

SIXTY-FIRST DAY

(CONTINUED)

MONDAY, MAY 3, 1999

PROCEEDINGS

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by Senator Harris.

SENATOR ANNOUNCED PRESENT

Senator Carona, who had previously been recorded as "Absent-excused," was announced "Present."

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 Friday, April 30, 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 165 (Bivins) Relating to peace officers from adjoining states enforcing the law in a bordering municipality in this state. (30-0) (30-0)

CSHB 431 (Madla) Relating to the determination of the amount of proof of financial responsibility for the application of certain pesticides. (30-0) (30-0)

HB 960 (Duncan) Relating to regulation of the Sam Wahl Recreation Area at Lake Alan Henry. (30-0) (30-0)

CSHB 963 (Duncan) Relating to the protection of playa lakes by certain home-rule municipalities. (30-0) (30-0)

HB 1177 (Duncan) Relating to permissible uses of courthouse security fund and municipal court building security fund. (30-0) (30-0)

CSHB 1189 (Madla) Relating to the petition for creation of a civic center authority. (30-0) (30-0)

HB 1314 (Ellis) Relating to authorizing The University of Texas M. D. Anderson Cancer Center to offer certain professional degree programs. (30-0) (30-0)

HB 1433 (Lucio) Relating to expanding the TexShare library consortium. (30-0) (30-0)

CSHB 1488 (Lucio) Relating to the student union building fee at The University of Texas at Brownsville and to student union fees at public junior colleges. (30-0) (30-0)

HB 1889 (Sibley) Relating to the dissolution of the Ranger Hospital District of Eastland County, Texas. (30-0) (30-0)

HB 2450 (Jackson) Relating to the discipline of certain individuals authorized to sell certain alcoholic beverages. (30-0) (30-0)

CSSB 169 (Armbrister) Relating to the listing of a business location of certain businesses in a telephone directory or database. (30-0) (30-0)

(Senator Madla in Chair)

CSSB 207 (Moncrief) Relating to protecting against family violence in family law cases and in certain other cases involving alternative dispute resolution procedures. (30-0) (30-0)

CSSB 288 (Carona) Relating to the definition under certain health benefit plans of treatment for craniofacial abnormalities of a child. (30-0) (30-0)

CSSB 376 (Nelson) Relating to the statutory courts of Denton County. (30-0) (30-0)

CSSB 502 (Shapleigh) Relating to the use of the term "college" by certain educational institutions. (30-0) (30-0)

CSSB 510 (Shapleigh) Relating to notification to students of the law that grants automatic college admission to certain students. (30-0) (30-0)

SB 534 (Ratliff) Relating to requiring citizenship as a prerequisite to obtaining a license from the Commission on Law Enforcement Officer Standards and Education. (30-0) (30-0)

SB 621 (Gallegos) Relating to conditions of employment for peace officers employed by certain transportation authorities. (30-0) (30-0)

CSSB 623 (Lucio) Relating to certain requirements applicable to the construction of affordable housing. (30-0) (30-0)

CSSB 685 (Brown) Relating to the delivery of protective orders to certain affected persons. (30-0) (30-0)

SB 748 (Shapleigh) Relating to home ownership counseling for displaced workers. (30-0) (30-0)

SB 804 (Ellis) Relating to developing a standard format for protective orders. (30-0) (30-0)

SB 824 (Gallegos) Relating to the powers of a municipality in relation to tax increment investment financing. (30-0) (30-0)

SB 828 (Shapleigh) Relating to supplemental environmental projects undertaken in lieu of certain penalties. (30-0) (30-0)

SB 833 (Cain) Relating to the authority of certain counties to regulate public nuisances. (30-0) (30-0)

CSSB 868 (Cain) Relating to the treatment of the limitation on increases in the appraised value of a residence homestead in the determination of school district property values by the comptroller of public accounts. (30-0) (30-0)

CSSB 869 (Cain) Relating to the treatment of property appraised by more than one appraisal district in the determination of school district property values by the comptroller of public accounts. (30-0) (30-0)

HB 2110 (Jackson) Considered in lieu of **SB 880**.

Relating to the provision of insurance coverage for county officers and employees. (30-0) (30-0)

In accordance with Senate Rule 7.14, **SB 880** (Jackson) was laid on the President's table subject to call.

CSSB 893 (Lucio) Relating to the components and facilities of the regional academic health center of The University of Texas System in the Lower Rio Grande Valley region. (30-0) (30-0)

CSSB 911 (Shapleigh) Relating to sanctions imposed on low-performing public school campuses. (30-0) (30-0)

SB 935 (Lucio) Relating to the purposes for which certain municipalities may use revenue from the municipal hotel occupancy tax. (30-0) (30-0)

SB 962 (Barrientos) Relating to the elements of and punishment for the offense of stalking. (30-0) (30-0)

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 962** as follows:

On page 1, line 3, delete the word "stalking" and insert in its place "harassment"

On page 2, line 7, between the words "(7)" and "sends" insert the word "knowingly"

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

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

CSSB 1079 (Shapleigh) Relating to the duties of the office of the attorney general with regard to the public information law. (30-0) (30-0)

SB 1086 (Lindsay) Relating to allowing the creation of a new class of pharmacy. (30-0) (30-0)

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1086** as follows:

(1) On page 2, delete lines 15 through 18 and insert "(6) for any class of pharmacy established by the board under this section, the board by rule shall require the continuous on-site supervision of a pharmacist during the time it is open for pharmacy services"; and

(2) Insert a new subsection (i) on page 2, between lines 26 and 27, to read as follows: "(i) nothing in this act shall require any pharmacy to obtain an additional class of license for services the pharmacy is currently providing."

