

FIFTY-FIRST DAY
(Continued)
(Thursday, April 27, 1989)

AFTER RECESS

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

SENATORS ANNOUNCED PRESENT

Senators Brown, Caperton, Glasgow, McFarland, Washington and Whitmire, who had previously been recorded as "Absent-excused," were announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
April 27, 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. 226, Requesting the U.S. Secretary of Defense to include full funding for continued development of the V-22 Osprey tiltrotor program.

S.B. 1445, Relating to the increase of the fee required of garagekeepers when reporting an abandoned vehicle in their possession to a police department.

H.B. 558, Relating to tuition and fee payments at institutions of higher education and to Texas Public Educational Grants funded by tuition payments.

H.B. 4, Relating to foreign offices of the department of commerce.

H.B. 1871, Relating to the detention hearings for youths committed to the Texas Youth Commission who are detained at the request of the commission.

H.B. 1779, Relating to electronic monitoring and community service as a sentencing alternative for certain defendants convicted of misdemeanors.

H.B. 1392, Relating to eligibility for financial assistance and service of families with dependent children.

H.B. 501, Relating to coordinated vocational-academic educational programs for certain grade levels.

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.)

- C.S.S.B. 88** (Brown) Relating to business entities that are exempt from taxation in an emergency services district. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 93** (Santiesteban) Relating to the issuance of a subpoena for the purpose of discovering the location of a person indicted on a criminal charge. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 595** (Brooks) Relating to the regulation of psychologists. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 632** (Harris) Relating to the liability of independent contractors who contract with a municipality to provide certain mass transportation services. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 693** (Santiesteban) Relating to the manner in which certain businesses may claim a sales and use tax exemption for exported items. (30-1) Washington "Nay" (31-0)
- S.B. 786** (Brooks) Relating to the liability of pilots providing pilot services to or from ports located in Galveston County. (30-1) Washington "Nay" (31-0)
- S.B. 806** (Lyon) Relating to the use of fire trucks. (30-1) Washington "Nay" (31-0)
- S.B. 874** (Caperton) Relating to Supreme Court rulemaking in certain actions. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 891** (Whitmire) Relating to membership and credit in, benefits from, and administration of, public retirement systems for fire fighters in certain municipalities. (30-1) Washington "Nay" (31-0)
- S.B. 920** (Green) Relating to judges of the statutory probate courts being magistrates. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1000** (Carriker) Relating to the administration and apportionment of franchise taxes collected from banking corporations. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1049** (Parker) Relating to a central repository of school district boundary information and maps. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1051** (Krier) Relating to the powers and duties of trustees. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1066** (Green) Relating to the civil enforcement of certain public health, safety and welfare ordinances. (30-1) Washington "Nay" (31-0)
- S.B. 1080** (Montford) Relating to the cancellation of insurance after foreclosure under a deed of trust. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1090** (Santiesteban) Relating to court administration and jurisdiction in El Paso County and to the creation of the County Court at Law No. 6 of El Paso County. (30-1) Washington "Nay" (31-0)
- S.B. 1143** (Carriker) Relating to the creation of the Baylor County Hospital District. (30-1) Washington "Nay" (31-0)
- S.B. 1146** (Parker) Relating to the sale of certain real property in Jefferson County by Lamar University. (30-1) Washington "Nay" (31-0)
- S.B. 1183** (Washington) Relating to a course in American Sign Language fulfilling the other language requirement in public schools. (30-1) Washington "Nay" (31-0)
- S.B. 1207** (Santiesteban) Relating to notice to a purchaser of real property in a water district. (30-1) Washington "Nay" (31-0)

- S.B. 1352** (Lyon) Relating to the frequency with which an election for the incorporation of certain general-law municipalities may be held. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1386** (Bivins) Relating to the rights of a victim of certain delinquent children and children in need of supervision and of the victim's guardian and certain relatives. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1387** (Uribe) Relating to the structure, powers, and duties of the Texas Hospital Equipment Financing Council and to the duties of the state treasurer in relation to the Council. (30-1) Washington "Nay" (31-0)
- S.B. 1561** (Brooks) Relating to certain information collected by the State Bureau of Vital Statistics. (30-1) Washington "Nay" (31-0)
- S.B. 1575** (Uribe) Relating to jurisdiction in the Cameron County Court at Law. (30-1) Washington "Nay" (31-0)
- S.B. 1635** (Sims) Relating to the creation of the Crockett County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1636** (Sims) Relating to the creation of the Bandera County Water Management District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1646** (Barrientos) Relating to the creation of the West Travis County Municipal Utility District No. 3. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1647** (Barrientos) Relating to the creation of the West Travis County Municipal Utility District No. 4. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1648** (Barrientos) Relating to the creation of the West Travis County Municipal Utility District No. 5. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1667** (Tejeda) Relating to the creation of the Alamo Conservation and Reuse District. (30-1) Washington "Nay" (31-0)
- S.B. 1672** (Zaffirini) Relating to the creation of the Frio Hospital District. (30-1) Washington "Nay" (31-0)
- H.C.R. 90** (Uribe) Authorizing the National Hispanic Institute to use the House and Senate Chambers on August 2-4, 1989. (vv)
- H.C.R. 142** (Sims) Authorizing the Speaker and Lieutenant Governor to appoint special joint committees during the interim. (vv)
- H.B. 171** (Montford) Relating to the boundaries of the Seminole Hospital District of Gaines County. (30-1) Washington "Nay" (31-0)
- H.B. 264** (Haley) Relating to income considered in determining the fee for mental health services. (30-1) Washington "Nay" (31-0)
- H.B. 349** (Zaffirini) Relating to the authority of certain general-law municipalities to annex adjacent streets, highways, roads, and alleys. (30-1) Washington "Nay" (31-0)
- H.B. 361** (Montford) Relating to weight, length, height, and width limitations for vehicles used to transport seed cotton modules, cotton, or equipment used in transporting or processing of cotton. (30-1) Washington "Nay" (31-0)
- H.B. 413** (Lyon) Relating to the number of voters who must sign a petition for the incorporation of certain general-law municipalities. (30-1) Washington "Nay" (31-0)

