

FORTY-FOURTH DAY

(Continued)

(Monday, April 3, 1995)

AFTER RECESS

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

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer 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. 36 (Brown) Relating to the registration of sexual offenders; providing a criminal penalty. (30-0) (30-0)

S.B. 413 (Brown) Relating to workers' compensation insurance coverage for volunteer emergency service members and personnel. (30-0) (30-0)

S.B. 479 (Armbrister) Relating to permitting an aircraft to be used in alcoholic beverage advertising or promotion. (30-0) (30-0)

(Senator West in Chair)

C.S.S.B. 532 (Brown) Relating to the retainage of payments for a contract to improve a state highway. (30-0) (30-0)

S.B. 647 (Barrientos) Relating to the involvement of the Texas Department of Licensing and Regulation in the regulation of water well pump installers. (30-0) (30-0)

S.B. 675 (Barrientos) Relating to the involvement of the Texas Department of Licensing and Regulation in the regulation of water well drillers. (30-0) (30-0)

S.B. 738 (Henderson) Relating to nonlawyer representation in a forcible detainer or a forcible entry and detainer suit in justice court. (30-0) (30-0)

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 738** by substituting the language in SECTION 1 as follows:

SECTION 1. Section 24.011, Property Code, is amended to read:

In forcible detainer suits in justice court for nonpayment of rent or holding over beyond a rental term, ~~[the parties]~~ landlords may represent themselves or be represented by their employees or the employees of their

authorized managing agents, who need not be attorneys; and tenants may represent themselves or be represented by any non-attorney who does not charge the tenant a fee for representation. In any forcible detainer or forcible entry and detainer suit in justice court, an authorized agent requesting or obtaining a default judgment need not be an attorney. Any party may be represented by an attorney.

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

S.B. 780 (Luna) Relating to temporary justices of the peace. (30-0) (30-0)

Senator Luna offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 780** as follows:

Strike SECTION 2 and substitute the following:

SECTION 2. This Act takes effect September 1, 1995.

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

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

S.B. 831 (Luna) Relating to the lease of property by the Department of Transportation for educational purposes. (30-0) (30-0)

Senator Luna offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 831** in SECTION 1 by striking the last sentence of proposed Section 2 of Article 6673a-3, Vernon's Texas Civil Statutes (page 1, lines 14-18, introduced version), and substituting: "The department shall charge, as a minimum, fair market value, with certain exceptions to be determined by the department for:

(1) leases of highway assets to public utility providers;

(2) leases [~~and~~] for social, environmental, and economic mitigation purposes; and

(3) a lease to an institution of higher education, as defined by Section 61.003, Education Code, for purposes of the institution."

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

S.B. 956 (Luna) Relating to the conveyance of certain state-owned real property in Bexar County. (30-0) (30-0)

Senator Luna offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 956**, Section 1 (page 1, lines 5-7):

"Section 1. CONVEYANCE REQUIRED. The General Land Office may convey, on behalf of the state, the state's interest in the real property described by Section 2 of this Act."

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

S.B. 958 (Harris) Relating to the adoption of a nonsubstantive revision of statutes relating to state purchasing and general services, including conforming amendments, repeals, and penalties. (30-0) (30-0)

S.B. 959 (Harris) Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 73rd Legislature to other Acts of that legislature. (30-0) (30-0)

S.B. 983 (Truan) Relating to meetings of the mayors of municipalities for the purpose of making appointments to certain metropolitan rapid transit authorities. (30-0) (30-0)

S.B. 1015 (Gallegos) Relating to fire and police grievance procedures in certain municipalities. (30-0) (30-0)

S.B. 1038 (Leedom) Relating to calculation of interest on sales of public school land, recording of patents, the sale of minerals under lands dedicated to the permanent school fund, the commissioner's discretion to issue permits to prospect for minerals, and the lease of unsurveyed land in the public domain, including state-owned riverbeds and channels. (30-0) (30-0)

S.B. 1092 (Cain) Relating to the treatment for tax purposes of property held and used for a public purpose under an interlocal contract between political subdivisions. (30-0) (30-0)

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

<u>Number</u>	<u>Senators Removing</u>
S.B. 863	Sibley, Harris

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

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

ADJOURNMENT

On motion of Senator Truan, the Senate at 8:42 a.m. adjourned, in memory of Senate Parliamentarian Robert E. Johnson, until 10:00 a.m. today.

