, The personification of a patriotic American, Senator Willis volunteered when World War II broke out and joined the United States Army Air Corps; and

WHEREAS, Senator Willis saw action in the Pacific as an intelligence officer; he was awarded the Bronze Star and four Battle Stars, and he ended his impressive career as a major; and

WHEREAS, First elected to the Texas House of Representatives in 1946, his service in the legislature extended 42 years; he served five years in the Texas House of Representatives before he was elected to the Texas Senate, where he held office for 10 years, ending in 1962; and

WHEREAS, Winning a seat on the Fort Worth City Council in 1963, he was elected to the Texas House of Representatives in 1968 and 1972; Senator Willis has become known as the Father of the Civil Service for the instrumental role which he played in the passage of state civil service laws; and

WHEREAS, Selected as the first person to receive the Southwest Veterans Medal of Honor, the Honorable Doyle Willis is highly esteemed and was the unanimous choice for the premier award; it was created by *Southwest Life Magazine and Naval Air Station News* to pay tribute to those veterans who remain longtime activists in veterans organizations; and

WHEREAS, Senator Willis has been a strong proponent of veterans benefits and has worked toward this end all of his years in office; in 1996, he was chosen to receive the Lone Star Distinguished Service Medal from the Texas Army National Guard; and

WHEREAS, During his years in the legislature, he sponsored legislation to assist Texas veterans, their widows, and orphans; leaving an indelible stamp on Texas laws, he was the author of over 100 Texas statutes; he initiated and chaired the 1993 and 1995 Legislative Veterans Caucus, is past Veterans of Foreign Wars State Commander, and initiated the \$500 million Veterans Land Board Bill; and

WHEREAS, This distinguished gentleman served as president of the Tarrant County Veterans Council, Department Commander of the Veterans of Foreign Wars, and National Judge Advocate of both the Irish American War Veterans and Sons of Confederate War Veterans; he is a combat-related member of the Disabled American Veterans; such a champion of Texas veterans certainly deserves legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend and applaud the innumerable contributions Senator Doyle Willis has made to the citizens and veterans of this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the highest regard and esteem of the Texas Senate.

MONCRIEF
TRUAN

The resolution was read.

On motion of Senator Shapleigh and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief, the resolution was adopted by a viva voce vote.

GUEST PRESENTED

Senator Moncrief was recognized and introduced to the Senate Senator Doyle H. Willis of Fort Worth.

The Senate welcomed Senator Willis.

(President in Chair)

GUESTS PRESENTED

Senator Lindsay was recognized and introduced to the Senate a delegation of citizens from Leadership North Harris County.

The Senate welcomed its guests.

SENATE BILL 1095 ON SECOND READING

On motion of Senator Zaffirini 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:

SB 1095, Relating to nutritional assistance for certain legal immigrants.

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

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1095 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1095** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1095 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1049 ON SECOND READING

On motion of Senator Moncrief 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:

SB 1049, Relating to venue for certain judicial actions involving intermediate care facilities for the mentally retarded.

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

SENATE BILL 1049 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1049** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1049 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 782 ON SECOND READING**

On motion of Senator Nelson 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:

CSSB 782, Relating to disclosure requirements for certain patient health information; providing a criminal penalty.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 782 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 782** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 782 was read third time and was passed by a viva voce vote.

SENATE BILL 1578 ON SECOND READING

On motion of Senator West 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:

SB 1578, Relating to the creation of a statewide law enforcement gang resource system.

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

SENATE BILL 1578 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1578** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1578 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 15, 1999

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 174, Honoring Ward Burke for his dedicated community service.

HCR 233, Honoring Woodrow W. "Woody" Allen.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 207**, **HCR 230**.

(Senator Haywood in Chair)

HOUSE CONCURRENT RESOLUTION 6

The Presiding Officer laid before the Senate the following resolution:

HCR 6, Honoring Tatum Hubbard, Miss Texas, 1998.

DUNCAN

The resolution was read.

On motion of Senator Duncan and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Duncan was recognized and introduced to the Senate Tatum Hubbard, Miss Texas 1998.

The Senate welcomed Ms. Hubbard.

COMMITTEE SUBSTITUTE SENATE BILL 1058 ON SECOND READING

On motion of Senator Carona 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:

CSSB 1058, Relating to the revision of the uniform law on secured transactions.

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

COMMITTEE SUBSTITUTE SENATE BILL 1058 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1058** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 1058 was read third time and was passed by a viva voce vote.

(Senator Ellis in Chair)

SENATE BILL 1509 ON SECOND READING

On motion of Senator Truan 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:

SB 1509, Relating to the maximum number and amount of certain veteran's loans.