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 1118 (Armbrister) Relating to the date by which the governing body of a taxing unit must adopt an ad valorem tax rate for that taxing unit. (30-0) (30-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1118** to read as follows:

SECTION 1. Sections 26.05(a), page 1, line 8 after the word "before" strike: "the 31st day after the date the chief appraiser certifies the appraisal role to the taxing unit"

and add:

"September 1 or within 60 days after the certified appraisal role is received by the taxing unit"

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

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

SB 1210 (Cain) Relating to the limitation of school district ad valorem taxes on the residence homestead of an elderly person. (30-0) (30-0)

SB 1268 (Ellis) Relating to the notice requirements for violations of certain health and safety statutes and ordinances. (30-0) (30-0)

CSSB 1301 (Brown) Relating to water conservation measures required in a county during a declared drought disaster. (30-0) (30-0)

CSSB 1330 (Shapiro) Relating to limiting the assignment of a student to a particular class under certain circumstances. (30-0) (30-0)

SB 1358 (Barrientos) Relating to the issuance of special license plates for emergency medical services personnel. (30-0) (30-0)

SB 1394 (Brown) Relating to the possessory conservator's access to a child on the telephone. (30-0) (30-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1394** on page 1, line 7 strike the word "the" and replace with "a joint managing conservator or"

On line 9, strike the word "possessory."

On line 18, strike the word "unless" and replace with "In addition to the access provided for in subsection (a), unless"

On line 18, after the word conservator add "providing for the primary residence for the child"

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 1428 (Duncan) Relating to the legal description of land in the Lubbock Reese Redevelopment Authority. (30-0) (30-0)

SB 1563 (Armbrister) Relating to establishing customer service standards and performance measures for state agencies. (30-0) (30-0)

(Senator Harris in Chair)

CSSB 1586 (Zaffirini) Relating to the establishment of a program in which vouchers are used for payment of certain services provided to persons with disabilities. (30-0) (30-0)

CSSB 1718 (Ellis) Relating to alternative dispute resolution systems established by counties. (30-0) (30-0)

CSSB 1719 (Ellis) Relating to the salary of a retired or former judge or justice assigned to a district court. (30-0) (30-0)

SB 1726 (Ellis) Relating to the filing of certain judicial office campaign treasurer appointments and campaign finance reports. (30-0) (30-0)

SB 1745 (Jackson) Relating to garnishment of an account. (30-0) (30-0)

Senator Jackson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1745**, as introduced, by adding the following language to line 9. Between the words "account" and "together" insert "on the date of service."

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

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

SB 1747 (Jackson) Relating to the funding of the Seaborne Conservation Corps or a similar program at Texas A&M University at Galveston. (30-0) (30-0)

CSSB 1770 (Shapiro) Relating to the powers, administration, financing, and validation of certain actions of the Dallas County Utility and Reclamation District. (30-0) (30-0)

CSSB 1771 (Shapiro) Relating to Dallas County Utility and Reclamation District tax abatement agreements. (30-0) (30-0)

CSSB 1841 (Ratliff) Relating to the abolition of the Texas eminent scholars program. (30-0) (30-0)

CSSB 1842 (Cain) Relating to the regulation of pari-mutuel racing. (30-0) (30-0)

SB 1853 (Bivins) Relating to reports on the degree, certificate, or other enrollment status of public junior college students. (30-0) (30-0)

CSSB 1866 (Lindsay) Relating to the creation of the Harris County Municipal Management District No. 1; providing authority to impose a tax and issue bonds. (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 Uncontested 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 1278 (Wentworth) Relating to the use of leave by a state employee who is a reserve peace officer to attend peace officer training. (final passage 30-0)

SB 1796 (Wentworth) Relating to an exception to distribution of publications by state agencies. (final passage 30-0)

SB 1277 (Wentworth) Relating to the uses of impact fees charged by municipal utility districts. (engrossment viva voce vote)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 3, 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:

HB 82, Relating to the method by which a county reconstitutes the jury wheel and to the selection and service of jurors in certain counties.

HB 548, Relating to unauthorized charges on a bill for telecommunications services.

HB 1051, Relating to the regulation of the practice of therapeutic optometry.

HB 1368, Relating to the site of the Emancipation Juneteenth memorial monument.

HB 1475, Relating to management and investment of trust assets.

HB 1655, Relating to the rate and allocation of the hotel occupancy tax in certain municipalities.

HB 1697, Relating to eligibility and benefits under public retirement systems for employees of certain municipalities.

HB 1733, Relating to a continuing advisory panel to provide policy guidance concerning special education and related services.

HB 1752, Relating to the compensation of certain private investigators and witnesses who are retained by appointed counsel.

HB 1797, Relating to the transportation of certain individuals who may have a mental illness and are admitted to a county mental health facility for emergency detention.

HB 1854, Relating to indigent care provided by the Harris County Hospital District.

HB 1861, Relating to increasing private investments in transportation infrastructure in the border region.

HB 1907, Relating to the limited law enforcement authority of certain agents or officers of the government of the United States.

HB 1924, Relating to health insurance provided through the Texas Health Insurance Risk Pool.

HB 2013, Relating to the regulation of bottled or vended water.

HB 2034, Relating to the authority of certain counties to delegate traffic regulation functions.

HB 2220, Relating to refunds of overpayments or erroneous payments of ad valorem taxes.

HB 2265, Relating to the Harris County Road Law; providing a civil penalty.

HB 2359, Relating to the investment capital fund administered by the Texas Education Agency.

HB 2538, Relating to compulsory inspection of certain vehicles to be registered and titled outside this state.

HB 2594, Relating to the collection of child support payments made after termination of the child support order.

HB 2711, Relating to restrictions on the deposit and investment of funds of a domestic insurance company.

