

FIFTY-FOURTH DAY

(CONTINUED)

THURSDAY, APRIL 22, 1999

PROCEEDINGS

AFTER RECESS

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

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris on Tuesday, April 20, 1999.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 777 (Wentworth) Relating to the jurisdiction of a statutory probate court in certain guardianship matters. (30-0) (30-0)

HB 797 (Harris) Relating to the Uniform Child Custody Jurisdiction and Enforcement Act. (30-0) (30-0)

HB 952 (Whitmire) Relating to the creation, administration, powers, duties, operation, and financing of the Spring Meadows Municipal Utility District. (30-0) (30-0)

HB 1289 (Brown) Relating to the regulation of gas utilities organized as limited liability companies. (30-0) (30-0)

CSHB 1348 (Harris) Relating to the classification of certain child support claims against the estate of a decedent. (30-0) (30-0)

HB 1611 (Zaffirini) Relating to the continuation and functions of the Governor's Committee on People with Disabilities. (30-0) (30-0)

HCR 80 (Madla) Honoring Southwest Texas Telephone Company for 100 years of service. (viva voce vote)

Senator Madla offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **HCR 80** as follows:

(1) On page 1, line 9, strike "Kerr,".

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

SB 265 (Duncan) Relating to the temporary assignment of a district court judge to a court of appeals. (30-0) (30-0)

SB 323 (Ellis) Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas. (30-0) (30-0)

SB 412 (Duncan) Relating to the abolition of the Judicial Districts Board. (30-0) (30-0)

CSSB 436 (Nixon) Relating to a disclosure required in certain offers by mail to purchase mineral or royalty interests. (30-0) (30-0)

SB 539 (Harris on behalf of Moncrief) Relating to the transportation of certain persons requiring treatment for mental illness. (30-0) (30-0)

SB 567 (Harris on behalf of Moncrief) Relating to the penalty for disclosing a person's human immunodeficiency virus status. (30-0) (30-0)

CSSB 851 (Shapleigh) Relating to an application for issuance of a subpoena. (30-0) (30-0)

CSSB 932 (Madla) Relating to regulation of tattoo studios; providing penalties. (30-0) (30-0)

(Senator Harris in Chair)

CSSB 982 (Madla) Relating to persons authorized to provide diabetes self-management training. (30-0) (30-0)

SB 1099 (Cain) Relating to excavation operations of employees of the Texas Department of Transportation. (30-0) (30-0)

SB 1116 (Armbrister) Relating to an exception to the offense of contributing to the delinquency of a narcotic addict. (30-0) (30-0)

CSSB 1294 (Zaffirini) Relating to billing medical patients. (30-0) (30-0)

SB 1302 (Brown) Relating to authority of the Parks and Wildlife Department to withhold licenses and permits. (30-0) (30-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1302** as follows:

(1) On page 2, line 18, between "a" and "letter", insert "certified".

(2) Add a new SECTION 5 to read as follows and renumber subsequent sections appropriately:

"SECTION 5. Section 12.505, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.505. VIOLATION OF SUSPENSION, REFUSAL, OR REVOCATION. A person who engages in an activity requiring a permit or license during the time for which such license or permit has been suspended, refused, or revoked commits an offense that is a Class A Parks and Wildlife Code misdemeanor."

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

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 1302** by adding a new SECTION 6 and a new SECTION 7 to read as follows and renumber subsequent sections appropriately:

"SECTION 6. Section 12.109, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.109. CONFISCATION AND DISPOSITION OF AQUATIC PRODUCTS [~~LIFF~~]. (a) Except as provided by ~~s~~[S]ubsection (c) or subsection (f) [~~(e)~~] of this section, when an enforcement officer of the department believes that a person has unlawful possession of any fish, oysters, shrimp, or other aquatic products as defined by Section 47.001(16), Parks and Wildlife Code, taken in violation of this code, or a proclamation of the commission adopted under this code [~~life~~], he shall seize ~~and sell~~ the aquatic products, and all aquatic products aboard any vessel involved, or in any device used to catch or store aquatic products, whether in storage or on deck, and whether alive or dead, frozen or fresh, whole or processed to any extent. The officer shall sell the aquatic products and dispose of the proceeds as provided in subsection (b) [~~life and dispose of the proceeds as provided in this section~~]. [~~If the person is in possession of a greater quantity of aquatic life than is authorized by law, all such aquatic life shall be deemed to have been taken in contravention of the law and shall be seized by the arresting officer. The officer shall give to the person a receipt for all aquatic life seized upon the sale of the aquatic life.~~]