APPENDIX**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

March 29, 1995

EDUCATION — S.B. 728, S.B. 773, S.B. 786, C.S.S.B. 944, C.S.S.B. 979, C.S.S.B. 1280, C.S.S.B. 1320, H.B. 666

March 30, 1995

EDUCATION — C.S.S.B. 875

FINANCE — C.S.H.B. 1

NATURAL RESOURCES — C.S.S.B. 12

HEALTH AND HUMAN SERVICES — C.S.S.B. 22

INTERGOVERNMENTAL RELATIONS — S.B. 1013, S.B. 894 (Amended), S.B. 1367 (Amended), S.B. 1366, C.S.S.B. 1198, S.B. 543, S.B. 1014 (Amended), S.B. 1607, C.S.S.B. 74, S.B. 934, S.B. 1241, S.B. 892, C.S.S.B. 992

SIGNED BY GOVERNOR

(March 29, 1995)

S.C.R. 108

(March 30, 1995)

S.C.R. 54 H.C.R. 74

S.C.R. 75 H.C.R. 123

S.C.R. 77 H.C.R. 133

S.C.R. 94 H.C.R. 136

H.C.R. 26 H.C.R. 149

(March 31, 1995)

S.B. 8 (Effective immediately)

S.B. 238 (Effective immediately)

FORTY-FIFTH DAY
(Monday, April 3, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown, Sims.

A quorum was announced present.

The Reverend L. Deloyd Harris, Associate Pastor, Greater Macedonia Baptist Church, Texas City, offered the invocation as follows:

Our heavenly Father, we come to You humbly, faced with decision making for the State of Texas, asking You for guidance and wisdom to make the right choices. Give us the courage and strength to act upon them. We ask Your blessing on our children that are faced with crime and drugs—give them the strength and wisdom to live a productive life. Lord, thank You for this opportunity to do the prayer at the State Capitol. We ask that You bless the Senators, their families, and also my family. Watch over us as we travel from the State Capitol. In Jesus' name we pray. Amen and may God bless you.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 30, 1995, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Lucio, Senator Brown was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 55

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.C.R. 55**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 56

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.C.R. 56**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 89

On motion of Senator Sims and by unanimous consent, Senator Haywood will be shown as Co-author of **S.C.R. 89**.

CO-AUTHORS OF SENATE BILL 14

On motion of Senator Bivins and by unanimous consent, Senators Galloway and Nelson will be shown as Co-authors of **S.B. 14**.

CO-AUTHORS OF SENATE BILL 22

On motion of Senator Zaffirini and by unanimous consent, Senators Nixon, Lucio, and Gallegos will be shown as Co-authors of **S.B. 22**.

CO-AUTHOR OF SENATE BILL 600

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 600**.

CO-AUTHOR OF SENATE BILL 601

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 601**.

CO-AUTHOR OF SENATE BILL 602

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 602**.

CO-AUTHOR OF SENATE BILL 603

On motion of Senator Madla and by unanimous consent, Senator West will be shown as Co-author of **S.B. 603**.

CO-AUTHOR OF SENATE BILL 605

On motion of Senator Madla and by unanimous consent, Senator West will be shown as Co-author of **S.B. 605**.

CO-AUTHORS OF SENATE BILL 606

On motion of Senator Zaffirini and by unanimous consent, Senators Nelson and Rosson will be shown as Co-authors of **S.B. 606**.

CO-AUTHOR OF SENATE BILL 673

On motion of Senator Madla and by unanimous consent, Senator West will be shown as Co-author of **S.B. 673**.

CO-AUTHORS OF SENATE BILL 979

On motion of Senator Sibley and by unanimous consent, Senators Bivins, Cain, Haywood, and Rosson will be shown as Co-authors of **S.B. 979**.

CO-AUTHOR OF SENATE BILL 1076

On motion of Senator Sims and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 1076**.

CO-AUTHOR OF SENATE BILL 1077

On motion of Senator Sims and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 1077**.

CO-AUTHOR OF SENATE BILL 1113

On motion of Senator Sims and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 1113**.

CO-AUTHORS OF SENATE BILL 1280

On motion of Senator Sibley and by unanimous consent, Senators Bivins and Rosson will be shown as Co-authors of **S.B. 1280**.

CO-AUTHOR OF SENATE BILL 1515

On motion of Senator Turner and by unanimous consent, Senator Wentworth will be shown as Co-author of **S.B. 1515**.

