

April 5, 1995

ECONOMIC DEVELOPMENT — S.B. 707, C.S.S.B. 921, S.B. 1150, C.S.S.B. 415, S.B. 341 (Amended), S.B. 872 (Amended), C.S.S.B. 132

ADMINISTRATION — S.B. 792

CRIMINAL JUSTICE — C.S.H.B. 1409, S.B. 342, C.S.S.B. 918, S.B. 1060, C.S.S.B. 254, S.B. 886, C.S.S.J.R. 43, S.B. 294, S.B. 1379 (Amended), C.S.S.B. 440, S.B. 1349, S.J.R. 15

ADMINISTRATION — H.B. 1527

NATURAL RESOURCES — C.S.S.B. 525, C.S.S.B. 590, S.B. 1028, S.B. 1438, S.B. 1016, C.S.S.B. 1017, C.S.S.B. 741

HEALTH AND HUMAN SERVICES — H.B. 988 (Amended), H.B. 721, C.S.S.B. 513, S.B. 660, S.B. 570, C.S.S.B. 799

FORTY-SEVENTH DAY

(Continued)

(Thursday, April 6, 1995)

AFTER RECESS

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 821**

Senator Madla submitted the following Conference Committee Report:

Austin, Texas
April 5, 1995

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 821 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MADLA
NELSON
WENTWORTH

GALLEGO
DE LA GARZA
COLEMAN
HEFLIN
CRADDICK

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Tax Code, is amended by adding Chapter 325 to read as follows:

CHAPTER 325. COUNTY SALES AND USE TAX FOR
LANDFILL AND CRIMINAL DETENTION CENTER
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 325.001. COUNTY SALES AND USE TAX ACT APPLICABLE. Except to the extent that a provision of this chapter applies, Chapter 323 applies to the tax authorized by this chapter in the same manner as that chapter applies to the tax authorized by that chapter.

[Sections 325.002 to 325.020 reserved for expansion]

SUBCHAPTER B. IMPOSITION OF TAX

Sec. 325.021. TAX AUTHORIZED. (a) A county having a population of 37,500 or less that borders the Rio Grande containing a municipality with a population of more than 15,000 may adopt or abolish the sales and use tax authorized by this chapter at an election held in the county.

(b) A county may not adopt a tax under this chapter if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the county and other political subdivisions of this state having territory in the county would exceed two percent at any location in the county.

(c) If the voters of a county approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves the increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the county and other political subdivisions of this state having territory in the county would exceed two percent at any location in the county, the election to adopt a sales and use tax under this chapter has no effect.

(d) That portion of the tax collected under this chapter necessary for the operation of the landfill is dedicated solely to that purpose.

(e) That portion of the tax collected under this chapter necessary for debt services for criminal detention center bonds is dedicated solely to that purpose.

(f) Any tax collected under this chapter not dedicated under Subsection (d) or (e) of this section shall be used for ad valorem reduction.

(g) The dedication established under subsection (d) of this section expires when the landfill is sold or closed. The dedication established under Subsection (e) expires when the criminal detention center bonds are retired.

(h) If the commissioners court adopts an order finding that the purposes for which the dedications made under Subsections (d) and (e) have been accomplished the tax authorized by this chapter is abolished.

Sec. 325.022. TAX RATE. The rate of the tax authorized by this chapter is one-half percent.

Sec. 325.023. SALES AND USE TAX EFFECTIVE DATE. (a) The adoption or abolition of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives a notice of the results of the election.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next succeeding calendar quarter.

[Sections 325.024 to 325.060 reserved for expansion]

SUBCHAPTER C. TAX ELECTION PROCEDURES

Sec. 325.061. ELECTION PROCEDURE. (a) An election to adopt or abolish the tax authorized by this chapter is called by the adoption of an order by the commissioners court of the county. The commissioners court shall call an election if a number of qualified voters of the county equal to at least five percent of the number of registered voters in the county petition the commissioners court to call the election.