H.B. 575 (Glasgow) Relating to the financing and operation of the Parker County Hospital District and the election of directors and providing for the levy of a sales tax. (30-1) Washington "Nay" (31-0)

H.B. 594 (Montford) Relating to the definition of "coercion" for the purpose of prosecution of offenses against public administration. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1035 (Ratliff) Relating to standards and procedures for review of audits of water districts. (30-1) Washington "Nay" (31-0)

H.B. 1168 (Edwards) Relating to the tax rate of the Teague Hospital District and to the use of the tax money. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1271 (Whitmire) Relating to an increase in benefits and a cost of living adjustments in certain retirement systems of fire fighters. (30-1) Washington "Nay" (31-0)

H.B. 1400 (Brooks) Relating to certain powers and duties that may be exercised by a doctor of osteopathic medicine. (30-1) Washington "Nay" (31-0)

SENATE BILLS AND RESOLUTION ON FIRST READING

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

S.C.R. 132 by Sims Natural Resources
Authorizing the Department of Agriculture, in conjunction with the Texas Water Commission and the Texas Agricultural Extension Service, to conduct a pilot project involving the collection and disposal of pesticide wastes in Senate District 25.

S.B. 1771 by Bivins Intergovernmental Relations
Relating to the municipal courts of record in Amarillo.

S.B. 1772 by Bivins Economic Development
Relating to the sale of insurance policies of insurers placed in supervision, conservatorship, or receivership.

S.B. 1773 by Lyon Natural Resources
Relating to spring water and the spacing of water wells.

S.B. 1774 by Sims Health and Human Services
Relating to the authority of the Menard County Hospital District to borrow money to pay its operating expenses.

S.B. 1775 by Leedom State Affairs
Relating to real estate transactions involving state-owned real property by the asset management division of the General Land Office.

S.B. 1776 by Brooks Criminal Justice
Relating to the attainment of educational skills as a condition of probation or parole.

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. 69, To Committee on State Affairs.

H.B. 3, To Committee on Education.

H.B. 27, To Committee on Health and Human Services.

H.B. 121, To Committee on State Affairs.
H.B. 472, To Committee on Economic Development.
H.B. 638, To Committee on Education.
H.B. 1333, To Committee on Natural Resources.
H.B. 1359, To Committee on Jurisprudence.
H.B. 1462, To Committee on Natural Resources.
H.B. 1464, To Committee on State Affairs.
H.B. 1810, To Committee on Health and Human Services.
H.B. 1892, To Committee on State Affairs.
H.B. 1910, To Committee on State Affairs.
H.B. 2552, To Committee on State Affairs.

**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 8:30 a.m. adjourned until 11:00 a.m. today.

**FIFTY-SECOND DAY
(Thursday, April 27, 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, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Harris, Washington.

A quorum was announced present.

The Reverend Anne Hoey, Good Shepherd Episcopal Church, Austin, offered the invocation as follows:

O Holy Spirit of God, guide, we pray Thee, all those to whom is committed the government of this State and the destinies of its people. Grant them Thy special gifts of wisdom and understanding, of counsel and strength, of courage and high resolve; may they consider and deliberate all questions before them with calm and equity, and act wisely and with true conviction, upholding what is right, abhorring what is wrong, promoting what is just, standing in all things for what is good and true, that Thy will may be done and Thy kingdom come. 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.

H.B. 121, To Committee on State Affairs.
H.B. 472, To Committee on Economic Development.
H.B. 638, To Committee on Education.
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H.B. 1359, To Committee on Jurisprudence.
H.B. 1462, To Committee on Natural Resources.
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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.

LEAVES OF ABSENCE

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

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Henderson.

