

**FORTY-SECOND DAY**

(Continued)

(Monday, April 5, 1993)

**AFTER RECESS**

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

**SENATOR ANNOUNCED PRESENT**

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

**MESSAGE FROM THE HOUSE**

House Chamber

April 5, 1993

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

**S.B. 266**, Relating to mandatory immunizations and to the provision of those immunizations. (As substituted and amended)

**S.B. 81**, Relating to contributions to and benefits provided by certain statewide retirement systems. (As substituted and amended)

**S.B. 135**, Relating to commissions for honorably retired inspectors and representatives of the Texas Alcoholic Beverage Commission.

**H.B. 22**, Relating to the creation and duties of a crime control and prevention district.

**H.B. 32**, Relating to the payment of contributions for unemployment compensation benefits by certain employers engaged in agriculture.

**H.B. 84**, Relating to the disposal of certain authorized emergency vehicles; providing a penalty.

**H.B. 132**, Relating to the notice required to be given of the fees charged for the services of a sheriff or constable.

**H.B. 198**, Relating to the filing and processing of condemnation proceedings.

**H.B. 241**, Relating to the recertification of emergency medical services personnel.

**H.B. 324**, Relating to the removal procedure applying to county officers.

**H.B. 365**, Relating to the authority of the comptroller to freeze and levy on certain safety deposit boxes.

**H.B. 367**, Relating to income considered in determining the fee for services provided by a community center.

**H.B. 475**, Relating to the selection of a guardian by a minor.

**H.B. 600**, Relating to the monthly charge by a domestic relations office from each managing and possessory conservator for whom the office provides services.

**H.B. 638**, Relating to combining certain county election precincts.

**H.B. 696**, Relating to depositories for municipal funds.

**H.B. 752**, Relating to the adoption of a nonsubstantive revision of the statutes relating to labor and employment, including conforming amendments, repeals, and penalties.

**H.B. 781**, Relating to the inspection of certain electronic products under the Texas Radiation Control Act.

**H.B. 790**, Relating to the date of the local canvass in a primary election.

**H.B. 800**, Relating to school district use of a discriminatory athletic club for extracurricular activities.

**H.B. 810**, Relating to removing the Texas Youth Commission from the list of health and human services agencies.

**H.B. 872**, Relating to child care for public school students.

**H.B. 887**, Relating to witness fees, privileges, and appearances in court.

**H.B. 895**, Relating to the registration and exemption from the sales and use tax of certain vehicles owned or leased by certain emergency medical services providers.

**H.B. 910**, Relating to designation of a portion of Farm-to-Market Road 1765 in Galveston County as the Martin Luther King, Jr., Memorial Highway.

**H.B. 933**, Relating to the regulation of the practice of dentistry.

**H.B. 1021**, Relating to application to the Texas Water Commission for a waste discharge permit.

**H.B. 1077**, Relating to the use of corporate revenue of certain industrial development corporations for promotional purposes.

**H.B. 1084**, Relating to the offense of overtaking and passing a school bus; providing a penalty.

**H.B. 1146**, Relating to statistical reporting by aquatic products dealers.

**H.B. 1149**, Relating to title to real estate interests and real property interests transferred by a receiver or conservator of a failed depository institution.

**H.B. 1173**, Relating to venue for trust company liquidations and exemptions for trust companies from certain provisions of the state banking code.

**H.B. 1180**, Relating to assignment and docketing of civil cases in the 49th District Court.

**H.B. 1209**, Relating to components of net income used in establishing rates of a gas utility.

**H.B. 1302**, Relating to the authority of the Texas Agricultural Finance Authority to issue bonds.

**H.B. 1320**, Relating to the authority of the State Seed and Plant Board to hold board meetings telephonically.

**H.B. 1476**, Relating to administration of retirement systems supervised by the fire fighters' pension commissioner.

**H.B. 1596**, Relating to payment of costs relating to a mental health proceeding under the Texas Mental Health Code.

**H.B. 1703**, Relating to the contracting authority of the Midland County Hospital District.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### 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. 55** (Sibley) Relating to providing an alcoholic beverage to a minor. (31-0) (31-0)

**S.B. 428** (Armbrister) Relating to symbols imprinted on or molded into certain plastic containers. (31-0) (31-0)

**S.B. 461** (Shapiro) Relating to the construction of public works. (31-0) (31-0)

**S.B. 518** (Harris of Tarrant) Relating to rights and remedies of a buyer under The Securities Act. (31-0) (31-0)

**S.B. 526** (Brown) Relating to changing the name of the Texas Space Commission to the Texas Aerospace Commission. (31-0) (31-0)