(b) At an election to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of county) at the rate of one-half percent to provide revenue for the operation of a county landfill and a criminal detention center."

(c) At an election to abolish the tax, the ballot shall be prepared to permit voting for or against the proposition: "The abolition of the sales and use tax for the operation of a county landfill and a criminal detention center in (name of county)."

[Sections 325.062 to 325.080 reserved for expansion]

SUBCHAPTER D. USE OF TAX REVENUE

Sec. 325.081. USE OF TAX REVENUE. Revenue from the tax imposed under this chapter may be used only to build, operate, or maintain a landfill and a criminal detention center in the county.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was filed with the Secretary of the Senate.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer, Senator Harris in Chair, announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

H.B. 655 (Moncrief on behalf of Harris) Relating to the recodification of statutes relating to parents and children and suits affecting the parent-child relationship. (30-0) (30-0)

S.C.R. 20 (Moncrief on behalf of Harris) Requesting the comptroller of public accounts to conduct a performance review to determine if state agencies that provide services to children should be combined or overseen by a single board or agency. (vv)

C.S.S.B. 74 (Patterson) Relating to the authority of a county to regulate dangerous structures; providing a penalty. (30-0) (30-0)

S.B. 161 (Moncrief) Relating to adoption services. (30-0) (30-0)

S.B. 538 (Moncrief on behalf of Harris) Relating to the right of a holder or employee of a holder of an alcoholic beverage license or permit to possess a firearm on the licensed or permitted premises. (30-0) (30-0)

C.S.S.B. 680 (Shapiro) Relating to the cancellation of and to the filing of a declaration of write-in candidacy in, certain elections. (30-0) (30-0)

S.B. 773 (Moncrief) Relating to abandoned personal property at private institutions of higher education. (30-0) (30-0)

S.B. 786 (Ellis) Relating to the student fee for the university center at the University of Houston. (30-0) (30-0)

S.B. 855 (Patterson) Relating to providing a deferred retirement option to members of firemen's relief and retirement funds in certain cities. (30-0) (30-0)

C.S.S.B. 875 (Zaffirini) Relating to the Sul Ross State University Uvalde Study Center. (30-0) (30-0)

S.B. 888 (Sibley) Relating to the amount of time certain signs may be erected near a rural road before an election. (30-0) (30-0)

S.B. 896 (Nelson) Relating to a vehicle left unattended on a controlled access highway. (30-0) (30-0)

S.B. 914 (Armbrister) Relating to disciplinary procedures for commissioned peace officers and other employees of the Texas Alcoholic Beverage Commission. (30-0) (30-0)

S.B. 934 (Zaffirini) Relating to the administration, powers, duties, and operation of the Starr County Hospital District of Starr County, Texas. (30-0) (30-0)

C.S.S.B. 944 (Moncrief on behalf of Harris) Relating to an exemption from certain testing and remedial coursework for a student with dyslexia or a

related disorder who enters a public institution of higher education. (30-0) (30-0)

C.S.S.B. 992 (Barrientos) Relating to the disapproval of a subdivision by a municipality. (30-0) (30-0)

S.B. 1013 (Gallegos) Relating to complaints against police officers and fire fighters. (30-0) (30-0)

C.S.S.B. 1098 (Zaffirini) Relating to consent for the immunization of a minor. (30-0) (30-0)

S.B. 1117 (Bivins) Relating to the refund of license and registration fees by the Department of Agriculture. (30-0) (30-0)

C.S.S.B. 1236 (Armbrister) Relating to the sale of beer within assigned territories. (30-0) (30-0)

S.B. 1241 (Haywood) Relating to the operation of the Muenster Hospital District. (30-0) (30-0)

C.S.S.B. 1320 (Barrientos) Relating to the Martin Luther King, Jr. statue fee at The University of Texas at Austin. (30-0) (30-0)

S.B. 1327 (Montford) Relating to the conveyance of certain real property by the Texas Department of Mental Health and Mental Retardation. (30-0) (30-0)