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

SENATE BILL 1509 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1509** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1509 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 964 ON SECOND READING

On motion of Senator Lucio 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:

CSSB 964, Relating to the regulation of dentists and dental hygienists.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 964** in SECTION 18 of the bill (Committee Printing, page 10, lines 20 and 21) by striking "member of the faculty;" and substituting "licensed in Texas or of a teacher or demonstrator who is a dentist faculty member of the program;".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio 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 by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 964 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 964** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 964 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 785 ON SECOND READING**

On motion of Senator Wentworth 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:

CSSB 785, Relating to autopsy reports.

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

RECORD OF VOTES

Senators Ogden and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 950 ON SECOND READING

On motion of Senator Duncan 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:

SB 950, Relating to submetered and nonsubmetered water utility service provided to residents of apartment houses and manufactured home rental communities.

The bill was read second time.

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SECTION 1 of **SB 950** by striking lines 19 through 23, page 2, and replacing it with the following:

(8) "Manufactured home rental community" [~~"Mobile Home Park"~~] means a property on which [~~parking~~] spaces are rented [~~to~~] for the occupancy of manufactured homes [~~mobile dwelling units primarily~~] for nontransient residential use and for which rental is paid at intervals of one month or longer.

The committee amendment was read.

Senator Duncan offered the following amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **SB 950** by adding new subsection (d) to Sec. 13.503, Water Code, to read as follows:

(d) For purposes of subsection (c), "costs related to submetering" shall mean water costs as well as any other applicable taxes and surcharges that are charged by the retail public utility to the owner or manager.

The amendment to Committee Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SECTION 1 of **SB 950** by striking on page 3 line 3 through page 4 line 5, Sec. 13.503, and replacing it with the following:

Sec. 13.503. Submetering Rules

(a) The commission shall encourage submetering of individual rental or dwelling units by master meter operators to enhance the conservation of water resources.

(b) Notwithstanding any other law, the commission shall adopt rules and standards under which an owner, operator, or manager of an apartment house, ~~manufactured home rental community mobile home park~~, or multiple use facility that is not individually metered for water for each rental or dwelling unit may install submetering equipment for each individual rental or dwelling unit for the purpose of fairly allocating the cost of each individual rental or dwelling unit's water consumption, including wastewater charges based on water consumption. In addition to other appropriate safeguards for the tenant, the rules shall require that an apartment house owner, ~~manufactured home rental community mobile home park~~ owner, multiple use facility owner, or condominium manager may not impose on the tenant any extra charges, over and above the cost per gallon and any other applicable taxes and surcharges that ~~are~~ is charged by the retail public utility to the owner or manager, and that the rental unit or apartment house owner or manager shall maintain adequate records regarding submetering and make the records available for inspection by the tenant during reasonable business hours. All submetering equipment is subject to the rules and standards established by the commission for accuracy, testing, and record keeping of meters installed by utilities and to the meter-testing requirements of Section 13.140 of this code.

(c) In addition to the charges permitted under subsection (b), the rules shall authorize a ~~manufactured home community owner or manager~~ to impose a service charge of not more than nine percent of the costs related to submetering allocated to each submetered rental or dwelling unit.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Duncan 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 by a viva voce vote.

SENATE BILL 950 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 950** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 950 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

SENATE BILL 352 ON SECOND READING

On motion of Senator Brown 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:

SB 352, Relating to requirements for membership on or employment by the Board of Pardons and Paroles.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 352**, Senate Committee Printing, as follows:

On page 3, between lines 3-43 and 3-44, insert the following new SECTIONS 7 and 8 of the bill:

SECTION 7. Section 508.047(b), Government Code, is amended to read as follows:

(b) A person may not be a member of the board if the board does not meet as a body to perform the members' duties in capital punishment-related clemency matters. The members of the board are not required to meet as a body to perform the members' duties in other clemency matters.

SECTION 8. The change in law made by SECTION 7 of this bill applies only to clemency duties performed by the Board of Pardons and Paroles on or after the effective date of this Act. Duties performed before the effective date of this Act are covered by the law in effect at the time the duties were performed, and the former law is continued in effect for that purpose.

ELLIS
MONCRIEF
WENTWORTH

The amendment was read.

POINT OF ORDER

Senator Armbrister raised a point of order against consideration of Floor Amendment No. 1, stating that it violates Senate Rule 7.16 which states that no

amendment shall be considered to any tax bill or sunset bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

On motion of Senator Armbrister and by unanimous consent, the point of order was withdrawn.

Question—Shall Floor Amendment No. 1 be adopted?

On motion of Senator Ellis and by unanimous consent, Floor Amendment No. 1 was withdrawn.

The bill was passed to engrossment by a viva voce vote.

SENATE BILL 352 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 352** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 352 was read third time and was passed by a viva voce vote.