**S.B. 667** (Barrientos) Relating to criminal law magistrates in Travis County. (31-0) (31-0)

Senator Barrientos offered the following committee amendment to the bill:

Amend **S.B. 667** by adding the following section to the bill and renumbering the subsequent sections appropriately:

**SECTION 3**, Chapter 54, Government Code, Subchapter Q, Section 54.976 is amended to read as follows:

**Sec. 54.976. PROCEEDINGS THAT MAY BE REFERRED**

(a) A judge may refer to a magistrate any criminal case for proceedings involving:

- (1) a negotiated plea of guilty and sentencing [~~before the court that has been given initial, but not final, approval by the referring judge~~];
- (2) a pretrial motion;
- (3) an examining trial;
- (4) a postconviction writ of habeas corpus;
- (5) a bond forfeiture suit;
- (6) issuance of search warrants;
- (7) setting of bonds;
- (8) arraignment of defendants; and
- (9) any other matter the judge considers necessary and proper.

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

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.

**C.S.S.B. 722** (Luna) Relating to the authority of a justice of the peace to order community service in satisfaction of fine or costs. (31-0) (31-0)

**S.B. 729** (Turner) Relating to designation of the Texas Agricultural Experiment Station as administrator of federal-state census cooperative programs. (31-0) (31-0)

**S.B. 777** (Henderson) Relating to statutory construction. (31-0) (31-0)

**C.S.S.B. 821** (Shelley) Relating to the number of consecutive years a person may serve on certain mass transit authority boards. (31-0) (31-0)

**C.S.S.B. 1041** (Parker) Relating to protecting public drinking water supplies; creating offenses and providing fees and penalties. (31-0) (31-0)

**H.B. 698** (Lucio) Relating to the procedures applicable to the registration of motor vehicles. (31-0) (31-0)

**H.B. 699** (Lucio) Relating to regulation of certain motor vehicle dealers and the sale, titling, and registration of certain motor vehicles. (31-0) (31-0)

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

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**MEMORIAL RESOLUTIONS**

**S.R. 549** - By Turner: In memory of Dr. William David Pittman of Mexia.

**S.R. 550** - By Turner: In memory of De Randle Calvert White of Huntsville.

#### CONGRATULATORY RESOLUTIONS

**S.R. 541** - By Leedom: Recognizing Children's Protective Services Investigations Supervisor Joyce Sparks for the contributions she has made on behalf of the children involved in the Mount Carmel incident in Waco.

**S.R. 542** - By Nelson: Recognizing the Milliken Middle School of Flower Mound for being selected as one of the 22 Texas exemplary school winners in the United States Department of Education National Secondary Blue Ribbon Schools Recognition Program.

**S.R. 543** - By Nelson: Honoring Andre Gerault, who has been named the recipient of the Flower Mound 1993 Lifetime Service Award.

**S.R. 544** - By Nelson: Recognizing the faculty, staff, and students of Christa McAuliffe Elementary School of Lewisville Independent School District for earning the designation of National School of Excellence by the United States Department of Education.

**S.R. 545** - By Nelson: Congratulating Mr. and Mrs. Raymond P. Bledsoe of Granbury on the occasion of their 60th wedding anniversary.

**S.R. 546** - By Nelson: Recognizing Bonnie Kohnert, who was named Citizen of the Year of Flower Mound.

**S.R. 547** - By Wentworth: Commending the Johnson City Police Department for receiving the Distinguished Law Enforcement Award of the Associated Texans Against Crime.

**S.R. 548** - By Turner: Congratulating Mrs. Luna Denman of Palestine on the occasion of her 93rd birthday.

**S.R. 551** - By Turner: Congratulating Judge Max M. Rogers on the occasion of his 90th birthday.

**S.R. 552** - By Turner: Congratulating Shane Kelly Lynn of Georgetown on achieving the rank of Eagle Scout.

**S.R. 553** - By Turner: Congratulating the Rockdale High School Golden Girls on their accomplishments at drill team competitions.

**S.R. 554** - By Turner: Congratulating Mr. and Mrs. Bill Tom Bickers of Jewett on the occasion of their 50th wedding anniversary.

#### ADJOURNMENT

On motion of Senator Truan, the Senate at 10:41 a.m. adjourned until 11:00 a.m. today.