HB 2800, Relating to requiring a financial institution to maintain certain information from a business account holder.

HB 2835, Relating to information that certain state agencies must post on the Internet.

HB 2856, Relating to the quantity of alcoholic beverages which may be sold by package store and wine only package store permittees in a single transaction.

HB 2891, Relating to the creation of the Aldine Community Improvement District; authorizing the issuance of bonds and the imposition of taxes.

HB 2969, Relating to small and large employer health plan certification, discontinuance, and dependent participation requirements.

HB 3020, Relating to the withdrawal from operations by a health maintenance organization.

HB 3034, Relating to property tax abatement agreements.

HB 3081, Relating to the seizure of a work of fine art.

HB 3083, Relating to medical services ordered by physicians in certain other states for residents of this state.

HB 3093, Relating to general standing to file a suit affecting the parent-child relationship.

- HB 3161**, Relating to disposition of public property in a readjustment zone.
- HB 3185**, Relating to the assistance a county may provide another governmental entity for a construction project.
- HB 3197**, Relating to the appraisal and ad valorem taxation of retail manufactured housing inventory.
- HB 3207**, Relating to the requirement for insurance coverage for district clerks.
- HB 3211**, Relating to state fiscal matters, including the printing and cancellation of certain warrants, consulting services, payroll deductions for savings bond purchases, advance payments, the collection of debts to the state, the collection of delinquent taxes, and the methods used by state agencies to make and receive payments.
- HB 3263**, Relating to the election of the governing board of certain junior college districts.
- HB 3333**, Relating to certain duties of local workforce development boards in connection with the provision of child care.
- HB 3463**, Relating to the dissolution of the Cedar Creek Hospital District.
- HB 3477**, Relating to the qualification of a foreign personal representative of an estate involved in a wrongful death or survival action.
- HB 3481**, Relating to the board of directors and the validation of certain acts of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.
- HB 3499**, Relating to associate judges appointed by the district courts of Bexar County.
- HB 3531**, Relating to membership and credit in and benefits and administration of retirement systems for officers and employees of certain municipalities.
- HB 3543**, Relating to competitive bidding by certain mass transit authorities.
- HB 3779**, Relating to the powers and duties of the district attorney for the 105th Judicial District.
- HB 3780**, Relating to the creation of a county court at law in Nueces County and to the probate jurisdiction of the county courts at law in Nueces County.
- HB 3807**, Relating to the creation of a statutory county court in Matagorda County.
- HB 3822**, Relating to the creation of the County Court at Law of Bowie County.
- HCR 159**, Commending the Atlanta Independent School District on the occasion of its 125th anniversary.
- HCR 191**, Honoring Carter Metropolitan CME Church's "Men of Quality."
- HCR 203**, Congratulating Kimberly Dennis on being named an Outstanding Teacher.
- HCR 209**, Congratulating Denise O'Dell on being named an Outstanding Teacher.
- HCR 210**, Congratulating Donna Driver on being named an Outstanding Teacher.

HCR 211, Congratulating LaTreace Bailey on being named an Outstanding Teacher.

HCR 212, Congratulating Deborah Allen-White on being named an Outstanding Teacher.

HCR 213, Congratulating Ann Elwood on being named an Outstanding Teacher.

HCR 214, Congratulating Wesley Dismuke on being named an Outstanding Teacher.

HCR 215, Congratulating Patrick Oliver on being named an Outstanding Teacher.

HCR 216, Congratulating Gloria Horton on being named an Outstanding Teacher.

HCR 217, Congratulating Sarah Weeks on being named an Outstanding Teacher.

HCR 218, Congratulating Glory Griggs on being named an Outstanding Teacher.

HCR 219, Congratulating Virginia Nichols on being named an Outstanding Teacher.

HCR 220, Congratulating Birdie White on being named an Outstanding Teacher.

HCR 221, Congratulating Nikitra K. Hamilton on being named an Outstanding Teacher.

HCR 222, Congratulating Joye Franklin on being named an Outstanding Teacher.

HCR 223, Congratulating Gwendolyn Davis on being named an Outstanding Teacher.

HCR 224, Congratulating Patrick Oliver on being named an Outstanding Teacher.

HCR 225, Congratulating Jacqueline Whitfield on being named an Outstanding Teacher.

HCR 226, Congratulating Howardine Smith on being named an Outstanding Teacher.

HCR 227, Congratulating Mae Pearl Johnson on being named an Outstanding Teacher.

HCR 228, Congratulating Phyllis McAnally on being named an Outstanding Teacher.

HCR 235, In memory of Jose E. Morales of Midland.

HCR 236, In memory of Dr. Jim Richerson.

HCR 237, Honoring Larry Henderson for his 37 years of service to the National Park Service.

HCR 241, Honoring the prisoners of war currently being held in Yugoslavia.

HCR 245, Celebrating the birth of Jacob Jeffrey Gonzalez on September 15, 1998.

HCR 253, Commemorating the grand opening of the Child and Adolescent Wellness Center in El Paso.

HCR 255, Designating May 17-22, 1999, as United Kingdom Trade Mission to Clear Lake Week in Texas.

SB 254, Relating to the authority of the director of the Texas Department of Public Safety to permit the use of triplicate or single prescription forms under the Texas Controlled Substances Act.

(Committee Substitute)

SB 401, Relating to the requirements for the registration of certain motor vehicles in certain counties.

SB 445, Relating to a child health plan for certain low-income children.

(Committee Substitute/Amended)

SB 448, Relating to the boll weevil eradication program.

(Committee Substitute)

SB 494, Relating to preserving the history and heritage of the state by establishing the Bob Bullock Texas State History Museum and by prescribing certain operations, powers, and duties of the State Preservation Board.