REPORTS OF STANDING COMMITTEES

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

S.B. 1727
 S.B. 1690
 S.B. 1675
 S.B. 1673
 S.B. 999
 S.B. 1601
 S.B. 1612
 S.B. 1735
 S.B. 1602 (Amended)
 C.S.S.B. 1656
 C.S.S.B. 1634

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

C.S.S.B. 1233

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

C.S.H.C.R. 92
 C.S.S.B. 1613
 C.S.S.B. 895
 C.S.S.C.R. 110
 C.S.S.B. 1019

Senator Green, Vice-Chairman, submitted the following report for the Committee on Economic Development:

C.S.S.B. 969
 C.S.S.B. 1073

Senator Farmer submitted the following report for the Committee on Intergovernmental Relations:

S.J.R. 71
 S.B. 1008
 H.B. 371
 H.B. 1077
 H.B. 1393
 H.B. 1394
 H.B. 1474
 H.B. 1577
 H.B. 2079
 C.S.H.B. 337
 C.S.S.B. 1205
 C.S.S.B. 1033

C.S.S.B. 971

C.S.H.B. 563

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 205

H.C.R. 220

H.C.R. 226

GUESTS PRESENTED

Senator Dickson introduced the following guests responsible for the Railroad and Pioneer Museum in Temple: Mary Irving, Jack Parker, Mark Thornton, Carol Kehl and Shirley Holleman.

At the President's request, Senator Dickson escorted these guests to the President's Rostrum for a presentation by the President of S.R. 488, adopted by the Senate on April 20, 1989.

SENATE RESOLUTION 536

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the citizens of Alice in mourning the loss of respected civic and business leader Phyl E. Drake who died April 24, 1989; and

WHEREAS, Born September 19, 1918, he had lived in South Texas since 1946; and

WHEREAS, He attended Niles, Michigan, schools and graduated from Texas A&I University with a degree in gerontology; and

WHEREAS, A dedicated and diligent worker, he was owner of Hospitality House Nursing Home; and

WHEREAS, A faithful Christian, he attended the First Baptist Church of Alice; and

WHEREAS, In devoting much of his time to the betterment of his community, this respected gentleman achieved recognition in his work with the Coastal Bend Council of Governments, Kiwanis Club, Rotary Club, Masonic Lodge, American Red Cross, Boy Scouts, and the Texas Nursing Homes Association; and

WHEREAS, Noted for his honesty, integrity, and generous nature, he proved himself a loyal friend and companion; and

WHEREAS, Cherishing traditional Christian moral values, Mr. Drake was a devoted husband and loving father; and

WHEREAS, His wise counsel and good judgment will be sorely missed and forever gratefully remembered by those who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend sincere condolences to his bereaved family: his wife, Catherine; his children, Terry, Dennis, Phyllis, Duane, and Cathy; and his 14 grandchildren; and, be it further

RESOLVED, That copies of this Resolution be prepared for those held dear by Phyl E. Drake as a token of sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Phyl E. Drake.

The resolution was read.

On motion of Senator Brooks 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 rising vote of the Senate.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 27, 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 JUDGE OF THE 146TH JUDICIAL DISTRICT COURT, BELL COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JACK RICHARD (RICK) MORRIS

710 Badger

Harker Heights, Texas 76543

Mr. Morris will be replacing Judge Paul R. Reagan of Belton, who is deceased.

Respectfully submitted,

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

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 29, Nays 0.

Absent-excused: Harris, Washington.

Public Counsel, Division of Consumer Protection - State Board of Insurance: MS. KATHERINE DOUGHTY, Travis County.

Members, Texas State Board of Chiropractic Examiners: DR. DAVID E. ALBRACHT, Randall County; DR. JAMES E. FRANKLIN, Bexar County; DR. NANCY Z. JONES, Dallas County; RAYMOND G. WHELESS, Collin County.

Members, Texas Air Control Board: BOB G. BAILEY, Taylor County; DR. MARCUS M. KEY, Harris County; CHARLES H. RIVERS, Harris County; MRS. MARY ANN WYATT, Victoria County.

Member, Gulf States Marine Fisheries Commission: CHARLES E. BELAIRE, Aransas County.

Members, Board of Directors, Rio Grande Valley Municipal Water Authority: CHARLES CAESAR CARDENAS, Hidalgo County; MRS. SYLVIA H. FLORES, Hidalgo County; J. L. TAYLOR, Hidalgo County; JOHN W. TOPP, Cameron County.

Members, Board of Directors, Rio Grande Valley Pollution Control Authority: MANUEL NUNEZ CARMONA, Cameron County; JAMES DANIEL CARPENTER, Hidalgo County; KEN L. ESPENSEN, SR., Hidalgo County; MRS. ALIDA S. HERNANDEZ, Hidalgo County; ADOLPH TIJERINA, Cameron County.

Members, On-Site Wastewater Treatment Research Council: DANIEL EDWARD BECKETT, Travis County; DR. BOBBY L. CARLILE, Brazos County; MICHAEL E. CAVALIER, Montgomery County; E. BOONE COY, Harris County; ROBERT L. MORRIS, Williamson County; WILLIAM W. TENISON, Wood County; WILLIS LEO WOOD, Williamson County.

Members, Board of Directors, Coastal Water Authority: R. WAYNE SMITH, Harris County; TERRY D. WILLIAMSON, Chambers County.