LETTER OF AUTHORIZATION

THE SENATE OF THE STATE OF TEXAS

March 30, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 1076** and **S.B. 1077**

Dear Governor Bullock:

The above referenced Senate Bills are bills that I have filed and that are being co-authored by Senator Ken Armbrister.

I am designating Senator Armbrister to act on my behalf in regard to the above numbered bills and, during my absence, authorize management, control, and the procession of the said bills at Senator Armbrister's discretion; please allow this letter to be indicative of this intention.

Sincerely,

s/Bill Sims
State Senator

MESSAGE FROM THE HOUSE

House Chamber

April 3, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 165, Relating to a certification of willingness not to appear and plead as an attorney in court by certain retired and former judges.

S.B. 200, Relating to the alternative fuels program.

S.B. 304, Relating to the designation of certain highways as the Presidential Corridor.

S.B. 318, Relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

S.B. 387, Relating to authorizing certain counties to maintain a branch courthouse outside the county seat and permitting certain governmental entities to conduct certain functions at that facility.

S.B. 446, Relating to the courses required in a degree program operated by a higher education medical and dental unit under contract with the United States Army.

S.C.R. 1, Authorizing the erection of a monument in the State Cemetery in memory of Captain John J. Grumbles.

S.C.R. 25, Approving the use by the board of regents of Stephen F. Austin State University of money appropriated by Section 17(a), Article VII, Texas Constitution.

S.C.R. 26, Declaring that polka music is the most preserved music in Texas.

H.B. 44, Relating to the creation of an offense to limit access by children to certain firearms and to firearms safety education for schoolchildren.

H.B. 114, Relating to the testing and remedial education of certain students enrolling in public institutions of higher education.

H.B. 172, Relating to notary public fees.

H.B. 320, Relating to excluding land from the New Caney Municipal Utility District.

H.B. 335, Relating to the period for filing a petition for a place on the ballot for the board of directors of the Sweeny Hospital District.

H.B. 338, Relating to the authority of the Stamford Hospital District to borrow money.

H.B. 356, Relating to auxiliary members of an appraisal review board and to the removal of board members.

H.B. 432, Relating to the membership of the board of directors of the La Porte Area Water Authority.

H.B. 457, Relating to the exemption of certain miniature boilers from registration and certification requirements.

H.B. 462, Relating to the application of the sales and use tax to food products sold to prison inmates.

H.B. 596, Relating to exempting sales by university and college student organizations from the state sales tax.

H.B. 623, Relating to the appraisal for ad valorem tax purposes of property that is located in more than one appraisal district.

H.B. 722, Relating to liability for false disparagement of perishable food products.

H.B. 724, Relating to the rights, powers, privileges, authority, functions, and duties of the Brown County Water Improvement District No. 1.

H.B. 750, Relating to the prohibition of certain disbursements from a county fund to a person with an outstanding debt to the state or the county.

H.B. 751, Relating to the auditing of county jails.

H.B. 795, Relating to reinstatement, purchase, and transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

H.B. 846, Relating to the creation, administration, powers, duties, operation, and financing of the Garza County Underground and Fresh Water Conservation District.

H.B. 921, Relating to approval of bonds issued by a conservation and reclamation district.

H.B. 958, Relating to the authority of certain counties to impose a county hotel occupancy tax.

H.B. 1027, Relating to certain eligibility conditions for receipt of unemployment compensation benefits.

H.B. 1235, Relating to special judges elected by the practicing lawyers of the statutory probate courts in Dallas County.

H.B. 1250, Relating to training for members of the governing boards of public institutions of higher education.

H.B. 1264, Relating to service required under the Teacher Retirement System of Texas in certain circumstances to qualify for group insurance coverage.

H.B. 1294, Relating to the duties of a clerk of a justice court.

H.B. 1298, Relating to access to criminal history record information by the banking commissioner.

H.B. 1304, Relating to the management of petty cash in counties with a population greater than 2,000,000.

H.B. 1336, Relating to authorizing public junior colleges to offer courses for joint high school and junior college credit.

H.B. 1434, Relating to the claiming of the exemption from ad valorem taxation provided for certain property of a medical center development.

H.B. 1465, Relating to the authority of the governing bodies of certain public institutions of higher education to close streets or alleys running through the campuses of those institutions.

H.B. 1480, Relating to the contribution of funds to a soil and water conservation district.

H.B. 1493, Relating to the creation, administration, powers, duties, operation, and financing of the Hemphill County Underground Water Conservation District.

H.B. 1523, Relating to the application of the professional prosecutors law to the district attorney for the 156th Judicial District.