(b) The confiscated aquatic products [~~life~~] shall be sold to the highest of three bidders. The proceeds of the sale shall be deposited in the state treasury to the credit of suspense account No. 900 pending the outcome of the action taken against the person charged with illegal possession. The officer shall give to the person a receipt for all aquatic products seized upon the sale of the aquatic products. If bids cannot be obtained, the department, if practicable, shall donate the aquatic products [~~life~~] to a charitable institution, hospital, or other person.

(c) If aquatic products are seized due only to a violation of a daily bag or possession limit, the officer shall allow the person in possession to retain a lawful quantity of the aquatic products, but only if the person gives written acknowledgement of retention of a lawful quantity to the officer on a form provided by the department. The officer shall sell the remainder of the aquatic products and dispose of the proceeds as provided by subsection (b) of this section.

(d) [~~(e)~~] Unless the person is found guilty, pleads guilty or nolo contendere, or is placed on deferred adjudication, all the proceeds shall be paid to the owner of the aquatic products [~~life~~].

(e) [~~(d)~~] This section does not apply to fish, shrimp or other aquatic products [~~life~~] that are taken from an area declared by the Commissioner of Health to be a prohibited area.

(f) [~~(e)~~] If an enforcement officer of the department determines that a person is in possession of oysters that were taken unlawfully, the officer may direct, if practical, that the oysters be returned to a public reef.

(g) [~~(f)~~] The department and an enforcement officer of the department who acts under this section are not liable in any civil action for the seizure, sale, release, or donation of aquatic products, [~~life~~] or for the order to return oysters to a public reef.

SECTION 7. Section 77.027, Parks and Wildlife Code, is repealed."

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

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

SB 1377 (Shapleigh) Relating to a promotora program under which persons who act as bilingual liaisons between health care providers and patients are trained and regulated. (30-0) (30-0)

SB 1429 (Duncan) Relating to the amount paid for bounties for predatory animals. (30-0) (30-0)

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1429** on page 1, at end of line 10, by adding the following: A bounty paid under this section may not exceed \$50 for each animal unless approved by the Texas Parks and Wildlife Commission.

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

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

CSSB 1436 (Duncan) Relating to the authority of a judge to conduct certain judicial proceedings in a county other than the one in which the suit is filed. (30-0) (30-0)

SB 1560 (Shapiro) Relating to School Land Board meetings. (30-0) (30-0)

SB 1664 (Shapleigh) Relating to participation in proportionate retirement programs for certain public employees. (30-0) (30-0)

CSSB 1733 (Brown) Relating to the general powers and authority of water districts; providing a penalty. (30-0) (30-0)

CSSB 1735 (Zaffirini) Relating to the appointment and duties of associate judges and child support masters. (30-0) (30-0)

SB 1789 (Nelson) Relating to the duties and authority of the Crime Stoppers Advisory Council; providing a criminal penalty. (30-0) (30-0)

CSSB 1797 (Duncan) Relating to services of a gas utility provided to a school district. (30-0) (30-0)

SCR 7 (Moncrief) Memorializing Congress to provide lifetime healthcare for military retirees over the age of 65. (viva voce vote)

Senate bills authored by Senator Wentworth will be read on three several days. They will be laid before the Senate, read second time, amended where applicable, and passed to engrossment. At the next Local and Uncontested Calendar Session they will be read third time and passed. The vote on passage to engrossment or final passage is indicated after each caption.

CSSB 917 (Wentworth) Relating to the composition of the 33rd and 198th judicial districts and the composition of the Third and Sixth administrative judicial regions. (final passage 30-0)

CSSB 919 (Wentworth) Relating to the sealing of certain affidavits on which search warrants are based. (final passage 30-0)

CSSB 1016 (Wentworth) Relating to the regulation of real estate brokers, salespersons, and inspectors and to the administration of certain recovery funds; providing administrative penalties. (final passage 30-0)

SB 1825 (Wentworth) Relating to the creation of a municipal court of record in Hill Country Village. (final passage 30-0)

SB 1168 (Wentworth) Relating to the transfer of certain state property to the Upper Guadalupe River Authority. (engrossment viva voce vote)

SB 1171 (Wentworth) Relating to the power and authority of the Upper Guadalupe River Authority to borrow money for corporate purposes. (engrossment viva voce vote)

BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR

Senator Lindsay, author of the bill, requested in writing that **SB 719** be removed from the Local and Uncontested Calendar.