(Amended)

SB 598, Relating to actions regarding certain computer date failures.

(Amended)

SB 691, Relating to the financing and administration of a program for public library development.

(Amended)

SB 801, Relating to electronic access to certain state agency information.

(Committee Substitute)

SB 1252, Relating to broadcasting public meetings over the Internet.

SB 1545, Relating to burials in the State Cemetery.

SB 1585, Relating to the use of competitive bidding for certain functions and components of the Medicaid vendor drug program.

SB 1594, Relating to assistance to small businesses regulated by the Texas Natural Resource Conservation Commission through its regulatory flexibility programs.

SB 1746, Relating to the creation and administration of the Texas Environmental Education Partnership Fund and the Texas Environmental Education Partnership trust fund.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator West, author of the bill, requested in writing that **SB 1575** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris 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 11:24 a.m. adjourned until 1:30 p.m. today.

SIXTY-SECOND DAY

MONDAY, MAY 3, 1999

PROCEEDINGS

The Senate met at 1:30 p.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.

Senate Doorkeeper Don Long offered the invocation as follows:

O Lord, our God, only You know what lies before us this day. Grant, therefore, that in every moment of this day we may stay close to You for guidance, courage, strength, and safety. Keep us from the abuse of the talents, position, and time which You have given to us. Let us, this day, embark on no undertaking which is not in line with Your holy will for our lives, nor let us shrink from any sacrifice which is necessary to complete our duties for this day.

Dispel whatever spirit of discord may here arise. Enrich our hearts with that most excellent gift of charity, so that our acts may be full of the spirit of kindness and forbearance one toward the other.

And, Lord, we thank You for the release of the three young men who were held captive in Yugoslavia. God bless each and every one in this Senate Chamber. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 30, 1999, 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 207

On motion of Senator Moncrief and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 207**.

CO-AUTHOR OF SENATE BILL 538

On motion of Senator Moncrief and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 538**.

CO-AUTHOR OF SENATE BILL 1444

On motion of Senator Barrientos and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 1444**.

CAPITOL PHYSICIAN

The President recognized Senator Wentworth, who presented Dr. Flint DeShazo of Round Rock as the "Doctor for the Day."

Dr. DeShazo, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

PERMISSION TO INTRODUCE BILLS

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 bills: **SB 1899, SB 1900**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan moved to postpone the introduction of bills and resolutions on first reading until the end of today's session.

The motion prevailed without objection.

SENATE RESOLUTION 743

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize May 3 through May 9, 1999, as Public Service Recognition Week; this time will honor public employees and the vital work they perform for Texans; and

WHEREAS, A successful government depends on the dedicated work of professional public servants; these men and women attend to the day-to-day functioning of our communities, and their adept handling of their duties improves the quality of our lives; and

WHEREAS, Public servants in the State of Texas are the agents of justice in our society; they preside over our court system and thereby uphold our constitution's ideals; and

WHEREAS, Public servants also help maintain the public's health; their efforts include preventing the abuse and neglect of children and adults and caring for the victims of these crimes; they also rehabilitate and counsel people in need; and

WHEREAS, Public servants attend to the economic well-being of our nation by regulating and supporting commerce; they collect taxes to fund vital public projects, such as planning, building, and maintaining roads and schools; and

WHEREAS, Public servants ensure national defense, conduct elections, collect and maintain public information, and handle a host of other essential duties the public entrusts to them; and

WHEREAS, In order for our society to accomplish great things, it must heed the importance of the work of public servants; Public Service Recognition Week seeks to promote the positive impact public servants have on our communities; and

WHEREAS, Since 1986, increasing numbers of presidents, governors, county judges, mayors, administrators, community groups, and professional societies have joined together during the first full week of May to honor public service throughout the United States; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend Public Service Recognition Week and its noble purpose of increasing society's awareness of the invaluable work public servants perform; and, be it further

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

The resolution was again read.

The resolution was previously adopted on Monday, April 26, 1999.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate public employees here in honor of Public Service Recognition Week.

The Senate welcomed its guests.

SENATE RESOLUTION 822

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas recognizes that osteoporosis is a serious health problem, and May 3, 1999, is the beginning of Osteoporosis Week in the Lone Star State; and

WHEREAS, Many think that osteoporosis is a natural part of aging, and it is inevitable, but in recent years, researchers have shown that actions may be taken to help prevent the onset of this disease; and

WHEREAS, Today, there is a simple test to measure the density of bones, and there are approved therapies for treatment; and

WHEREAS, Several factors can contribute to the possibility of developing this illness: having a diet low in calcium, being past 50 years of age, being of Caucasian or Asian descent, having previous bone fractures or a family history of the disease, not exercising, being of small or thin build, taking certain medications, or smoking cigarettes; and

WHEREAS, Osteoporosis is often called the silent disease because it may be undetected until a debilitating break occurs; the bones most vulnerable to fracture are the hip, spine, and wrist; and

WHEREAS, The resulting pain and movement difficulties can turn an active life into one of disability and dependence; more than 25 million Americans are currently diagnosed with osteoporosis; and

WHEREAS, To help prevent the onset of this illness, preventive measures can be followed such as educating oneself, following a good diet, and exercising; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby encourage the awareness of Osteoporosis Week in Texas beginning on May 3, 1999.

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

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Elaine H. Braslow of the Texas Department of Health, here in honor of Osteoporosis Week in Texas.

The Senate welcomed Ms. Braslow.