**FORTY-THIRD DAY**  
(Monday, April 5, 1993)

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

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John R. Pitts, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Lord God, bless this day the work of this Senate. May the work that the Members undertake this day be worthy of their calling. And, Lord, as we enter a week called holy, may we be ever mindful of the love that You have for each of us. Amen.

Senator Truan asked unanimous consent to dispense with the reading of the Journal of the proceedings of Thursday, April 1, 1993, and to approve the Journal.

There was objection.

Senator Truan then moved to dispense with the reading of the Journal of the proceedings of Thursday, April 1, 1993, and to approve the Journal as printed.

The motion prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Lucio, Luna, Madla, Moncrief, Montford, Parker, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Wentworth.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 66**

On motion of Senator Zaffirini and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 66.

**CO-AUTHOR OF SENATE BILL 538**

On motion of Senator Barrientos and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 538.

**CO-AUTHOR OF SENATE BILL 567**

On motion of Senator Brown and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 567.

**CO-AUTHOR OF SENATE BILL 652**

On motion of Senator Brown and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 652.

**CO-AUTHOR OF SENATE BILL 814**

On motion of Senator Truan and by unanimous consent, Senator Sims will be shown as Co-author of **S.B. 814**.

**CO-AUTHOR OF SENATE BILL 1016**

On motion of Senator Barrientos and by unanimous consent, Senator Wentworth will be shown as Co-author of **S.B. 1016**.

**CO-AUTHOR OF SENATE BILL 1163**

On motion of Senator Barrientos and by unanimous consent, Senator Carriker will be shown as Co-author of **S.B. 1163**.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 5, 1993

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

**H.C.R. 112**, Honoring the Texas Tech Lady Red Raiders basketball team for winning the NCAA National Championship.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**BILL SIGNED**

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

**S.B. 267**

**CAPITOL PHYSICIAN**

Senator Ratliff was recognized and presented Dr. Max Latham of Sulphur Springs as the "Doctor for the Day."

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

**PERMISSION TO INTRODUCE BILLS**

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**S.B. 1336**      **S.B. 1339**  
**S.B. 1337**      **S.B. 1340**  
**S.B. 1338**

**SENATE BILLS AND RESOLUTION ON FIRST READING**

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

**S.C.R. 68** by Wentworth Administration  
Granting permission to the City of Cedar Park to sue the State of Texas and the Texas Water Commission.

**S.B. 1336** by Truan Criminal Justice  
Relating to the provision of interpreters, telecommunication devices, and other services for deaf or hearing-impaired persons who are arrested or confined.

**S.B. 1337** by Ratliff Economic Development  
Relating to information required on automobile insurance identification cards as the standard proof of automobile liability insurance coverage.

**S.B. 1338** by Ratliff Economic Development  
Relating to the permissible limits and deductibles for agents' errors and omissions coverage.

**S.B. 1339** by Barrientos Education  
Relating to bus aides and training for bus aides.

**S.B. 1340** by Bivins Finance  
Relating to the use of electronic transfer methods for unemployment compensation insurance purposes.

#### 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:

- H.C.R. 52** to Committee on Natural Resources.
- H.C.R. 101** to Committee on Administration.
- H.B. 20** to Committee on Criminal Justice.
- H.B. 78** to Committee on State Affairs.
- H.B. 326** to Committee on Education.
- H.B. 350** to Committee on Jurisprudence.
- H.B. 393** to Committee on Criminal Justice.
- H.B. 563** to Committee on Economic Development.
- H.B. 681** to Committee on Jurisprudence.
- H.B. 903** to Committee on State Affairs.
- H.B. 991** to Committee on State Affairs.
- H.B. 1081** to Committee on State Affairs.
- H.B. 1209** to Committee on Economic Development.
- H.B. 1297** to Committee on Jurisprudence.
- H.B. 1300** to Committee on Jurisprudence.

#### MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas  
April 5, 1993

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



On March 30, 1993, I submitted the name of Larry M. Correu for appointment to the Governing Board of the Texas School for the Deaf for a term to expire January 31, 1999.

I hereby withdraw Mr. Correu's nomination for this board and request that the Senate return this appointment to me.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

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

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

TO BE MEMBERS OF THE TEXAS HISTORICAL COMMISSION for terms to expire February 1, 1999:

JAN FELTS BULLOCK  
P. O. Box 2243  
Austin, Texas 78768

Mrs. Bullock will be replacing Karl A. Komatsu of Fort Worth, whose term expired.