Member, Board of Directors, Evergreen Underground Water Conservation District: CARL HOEFELMEYER, Wilson County.

Members, Crime Stoppers Advisory Council: ROBERT B. AGUIRRE, Bexar County; SAM J. CHASE, Taylor County; JOHN KEITH MCKISSICK, Kaufman County; MRS. REBECCA ANN ROTHKAMM, Jefferson County; TODD MALCOLM SMITH, Lavaca County.

Members, Texas Advisory Commission on Intergovernmental Relations: LEO BERMAN, Tarrant County; ERNEST EDWIN CHANCE, Montgomery County; MS. PATTI CLAPP, Dallas County; MRS. JUNE GARRISON, Tarrant County; EMMETT L. GLOYNA, Jackson County; HOLLIS V. RUTLEDGE, JR., Bexar County; CARROLL M. THOMAS, Midland County.

Members, Texas State Library and Archives Commission: MRS. JEAN DANIEL, Liberty County; JOHN BEN SHEPPERD, Ector County; MRS. HARRIETTE WILLIFORD-WHATLEY, Freestone County.

Members, Texas Aeronautics Commission: LOUIS RICHARD EMERSON, Caldwell County; OLIVER KENDALL KELLEY, Randall County; MRS. JANELLE McARTHUR, Bexar County.

Member, Texas Veterans Commission: JAMES ASHLEY ENDICOTT, JR., Bell County.

Members, Commission on Fire Protection Personnel Standards and Education: THOMAS P. FOSTER, Brazos County; CHIEF CHESTER A. "PETE" SHELTON, Jefferson County; CHIEF BILLIE MONROE STRICKLAND, Tarrant County; CHIEF TINKER TAYLOR, Collin County.

GUESTS PRESENTED

Senator Haley was recognized and presented Dr. Keith Miller and his wife, Linda, of Center.

Dr. Miller, 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.

GUESTS PRESENTED

Upon recognition, Senator Ratliff introduced his guests, representing American Consulting Engineers, Mr. and Mrs. Robert Hogan of Dallas and Mr. and Mrs. Daniel DeYoung of Williamsburg, Virginia.

The Senate extended a welcome to these guests.

SENATE BILL 264 WITH HOUSE AMENDMENT

Senator Tejada called S.B. 264 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Wentworth

Amend S.B. 264 as follows:

1) delete lines 9-23 on page 2 and substitute the following:

Sec. 54.906. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case for proceeding involving:

(1) a bond forfeiture;

(2) a pretrial motion;

(3) a postconviction writ of habeas corpus;

(4) an examining trial;

(5) the issuance of search warrants;

(6) the setting of bonds;

(7) the arraignment of defendants; and

(8) any other matter the judge considers necessary and proper, except a negotiated plea of guilty before the court.

(b) A magistrate may not preside over a trial on the merits, whether or not the trial is before a jury.

2) on page 4, line 3, after the semicolon add "and"; and

3) on page 4, strike lines 4-5, and renumber the subsequent subdivision.

The amendment was read.

Senator Tejada moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 264 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Tejada, Chairman; Armbrister, Barrientos, Krier and Zaffirini.

(Senator Brooks in Chair)

SENATE BILL 1639 ON SECOND READING

Senator Carriker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1639, Relating to security interests in farm products.

There was objection.

Senator Carriker then moved to suspend the regular order of business and take up **S.B. 1639** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Glasgow, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, Parker, Santiesteban, Tejada, Truan, Uribe, Whitmire.

Nays: Armbrister, Bivins, Dickson, Edwards, Montford, Parmer, Ratliff, Sims, Zaffirini.

Absent: McFarland.

Absent-excused: Harris, Washington.

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

RECORD OF VOTES

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

MOTION TO PLACE SENATE BILL 1639 ON THIRD READING

Senator Carriker 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. 1639** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 10. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Glasgow, Green, Henderson, Krier, Leedom, McFarland, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Whitmire.

Nays: Armbrister, Bivins, Dickson, Edwards, Haley, Lyon, Montford, Ratliff, Sims, Zaffirini.

Absent: Johnson.

Absent-excused: Harris, Washington.

MESSAGE FROM THE HOUSE

House Chamber
April 27, 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. 116, In memory of Senator Grady Hazlewood.

H.C.R. 203, Congratulating Harvey C. Byrd on the occasion of his retirement.

H.C.R. 209, Designating the Confederate Air Force of Texas as "Defender of Texas Honor and Pride" during the 50th anniversary of the World War II era.

H.C.R. 211, Honoring the delegates to the 85th National Baptist Sunday School and Baptist Training Union Congress.

H.C.R. 214. Honoring Constable Jesse R. Dawson of Dallas County.

The House has concurred in Senate amendments to **H.B. 82** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 769** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 565 ON SECOND READING

On motion of Senator Leedom 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. 565. Relating to certain requirements that must be met by a male under 26 years of age to be eligible to enroll at a public institution of higher education and to receive certain financial assistance.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **S.B. 565** in SECTION 1 by striking Subsections (c) and (d) of Section 51.917, Education Code and inserting in lieu thereof the following:

“(c) A male student under 26 years of age must file a statement of selective service status with the institution as provided by this section prior to the completion of his first semester of enrollment at that institution.