S.B. 1328 (Montford) Relating to the release of the state's reversionary interest in certain real property located in Howard County. (30-0) (30-0)

S.B. 1366 (Wentworth) Relating to delegation of duties of the tax assessor-collector and county clerk in certain circumstances. (30-0) (30-0)

S.B. 1367 (Wentworth) Relating to the manner of filling certain vacancies by members of a commissioners court of a county. (30-0) (30-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1367** as follows:

In SECTION 1 of the bill, immediately after added Section 87.107, Local Government Code (page 3, lines 15-16, introduced bill), insert the following:

Sec. 87.108. TIME FOR FILLING VACANCY. Notwithstanding this subchapter, a vacancy in a county office that is to be filled by appointment by the county judge, the commissioners court of the county, or a county commissioner shall be filled not later than the 120th day after the date the vacancy occurs.

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

S.B. 1371 (Wentworth) Relating to the authority of certain political subdivisions to contract for solid waste services. (30-0) (30-0)

S.B. 1414 (Moncrief on behalf of Harris) Relating to administrative hearings under the Alcoholic Beverage Code. (30-0) (30-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1414**, SECTION 1, Section 5.43, Subsection (a) (page 1, line 12, introduced version), by adding the following sentence after ".": If the commission or administrator declares a hearing to be an emergency, the State Office of Administrative Hearings shall assign an administrative law judge or may contract with a qualified individual within 5 days and set a hearing as soon as possible.

Amend **S.B. 1414**, SECTION 1, Section 5.43, Subsection (a) by reinserting the language struck on lines 8 through 10 of page 1.

Amend **S.B. 1414**, SECTION 1, Section 5.43 (page 1, lines 13-19) by striking Subsection (b) and renumbering accordingly.

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

(Senator Shapiro in Chair)

C.S.S.B. 1486 (Zaffirini) Relating to the creation of an immunization tracking registry and to reporting requirements concerning immunizations. (30-0) (30-0)

S.B. 1607 (Nelson) Relating to the creation, boundaries, purposes, powers, duties, functions, authority, and financing of the Southwest Denton County Road and Utility District. (30-0) (30-0)

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

The Presiding Officer, Senator Shapiro 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 8:15 a.m. adjourned until 10:00 a.m. today.

APPENDIX

REPORTS OF STANDING COMMITTEES

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

April 5, 1995

HEALTH AND HUMAN SERVICES — **C.S.S.B. 519**, **S.B. 548** (Amended), **C.S.S.B. 1229**, **C.S.S.B. 1096**

CRIMINAL JUSTICE — C.S.S.B. 1049, C.S.S.B. 866

HEALTH AND HUMAN SERVICES — S.B. 805, S.C.R. 88

EDUCATION — S.B. 668, S.B. 1052 (Amended), C.S.S.B. 1154, S.B. 1281, C.S.S.B. 1298, S.B. 1299, H.B. 1157

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 731, S.B. 861, S.B. 1067 (Amended), C.S.S.B. 1103, C.S.S.B. 1329, S.B. 1437, S.B. 1479, H.B. 305, S.B. 904

SIGNED BY GOVERNOR

(April 5, 1995)

S.B. 319 (Effective immediately)

FORTY-EIGHTH DAY

(Thursday, April 6, 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, Brown, 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: Sims.

A quorum was announced present.

The Reverend Bill Laughlin, Associate Pastor, Westlake Bible Church, Austin, offered the invocation as follows:

Heavenly Father, we open today acknowledging Your wisdom and justice, Your mercy and compassion, Your graciousness and truth. The Senators assembled here come with a sense of both responsibility and fallibility. So we ask that Your wisdom might direct their thoughts, Your mercy might guide their hearts, and Your graciousness their dealings with one another, all with the purpose that their decisions might reflect the truth, Your truth. In the name of the Lord, Jesus Christ. Amen.