JOHN LISTON NAU III  
3108 Locke Lane  
Houston, Texas 77019

Mr. Nau will be replacing Harold Courson of Perryton, whose term expired.

ROSE T. TREVINO  
1003 Hill Place  
Laredo, Texas 78041

Ms. Trevino will be replacing James S. Nabors of Lake Jackson, whose term expired.

MRS. H. L. (VIRGINIA) LONG  
2901 Royal Drive  
Kilgore, Texas 75662

Mrs. Long will be replacing Betty Hanna of Breckenridge, whose term expired.

TO BE A MEMBER OF THE INTERAGENCY COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS for a term to expire February 1, 1995:

JEANIE PEMBERTON  
1530 Evergreen  
Lewisville, Texas 75067-3316

Ms. Pemberton will be replacing Vicki Fleming of Houston, who resigned.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

**HOUSE CONCURRENT RESOLUTION 112**

The President laid before the Senate the following resolution:

WHEREAS, The Texas Tech University women's basketball team brought great honor and prestige to the university, to the Southwest Conference, and to Texans everywhere by its outstanding achievement in winning the 1993 national title with a hard-fought 84-82 victory over Ohio State University in the finals of the National Collegiate Athletic Association championship tournament; and

WHEREAS, Led by national Player of the Year Sheryl Swoopes, who shattered the NCAA record for most points scored in a championship game with a phenomenal 47 points against a tough Buckeye squad and averaged more than 35 points per game throughout the tournament with 177 points in the team's five tournament games, the Lady Raiders emerged as the most dominant team in women's college basketball in 1993; and

WHEREAS, The Lady Raiders' performance in the tournament capped a superb 31-3 season in which they also won the Southwest Conference co-championship; the team then continued its season-long dominance of the conference by winning the SWC postseason tournament, which gave the team an automatic berth in the NCAA playoffs; and

WHEREAS, Playing in the West Region against formidable opposition, the Lady Raiders handily disposed of Washington University 70-64, Southern California 87-67, and Colorado 79-54 to gain a share of the national spotlight as one of the Final Four teams vying for the NCAA crown; making the most of their first appearance among the Final Four, the Lady Raiders made their debut a memorable one, beating top-ranked Vanderbilt University 60-46 to set up the climactic showdown for the national title; and

WHEREAS, Their 84-82 triumph in the tournament final, the team's 19th consecutive win, proved to be the fitting culmination to a superb year of competition for the Texas Tech team, which benefited not only from the superior talent on its roster but also from the capable leadership of Head Coach Marsha Sharp, who molded a group of outstanding young athletes into a cohesive, selfless championship-caliber unit; and

WHEREAS, The students and faculty at Texas Tech University, the university's loyal alumni, Southwest Conference sports fans, and Texans everywhere are extremely proud of these fine young women and their exceptional coach, and the great honor they have brought to Texas with their national championship is indeed worthy of the highest praise and recognition; now, therefore, be it

RESOLVED, That the 73rd Legislature of the State of Texas hereby congratulate Head Coach Marsha Sharp and the Texas Tech University Lady Raiders on their truly superb achievement in winning the 1993 NCAA women's basketball championship and extend best wishes for continued success in the future; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of the team and the coaching staff as an expression of high esteem by the Legislature of the State of Texas.

The resolution was read.

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

### SENATE RESOLUTION 523

Senator Barrientos offered the following resolution:

**S.R. 523**, Extending an official welcome to a delegation of distinguished visitors from Adelaide, South Australia, as they visit their sister city of Austin from April 2, 1993, through April 8, 1993.

The resolution was previously read and was adopted on Wednesday, March 31, 1993.

### PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

#### PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-THIRD LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 73rd Legislature, now convened:

legislation related to an emergency appropriation to the Texas Judicial Council, Office of Court Administration.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 2nd day of April, 1993.

/s/Ann W. Richards  
Governor of Texas

ATTEST:

/s/John Hannah, Jr.  
Secretary of State

### SENATE BILL 22 WITH HOUSE AMENDMENT

Senator Moncrief called S.B. 22 from the President's table for consideration of the House amendment to the bill.

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

#### Amendment No. 1

Amend S.B. 22 on page 1, line 10, by inserting the following after the period: "This subsection does not apply to a performance bond required to be furnished by Article 5160, Revised Statutes.

The amendment was read.