Senator Cain, author of the bill, requested in writing that **SB 1206** be removed from the Local and Uncontested Calendar.

Senator Ellis and Senator Harris requested in writing that **SB 1606** be removed from the Local and Uncontested Calendar.

SESSION CONCLUDED FOR LOCAL AND UNCONTESTED CALENDAR

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:56 a.m. adjourned, in memory of Grace Holcomb of Mount Pleasant and those who died at Columbine High School in Littleton, Colorado, until 10:00 a.m. today.

FIFTY-FIFTH DAY

THURSDAY, APRIL 22, 1999

PROCEEDINGS

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, Bernsen, Bivins, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Duncan, Luna.

The President announced that a quorum of the Senate was present.

The Reverend Dr. James L. Mayfield, Senate Chaplain, offered the invocation as follows:

God, we pray for this Senate and all who work here. We ask Your spiritual blessing to be upon Senator Duncan's mother, who is having heart surgery tomorrow.

God, in the wake of the Littleton tragedy, we pray for all those who have been wounded in body and spirit this week. We pray for those who are in grief, the friends and families of those who have lost their lives. And we pray for the families of the two boys in Littleton whose violent acts brought death and damage to so many.

And, God, we pray not only for those whom violence has harmed in our own nation but for all those around this planet whose lives have been shattered by acts of violence and terror. The tragedies and agonies of Littleton and Yugoslavia are grim reminders of the reality of evil that is at work in the world.

O God, when we begin looking closer to home, we see much in life that is not the way it should be. God, we need Your help. Keep our focus on what is good. Protect us from cynicism and despair. Give us faith and hope so we will keep trying. Give us wisdom to know what to do, and give us the courage and the will to do it. Help us be more committed to Your agenda for life than to our agenda for ourselves. 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.

LEAVES OF ABSENCE

On motion of Senator Fraser, Senator Duncan was granted leave of absence for today on account of illness in the family.

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 1112

On motion of Senator Shapleigh and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1112**.

CO-AUTHOR OF SENATE BILL 1421

On motion of Senator Lucio and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 1421**.

CO-AUTHOR OF SENATE BILL 1851

On motion of Senator Wentworth and by unanimous consent, Senator Whitmire will be shown as Co-author of **SB 1851**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 35

On motion of Senator Lucio and by unanimous consent, Senator Ellis will be shown as Co-author of **SJR 35**.

PERMISSION TO INTRODUCE BILL

On motion of Senator Truan and by unanimous consent, Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution were suspended to permit the introduction of the following bill: **SB 1879**.

SENATE BILL AND RESOLUTION ON FIRST READING

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

SB 1879 by Sibley

Relating to character education programs in public schools and in certain alternative education programs.

To Committee on Education.

SCR 68 by Armbrister

Creating a interim study committee to coordinate emergency efforts during floods and other natural disasters.

To Committee on Administration.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 542 to Committee on Economic Development.

HB 1535 to Committee on Criminal Justice.

HB 1604 to Committee on Finance.

HB 1722 to Committee on Finance.

HB 1983 to Committee on Economic Development.
HB 2617 to Committee on Criminal Justice.
HB 2631 to Committee on Natural Resources.
HB 2641 to Committee on Human Services.
HB 2821 to Committee on Finance.
HB 2844 to Committee on Economic Development.
HB 3050 to Committee on Natural Resources.
HB 3377 to Committee on Intergovernmental Relations.
HCR 239 to Committee on State Affairs.