“(d) A male under 26 years of age is not eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses that is partially or fully funded by the state or a state agency unless the individual has filed the statement of selective service status required by this section with an institution.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom 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.

SENATE BILL 565 ON THIRD READING

Senator Leedom 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. 565** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

GUEST PRESENTED

Senator Zaffirini introduced Ms. Susan Bush, a Member of the Texas Youth Commission and former Co-Chair of the Senate Select Committee on Juvenile Justice.

The Senate welcomed Ms. Bush.

**COMMITTEE SUBSTITUTE
SENATE BILL 1668 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:

C.S.S.B. 1668, Relating to students at risk of dropping out of school and to the parental duty to require school attendance.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 1668** as follows:

Page 1, line 40 (committee printing): after "resides", insert or in the municipality or justice of the peace precinct in which the school is located. In addition, if the child has been voluntarily absent from school on 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from school without the consent of his parents, the attendance officer shall refer the child to the county juvenile probation department for action as conduct indicating a need for supervision under Section 51.03(b), Family Code

The amendment was read and was adopted viva voce vote.

On motion of Senator Zaffirini 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 1668 ON THIRD READING**

Senator Zaffirini 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. 1668** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

(Senator McFarland in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 116 ON SECOND READING**

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 116, Relating to the award of state purchasing contracts, state construction contracts, and state bond contracts to contractors who are women or who belong to certain minority groups; providing a criminal penalty.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **C.S.S.B. 116** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

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

Nays: Bivins, Brown, Leedom.

Absent-excused: Harris, Washington.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 116 ON THIRD READING**

Senator Johnson 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. 116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Bivins, Leedom.

Absent-excused: Harris, Washington.

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

**MOTION TO PLACE
SENATE BILL 840 ON SECOND READING**

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

S.B. 840, Relating to the procedure by which a jury trial is waived in a criminal case.

The motion was lost by the following vote: Yeas 18, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Green, Haley, Henderson, Krier, Leedom, McFarland, Parmer, Ratliff, Sims, Tejada, Zaffirini.

Nays: Caperton, Edwards, Glasgow, Johnson, Lyon, Montford, Parker, Santiesteban, Truan, Uribe, Whitmire.

Absent-excused: Harris, Washington.

SENATE BILL 981 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:

S.B. 981, Relating to peer assistance programs for professionals.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Amend **S.B. 981** by adding new SECTION 3 and renumbering all other sections accordingly:

SECTION 3. Section (a), Article 4525, Revised Statutes, is amended to read as follows:

(a) The board of nurse examiners may refuse to admit persons to its examinations, may refuse to issue a license or certificate of registration or to issue a temporary permit, may issue a warning or reprimand with or without stipulations, may suspend for any period not to exceed 2 1/2 years, or may revoke the license or certificate of any practitioner of professional nursing, for any of the following reasons:

(1) The violation of any of the provisions of this law, any rule, regulation not inconsistent with this law, or order issued hereunder.

(2) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice professional nursing.

(3) Conviction of a crime of the grade of felony, or a crime of lesser grade which involves moral turpitude, or any conduct resulting in the revocation of probation imposed pursuant to such conviction.

(4) The use of any nursing license, certificate, diploma or permit, or transcript of such license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited, or materially altered.

(5) The impersonation of, or the acting as a proxy for, another in any examination required by law to obtain a license to practice professional nursing.

(6) Aiding or abetting, directly or indirectly, or in any manner whatsoever, any unlicensed person in connection with the unauthorized practice of professional nursing.

(7) Revocation, suspension, or denial of or any other action relating to the license to practice nursing in another jurisdiction. Certified copy of the order of denial, suspension, revocation, or any other action shall be conclusive evidence thereof.

(8) Intemperate use of alcohol or drugs if the nurse knows or should know that the effects of that use endangers or could endanger patients. Intemperate use includes but is not limited to practicing professional nursing or being on duty or on call while under the influence of alcohol or drugs.

(9) Unprofessional or dishonorable conduct which, in the opinion of the board, is likely to deceive, defraud, or injure patients or the public.

(10) Adjudication of mental incompetency.

(11) Lack of fitness to practice by reason of mental or physical health that could result in injury to patients or the public.

(12) Failing to care adequately for patients or to conform to the minimum standards of acceptable professional nursing practice that, in the opinion of the board, exposes a patient or other person unnecessarily to risk of harm.

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.

SENATE BILL 981 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 S.B. 981 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

GUEST PRESENTED

Senator Santiesteban was recognized and introduced the Honorable Luther Jones, former Member of the House of Representatives and now County Judge of El Paso County.

The Senate welcomed this former colleague.