On motion of Senator Moncrief and by unanimous consent, the Senate concurred in the House amendment to S.B. 22 by a viva voce vote.

#### SENATE BILL 380 WITH HOUSE AMENDMENTS

Senator Ratliff called S.B. 380 from the President's table for consideration of the House amendments to the bill.

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

#### Committee Amendment No. 1

Amend S.B. 380, Section 6, by deleting subsections (d), (e) and (f).

#### Committee Amendment No. 2

Amend S.B. 380 on page 2, lines 13 through 25 by striking all that follows "education."

#### Amendment No. 3

Amend Committee Amendment No. 2 to S.B. 380 to read as follows:

Amend S.B. 380 on page 2, lines 12 through 24 by striking all that follows "education"

#### Committee Amendment No. 3

Amend S.B. 380 by adding Section 8 to read as follows:

SECTION 8. Any savings to the general revenue fund that results from the addition of Subsection 61.059(1) of the Education Code shall be allocated to institutions of higher education for the purpose of retiring tuition revenue bonds issued for capital improvement projects in the South Texas/Border Initiative.

#### Amendment No. 5

Amend S.B. 380 as follows:

(1) On page 2, strike line 8, and substitute "(1) The".

(2) On page 6, between lines 3 and 4, insert:

(c) Section 61.059(1), Education Code, as added by this Act, applies to formulas for fiscal years that begin on or after September 1, 1993.

#### Amendment No. 6

Amend S.B. 380 by striking SECTION 6 and inserting a new SECTION 6 to read as follows:

SECTION 6. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0935 to read as follows:

Sec. 403.0935. ACCOUNT FOR CERTAIN GENERAL REVENUE APPROPRIATIONS TO INSTITUTIONS OF HIGHER EDUCATION. (a) This section applies only to general revenue appropriations to institutions of higher education that are not the appropriations made under Article VII, Section 17, of the Texas Constitution.

(b) The higher education appropriations account is a special account in the general revenue fund.

(c) The comptroller shall retain the appropriations to each institution of higher education in the general revenue fund until the appropriations are transferred to the higher education appropriations account in accordance with this section.

(d) Notwithstanding any other law, on September 1, 1994, the comptroller, as a ministerial duty, shall:

(1) transfer from the general revenue fund to the higher education appropriations account an amount equal to 43/48 of the total appropriations to institutions of higher education for the fiscal year beginning September 1, 1994; and

(2) make available to each institution of higher education an amount equal to 43/48 of the total appropriations for that fiscal year to which the institution is entitled.

(e) Notwithstanding any other law, on September 1, 1995, the comptroller, as a ministerial duty, shall distribute from the general revenue fund to each institution of higher education an amount equal to 5/48 of the total appropriations to the institution for the fiscal year beginning September 1, 1994.

(f) In this section, "institution of higher education" means an institution of higher education, as defined by Section 61.003, Education Code, other than hospital operations at The University of Texas M. D. Anderson Cancer Center, The University of Texas Medical Branch Hospital, and The University of Texas Health Center at Tyler.

(g) This section expires October 1, 1995.

#### **Amendment No. 1 on Third Reading**

Amend S.B. 380, as amended on second reading, in SECTION 7, in Subsection (a) (page 6, line 1), by striking "1993" and substituting "1994".

#### **Floor Amendment No. 2 on Third Reading**

Amend S.B. 380, on page 5, line 17 striking "as a ministerial duty, shall distribute" and add in its place "shall make available".

#### **Amendment No. 3 on Third Reading**

Amend S.B. 380 on third reading, in Section 403.0935, Government Code, as added by Amendment No. 6 by Junell on second reading, as follows:

(1) In the section heading (page 1, line 6 of the amendment), between "TO" and "INSTITUTIONS", insert "CERTAIN".

(2) In Subsection (f) (page 2, line 8 of the amendment), between "than" and "hospital", insert "a public junior college or public technical institute, as those terms are defined by that section, and other than".

#### **Amendment No. 4 on Third Reading**

Amend S.B. 380, as amended on second reading, as follows:

(1) Insert a new SECTION 7 (House Committee Report, page 5, between lines 23 and 24) to read as follows:

SECTION 7. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0936 to read as follows:

Sec. 403.0936. GENERAL REVENUE APPROPRIATIONS TO PUBLIC JUNIOR COLLEGES. (a) The comptroller shall retain the appropriations to each public junior college in the general revenue fund until the appropriations are transferred to the higher education appropriations account established under Section 403.0935 in accordance with this section.