H.B. 1529, Relating to examination requirements for certain reappointed police officers.

H.B. 1552, Relating to the assignment and docketing of certain cases by the district clerk of Webb County.

H.B. 1564, Relating to the attorney general's review of bonds issued by political subdivisions of this state.

H.B. 1583, Relating to taxation of certain lawn services.

H.B. 1611, Relating to an exemption from the state sales tax for certain ship equipment.

H.B. 1664, Relating to notice of a meeting of the governing board of an institution of higher education.

H.B. 1737, Relating to the application of the professional prosecutors law to the district attorney for the 259th Judicial District.

H.B. 1897, Relating to the juvenile board of Bexar County.

H.B. 1907, Relating to depositories for county public funds, trust funds, and court registry funds.

H.B. 1968, Relating to the representative of industrial energy consumers on the Texas Energy Coordination Council.

H.B. 2028, Relating to the conduct of masters appointed to preside over certain mental health hearings.

H.B. 2049, Relating to the assessment of civil penalties by the Gulf Coast Waste Disposal Authority.

H.B. 2050, Relating to the compensation of the directors of the Gulf Coast Waste Disposal Authority.

H.B. 2256, Relating to viatical settlements.

H.B. 3168, Relating to certain jury panels in Webb County.

H.C.R. 31, Proclaiming Gladewater as the Antique Capital of East Texas.

H.C.R. 69, Designating the Texas State Arts and Crafts Fair in Kerrville as the official arts and crafts fair of Texas.

H.C.R. 92, Establishing the Governor's Awards for Excellence in the Arts, Humanities, and Sciences.

H.C.R. 105, Declaring the jalapeño pepper the official State Pepper of Texas.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

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

- H.B. 94** to Committee on Jurisprudence.
- H.B. 553** to Committee on Health and Human Services.
- H.B. 564** to Committee on Natural Resources.
- H.B. 1020** to Committee on Economic Development.
- H.B. 1353** to Committee on Intergovernmental Relations.
- H.B. 1527** to Committee on Administration.

SENATE BILL ON FIRST READING

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

S.B. 1630 by Gallegos Economic Development
Relating to the regulation of certain staff leasing services; providing penalties.

BILLS AND RESOLUTIONS SIGNED

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

S.C.R. 13
S.C.R. 107
S.B. 290
S.B. 414

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 3, 1995

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

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

TO BE PUBLIC COUNSEL FOR THE OFFICE OF PUBLIC INSURANCE
COUNSEL for a term to expire February 1, 1997:

RODERICK "ROD" A. BORDELON, JR.
704 Crystal Mountain Drive
Austin, Texas 78733

Mr. Bordelon will be replacing Mark L. Kincaid of Austin, whose term expired.

TO BE A MEMBER OF THE TEXAS TRANSPORTATION COMMISSION
for a term to expire February 1, 2001:

DAVID M. LANEY
4811 Kelsey Road
Dallas, Texas 75229

Mr. Laney will be replacing Ruben R. Cardenas of McAllen, whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

HOUSE BILL 1284 REREFERRED

On motion of Senator Lucio and by unanimous consent, **H.B. 1284** was withdrawn from the Committee on International Relations, Trade, and Technology and was rereferred to the Committee on Health and Human Services.

SENATE CONCURRENT RESOLUTION 117

Senator Harris offered the following resolution:

S.C.R. 117, Granting each house permission to adjourn for more than three days during the period beginning on Wednesday, April 12, 1995, and ending on Tuesday, April 18, 1995.

The resolution was read.

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

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. Ernesto Parra of San Antonio as the "Doctor for the Day."

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

(Senator Leedom in Chair)

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Harris and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider **H.B. 1527** tomorrow.

GUESTS PRESENTED

Senator Montford was recognized and introduced to the Senate a delegation of women from the American Bank of Commerce of Lubbock.

The Senate welcomed its guests.

MOTION IN WRITING WITHDRAWN

The Presiding Officer laid before the Senate as postponed business the following Motion In Writing regarding the confirmation of the gubernatorial appointments to the Coastal Coordination Council. The motion was submitted by Senator Bivins on Tuesday, February 14, 1995, and further consideration of the motion was postponed to a time certain of 10:00 a.m. Saturday, April 1, 1995:

Inasmuch as Tex. Nat. Res. Code Sec. 33.203 provides for gubernatorial appointments to the Coastal Coordination Council; and

Inasmuch as the statute does not reference the Senate confirmation of such gubernatorial appointments; and

Inasmuch as Section 12, Article IV, Texas Constitution, requires Senate confirmation of appointments to a state or district office; and

Inasmuch as the Legislative Council has issued an opinion that the Coastal Coordination Council is a state or district office within the meaning of Section 12, Article IV, Texas Constitution;

I move that the Senate of the State of Texas express its will and find that gubernatorial appointments to the Coastal Coordination Council are subject to the advice and consent of the Senate as required by Section 12, Article IV, Texas Constitution.