SENATE BILL 973 ON SECOND READING

On motion of Senator Glasgow 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. 973, Relating to the confidentiality of birth and death records maintained by the Bureau of Vital Statistics of the Texas Department of Health or by local registration officials.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 973** on page 6, between lines 8 and 9 by inserting new SECTIONS 3 through 8 as follows and renumbering the subsequent SECTIONS accordingly:

SECTION 3. Section 1 of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Rule 36a of Article 4477, Vernon's Texas Civil Statutes) is amended to read as follows:

(a) The Texas Department of Health [State Department of Health] shall have charge of the registration of vital statistics; shall establish a Bureau of Vital Statistics with suitable offices properly equipped for the preservation of its official records shall install a state-wide system of vital statistics; shall make and may amend necessary regulations, give instructions and prescribe forms for the collecting, recording, transcribing, compiling and preserving vital statistics; shall require the enforcement of the Vital Statistics Law and the regulations made pursuant thereto; shall in time of emergency be authorized to suspend any part or parts of the Vital Statistics Law which tend to hinder or impede uniform and efficient registration of vital events and substitute therefor emergency regulations designed to expedite such registration under disaster conditions; and shall from time to time recommend any additional legislation that may be necessary for this purpose.

(b) The Bureau of Vital Statistics may charge fees for providing services to the public and performing other activities in connection with maintenance of the vital statistics system. Where applicable under this Act, such services may include, but are not limited to:

(1) performing searches of birth, death, fetal death, marriage, divorce, annulment and other records;

(2) preparing and issuing copies and certified copies of birth, death, fetal death, marriage, divorce, annulment and other records;

(3) and the filing of any record, amendment or affidavit required or permitted under this Act.

(c) The Texas Board may adopt rules establishing a schedule of fees for vital statistics services. The Board must establish the amount of the fees so that the aggregate of the fees collected by the Bureau will not exceed the cost of administering the vital statistics system. All funds collected by the Bureau will be

deposited in the state treasury to the credit of a special vital statistics fund. The legislature shall make appropriations to the department from the vital statistics fund to be used for the administration and enforcement of the system of vital statistics authorized or mandated by this and other laws.

(d) A local registrar who issues certified copies of death certificates shall charge the same fee as is charged by the Bureau.

(e) The Bureau of Vital Statistics must refund to an applicant any fee received for services which the Bureau cannot render. If the money has been deposited in the vital statistics fund, the Comptroller must issue a warrant against the fund, upon presentation of a claim signed by the State Registrar, for the purpose of refunding the payment.

SECTION 4. Subsection 14(a) of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Subsection (a) of Rule 47a of Article 4477, Vernon's Texas Civil Statutes) is amended to read as follows:

(a) The standard certificate of birth shall be in such form and shall provide for such items of information as may be prescribed by the Texas Department of Health. The father of an illegitimate child may acknowledge paternity by executing an affidavit acknowledging paternity according to the requirements of Section 13.22, Family Code. The affidavit may be filed with the Texas Department of Health. If so filed, the affidavit shall be maintained with the original birth record, but shall not become a part thereof. Once filed, such affidavit becomes privileged, and shall be available only to a court of competent jurisdiction, in which a suit of paternity respecting the subject of the affidavit is pending, on motion of the trial judge. Any person may apply to the Texas Department of Health to have any indication of illegitimacy removed from his or her birth record, including separate medical records and the paternity affidavit. ~~[The Department shall charge a fee of \$10.00 for this service.]~~ All items prescribed on the certificate of birth are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records. The items on the birth, death, or fetal death certificate of a child relating to the father of the child shall be completed to show the name and other related information about the father only if:

(1) the mother of the child was married to the father at the time of conception or birth of the child or at some point after birth; or

(2) if the paternity of the child was established by a decree issued by a court of competent jurisdiction. The Texas Department of Health shall be specifically authorized to use and to provide upon request to other state agencies records pertaining to all births in connection with programs to notify the mothers of young children about health needs for the children.

SECTION 5. Subsection 17A(c) of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Subsection (c) of Rule 50b of Article 4477, Vernon's Texas Civil Statutes) is amended to read as follows:

(c) The Bureau of Vital Statistics shall upon request furnish any information it has on record pertaining to the marriage of any person, but the Bureau shall not issue any certificate or certified copies of the information. ~~[The Bureau may charge a fee of \$2 for the information it gives relating to any person under this Section.]~~

SECTION 6. Subsection 17B(g) of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Subsection (g) of Rule 50c of Article 4477, Vernon's Texas Civil Statutes) is amended to read as follows:

(g) The state registrar shall, upon request, furnish to any applicant any information he has on record pertaining to any divorce or annulment of marriage, but he shall not issue certified copies of records of divorces or annulments of marriages. ~~[The state registrar shall charge the applicant a fee of \$2.00 for searching the statewide index of divorces and annulments of marriages, and all fees collected~~

~~under this section shall be deposited in the state treasury to the credit of the Vital Statistics Fund.]~~

SECTION 7. Subdivision 18(B)(9) of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Subdivision (B)(9) of Rule 51a of Article 4477, Vernon's Texas Civil Statutes) is repealed.