SENATE BILL 1136 ON SECOND READING

On motion of Senator Shapleigh 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:

SB 1136, Relating to a border commerce coordinator in the governor's office.

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

SENATE BILL 1136 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1136** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1136 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 370 ON SECOND READING

On motion of Senator Brown 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:

CSSB 370, Relating to the continuation and functions of the Department of Public Safety of the State of Texas.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 370** in SECTION 7 of the bill by striking Subsection (c) of added Section 411.0074, Government Code (committee printing, page 5, lines 40-42).

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 370** as follows:

(1) In SECTION 7 of the bill (Committee Printing, page 4, line 26), strike "411.0074" and substitute "411.0073"

(2) In SECTION 7 of the bill, strike added Section 411.0072, Government Code (Committee Printing, page 4, lines 47 through 54)

(3) In SECTION 7 of the bill, in added Section 411.0073, Government Code (Committee Printing, page 4, line 55), strike "411.0073" and substitute "411.0072"

(4) In SECTION 7 of the bill, in added Section 411.0074, Government Code (Committee Printing, page 5, line 30), strike "411.0074" and substitute "411.0073"

(5) In SECTION 7 of the bill, in added Section 411.0074, Government Code (Committee Printing, page 5, lines 32 and 42), strike "411.0073" and substitute "411.0072"

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 370** as follows:

(1) In SECTION 7 of the bill, in the section heading of added Section 411.0071, Government Code, strike "KEY POSITIONS" and substitute "MANAGEMENT TEAM POSITIONS" (committee printing, page 4, line 28).

(2) In SECTION 7 of the bill, in added Section 411.0071, Government Code, strike all references to "key position" and substitute "management team position" (committee printing, page 4, lines 31-32, 34, 36, 37, 40, 42, and 44).

(3) In Subsection (c) of SECTION 21 of the bill, strike "key position" and substitute "management team position" (committee printing, page 11, line 2).

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 370** in SECTION 6, Sec. 411.007, subsection (f) on page 4, line 19, after the period (".") and before the letter "A" insert the following:

The commission shall affirm or set aside the discharge on the basis of the evidence presented. If the commission affirms the discharge, the discharged officer may

seek judicial review in a district court under the "substantial evidence" standard of review.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown 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 by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 370 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 370** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 370 was read third time and was passed by a viva voce vote.

SENATE BILL 501 ON SECOND READING

On motion of Senator Shapleigh 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:

SB 501, Relating to a state agency's strategic plan to increase the agency's presence in the border region.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 501** by striking all below the enacting clause and replacing it with the following:

SECTION 1. Sections 2056.002(b) and (e), Government Code, are amended to read as follows:

(b) The Legislative Budget Board and the Governor's Office of Budget and Planning shall determine the elements required to be included in each agency's strategic plan. Unless modified by the Legislative Budget Board and the Governor's Office of Budget and Planning, and except as provided by Subsection (c), a plan must include:

- (1) a statement of the mission and goals of the state agency;
- (2) a description of the indicators developed under this chapter and used to measure the output and outcome of the agency;
- (3) identification of the groups of people served by the agency, including those having service priorities, or other service measures established by law, and estimates of changes in those groups expected during the term of the plan;
- (4) an analysis of the use of the agency's resources to meet the agency's needs, including future needs, and an estimate of additional resources that may be necessary to meet future needs;

(5) an analysis of expected changes in the services provided by the agency because of changes in state or federal law;

(6) a description of the means and strategies for meeting the agency's needs, including future needs, and achieving the goals established under Section 2056.006 for each area of state government for which the agency provides services;

(7) a description of the capital improvement needs of the agency during the term of the plan and a statement, if appropriate, of the priority of those needs; and

(8) identification of each geographic region of this state, including the border region, served by the agency and, if appropriate, the agency's means and strategies for increasing its physical presence in each region served; and

(9) other information that may be required.

(e) In this section:

(1) ; "Capital ~~capital~~ improvement" means any building or infrastructure project that will be owned by the state and built with direct appropriations or with the proceeds of state-issued bonds or paid from revenue sources other than general revenue.

(2) "Border region" means the area consisting of the counties of Atascosa, Bandera, Bexar, Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Frio, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, San Patricio, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Shapleigh offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **SB 501** by striking lines 21 through 23 and substituting the following:

(8) identification of each geographic region of this state, including the border region, served by the agency and, if appropriate, the agency's means and strategies for serving each region; and

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Shapleigh 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 by a viva voce vote.