BIVINS

Question—Shall the Motion In Writing be adopted?

On motion of Senator Bivins and by unanimous consent, the Motion In Writing was withdrawn.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:42 a.m. announced the conclusion of morning call.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 407 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. 407, Relating to making emergency appropriations for distribution of state money to school districts and certain public institutions and commissions.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 407** by:

Renumbering SECTION 7 as SECTION 8 and inserting the following as SECTION 7:

SECTION 7. In addition to amounts appropriated to it for the fiscal year beginning September 1, 1994, \$87,000 is appropriated from the general revenue fund to The University of Texas at San Antonio for repair and replacement of equipment and portions of the building damaged by fire at the Sculpture and Ceramics Laboratory located on the UTSA campus.

MONTFORD
LUNA

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 407 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 407** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 410 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. 410, Relating to the delay of certain payments or transfers from the general revenue fund.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 410** as follows:

(1) Amend SECTION 1 to read as follows:

SECTION 1. ALLOCATIONS TO THE STATE HIGHWAY FUND.

(a) Notwithstanding any other law, the comptroller shall allocate and deposit to the credit of the state highway fund the portions of the following revenue allocable to that fund as soon as practicable after September 5, 1997, and no later than September 10, 1997.

(1) the unclaimed refunds of gasoline taxes under Section 153.02, Tax Code, for June, July, and August, 1997;

(2) the gasoline taxes collected under Subchapter B, Chapter 153, Tax Code, for June, July, and August, 1997;

(3) the diesel fuel taxes collected under Subchapter C, Chapter 153, Tax Code, for June, July and August, 1997; and

(4) the liquefied gas taxes collected under Subchapter D, Chapter 153, Tax Code, for June, July, and August, 1997.

(b) This section expires October 1, 1997.

(2) Insert a new SECTION 2 on page 1, line 30 of the committee report, to read as follows, and renumber the subsequent section accordingly:

SECTION 2. Section 153.5015, Tax Code, is repealed.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 410 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 410** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

MESSAGE FROM THE HOUSE

House Chamber
April 3, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 436**. The House conferees are: Representatives Rangel, Chair; Berlanga, Smithee, Janck, and McDonald.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 449**. The House conferees are: Representatives Telford, Chair; Rangel, Ogden, Marchant, and McCall.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 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 third reading:

C.S.H.B. 1, General Appropriations Bill.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 1** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

MESSAGE FROM THE HOUSE

House Chamber
April 3, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 821, Relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center. (As amended)

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

(Senator Truan in Chair)

SENATE RESOLUTION 614

Senator Cain offered the following resolution:

S.R. 614, Declaring Monday, April 3, 1995, Kaufman County Day at the State Capitol.

CAIN
SHAPIRO

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

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a delegation of citizens of Kaufman County, here in honor of Kaufman County Day.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate survivors of bicycle crashes and representatives from the Texas Office for the Prevention of Developmental Disabilities, Safe Kids, the Texas Bicycle Association, and the Texas Medical Association, here in support of **S.B. 337**, the bicycle helmet bill.

The Senate welcomed its guests.

SENATE BILL 369 ON SECOND READING

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

S.B. 369, Relating to the continuation and functions of the State Preservation Board.

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

SENATE BILL 369 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 369** be placed on its third reading and final passage.

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

Nays: Henderson.

Absent-excused: Brown, Sims.

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

RECORD OF VOTE

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

SENATE BILL 572 ON SECOND READING

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

S.B. 572, Relating to court-ordered mental health services.

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

SENATE BILL 572 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 572** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

COMMITTEE SUBSTITUTE**SENATE BILL 688 ON SECOND READING**

On motion of Senator Cain 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. 688, Relating to the use of reclaimed asphalt pavement.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 688 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 688** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

SENATE BILL 744 ON SECOND READING

On motion of Senator Cain 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. 744, Relating to guaranteed energy savings projects for local governments.