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

LEAVE OF ABSENCE

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

CRIMINAL JUSTICE — C.S.S.B. 1049, C.S.S.B. 866

HEALTH AND HUMAN SERVICES — S.B. 805, S.C.R. 88

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CO-AUTHOR OF SENATE BILL 1096

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 1096**.

CO-AUTHOR OF SENATE BILL 1229

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 1229**.

CO-AUTHOR OF SENATE BILL 1497

On motion of Senator Montford and by unanimous consent, Senator Shapiro will be shown as Co-author of **S.B. 1497**.

CO-AUTHOR OF SENATE BILL 1596

On motion of Senator Leedom and by unanimous consent, Senator Patterson will be shown as Co-author of **S.B. 1596**.

CO-SPONSOR OF HOUSE BILL 988

On motion of Senator Gallegos and by unanimous consent, Senator Moncrief will be shown as Co-sponsor of **H.B. 988**.

MESSAGE FROM THE HOUSE

House Chamber

April 6, 1995

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

H.B. 325, Relating to requiring public notice of an application for an authorization to store certain radioactive waste.

H.B. 46, Relating to consideration of certain claims in nonrenewal of certain insurance policies.

H.B. 2182, Relating to use of funds in the operation game thief fund and membership of the Operation Game Thief Committee.

H.B. 1422, Relating to certain fees charged by local recording agents and insurers.

H.B. 308, Relating to the waiver of trial by jury by a defendant charged with an offense punishable by fine only.

H.B. 1612, Relating to the application to religious facilities of the law relating to architectural barriers.

H.C.R. 153, Commemorating the 150th anniversary of the chartering of Baylor University.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan 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. 1636	S.B. 1640
S.B. 1637	S.B. 1641
S.B. 1638	S.B. 1642
S.B. 1639	

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

S.R. 649 by Rosson, Armbrister, Administration
Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Leedom, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Turner, Wentworth, West, Whitmire, Zaffirini
Amending Senate Rule 4.03 as it relates to interruption of a Member speaking.

S.C.R. 119 by Armbrister Administration
Granting Waste-Water, Incorporated, permission to sue the State of Texas and the Texas Natural Resource Conservation Commission.

S.B. 1636 by Wentworth State Affairs
Relating to the regulation of the practice of selling real estate.

S.B. 1637 by Sibley Economic Development
Relating to the approval and use of certain life, health, and accident insurance policy forms.

S.B. 1638 by Sibley Economic Development
Relating to prohibited activities of officers, directors, and certain shareholders of certain entities regulated under the Insurance Code.

S.B. 1639 by Sibley Natural Resources
Subcommittee on Water
Relating to regulation of certain irrigators and irrigation system installers.

S.B. 1640 by Lucio Economic Development
Relating to the provision by employers of security measures to protect employees and customers at certain retail establishments.

S.B. 1641 by Lucio Health and Human Services
Relating to the regulation of certain clinical laboratory science practitioners and the practice of clinical laboratory science; providing for fees and administrative, civil, and criminal penalties; providing for denial, suspension, probation, or revocation of a license.

S.B. 1642 by Ratliff Economic Development
Relating to industrial development corporations created by certain cities.

HOUSE BILLS ON FIRST READING

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

- H.B. 44** to Committee on Criminal Justice.
- H.B. 85** to Committee on Education.
- H.B. 223** to Committee on Health and Human Services.
- H.B. 276** to Committee on Natural Resources, Subcommittee on Water.
- H.B. 947** to Committee on State Affairs.
- H.B. 981** to Committee on Criminal Justice.
- H.B. 1178** to Committee on Intergovernmental Relations.
- H.B. 1341** to Committee on Finance.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 6, 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 A MEMBER OF THE STATE SECURITIES BOARD for a term to expire January 20, 2001:

NICHOLAS C. TAYLOR
1203 Country Club Drive
Midland, Texas 79701

Mr. Taylor will be replacing Duncan E. Boeckman of Dallas, whose term expired.