SENATE RESOLUTION 719

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Francisco Roux-Lopez, who is leaving his post as the Consul General of Mexico, for his outstanding work in the Austin community; and

WHEREAS, Born in Uruapan, Michoacan, Mexico, Francisco Roux-Lopez holds a master's degree from El Colegio de Mexico and studied for a doctorate degree at the Ecole d'etudes des Sciences Politiques de la Universite de Paris from 1964 to 1966; he is married to Maria Lopez de Roux; and

WHEREAS, Francisco has served as a member of the Mexican Foreign Service since 1966; his wide-ranging experience has included serving in the Mexican Embassy in France and as the Deputy Representative of Mexico for the Organization of American States; he was the Acting Chief of Protocol for the Ministry of Foreign Relations from 1980 to 1985; and

WHEREAS, He was Minister to the Mexican Embassy in Belgium and Luxembourg and Representative of Mexico to the European Union from 1985 to 1989; he was the Special Advisor for the Ministry of Foreign Relations from 1980 to 1985 and Director of the United Nations System from 1991 to 1992; he was promoted to the position of Consul General in 1992; and

WHEREAS, Francisco served as Consul General of Mexico in Sydney, Australia, and in McAllen, Texas, before becoming the Special Advisor to the General Director of the Mexican Communities Abroad Program for the Ministry of Foreign Relations in 1996; he was appointed Consul General of Mexico for Austin, Texas, on March 20, 1998; and

WHEREAS, During his tenure as Consul General for Austin, Francisco Roux-Lopez has served with distinction, and his wealth of experience and expertise have been of great benefit to the Austin community; and

WHEREAS, Noted for his dedication to his work, Mr. Roux-Lopez has handled his far-reaching responsibilities with exceptional alacrity and sound judgment; and

WHEREAS, An exemplary and distinguished gentleman, Francisco Roux-Lopez is respected by his colleagues in the Mexican Foreign Service and the citizens of Austin, and his presence in Austin as Consul General of Mexico will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend Francisco Roux-Lopez on his superior work as Consul General of Mexico for Austin and his many contributions to the Austin community and extend best wishes to him for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Francisco Roux-Lopez as an expression of esteem from the Texas Senate.

BARRIENTOS
SHAPLEIGH

The resolution was read.

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

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Barrientos, joined by Senator Shapleigh, was recognized and introduced to the Senate Francisco Roux-Lopez, Consul General of Mexico for Austin, Texas, accompanied by his secretary, Maria Carmen Palau.

The Senate welcomed Mr. Roux-Lopez and Ms. Palau.

(Senator Carona in Chair)

REPORT OF COMMITTEE ON NOMINATIONS

Senator Wentworth 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.

Members, Texas Board of Chiropractic Examiners: Richard Lee Gillespie, D.C., Hays County; Cynthia Sue Vaughn, D.C., Travis County.

Members, Texas Growth Fund Board of Trustees: James Michael "Mike" Bell, Sr., Gillespie County; Catherine S. Woodruff, Harris County.

Members, Texas Racing Commission: David C. Garza, Cameron County; Terri Lacy, Harris County.

Member, College Opportunity Act Committee: Laura Haley Bley, Tarrant County.

Members, Texas Energy Coordination Council: Glenda L. Callaway, Harris County; Kathleen E. Magruder, Harris County; Donald W. Niemiec, Tarrant County; Michael D. Spence, Dallas County; James A. Tramuto, Harris County; Robert L. Wright, Victoria County.

Members, Texas State Board of Social Worker Examiners: Joan Joy Johnson Culver, Travis County; Jeannie M. Heller, L.S.W., Brazos County; Dorothy N. B. "Dee" Stewart, Tarrant County.

Judge, 309th Judicial District Court, Harris County: Eva M. Guzman, Harris County.

Members, Texas Appraiser Licensing and Certification Board: Benjamin Edwin Barnett, Dallas County; Jacqueline G. Humphrey, C.P.A., Potter County; Debra S. Runyan, Bexar County; Angelina Velarde-White, El Paso County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Wentworth 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.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 10:30 a.m. Monday, April 26, 1999, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 139, HCR 173.**

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Daniel Ramsey of Johnson City, was introduced to the Senate by Senator Wentworth.

The Senate expressed appreciation and gratitude to Dr. Ramsey for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

CONCLUSION OF MORNING CALL

The President at 10:25 a.m. announced the conclusion of morning call.

SENATE JOINT RESOLUTION 26 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:

SJR 26, Proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.

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

SENATE JOINT RESOLUTION 26 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 **SJR 26** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Duncan, Luna.

SJR 26 was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Luna.