(b) Notwithstanding any other law, on September 1, 1994, the comptroller, as a ministerial duty, shall:

(1) transfer from the general revenue fund to the higher education appropriations account an amount equal to 43/48 of the total appropriations to public junior colleges for the fiscal year beginning September 1, 1994; and

(2) distribute, in the manner and at the times provided by Section 130.0031, Education Code, to each public junior college an amount equal to 43/48 of the total appropriations for that fiscal year to which the institution is entitled.

(c) Notwithstanding Section 130.0031, Education Code, on September 1, 1995, the comptroller, as a ministerial duty, shall distribute from the general revenue fund to each public junior college an amount equal to 5/48 of the total appropriations to the public junior college for the fiscal year beginning September 1, 1994.

(d) In this section, "public junior college" has the meaning assigned by Section 61.003, Education Code.

(e) This section expires October 1, 1995.

(2) In existing SECTION 7 (House Committee Report, page 6, line 2), insert a new Subsection (b) to read as follows and reletter existing Subsection (b) as Subsection (c):

"(b) Section 403.0936, Government Code, as added by this Act, applies to general revenue appropriations beginning with the fiscal year that begins September 1, 1994."

(3) Renumber subsequent sections of the bill accordingly.

The amendments were read.

Senator Ratliff moved to concur in the House amendments to S.B. 380.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

#### RESOLUTION SIGNED

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

H.C.R. 112

#### MOTION TO RESOLVE INTO THE COMMITTEE OF THE WHOLE SENATE

Senator Carriker moved that the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections.

There was objection.

On motion of Senator Carriker and by unanimous consent, the motion was withdrawn.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

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

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

To be Members of the TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE: Dr. Sylvia Rodriguez Andrew, Bexar County; Michael S. Hull, Travis County; Lynn Hatcher Lipshy, Dallas County.

To be Members of the TEXAS COMMISSION ON HUMAN RIGHTS: L. Maxine Lee, Travis County; Richard A. Solo, Dallas County.

To be Members of the TEXAS BOARD OF HUMAN SERVICES: Cassandra Colvin Carr, Travis County; Paula S. Gomez, Cameron County.

To be Judge of the 231ST JUDICIAL DISTRICT, TARRANT COUNTY: C. R. Catterton, Tarrant County.

To be Members of the TEXAS STATE BOARD OF MEDICAL EXAMINERS: Dr. Catalina E. Garcia, Dallas County; Cynthia "Cindy" Jenkins, Chambers County; Dr. Regina Kyles, Harris County; Dr. John M. Lewis, Harris County; Dr. Ratna Solomon, Dallas County.

To be Members of the TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION: Janelle Smith Jordan, Harris County; The Reverend William A. Lawson, Harris County; Rosemary Vivero Neill, El Paso County; Edward Brunson Weyman, Midland County.

To be Members of the BOARD OF PROTECTIVE AND REGULATORY SERVICES: Jean P. Beaumont, Brazos County; Frank Davila II, Bexar County; Gabrielle K. McDonald, Travis County; Maconda Brown O'Connor, Harris County; Judge William H. "Bill" Sheehan, Moore County; Susan Herring Stahl, Dallas County.

To be Public Counsel of the OFFICE OF PUBLIC UTILITY COUNSEL: Luis A. Wilmot, Travis County.

To be Members of the TEXAS BOARD ON AGING: Dr. Reginald F. Garrett, Smith County; Dr. Elena Bastida Gonzalez, Hidalgo County.

To be Members of the TEXAS COMMISSION FOR THE BLIND: Larry P. Johnson, Bexar County; Dr. Hilda Medrano, Hidalgo County; John M. Turner, Dallas County.

To be Members of the GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED: Mary G. Behnke, Orange County; Kerry Lee Goodwin, Dallas County; Gloria Smith, Angelina County; Russell Loren Smith, McLennan County.

To be a Member of the BOARD FOR LEASE - TEXAS DEPARTMENT OF CRIMINAL JUSTICE: Ellen J. Halbert, Travis County.

To be Chief Justice of the COURT OF APPEALS, FIFTH SUPREME JUDICIAL DISTRICT: Charles W. McGarry, Dallas County.

To be Members of the CHILDREN'S TRUST FUND OF TEXAS COUNCIL: Pauline M. Mouton, Jefferson County; Michael Atlee Reilly, Tarrant County; Connie Aguilar Sonnen, Bexar County.