SENATE RESOLUTION 792

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is extremely proud to join the citizens of Brownsville and the Rio Grande Valley in recognizing Michael Charles Brisky for his exceptional career as a professional golfer; and

WHEREAS, His self-discipline, dedication, and outstanding abilities have brought Mike well-deserved recognition; and

WHEREAS, Born May 28, 1965, in McAllen, Mike is the youngest of 10 children of Rusty and Walt Brisky; the family moved to Brownsville in 1965, and he began developing an interest in golf while playing with his brothers and sisters in their yard; Mike played in his first tournament at the age of nine in the Insurance Golf Classic; and

WHEREAS, During his four years at Homer Hanna High School in Brownsville, he continued playing on the local courses and earned a partial golf scholarship to Pan American University in Edinburg; and

WHEREAS, A true competitor who worked diligently to accomplish his goal, Mike qualified for his first United States Open in 1989 and qualified again in 1995, 1997, and 1998; currently, he is in his sixth year on the Professional Golf Association Tour and his remarkable success can be attributed to his many years of hard work, training, and perseverance; and

WHEREAS, His many friends in Brownsville and all across the Rio Grande Valley have supported Mike throughout his career, and consequently he has brought acclaim to the area; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby extend heartfelt congratulations to Michael Charles Brisky and his family for the pride and excitement he has brought his fans in the Rio Grande Valley over the years; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the esteem of the Texas Senate with all best wishes in the future for continued success.

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Michael Charles Brisky, accompanied by his wife, Judy, and their families.

The Senate welcomed its guests.

(Senator Brown in Chair)**SENATE RESOLUTION 245**

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to congratulate the members of the Grapevine High School football team on their victory in the 1998 Class 4A District 1 championship football competition; and

WHEREAS, The Mustangs defeated the Bay City Black Cats 22-0 in Texas Stadium to clinch their championship title; and

WHEREAS, Exhibiting awesome talent and perseverance throughout the season, the Mustangs' team players, Roger Chapman, Jason Schindler, Jared Brown, Nick Leckey, Kelly Sayre, Blake Holt, Dan Cameron, Jimmy Barnett, Ben Benardino, Ryan Gowdy, Derek Frey, Andrew Marr, Chris Gray, Devin Pilgrim, Nick Zies, Curtis Caldwell, Trent Scribner, Cody Spencer, Ryan Maxwell, Andy Thompson, Josh Born, Joe Stanford, Matt France, Richard Spruell, Damon Williams, Saleem Razvi, Stewart Records, Chad White, T. J. Howard, Brandon Winner, Sam Robert, Jordan Wilson, DeWayne Betik, Cody Koontz, Cole Farden, Alex Martin, Brad Balla, Brad Lynes, Matt Cantrell, Mitch Gatlin, Daniel Cheek, Rory Dyck, Josh Cook, Matt Baan, Casey Ford, Chris Culver, Taylor Farden, the coaches, and the trainers deserve to be proud of their efforts and outstanding performance; and

WHEREAS, Under the superior leadership and expertise of their head coach, Mike Sneed, and the assistant coaches, Gary Olivo, Gary Mullins, Roger Benefield, Bruce Holmes, Heath Bullard, Andy Modica, Dave Sammons, Bill Symon, Bill McClesky, Tim McCune, Marty Wyatt, Scott Goodwin, Bryan Higginbotham, J. T. Grubbs, Todd Rogers, and Scott Lee, the Mustangs pulled together as a team and attained their goal; and

WHEREAS, Throughout the season, trainers Chriss Burke and Tamara LeMay have provided many hours of steadfast support to team members and have been available to attend to their needs during each of the games; and

WHEREAS, The Mustangs' team unity, exceptional skills, and respect for the highest ideals of American sportsmanship have brought honor to the school and to the community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the Grapevine High School Mustangs for their state championship title and extend appreciation to the school's principal, Dana Drew, for his outstanding leadership; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Grapevine High School Mustangs as an expression of esteem from the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Thursday, February 18, 1999.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the Grapevine High School Mustangs football team, accompanied by their coaches and trainers.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 62 ON SECOND READING

On motion of Senator Bernsen and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

HCR 62, Declaring the first week of May 1999 as School Social Work Week.

The resolution was read second time and was adopted by a viva voce vote.

SENATE RESOLUTION 759

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is happy to honor Marcia Shedden on the grand occasion of her 76th birthday, which is being celebrated on April 29, 1999; and

WHEREAS, For the past 65 years, Marcia Shedden has provided exceptional keyboard entertainment; and

WHEREAS, Marcia Gates was born with a gift; at age 10, she was performing on the piano, and she soon mastered the organ; music became Marcia's lifelong passion; indeed, in an era where few women worked outside the home, Marcia established a career for herself with her remarkable talent; her work has taken this enterprising and spirited musician around the country, from Washington, D.C., to San Francisco, from Nebraska to Texas; and

WHEREAS, Marcia's life has been a testimony to power of perseverance; in the Depression her musical abilities helped earn money for her family; during World War II, she used her talent to entertain troops and wounded soldiers; later in life, when her first marriage ended, she once again put her passion to work, raising her six children on a salary earned from a nine-to-five job selling pianos and organs, and from her public performances; and

WHEREAS, Marcia and her family relocated to South Texas in the early 1970s; she has since become an active, venerable member of her community; she played for the first Mayor's Breakfast in McAllen, for the McAllen Country Club, and for the Palm Valley Country Club in Harlingen; in 1972, she joined the Dean Canty Band and has been playing with them for 22 years; Marcia is a former board member of the Community Concert Association, a former member of the San Juan Music and Dramatic Art Club, and a current member of the San Juan Park Advisory Committee; and

WHEREAS, A consummate professional, Marcia has accompanied several notable performers, including Gregory Hines, Phil Harris, Mamie Van Doren, Tennessee Ernie Ford, Dick Dale, Guy, Rona, and Myron Floran from the Lawrence Welk Show, and many others; and

WHEREAS, In addition to Marcia's long, productive musical career, she has raised six children, who have each attended college; two of her children have obtained master's degrees, and one has earned a doctorate; and

WHEREAS, Marcia's strong spirit and unflinching determination have seen her through life's trials; she is a stellar Texan, a woman with zeal and gusto, and the Texas Senate is pleased to salute this exceptional lady; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby recognize Marcia Shedden on her 76th birthday and extend best wishes for a happy retirement and many more healthful years; 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 and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Marcia Shedden, accompanied by her children and grandchildren.