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

SENATE BILL 744 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 744** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

SENATE BILL 775 ON SECOND READING

On motion of Senator Nixon 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. 775, Relating to the fees a county treasurer may charge for returned checks.

The bill was read second time.

Senator Nixon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 775**, SECTION 1, Section 118.141(2), by deleting "\$20.00" and substituting "the current stop payment fee charged to the

county by the county depository" on page 1, line 13 (committee printing page 1, line).

The committee amendment was read.

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

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **S.B. 775** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 118.141, Local Government Code, is amended to read as follows:

Sec. 118.141. FEE SCHEDULE. (a) The county treasurer, or another officer who receives revenue in place of the county treasurer, may collect the following fees for services rendered to any person:

(1) Returned check (Sec. 118.142).....not less than \$15.00 or more than ~~\$30.00~~ [25.00].

(2) [~~Stop payment order (Sec. 118.143)~~].....\$15.00

[~~3~~] Copy of check or other record (Sec. 118.144).....\$1.00

(b) The county treasurer or another officer who receives revenue in place of the county treasurer may collect, from a person to whom the county issues a check, a fee for a stop payment order as described by Section 118.143:

(1) in an amount equal to the stop payment fee charged to the county by the county depository bank; or

(2) in an amount not to exceed \$20.00.

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

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

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

SENATE BILL 775 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 775** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

COMMITTEE SUBSTITUTE

SENATE BILL 607 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. 607, Relating to benefits for the detection and prevention of osteoporosis under group health insurance policies.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 607 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 607** be placed on its third reading and final passage.

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

Absent-excused: Brown, Sims.

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

MEMORIAL RESOLUTIONS

S.C.R. 116 - By Truan, Barrientos, Gallegos, Lucio, Luna, Madla, Zaffirini: In memory of Selena Quintanilla-Perez of Corpus Christi.

S.R. 575 - By Haywood: In memory of seven outstanding young people of Claude.

S.R. 579 - By Turner: In memory of the Reverend Lawson C. Edge of Grapeland.

S.R. 582 - By Turner: In memory of Louise Viviano Ottea of Mumford and Hearne.

S.R. 583 - By Turner: In memory of Marvin Elmo Kleckley of Crockett.

S.R. 584 - By Turner: In memory of Marvin York "M. Y." Vick, Jr., of Madisonville.

S.R. 597 - By Montford: In memory of Elizabeth Finke of El Paso.

S.R. 598 - By Montford: In memory of Leonardo A. "Nardo" Goodman, Jr., of El Paso.

S.R. 599 - By Montford: In memory of J. K. Griffith of Morton.

S.R. 600 - By Montford: In memory of Dr. Francisco Licon of El Paso.

S.R. 604 - By Truan: In memory of Rex O. Wright of Kleberg County.

S.R. 607 - By Luna: In memory of Rosabella Saldana Najera of San Antonio.

S.R. 618 - By Brown: In memory of Mayor C. V. "Vic" Coppinger of Pearland.

H.C.R. 48 - (Bivins): In memory of the Honorable Malouf Abraham of Canadian.

H.C.R. 49 - (Bivins): In memory of the Honorable Guy Hazlett of Borger.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 573 - By Whitmire: Commending Houston Community College for its programs for deaf and hard-of-hearing students.

S.R. 574 - By Whitmire: Welcoming Gloria Foxworth, Mandy Foxworth, and Michelle McNamara to the State Capitol.

S.R. 576 - By Turner: Congratulating Thelma Johnson for earning a Frederica Chase Dodd Service Award from Delta Sigma Theta Sorority, Incorporated.

S.R. 577 - By Turner: Congratulating Kevin Koch for being named to the *USA Today* 1995 All-USA College Academic Team.

S.R. 578 - By Turner: Congratulating Kellie Sims for being named to the *USA Today* 1995 All-USA College Academic Teams.

S.R. 580 - By Turner: Congratulating Sergeant Daniel Gaskamp of the Brenham Police Department on earning a Counter Attack on Crime award.

S.R. 581 - By Turner: Congratulating Reserve Officer Ronnie Schultz for being named Reserve Officer of the Year by the Bryan Police Department.

S.R. 585 - By Turner: Commending Edna Powell of Georgetown for her accomplishments.

S.R. 586 - By Turner: Congratulating Officer Harvey Branch of the Bryan Police Department for being named Officer of the Year.

S.R. 587 - By Turner: Congratulating Mr. and Mrs. Sam Wagner of Crockett on their 60th wedding anniversary.