SENATE BILL 501 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 501** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 501 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 710 ON SECOND READING**

On motion of Senator Wentworth 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:

CSSB 710, Relating to the subdivision of land outside a municipality.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 710** in SECTION 2 of the bill (committee printing page 2, between lines 9 and 10) by inserting the following:

(h) Subchapter A, Chapter 232, does not apply to a subdivision of any land belonging to the state, a state agency, board, or commission, or owned by the Permanent School Fund or any other dedicated funds of the state.

(i) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(1) the owner of the land is a political subdivision of the state;

(2) the land is situated in a floodplain; and

(3) the lots are sold to adjoining landowners.

The amendment was read and was adopted by a viva voce vote.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 710** as follows:

In SECTION 2, add subsection (h) as follows:

"(h) A county which is not an authorized agent under Section 366.031, Health and Safety Code, is excluded from the provisions of this Act."

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 15.

Yeas: Armbrister, Ellis, Harris, Nelson, Nixon, Sibley, Wentworth, Zaffirini.

Nays: Barrientos, Bernsen, Duncan, Fraser, Gallegos, Jackson, Lindsay, Lucio, Madla, Moncrief, Ogden, Shapiro, Truan, West, Whitmire.

Absent: Bivins, Brown, Cain, Carona, Haywood, Ratliff, Shapleigh.

Absent-excused: Luna.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 710** by adding a new appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION __. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0031 to read as follows:

Section 232.0031 STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under Section 232.003 a higher standard for streets or roads in a subdivision than the county imposes on itself for streets or roads with a similar type and amount of traffic.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Wentworth 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 by a viva voce vote.

PERMISSION TO INTRODUCE RESOLUTION

On motion of Senator Truan and by unanimous consent, Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution were suspended to permit the introduction of the following resolution: **SJR 45**.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SJR 45 by Lucio, Ogden, Shapleigh, Truan, Zaffirini

Proposing a constitutional amendment authorizing the legislature to provide for the issuance of certain highway improvement and infrastructure bonds to the state highway system.

To Committee on Border Affairs - Special.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Border Affairs might consider **SJR 45** tomorrow.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Natural Resources might consider the following bills today: **SB 889, SB 1685**.

MEMORIAL RESOLUTION

SR 654 - by Shapleigh: In memory of Lenora V. Hudson Bell of El Paso.

CONGRATULATORY RESOLUTIONS

SR 652 - by West: Congratulating Scott Graham Brizell of DeSoto.

SR 653 - by Shapleigh: Congratulating Beatrice "Bitty" Gladstone of El Paso.

SR 655 - by Carona: Congratulating Raymond David "Dave" Damron of Dallas.

SR 656 - by Whitmire: Congratulating the Saint Ambrose School of Houston Rugby Football Club.

SR 657 - by Barrientos: Congratulating Franklin Truitt Lively.

SR 659 - by Armbrister: Congratulating the citizens of Round Top.

SR 660 - by Ellis: Congratulating Ben F. Andrews, Jr., of the State of Connecticut.

SR 661 - by Ellis: Congratulating Alejandro Jose Ibanez.

HCR 174 - (Duncan): Honoring Ward Burke for his dedicated community service.

HCR 233 - (Duncan): Honoring Woodrow W. "Woody" Allen.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:35 p.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 15, 1999

ADMINISTRATION — **HCR 80** (Amended), **SCR 52**

NATURAL RESOURCES — **CSSB 705**

JURISPRUDENCE — **CSSB 436**, **CSSB 851**, **SB 265**, **SB 412**, **SB 1706**, **SCR 18**, **SCR 33**, **HB 1605**, **HB 1142**, **HB 1136**, **HB 777**, **HB 797**, **SJR 20**

STATE AFFAIRS — **SB 1314** (Amended)

HUMAN SERVICES — **SB 1377**, **HB 1611**

STATE AFFAIRS — **CSSB 679**

HEALTH SERVICES — **CSSB 806**, **CSSB 1294**, **CSSB 982**, **CSSB 932**

NATURAL RESOURCES — **SB 1560**, **SB 1659**, **SB 1168**, **SB 1433**, **SB 1171**, **HB 952**, **HB 1848**, **HCR 59**

JURISPRUDENCE — CSSB 1436, CSHB 1348

FINANCE — CSSB 5

STATE AFFAIRS — CSSB 1127, CSSB 1260, CSSB 1382

JURISPRUDENCE — CSSB 1366, CSSB 1011, SB 1187 (Amended), CSSB 368, CSSB 263, CSSB 1230

ECONOMIC DEVELOPMENT — SB 891, SB 748, SB 1114, CSSB 1121, CSSB 88, SB 1676, SB 1020, CSSB 781, CSSB 1153

INTERGOVERNMENTAL RELATIONS — SB 880, SB 896, SB 939, SB 1268, SB 1279, SB 1387, SB 1839, SB 1840, HB 986