The Senate welcomed its guests.

HOUSE BILL 1285 REREFERRED

Senator Nelson submitted a Motion In Writing requesting that **HB 1285** be withdrawn from the Committee on Human Services and rereferred to the Committee on Health Services.

The Motion In Writing prevailed without objection.

HOUSE BILL 1615 REREFERRED

Senator Brown submitted a Motion In Writing requesting that **HB 1615** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Administration.

The Motion In Writing prevailed without objection.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Brown in Chair, at 2:00 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 432 ON SECOND READING**

On motion of Senator Ratliff 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 432, Relating to the designation of an initial or a renewal registration period by the owner of a motor vehicle or a trailer.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 432 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 432** 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 432 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1030 ON SECOND READING**

On motion of Senator Madla 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 1030, Relating to the use of a prescription drug formulary by a group health benefit plan.

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

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE SENATE BILL 1030 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1030** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Fraser, Wentworth.

Absent-excused: Luna.

CSSB 1030 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE SENATE BILL 1323 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 1323, Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1323** as follows:

(1) In SECTION 1 (committee printing, page 1, lines 16-24), strike added Section 212.0101(a), Local Government Code, and substitute the following:

(a) If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the municipal authority responsible for approving plats by ordinance may require the plat application to have attached to it a statement that:

(1) is prepared by an engineer registered to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(2) In SECTION 2 (committee printing, page 1, lines 32-40), strike added Section 232.001(a), Local Government Code, and substitute the following:

(a) If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the commissioners court of a county by order may require the plat application to have attached to it a statement that:

- (1) is prepared by an engineer registered to practice in this state; and
- (2) certifies that adequate groundwater is available for the subdivision.

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.

RECORD OF VOTE

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

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 154 ON SECOND READING

On motion of Senator Lindsay 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 154, Relating to the modification of restrictive covenants applicable to certain real property.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 154** as follows:

On page 1, beginning on line 17, delete Section 207.001 and replace with the following:

Sec. 207.001. APPLICATION. This Chapter applies only to real property (1) designated by a restrictive covenant for nonresidential use that is located in a county with a population of 2.8 million or more, and (2) within 2.5 miles of any boundary of a privately owned airport with a control tower operated by the Federal Aviation Administration.

On page 1, beginning on line 48, add the following:

Sec. 207.004. EXPIRATION. This chapter expires on May 1, 2001.

The 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.

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

COMMITTEE SUBSTITUTE SENATE BILL 154 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 154** 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 154 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 976 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 976, Relating to the creation of a business technology outreach program at the University of Houston.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 976**, adding an appropriately numbered SECTION to read as follows:

"SECTION _____. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

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 976 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 976** 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 976 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 497 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:

CSSB 497, Relating to the application of the preexisting condition provisions of certain health benefit plans.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 497 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 **CSSB 497** 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 497 was read third time and was passed by a viva voce vote.

HOUSE BILL 649 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 third reading:

HB 649, Relating to the waiver of filing fees for persons of low or moderate income who are buying or improving a home.

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

HOUSE BILL 649 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 **HB 649** 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.

HB 649 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

May 3, 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:

HB 442, Relating to the procedures for write-in candidates in an election of a junior college district.

HB 450, Relating to disconnection of a telephone call made by an automated dial announcing device.

HB 814, Relating to public notification of an application for a license for a pawnshop in certain counties.

HB 946, Relating to a prohibition of the waiver of certain employment benefits by the acceptance of the payment of wages; providing a penalty.

HB 1056, Relating to the authority of a member of the governing board of a public university system or institution of higher education.

HB 1184, Relating to the regulation of staff leasing services.

HB 1826, Relating to supplemental income benefits under the workers' compensation system.

HB 1997, Relating to installation, repair, or removal of certain vent hoods.

HB 3125, Relating to the management of vehicles owned by the state.

HB 3493, Relating to certain insurance carrier information required in workers' compensation proceedings.

HB 3497, Relating to certain requirements for the appeal of a hearing officer's decision in a workers' compensation proceeding.

HB 3693, Relating to certification under the state Medicaid program of nursing home beds in certain nursing facilities.

HB 3739, Relating to ethics requirements in regard to management and investment of the permanent school fund.

HCR 244, Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

HJR 69, Proposing a constitutional amendment permitting a political subdivision to purchase property and casualty insurance from certain mutual insurance companies.

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

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 844 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 third reading:

CSHB 844, Relating to the total amount of state lottery prizes that may be awarded in a fiscal year.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 844** by striking existing SECTIONS 3 and 4 and inserting the following new SECTION 3:

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

On motion of Senator Armbrister 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 third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 844 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 **CSHB 844** 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.

CSHB 844 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

**COMMITTEE SUBSTITUTE
SENATE BILL 1804 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:

CSSB 1804, Relating to the calculation of a tax rollback rate.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1804 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1804** 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 1804 was read third time and was passed by a viva voce vote.

SENATE BILL 1279 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:

SB 1279, Relating to the approval of budgets of emergency communication districts.

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

SENATE BILL 1860 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 1860, Relating to the validity of certain devises or bequests.