S.R. 588 - By Turner: Congratulating Fortunata "Forgie" Weise for her recent selection as the Volunteer of the Year by the Bryan Police Department.

S.R. 589 - By Turner: Congratulating Mr. and Mrs. Joe McNeill of Bryan on their 50th wedding anniversary.

S.R. 590 - By Turner: Congratulating Esther Marcel for being selected as the Civilian Employee of the Year by the Bryan Police Department.

S.R. 591 - By Turner: Congratulating Minnie Spiller of Madisonville on the occasion of her 101st birthday.

S.R. 592 - By Turner: Congratulating Mr. and Mrs. W. B. "Stub" Davis on their 50th wedding anniversary.

S.R. 593 - By Turner: Congratulating the *Nasinec* for 80 years of publication and commending Joe Vrabel for his dedication to its continuation.

S.R. 594 - By Turner: Congratulating Ruby Caldwell of Moody on the occasion of her 100th birthday.

S.R. 595 - By Henderson: Congratulating Jerry Eubanks of Houston on achieving the rank of Eagle Scout.

S.R. 596 - By Henderson: Congratulating Merrick Ales on achieving the rank of Eagle Scout.

S.R. 601 - By Haywood: Recognizing April 4, 1995, as Cooke County Day at the State Capitol.

S.R. 602 - By Truan: Congratulating Francisca Trevino of Mathis on the occasion of her 100th birthday.

S.R. 603 - By Truan: Designating the month of March, 1995, as Women's History Month.

S.R. 605 - By Henderson: Congratulating Kostj Shirvanian on the 40th anniversary of his company, Western Waste Industries.

S.R. 606 - By Whitmire: Congratulating Kenneth Hawkins on attaining the rank of Eagle Scout.

S.R. 608 - By Moncrief: Congratulating the first inductees to the Laredo Women's Hall of Fame.

S.R. 609 - By Gallegos: Congratulating Sonya Marie Rodriguez of Houston on her selection for a four-year full scholarship to Saint Thomas University.

S.R. 610 - By Sims: Congratulating Diana Dobbins of Coleman County for winning the New Horizon Award.

S.R. 611 - By Sims: Congratulating Thelma Throckmorton of Voss for being chosen the 1995 Rural Citizen of the Year.

S.R. 612 - By Sims: Congratulating Dr. Skip Casey on his selection as Citizen of the Year in Coleman County.

S.R. 613 - By Cain: Congratulating Mr. and Mrs. Robert Miller of Mineola on the occasion of their 50th wedding anniversary.

S.R. 615 - By Ellis: Recognizing April 4, 1995, as County Government Day in Texas.

S.R. 616 - By Ellis: Recognizing Jack M. Webb of Houston as an outstanding citizen of our state.

H.C.R. 151 - (Turner): Congratulating Strickland Funeral Home of Somerville for 95 years of service.

ADJOURNMENT

On motion of Senator Leedom, the Senate at 12:21 p.m. adjourned until 10:00 a.m. tomorrow, in memory of Selena Quintanilla-Perez and in honor of the birthdays of former Governors of the State of Texas: James Stephen Hogg, March 24, 1851; William Pettus Hobby, March 26, 1878; James V. Allred, March 29, 1899; James Pinckney Henderson, March 31, 1808; and Edward Clark, April 1, 1815.

**In Memory
of
Selena Quintanilla-Perez**

Senator Truan offered the following resolution:

(Senate Resolution 619)

WHEREAS, Selena Quintanilla-Perez, who as lead singer of the internationally famous Tejano group "Selena y Los Dinos" was instrumental in making the Texas Tejano industry vibrant and world renowned, died March 31, 1995; and

WHEREAS, She was born on April 16, 1971, in Lake Jackson and moved to Corpus Christi where in 1980, at the early age of nine, began working to help support her family as the lead singer for "Selena y Los Dinos"; and

WHEREAS, In 1987 Selena attained her first success when she was the recipient of the Female Vocalist of the Year and Performer of the Year awards at the Tejano Music Awards; in 1991 Selena was the first female Tejano recording artist to receive a Gold Record with the song, "Ven Conmigo"; in 1993 she received the Grammy Award for best Mexican American performance for her album "Selena Live"; in 1993 Selena was recognized as Female Singer, Song and Album-of-the-year by "Premio Lo Nuestro," long recognized as the Latin equivalent of the Grammys; in 1994 she debuted in New York, Los Angeles, Argentina, and Puerto Rico and became the first female crossover Latin artist signed to the SBK sister label to EMI Latin recording company; and in 1995 Selena won six Tejano Music Awards including top female vocalist for the eighth time and was nominated for her second Grammy Award for her song "Amor Prohibido"; and