TO BE JUSTICE OF THE COURT OF APPEALS, ELEVENTH COURT OF APPEALS DISTRICT, until the next General Election and until his successor shall be duly elected and qualified:

THE HONORABLE JIM R. WRIGHT
Route 2, Box 1024
Eastland, Texas 76448

Judge Wright will be replacing the Honorable Bud Arnot, who was elected to the position of Chief Justice of the court.

TO BE MEMBERS OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD for terms to expire January 31, 2001:

DONALD R. BETHEL
216 Highland Drive
Lamesa, Texas 79331

Mr. Bethel will be replacing Susan Sharlot of Austin, who resigned.

MARGIE LEE BINGHAM
3525 Sage #209
Houston, Texas 77056

Ms. Bingham will be replacing Judith McDonald of Nacogdoches, who resigned.

FLORITA BELL GRIFFIN, Ph.D.
P.O. Box 0
College Station, Texas 77841

Dr. Griffin will be replacing Elizabeth Flores of Laredo, whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

GUESTS PRESENTED

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

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 10:09 a.m. announced the conclusion of morning call.

BILL AND RESOLUTIONS SIGNED

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

S.C.R. 117
H.C.R. 151
H.C.R. 141
H.C.R. 48
H.C.R. 49
H.B. 666

HOUSE BILL 1527 ON SECOND READING

On motion of Senator Harris 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:

H.B. 1527, Relating to designating speaker's day as a day to honor former members of the house of representatives.

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

HOUSE BILL 1527 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1527** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

CAPITOL PHYSICIAN

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

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

SENATE BILL 1019 ON SECOND READING

On motion of Senator Rosson 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. 1019, Relating to social security coverage of certain student employees of public institutions of higher education.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1019** as follows:

(1) Insert the following at the end of proposed Section 606.073, Government Code (SECTION 2 of the bill):

(c) Subsection (a) takes effect on the first January 1 on which or following the date on which:

(1) federal law is amended to permit the exemption of a student employee of an institution of higher education from social security coverage; or

(2) the comptroller, on behalf of the institutions of higher education, enters into an agreement with the Social Security Administration that exempts or permits this state to exempt a student employee of an institution of higher education from social security coverage.

(d) Not later than October 1, 1995, the comptroller shall enter into negotiations with the Social Security Administration to reach an agreement as provided by Subsection (c)(2).

(e) If the comptroller determines that the action described by Subsection (c)(1) or (2) has occurred, the comptroller shall notify the secretary of state of the determination. The secretary of state shall publish the notice in the Texas Register.

(f) If Subsection (a) takes effect, the comptroller shall reduce the amount appropriated from the general revenue fund to an institution of higher education for contributions for student employees under Section 606.064 for the biennium in which Subsection (a) takes effect, less the portion of that amount already transferred to the institution, by one-half.

This subsection applies only to appropriations for contributions for student employees paid entirely from the general revenue fund.

(2) Strike SECTIONS 3, 4, and 5 of the bill and substitute the following:

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

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

SENATE BILL 1019 ON THIRD READING

Senator Rosson 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. 1019** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 727 ON SECOND READING

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

S.B. 727, Relating to certain nonprofit corporations that purchase or make student or parent loan notes.

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

SENATE BILL 727 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 727** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate members of the Parliament from the Republic of Yemen.

The Senate welcomed its distinguished guests.

**SENATE RULE 12.09(a) SUSPENDED
(Printing Rule)**

On motion of Senator Madla and by unanimous consent, Senate Rule 12.09(a) was suspended as it relates to the Conference Committee Report on **S.B. 821**.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 821 ADOPTED**

Senator Madla called from the President's table the Conference Committee Report on **S.B. 821**. The Conference Committee Report was filed with the Senate on Thursday, April 6, 1995.

On motion of Senator Madla, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate students from Liberty Christian School of Denton.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate former Cameron County Clerk Joe G. Rivera.