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

SENATE BILL 1860 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 1860** 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 1860 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

(Senator Sibley in Chair)

SENATE BILL 1444 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:

SB 1444, Relating to noise abatement measures on certain highways in this state.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1444** as follows:

Delete proposed subsection (b) of Section (6) and substitute the following:

(b) Matching funds for all Type II projects under this Act must be provided by a local governmental member of a Metropolitan Planning Organization. No state funds may be expended for the study of noise impacts or construction of a Type II project, although the state may use existing personnel for coordination of contracts, oversight of construction, and maintenance if the project is on a freeway or parkway that is maintained by the department, and state right of way may be used.

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

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 1444** as follows:

Delete proposed subsection (b) of Section (6) and substitute the following:

(b) Matching funds for all Type II projects under this Act must be provided by a local governmental member of a Metropolitan Planning Organization. No state funds may be expended for the study of noise impacts or construction of a Type II project, although the state may use existing personnel for coordination of contracts, oversight of construction, and maintenance if the project is on a freeway or parkway that is maintained by the department, and state right of way may be used.

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

On motion of Senator Barrientos 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 1444 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1444** 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 1444 was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 918 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 918, Relating to municipalities eligible to create certain development corporations.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 918** in SECTION 1 of the bill, in amended Section 4B(a)(1), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as follows:

(1) Strike Paragraph (A) (committee printing, lines 17-23) and substitute the following:

(A) that is not covered by Paragraph (C) of this subdivision and is located in a county with a population of 750,000 or more, according to the most recent federal decennial census and in which the combined rate of all sales and use taxes imposed by the city, the state, and other political subdivisions of the state having territory in the city does not exceed 8.25 [7.25] percent on the date of any election held under or made applicable to this section;

(2) Strike Paragraph (C) (committee printing, lines 30-38) and substitute the following:

(C) that is located in a county with a population of more than 1,100,000 according to the most recent federal decennial census, in which there are more than 29 incorporated municipalities according to the most recent federal decennial census, and in which the combined rate of all sales and use taxes imposed by the city, the state, and other political subdivisions of the state having territory in the city does not exceed 7.75 percent on the date of any election held under or made applicable to this section; or

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

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 918** by adding a new SECTION 2 to read as follows:

SECTION 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 918 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 918** 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 918 was read third time and was passed by the following vote:
Yeas 30, Nays 0.

Absent-excused: Luna.

PERMISSION TO INTRODUCE BILL

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 bill: **SB 1902**.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 1704**.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Administration might consider **HCR 115** tomorrow.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 2:55 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, in memory of Sara Anne English, Margaret Nell "Meg" Flynn, Sarah N. Johnson, Astyn Lee Qubty, Heather Nicole Bauman, and Talitha Denita Beeman, all of Lubbock, and Frank B. Cook of Austin, until 10:00 a.m. tomorrow.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1899 by Nelson

Relating to the creation of municipal courts of record in the Town of Flower Mound.

To Committee on Intergovernmental Relations.

SB 1900 by Harris

Relating to issuance of special "Choose Life" license plates.

To Committee on State Affairs.

SB 1902 by Lucio, Armbrister, Barrientos, Bernsen, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini, Harris, Luna

Relating to the provision of tuition and fee exemptions, stipends, and scholarships for certain former prisoners of war from Texas attending a public college or university.

To Committee on Veteran Affairs and Military Installations.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

- HB 2** to Committee on Natural Resources.
- HB 82** to Committee on Jurisprudence.
- HB 98** to Committee on Education.
- HB 400** to Committee on Jurisprudence.
- HB 480** to Committee on Natural Resources.
- HB 499** to Committee on Economic Development.
- HB 541** to Committee on Finance.
- HB 548** to Committee on Economic Development.
- HB 577** to Committee on Criminal Justice.
- HB 826** to Committee on State Affairs.
- HB 834** to Committee on Intergovernmental Relations.
- HB 895** to Committee on Economic Development.
- HB 964** to Committee on Education.
- HB 1059** to Committee on Economic Development.
- HB 1368** to Committee on Administration.
- HB 1475** to Committee on Jurisprudence.
- HB 1655** to Committee on Intergovernmental Relations.
- HB 1687** to Committee on Economic Development.
- HB 1697** to Committee on Intergovernmental Relations.
- HB 1733** to Committee on Education.
- HB 1752** to Committee on Jurisprudence.
- HB 1797** to Committee on Human Services.
- HB 1854** to Committee on Human Services.
- HB 1861** to Committee on Border Affairs - Special.
- HB 1907** to Committee on Criminal Justice.
- HB 1924** to Committee on Economic Development.
- HB 2013** to Committee on Health Services.
- HB 2034** to Committee on Intergovernmental Relations.
- HB 2066** to Committee on Economic Development.
- HB 2220** to Committee on Intergovernmental Relations.
- HB 2265** to Subcommittee on Infrastructure.
- HB 2279** to Committee on Intergovernmental Relations.
- HB 2359** to Committee on Education.
- HB 2415** to Committee on Education.
- HB 2538** to Committee on State Affairs.
- HB 2594** to Committee on Jurisprudence.
- HB 2671** to Committee on Jurisprudence.
- HB 2711** to Committee on Economic Development.
- HB 2734** to Committee on Criminal Justice.
- HB 2800** to Committee on Economic Development.
- HB 2835** to Committee on State Affairs.
- HB 2856** to Committee on Economic Development.
- HB 2873** to Committee on Human Services.
- HB 2891** to Committee on Intergovernmental Relations.
- HB 2969** to Committee on Economic Development.
- HB 3020** to Committee on Economic Development.
- HB 3034** to Committee on Economic Development.