To be Members of the GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE DEAF: Mary Lynch VanManen, Fort Bend County; Polly Piercy Walton, Jefferson County.

To be Members of the TEXAS DIABETES COUNCIL: Dr. Mamie L. Abernathy-McKnight, Dallas County; Sydney Dale Colvill, Harris County; Dr. Jaime A. Davidson, Dallas County; Steve Davidson, Midland County; Dr. Leonardo de la Garza, El Paso County; Dr. Charmazel Dudt, Randall County; Elizabeth Diane Limon, Bexar County; Jacqueline S. Martin, Harris County; Kathy R. Matney, Collin County; Julie S. Meyer, Bexar County; Dr. Amelie G. Ramirez, Bexar County.

To be a Member of the DISTRICT ONE REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Robert J. Bacon, Sr., Harris County.

To be Members of the DISTRICT THREE REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Thomas L. Marvelli, Tarrant County; Dr. Nalin H. Tolia, Ector County.

To be a Member of the DISTRICT FOUR REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Gladys Cronfel Keene, Webb County.

To be a Member of the TEXAS BOARD OF HEALTH: Dr. Herbert Shore, Dallas County.

To be Members of the GOVERNOR'S ADVISORY COMMITTEE ON IMMIGRATION AND REFUGEES: Kassahun Bisrat, Harris County; Noe B. Calvillo, Hidalgo County; Laura Carrillo-Alvarado, El Paso County; Andrew R. Duron, Nueces County; Duoc P. Le, Jefferson County; Amalia del Rosario Mezo, Dallas County; Jose G. Moreno, El Paso County; Paul Parsons, Travis County; Suzanne Senesac-Sherif, Potter County; Philoan Marie Tran, Harris County.

To be Members of the INTERAGENCY COUNCIL ON AUTISM AND PERVERSIVE DEVELOPMENTAL DISORDERS: Vicki Delois Mitchell Fleming, Harris County; Anne Groves Russell, Dallas County.

To be a Member of the INTERAGENCY COUNCIL ON EARLY CHILDHOOD INTERVENTION: Dr. Tammy H. Tiner, Brazos County.



To be Members of the TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS: Olga Cortez, Hidalgo County; Thomas William Gard, Jefferson County; Merrill M. Grey, Collin County; Johnnie Richardson, Harris County.

To be Presiding Judge of the EIGHTH ADMINISTRATIVE JUDICIAL REGION: Judge Clyde R. Ashworth, Tarrant County.

To be Members of the TEXAS REHABILITATION COMMISSION: Dr. Dora L. Gonzalez, Bexar County; Dr. Diane M. Novy, Fort Bend County.

To be a Member of the TEXAS VETERANS COMMISSION: Ralph Lee King, Wichita County.

#### NOTICE OF CONSIDERATION OF NOMINATIONS

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

#### SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills today:

H.B. 345	S.B. 942
S.B. 442	S.B. 943
S.B. 616	S.B. 1143
S.B. 910	S.B. 1208
S.B. 916	S.B. 1319

#### SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Haley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider H.B. 947 today.

#### RECESS

On motion of Senator Parker, the Senate at 12:01 p.m. took recess until 1:30 p.m. today.

#### AFTER RECESS

The Senate met at 1:30 p.m. and was called to order by Senator Haley.

#### MESSAGE FROM THE HOUSE

House Chamber  
April 5, 1993

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

**S.B. 468**, Relating to the regulation of the transportation of carbon dioxide.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Bishop James Tamayo, formerly of Blessed Sacrament Church of Laredo.

The Senate welcomed Bishop Tamayo.

#### MOTION TO RESOLVE INTO THE COMMITTEE OF THE WHOLE SENATE

Senator Carriker moved that the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections.

Question—Shall the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections?

Senator Parker moved to call the previous question.

Senators Carriker, West, Rosson, Ellis, and Barrientos seconded the motion.

Question—Shall the main question be now put?

The motion to place the previous question on the motion to resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Lucio, Luna, Madla, Moncrief, Montford, Parker, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Wentworth.

Senator Patterson at 2:20 p.m. was recognized to speak.

Question—Shall the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections?