The Senate welcomed its guest.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 640 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. 640, Relating to the imposition, collection, and enforcement of taxes.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 640 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. 640** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 298 ON THIRD READING**

Senator Ratliff moved that the regular order of business be suspended and that **C.S.S.B. 298** be placed on its third reading and final passage.

C.S.S.B. 298, Relating to water quality standards.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Rosson, Truan, West, Zaffirini.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9. (Same as previous roll call)

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of students from St. Mary's Hall of San Antonio.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1995

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

S.C.R. 100, Paying tribute to the life of Louis Booth Williams.

S.C.R. 97, Expressing appreciation to the partners and supporters of Operation: Defeat Diabetes in Corpus Christi.

S.C.R. 112, Proclaiming April 12, 1995, Happy Shahan Day.

S.C.R. 111, Commending William Bradford for his many contributions to his state and to the Texas broadcasting industry.

H.C.R. 146, Congratulating John Q. and Martha M. Holt on their 50th wedding anniversary.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE BILL 1070 ON SECOND READING

On motion of Senator Harris 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. 1070, Relating to legislative space needs and space management.

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

SENATE BILL 1070 ON THIRD READING

Senator Harris 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. 1070** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate students from the Alliance for Minority Participation Program: Jose Alonso, Estrella Anchondo, Monica Rosales, and Servando Rojas from The University of Texas at El Paso, and Monica Hernandez and Jeffry Rivas from El Paso Community College.

The Senate welcomed its guests.

SENATE BILL 1061 ON SECOND READING

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

S.B. 1061, Relating to the authority of the supreme court to issue certain writs.

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

SENATE BILL 1061 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

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

SENATE BILL 1062 ON SECOND READING

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

S.B. 1062, Relating to the senior justice of the supreme court signing court documents for the chief justice.

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

SENATE BILL 1062 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 651 ON SECOND READING

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

S.B. 651, Relating to an exemption from the requirement to obtain a water use permit for certain reservoirs used in surface coal mining operations.

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

SENATE BILL 651 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 651** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

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

(Senator Truan in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 921 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. 921, Relating to the regulation of certain persons engaged in the business of motor vehicle leasing.

The bill was read second time.

Senator Cain offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 921** as follows:

Insert the following new Section 2 of the bill and renumber all subsequent sections accordingly:

SECTION 2. Section 2.10(a), Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Notwithstanding a law to the contrary, including without limitation the provisions of Section 403.094(h), Government Code, all [AH] money paid to the Commission under this Act shall be deposited in the State Treasury to the credit of the state highway fund.

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 921 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. 921 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 390 ON SECOND READING

On motion of Senator Harris 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. 390, Relating to the disclosure of property valuation information to the owner of property to be acquired for public use.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 390** as follows:

In SECTION 1 of the bill, strike Section 21.0111 and substitute the following:

Sec. 21.0111. DISCLOSURE OF INFORMATION REQUIRED. A governmental entity or corporation with eminent domain authority that wants to acquire real property for a public use shall disclose to the property owner, and the property owner shall disclose to the governmental entity or corporation, at the time an offer to purchase is made all information relating to the value of the property, including property appraisals, produced or acquired by the property owner or the governmental entity or corporation.

The committee amendment was read.

On motion of Senator Harris and by unanimous consent, Committee Amendment No. 1 was withdrawn.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 390** as follows:

At the end of SECTION 1. add a new sentence following "corporation." (page 1, line 13) to read: "A subsequent bona fide purchaser for value from the governmental entity or corporation may conclusively presume that the requirement of this section has been met."

The committee amendment was read.

On motion of Senator Harris and by unanimous consent, Committee Amendment No. 2 was withdrawn.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **S.B. 390** by adding a new sentence to the end of Sec. 21.0111, to read as follows:

This section does not apply to acquisitions of real property for which a governmental entity or corporation does not have eminent domain authority.