SECTION 8. Section 21 of Chapter 41, Acts of the 40th Legislature, First Called Session, 1927 (Article 4477, Vernon's Texas Civil Statutes) is amended to read as follows:

(a) Subject to the regulations of the Texas Department of Health controlling the accessibility of vital records, the State Registrar shall, upon request, supply to any properly qualified applicant a certified copy of a record, or any part thereof, registered under the provisions of this Act. ~~[The State Registrar is entitled to a fee of Five Dollars (\$5.00) for each copy of a birth record or part of a record and a fee of Five Dollars (\$5.00) for the first copy of a death record and Two Dollars (\$2.00) for each additional copy of the record requested by the applicant in a single request. The fee is to be paid by the applicant. A local registrar who issues certified copies of death certificates shall charge the same fee as is charged by the State Registrar.]~~ Certified copies shall be issued only in the form approved by the Texas Department of Health. And any such copy of a record, when properly certified by the State Registrar, is shall be prima facie evidence in all courts and places of the facts therein stated. ~~[For a any search of the files where a record is not found or a certified copy is not made, the State Registrar shall be entitled to a fee of Five Dollars (\$5.00), said fee to be paid by the applicant.]~~ The State Registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment. The State Registrar shall issue free of cost to any veteran, his widow, orphan or other dependents, a certified copy of any record not otherwise prohibited by law when such record is to be used in the settlement of a claim against the government. The State Registrar may issue, upon court order, without fee, a certified copy of a birth record in cases relating to child labor and the public schools. Provided, that the national agency in charge of the collection of vital statistics may obtain, without expense to the State, transcripts of vital records without payment of the fees herein prescribed; and provided further, that the State Registrar is hereby authorized to act as special agent for that agency in accepting the use of the franking privilege and blanks furnished by that agency; and provided further, that the Bureau of Vital Statistics of the Texas Department of Health is hereby authorized to enter into a contract with the national agency in charge of the collection of vital statistics in order to have transcribed for that agency copies of vital records filed with the State Bureau of Vital Statistics. ~~[The State Registrar shall keep a true and correct account of all money received by him under these provisions, and deposit the same with the State Treasurer at the close of each month and at such other intervals as the Registrar deems advisable, and all such money shall be kept by the State Treasurer in a special and separate fund, to be known as the vital statistics fund, and the amounts so deposited in this fund, shall be used for defraying expenses incurred in the enforcement and operation of this Act.]~~

~~[(b) The State Registrar shall refund to the applicant any fee received for services which the Bureau cannot render. If the money has been deposited in the vital statistics fund, the Comptroller shall issue a warrant against the fund, upon presentation of a claim signed by the State Registrar, for the purpose of refunding the payment.]~~

~~[(c) The State Registrar is entitled to a fee of Ten Dollars (\$10.00) for filing a new birth certificate based on adoption, a fee of Ten Dollars (\$10.00) for filing a new birth certificate based on legitimation or paternity determination, a fee of Seven~~

Dollars (\$7.00) for filing an amendment to a birth certificate based on a court order of change of name, and a fee of Seven Dollars (\$7.00) for filing an amendment to complete or correct a birth or death certificate, said fees to be paid by the applicants.]

The amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow 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.

SENATE BILL 973 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 S.B. 973 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

COMMITTEE SUBSTITUTE SENATE BILL 853 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:

C.S.S.B. 853, Relating to certain amendments to certain licenses issued or renewed by the Texas Radiation Control Agency.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend C.S.S.B. 853 by striking on line 9 of page 1 the word "significant" and inserting the word "major".

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan 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 853 ON THIRD READING

Senator Truan 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. 853 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 854 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:

C.S.S.B. 854, Relating to the renewal, extension, and amendment of certain licenses issued by the Texas Radiation Control Agency.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 854** as follows:

(1) On page 1, line 10, insert the following after “material” and before the comma: “as defined in Subdivision (2) of Subsection (a) of Section 3 of this Act”.

(2) On page 2, line 9, insert the following after “materials” and before “and”: “as defined in Subdivision (2) of Subsection (a) of Section 3 of this Act”.

(3) On page 2, line 14, insert the following after “materials” and before “and”: “as defined in Subdivision (2) of Subsection (a) of Section 3 of this Act”.

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan 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 854 ON THIRD READING**

Senator Truan 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. 854** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 795 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. 795, Relating to the practice of surveying and the election and qualifications of county surveyors; providing penalties.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 795 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. 795** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 937 ON SECOND READING**

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 937, Relating to senate confirmation of Texas Water Development Board appointments to the board of directors of the Lower Neches Valley Authority.

There was objection.

Senator Parker then moved to suspend the regular order of business and take up **C.S.S.B. 937** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 7, Present-not voting 1.

Yeas: Armbrister, Barrientos, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Johnson, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Brown, Haley, Henderson, Krier, Leedom, Ratliff.

Present-not voting: Brooks.

Absent-excused: Harris, Washington.

The bill was read second time.

Senator Haley offered the following amendment to the bill:

Amend **C.S.S.B. 937** by adding the following on line 45 of page 1 after **years**]. Five directors shall be residents of Jefferson County, two of Hardin County and two of Tyler.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker 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 937 ON THIRD READING**

Senator Parker 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. 937** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Haley.