HB 3081 to Committee on Jurisprudence.
HB 3083 to Committee on Health Services.
HB 3084 to Committee on Finance.
HB 3093 to Committee on Jurisprudence.
HB 3161 to Committee on Veteran Affairs and Military Installations.
HB 3185 to Committee on Intergovernmental Relations.
HB 3197 to Committee on Finance.
HB 3207 to Committee on Jurisprudence.
HB 3211 to Committee on Finance.
HB 3263 to Committee on Education.
HB 3295 to Committee on Administration.
HB 3333 to Committee on Economic Development.
HB 3423 to Committee on Health Services.
HB 3462 to Committee on Natural Resources.
HB 3463 to Committee on Intergovernmental Relations.
HB 3477 to Committee on Administration.
HB 3481 to Committee on Natural Resources.
HB 3499 to Committee on Jurisprudence.
HB 3531 to Committee on Intergovernmental Relations.
HB 3543 to Committee on Intergovernmental Relations.
HB 3600 to Committee on Finance.
HB 3716 to Committee on State Affairs.
HB 3779 to Committee on Jurisprudence.
HB 3780 to Committee on Intergovernmental Relations.
HB 3807 to Committee on Intergovernmental Relations.
HB 3822 to Committee on Intergovernmental Relations.
HJR 44 to Committee of the Whole Senate.
HJR 71 to Committee on Intergovernmental Relations.

MEMORIAL RESOLUTIONS

SCR 74 - by Nelson: In memory of W. Tip Hall of Lake Dallas.
SR 803 - by Ellis: In memory of Eva McClinton of San Angelo.
SR 821 - by Truan: In memory of Sulema B. Garza of Brooks County.

CONGRATULATORY RESOLUTIONS

SR 799 - by Ellis: Congratulating Luzine B. Bickham.
SR 800 - by Ellis: Congratulating Ollie M. Hurst.
SR 801 - by Ellis: Congratulating Johnnie M. Dickson.
SR 802 - by Ellis: Congratulating Eugene Hickman.
SR 804 - by Ellis: Congratulating Ira Echols.
SR 805 - by Ellis: Congratulating Theodore C. Johnson, Jr.
SR 806 - by Ellis: Congratulating Albert N. Thompson.
SR 807 - by Ellis: Congratulating Jerelyn L. Gooden.
SR 808 - by Ellis: Congratulating Verna M. Madere.
SR 809 - by Ellis: Congratulating Jackie McVea.

SR 810 - by Ellis: Congratulating Dorothy J. Quiller.

SR 811 - by Ellis: Congratulating Melba O. Smith.

SR 812 - by Ellis: Congratulating Arturo F. Saldana.

SR 813 - by Ellis: Congratulating Arlilia S. Taylor.

SR 814 - by Zaffirini: Congratulating the employees of the Zapata County Independent School District.

SR 815 - by Lindsay, Brown: Congratulating the James E. Taylor High School Academic Decathlon team of Katy.

SR 816 - by Lindsay: Congratulating Andrew B. Denny.

SR 817 - by Carona: Congratulating the Dallas Northeast Chamber of Commerce.

SR 818 - by Barrientos: Congratulating the Westlake High School Concert Band of West Lake Hills.

SR 819 - by Barrientos: Congratulating the Jack C. Hays High School Concert Band of Buda.

SR 820 - by Barrientos: Congratulating Patricia J. Gersbach of Austin.

SR 823 - by Armbrister: Honoring General Ignacio Seguin Zaragoza, Cinco de Mayo, and the City of Goliad.

SR 824 - by Ogden, Moncrief: Congratulating the Mental Health Mental Retardation Authority of Brazos Valley.

SR 825 - by Nelson: Congratulating Mel and Norma Gabler.

SR 826 - by Wentworth: Congratulating Carri and Tullos Wells.

SR 828 - by Brown: Congratulating Ruth Anne Bundick of Old Ocean.

SR 829 - by Brown: Congratulating Thomas Christopher Denton of Angleton.

SR 830 - by Brown: Congratulating Spencer Dale Waitschies of West Columbia.

SR 831 - by Brown: Congratulating Leah Michelle Puryear of Angleton.

SR 832 - by Brown: Congratulating Mark Andrew Stevens of Angleton.

SR 833 - by Brown: Congratulating Ronald David Wood II of Lake Jackson.

SR 834 - by Brown: Congratulating Timothy Craig Paul of West Columbia.

SR 835 - by Brown: Congratulating Jay Anthony Hargrave of Angleton.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:01 p.m. adjourned, in memory of Sara Anne English, Margaret Nell "Meg" Flynn, Sarah N. Johnson, Astyn Lee Qubty, Heather Nicole Bauman, and Talitha Denita Beeman, all of Lubbock, and Frank B. Cook of Austin, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 3, 1999

BORDER AFFAIRS — CSHB 1355, CSHB 2025

EDUCATION — CSHB 713

HEALTH SERVICES — CSHB 2085

NATURAL RESOURCES — HB 1074, HB 3591, HB 2932, HB 664, HB 2465, HB 2332, HB 1985, HCR 23

INTERGOVERNMENTAL RELATIONS — CSSJR 4, SB 1890

NATURAL RESOURCES — CSHB 1437, CSSB 1665, SB 1877 (Amended)

STATE AFFAIRS — CSSB 349, CSSB 644, CSSB 659, CSSB 791, CSSB 838, CSSB 923, CSSB 1092, CSSB 1220, SB 1364 (Amended), CSSB 1511, CSSB 1828, SB 1872 (Amended)

EDUCATION — CSSB 1380, CSSB 1356, CSSB 1027, CSSB 875

CRIMINAL JUSTICE — CSSB 1224, SB 1275 (Amended), CSSB 1766, CSHB 854, CSHB 1269