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

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend **S.B. 390** as follows:

In Section 1 of the bill, strike Section 21.0111 and substitute the following:

Sec. 21.0111. DISCLOSURE OF INFORMATION REQUIRED.

A governmental entity or corporation with eminent domain authority that wants to acquire real property for a public use shall disclose to the property owner at the time an offer to purchase is made any and all existing appraisal reports produced or acquired by the governmental entity or corporation relating specifically to the owner's property and used in determining the final valuation offer.

A property owner shall disclose to the acquiring governmental entity or corporation any and all existing appraisal reports produced or acquired by the property owner relating specifically to the owner's property and used in determining the owner's opinion of value. Such disclosure shall take place within ten (10) days of receipt of appraisal report(s) but no later than ten (10) days prior to the special commissioner's hearing.

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

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 5

Amend **S.B. 390** as follows:

At the end of SECTION 1. add a new sentence following "hearing." (page 1, line 13) to read: "A subsequent bona fide purchaser for value from the governmental entity or corporation may conclusively presume that the requirement of this section has been met."

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

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

SENATE BILL 390 ON THIRD READING

Senator Harris 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. 390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

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

SENATE BILL 226 ON SECOND READING

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

S.B. 226, Relating to exempting certain property owners from certain requirements relating to abandoned or inactive pits.

There was objection.

Senator Cain then moved to suspend the regular order of business and take up **S.B. 226** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Harris, Moncrief, Rosson, Truan.

Absent: Montford, West.

Absent-excused: Sims.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 226** as follows:

Insert the following new Subsection to Section 3 of the bill:

SECTION 3. Subchapter D, Chapter 133, Natural Resources Code, is amended by adding Subsection (b) to Section 133.055 to read as follows:

(b) If the commission determines that an abandoned or inactive pit that is subject to the exemption established by Subsection (a) is a danger to the public, the commission may require the construction of a barrier or other device in accordance with Section 133.041. The cost of constructing the barrier or other device required under this subsection shall be paid by the commission from money appropriated to the commission.

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.

RECORD OF VOTES

Senators Harris, Moncrief, Rosson, and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 226 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. 226** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Moncrief, Rosson, Truan.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Luna, Moncrief, Rosson, Truan.

Absent: Montford.

Absent-excused: Sims.

SENATE JOINT RESOLUTION 18 REREFERRED

On motion of Senator Barrientos and by unanimous consent, **S.J.R. 18** was withdrawn from the Committee on Education and was rereferred to the Committee on Finance.

HOUSE BILL 686 REREFERRED

On motion of Senator Barrientos and by unanimous consent, **H.B. 686** was withdrawn from the Committee on Education and was rereferred to the Committee on Finance.

SENATE BILL 183 REREFERRED

On motion of Senator Barrientos and by unanimous consent, **S.B. 183** was withdrawn from the Committee on Education and was rereferred to the Committee on Finance.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins 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 DEPARTMENT OF COMMERCE POLICY BOARD**: Sonia Perez, Hidalgo County; Walter H. Criner, Harris County; Robert A. Estrada, Dallas County.

To be Members of the **GENERAL SERVICES COMMISSION**: Paul Hobby, Harris County; Alphonso Jackson, Dallas County; Raul Romero, Harris County.

To be **JUDGE OF THE 28TH JUDICIAL DISTRICT COURT, NUECES COUNTY**: Robert C. Pate, Nueces County.

To be **PUBLIC COUNSEL FOR THE OFFICE OF PUBLIC INSURANCE COUNSEL**: Roderick A. Bordelon, Jr., Travis County.

To be Members of the **TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD**: Maria F. Almanza, El Paso County; Hayden Woodard, Kimble County.

To be Members of the **TEXAS ENERGY COORDINATION COUNCIL**: Betty Bauer Brink, Tarrant County; Richard L. Gilbert, Polk County; Michael A. Roberts, Jr., Harris County; Thomas R. Standish, Harris County; Dr. Robert R. Walters, Tarrant County.