#### HOUSE BILLS ON FIRST READING

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

**H.B. 22** to Committee on Intergovernmental Relations.

**H.B. 32** to Committee on Economic Development.

**H.B. 84** to Committee on State Affairs.

**H.B. 132** to Committee on Finance.

**H.B. 198** to Committee on Jurisprudence.

**H.B. 241** to Committee on Health and Human Services.

**H.B. 324** to Committee on Intergovernmental Relations.  
**H.B. 365** to Committee on Finance.  
**H.B. 367** to Committee on Health and Human Services.  
**H.B. 475** to Committee on Jurisprudence.  
**H.B. 600** to Committee on Jurisprudence.  
**H.B. 638** to Committee of the Whole Senate on Redistricting,  
 Ethics and Elections.  
**H.B. 696** to Committee on Intergovernmental Relations.  
**H.B. 752** to Committee on Economic Development.  
**H.B. 781** to Committee on Health and Human Services.  
**H.B. 790** to Committee of the Whole Senate on Redistricting,  
 Ethics and Elections, Subcommittee on Elections and Ethics.  
**H.B. 800** to Committee on Education.  
**H.B. 810** to Committee on Criminal Justice.  
**H.B. 872** to Committee on Education.  
**H.B. 887** to Committee on Jurisprudence.  
**H.B. 895** to Committee on Finance.  
**H.B. 910** to Committee on State Affairs.  
**H.B. 933** to Committee on Health and Human Services.  
**H.B. 1021** to Committee on Natural Resources.  
**H.B. 1077** to Committee on Economic Development.  
**H.B. 1084** to Committee on State Affairs.  
**H.B. 1146** to Committee on Natural Resources.  
**H.B. 1149** to Committee on Economic Development.  
**H.B. 1173** to Committee on Economic Development.  
**H.B. 1180** to Committee on Jurisprudence.  
**H.B. 1302** to Committee on Natural Resources.  
**H.B. 1320** to Committee on Natural Resources.  
**H.B. 1476** to Committee on Intergovernmental Relations.  
**H.B. 1596** to Committee on Health and Human Services.  
**H.B. 1703** to Committee on Intergovernmental Relations.

Question—Shall the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections?

#### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Attorney General Dan Morales and Harris County Attorney Mike Driscoll.

The Senate welcomed its guests.

#### GUEST PRESENTED

Senator Carriker was recognized and introduced to the Senate Secretary of State John H. Hannah, Jr.

The Senate welcomed the Secretary of State.

#### GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate George Korbel.

The Senate welcomed Mr. Korbel.

(Senator Patterson resumed his discussion.)

Question—Shall the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections?

(Senator Ellis in Chair)

(Senator Armbrister in Chair)

(Senator West in Chair)

(Senator Sims in Chair)

Question—Shall the Senate resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections?

Senator Patterson at 7:45 p.m. yielded the floor to Senator Armbrister for a motion.

On motion of Senator Armbrister and by unanimous consent, further consideration of the motion to resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections was postponed until a time certain of 11:00 a.m. Tuesday, April 13, 1993.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Henderson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider H.B. 1300 tomorrow.

**SENATE RULE 11.11 SUSPENDED**  
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider the bills posted for today on Wednesday, April 7, 1993.

**MEMORIAL RESOLUTIONS**

H.C.R. 6 - (Parker): In memory of August Colunga Bermea.

S.R. 555 - By Zaffirini: In memory of A. R. Sanchez, Sr., of Laredo.

**CONGRATULATORY RESOLUTION**

S.C.R. 69 - By Parker: Designating every October 23 as Texas Legal Assistants Day.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 7:46 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

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

April 2, 1993

NATURAL RESOURCES — C.S.S.B. 556, C.S.S.B. 576, C.S.S.B. 962, C.S.S.B. 964, C.S.S.B. 1018, C.S.S.B. 1073, C.S.S.B. 179

April 5, 1993

STATE AFFAIRS — C.S.S.B. 1, C.S.S.B. 549

**FORTY-FOURTH DAY**

(Tuesday, April 6, 1993)

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

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Todd Ousley, Assistant Rector, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our Senators in the Texas Legislature, that they may enact such laws as shall please You, to the glory of Your name and the welfare of all Texans; through Jesus Christ our Lord. Amen.

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

**LEAVE OF ABSENCE**

On motion of Senator Harris of Dallas, Senator Whitmire was granted leave of absence for today on account of important business.

**CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Zaffirini and by unanimous consent, Senators West and Shapiro will be shown as Co-authors of S.B. 1.

**CO-AUTHOR OF SENATE BILL 23**

On motion of Senator Moncrief and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 23.