WHEREAS, Selena was equally as popular in Mexico as in Texas, having been featured as one of the Giants of Latin Music in one of Latin America's most-watched shows, "Siempre en Domingo," and appearing in the internationally watched soap opera "Dos Mujeres, Un Camino"; and

WHEREAS, What Selena unprecedentedly accomplished at the tender age of 23 is something "others spend a lifetime attempting to achieve, and perhaps never do"; and

WHEREAS, Scores of fans are joining together to honor Selena's one-of-a-kind talent not only in Texas, but around the world; and

WHEREAS, Selena's admirable career, reflecting her ambitions and dedication, made positive strides into breaking through the ethnic, cultural, age, and language barriers that divide people and nations; and

WHEREAS, This Corpus Christi role model inspired and represented the hopes and dreams of millions of followers who collectively identified with her as the young girl who grew up in "Molina," the west side of Corpus Christi, embodying the heart and soul of all Mexican Americans; and

WHEREAS, Selena's fame had its humble beginnings in her South Texas community in the midst of family birthday parties, afternoon barbecues, and "quinceaneras," representing the essence of South Texas culture; and

WHEREAS, The loss of this special friend, who proudly demonstrated her hometown pride in every concert and accomplishment achieved, will be felt by millions of fans and young Latinos who see her not only as a peer, but as a sister who personified the coming of their generation; and

WHEREAS, With strong family support, Selena was able to stay away from the downfalls of the night life that plague many and achieved wholesome, unprecedented fame; from the beginning Selena showed herself to be a level-headed rising star, and in the words of her father, Abraham Quintanilla, Jr., Selena "was starting to bloom, not only as a person but as an artist"; and

WHEREAS, With all her stardom, fame, and fortune Selena never forgot her humble beginnings and always took the time out of her busy schedule to express the importance of an education to young people; in her words while speaking to a young crowd in a "Stay in School Jamboree" in San Antonio's Alamodome, "Please remember that an education is important . . . You can do anything you put your mind to. Remember, the impossible is always possible"; and

WHEREAS, Education was a major factor in her life; Selena persevered in obtaining her high school diploma through a correspondence course since her singing career kept her away from school, and she was also pursuing a college degree through a similar correspondence program; and

WHEREAS, Selena introduced an educational video for students at Cunningham Middle School in Corpus Christi at a time when the youth of America need the best leadership possible, when they should be looking up to positive role models that will guide them to the path of success by capitalizing on the best of their talents; and

WHEREAS, This civic-minded person was actively involved with the business of building a thriving community by working with organizations such as DARE, the Coastal Bend AIDS Foundation, and others; and

WHEREAS, This enterprising young Tejana worked diligently over the years, building a multi-million dollar singing career and

more recently establishing a boutique and hair salon in Corpus Christi and San Antonio; and

WHEREAS, Selena's career was reaching new heights by breaking into television, and most recently playing a singer in the soon to be released film "Don Juan DeMarco" starring Marlon Brando and Johnny Depp; and

WHEREAS, Selena was a rising star on the international music scene, having performed in Guatemala and Argentina and drawing crowds reserved for international rock stars in Mexico; and

WHEREAS, Texas' single most important resource is its people, and the state's changing demographic composition presents a paradox of both promises and challenges for our young people for the future; and

WHEREAS, Selena Quintanilla-Perez tragically lost her life two weeks before her 24th birthday; and

WHEREAS, The legacy of this native Texan star will live in the hearts and minds of countless children touched by her and millions of adoring fans across the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby honor the life, career, and personal convictions of this self-made international star and acknowledge the impact that this young Tejana has had across the world; and, be it further

RESOLVED, That copies of this Resolution be prepared under the official seal of the Senate and be sent to the surviving members of her family: her husband, Chris Perez; her parents, Abraham and Marcela Quintanilla; her brother, Abraham "A. B." Quintanilla III; her sister, Suzette Arriaga; and her grandfather, Abraham Quintanilla, Sr., as an expression of sympathy; "En paz descansa, reina de la musica Tejana."

TRUAN	LUNA
BARRIENTOS	MADLA
GALLEGOS	ZAFFIRINI
LUCIO	

The resolution was read.

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

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.