Absent-excused: Harris, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

SENATE BILL 1275 ON SECOND READING

On motion of Senator Barrientos 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. 1275, Relating to prejudgment interest in condemnation cases.

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

SENATE BILL 1275 ON THIRD READING

Senator Barrientos 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. 1275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 1502 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:

S.B. 1502, Relating to regulation of hazardous substances and solid waste.

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

SENATE BILL 1502 ON THIRD READING

Senator Brown 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. 1502** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

COMMITTEE SUBSTITUTE**SENATE BILL 1417 ON SECOND READING**

On motion of Senator Parmer 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. 1417, Relating to the homeless.

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

COMMITTEE SUBSTITUTE**SENATE BILL 1417 ON THIRD READING**

Senator Parmer 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. 1417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Washington.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 931 ON SECOND READING**

Senator Montford asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 931, Relating to indemnification by the state in certain civil actions.

There was objection.

Senator Montford then moved to suspend the regular order of business and take up **C.S.S.B. 931** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Haley, Henderson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Zaffirini.

Nays: Carriker, Green, Johnson, Lyon, Parmer, Truan, Uribe, Whitmire.

Absent-excused: Harris, Washington.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Amend **C.S.S.B. 931** as follows:

(1) In Section 2 of the bill amend Sec. 59.05, Education Code as follows:

[Notwithstanding Section 104.004(a), Civil Practice and Remedies Code, each board may employ private legal counsel to] The attorney general shall represent the medical staff and students covered by this chapter [under the rules of the board].

(2) In Section 3 of the bill amend Sec. 59.08(d), Education Code by striking the words "approve any settlement of" and substituting "settle or compromise" and by striking the last sentence of subsection (d).

The amendment was read.

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Henderson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Zaffirini.

Nays: Green, Johnson, Lyon, Santiesteban, Truan, Uribe, Whitmire.

Absent-excused: Harris, Washington.

The bill was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Barrientos, Green, Johnson and Santiesteban asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 931 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. 931** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 8. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Henderson, Krier, Leedom, McFarland, Montford, Parker, Rathliff, Sims, Tejada, Whitmire, Zaffirini.

Nays: Barrientos, Green, Johnson, Lyon, Parmer, Santiesteban, Truan, Uribe.

Absent-excused: Harris, Washington.

(Senator Caperton in Chair)

SENATE RULE 11.11 SUSPENDED

On motion of Senator McFarland and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider the following bills at 1:30 p.m. today:

S.B. 964

H.B. 1992

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 214 - (Johnson): Honoring Constable Jesse R. Dawson of Dallas County.

H.C.R. 226 - (McFarland): Requesting the United States secretary of defense to reconsider his preliminary decision and to include full funding for the continued development of the V-22 Osprey program in his budget request.

S.R. 530 - By Truan: Extending congratulations to Mathis, Texas, on its centennial celebration.

S.R. 531 - By Truan: Commending Galen Hoffstadt for her contributions to the educational system of Texas and extending best wishes to her in the years ahead.

S.R. 532 - By Parmer: Extending congratulations to the Boys Club of Fort Worth for their well-planned celebration of Cinco de Mayo.

S.R. 533 - By McFarland: Extending welcome to William S. Sessions, Director of the Federal Bureau of Investigation.

S.R. 534 - By Krier, Sims, Tejada, Zaffirini: Honoring Dr. James Wagener for his tireless devotion to and talented administration of The University of Texas at San Antonio.

S.R. 535 - By Santiesteban: Recognizing the 391st anniversary of the First Thanksgiving Celebration in the United States and the 200th anniversary of the Presidio de San Eleceario.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:30 p.m. adjourned, in memory of Phyl E. Drake of Alice, until 9:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 26, 1989)

S.B. 5
S.B. 623

Signed by Governor
(April 26, 1989)

S.B. 10 (Effective immediately)
S.B. 12 (Effective September 1, 1989)
S.B. 96 (Effective August 28, 1989)
S.B. 192 (Effective immediately)
S.B. 227 (Effective immediately)
S.B. 229 (Effective August 28, 1989)
S.B. 444 (Effective September 1, 1989)
S.B. 453 (Effective September 1, 1989)
S.B. 529 (Effective September 1, 1989)
S.B. 534 (Effective immediately)
S.B. 785 (Effective immediately)
S.B. 847 (Effective immediately)
S.B. 1122 (Effective September 1, 1989)
H.B. 618 (Effective August 28, 1989)
H.B. 750 (Effective September 1, 1989)
H.B. 1467 (Effective immediately)
H.C.R. 212

Signed by Governor
(April 27, 1989)

S.B. 1136 (Effective immediately)

FIFTY-THIRD DAY
(Friday, April 28, 1989)

The Senate met at 9:30 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, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Zaffirini.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as this workday unfolds, we pause to pray and give thanks for all that is provided to sustain us. We give thanks for these men and women of this Senate who are people of achievement, people who share common goals and concerns. Bless them as they confront, engage, probe and resolve.

Be in our midst today and guide us each one as we protect and preserve the gifts which have been entrusted to us. In His 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.

LEAVES OF ABSENCE

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