To be a Member of the **STATE COMMISSION ON JUDICIAL CONDUCT**: Jack Pasqual, Bexar County.

To be Members of the **TEXAS BOARD OF LICENSURE FOR PROFESSIONAL MEDICAL PHYSICISTS**: Dr. Stewart C. Bushong, Harris County; Dr. Louis H. Deiterman, Bell County.

To be Members of the **TEXAS STATE BOARD OF EXAMINERS OF PERFUSIONISTS**: Shannon E. Ballard, Travis County; Sammie Lou Bricker, Lubbock County; Dr. Carlos H. Corral, El Paso County; James O. Fines III, Tarrant County; Celeste Langley, Dallas County; Willie Randolph, Harris County; Trudi B. Stafford, Harris County; Joe W. Street, Travis County; Linda E. Vaclavik, Williamson County.

To be Members of the **TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS**: Martin Infante, Webb County; Penny Butler Patterson, Smith County; Theodis Ware, Tarrant County.

To be Members of the POLYGRAPH EXAMINERS BOARD: Lieutenant Michael C. Gougler, Williamson County; Rob L. Kimmons, Harris County; Bob H. Musser, Harris County; William H. Quimby, Dallas County.

To be Members of the RADIATION ADVISORY BOARD: Dr. Frederick J. Bonte, Dallas County; Frances Gonzales, El Paso County; Dr. David N. Henkes, Bexar County; Dr. Glen Keith King, Fort Bend County; Dr. Jack S. Krohmer, Williamson County; Connie Rogers, Hays County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would Monday, April 10, 1995, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

PERMISSION TO MEET GRANTED

On motion of Senator Armbrister and by unanimous consent, all standing committees were granted permission to meet while the Senate was in session.

MOTION TO ADJOURN

On motion of Senator Armbrister and by unanimous consent, the Senate at 11:23 a.m. agreed to adjourn, upon receipt of a Message from the House, until 10:00 a.m. Monday, April 10, 1995.

(Senator Armbrister in Chair)

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1995

Mr. President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on **S.B. 821** by a record vote of 141 Ayes, 0 Nays, and 1 Present-not voting.

H.C.R. 87, Authorizing the burial of J. Neal Miller, Jr., in the State Cemetery.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

AT EASE

The Presiding Officer at 11:54 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Armbrister at 12:23 p.m. called the Senate to order as In Legislative Session.

BILL SIGNED

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

S.B. 821**MEMORIAL RESOLUTION**

S.R. 645 - By Patterson: Paying tribute to the life and work of Dr. Martin Luther King, Jr.

CONGRATULATORY RESOLUTIONS

S.R. 646 - By Whitmire: Recognizing Clifton Middle School of Houston on the occasion of its celebration of Law Day USA.

S.R. 647 - By Nixon: Congratulating the Jasper High School girls powerlifting team and their coach Denise Quick for winning the 1995 state championship.

S.R. 648 - By West: Congratulating Don L. Hicks of Oak Cliff on receiving the W. O. "Bill" Durrett Senior Citizen of the Year Award.

H.C.R. 19 - (Shapiro): Commemorating the 75th anniversary of the ratification of the Nineteenth Amendment to the United States Constitution.

H.C.R. 88 - (Gallegos): Congratulating the employees of W. M. Dewey and Son, Inc., on the 100th anniversary of their company's founding.

H.C.R. 122 - (Shapiro): Recognizing the 100th Year Celebration of Women in State Legislatures.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:23 p.m. adjourned until 10:00 a.m. Monday, April 10, 1995.

APPENDIX

REPORTS OF STANDING COMMITTEE

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

April 6, 1995

ECONOMIC DEVELOPMENT — C.S.S.B. 964, C.S.S.B. 1181, S.B. 871 (Amended), C.S.S.B. 309, S.B. 1232 (Amended), S.B. 1188, C.S.S.B. 1044

SENT TO GOVERNOR

(April 6, 1995)

S.B. 821