SENATE RESOLUTION 723

Senator Brown offered the following resolution:

WHEREAS, Texas is internationally known as one of the world's preeminent centers of space exploration, and the aerospace industry has established itself as an integral aspect of the history, economy, and culture of the state; and

WHEREAS, In 1961 President John F. Kennedy confronted his fellow Americans with the challenge of landing a human being on the moon before the decade's end, and the nation's imagination was captured by the sweep and daring of this ambitious venture; and

WHEREAS, Eight years later, astronaut Neil Armstrong became the first man to walk the surface of the moon, and this historic achievement was eloquent testimony to the steadfast dedication and remarkable skill of the men and women of the National Aeronautics and Space Administration (NASA); and

WHEREAS, Since that time, Americans have continued to explore outer space, testing the limits of human possibility even as they make immeasurable contributions to our understanding of the universe, and NASA's Lyndon B. Johnson Space Center in Houston has remained at the forefront of this essential endeavor; and

WHEREAS, A vital element of the Lone Star State's stature as an international business mecca, the aerospace industry has also been responsible for a number of the technological advances that have shaped modern civilization and enriched our lives; and

WHEREAS, The history of modern Texas is inextricably entwined with that of the aerospace industry, and it is indeed fitting at this time to recognize this crucial component of the state's security and prosperity; now, therefore, be it

RESOLVED, That the Senate of the 76th Texas Legislature hereby recognize April 18 through 24, 1999, as Texas Space and Technology Week and extend to all those involved in the aerospace industry sincere best wishes for continued success in the years to come.

The resolution was read.

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

On motion of Senator Brown, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate NASA Astronauts James D. Wetherbee, Dr. Bonnie J. Dunbar, and United States Senator John H. Glenn, Jr.

The Senate welcomed its guests with a standing ovation.

(Senator Wentworth in Chair)

(President in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 22, 1999

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 213, Relating to certain claims for health care services.

HB 313, Relating to the creation and powers of a neighborhood empowerment zone.

HB 729, Relating to certain requirements for an insurance carrier that pays workers' compensation benefits.

HB 1268, Relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage.

HB 1341, Relating to implementation of a Texas courthouse preservation program.

HB 1491, Relating to the employment of certain physicians by a private medical school.

HB 1507, Relating to the definition of the practice of law.

HB 1511, Relating to the operation and regulation of pawnshops.

HB 1538, Relating to the issuance by the Texas Department of Transportation of annual permits to move certain superheavy or oversize equipment on a state highway.

HB 1704, Relating to the approval of certain permit applications by local governments.

HB 1749, Relating to the sharing of information concerning juvenile offenders.

HB 1952, Relating to the right of faculty members at institutions of higher education to present grievances on certain personnel issues.

HB 2000, Relating to the ratification of the Southern Dairy Compact; providing civil penalties.

HB 2035, Relating to insurance coverage for employees of certain motor carriers.

HB 2067, Relating to the application of the franchise tax to banking corporations and savings and loan associations.

HB 2180, Relating to usury and the regulation of lenders.

HB 2512, Relating to interlocutory orders and decisions used in adjudication of disputes regarding workers' compensation benefits and to reimbursement from the subsequent injury fund for overpayments of benefits made under those interlocutory orders or decisions.

HB 2867, Relating to a program that allows institutions of higher education in Texas to match a scholarship offered to Texas students by out-of-state institutions.

SB 167, Relating to requiring a seller of real property to deliver notice to the purchaser regarding the potential for annexation of the property.
(Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Sheila Sisulu, Ambassador to the United States from South Africa.

The Senate welcomed Ambassador Sisulu.

(Senator Truan in Chair)

(President in Chair)

SENATE RESOLUTION 663

Senator Fraser offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Betty Hardwick of Baird on her outstanding work as an advocate for Texans with mental disabilities; and

WHEREAS, Well known for her tireless efforts on behalf of the mentally disabled, Betty Hardwick was appointed to the Board of Trustees of the Abilene Regional Mental Health-Mental Retardation Center in 1982 and was elected community director for Region VI of the National Community Mental Healthcare Board of Directors in 1996; and

WHEREAS, A dedicated and active volunteer, Betty Hardwick has been named Outstanding Young Woman in America, has won the Governor's Award for Outstanding Volunteer in Public Service, and has been recognized by the Texas Council of Community MHMR Centers for her leadership in establishing the council's Risk Management Fund; and

WHEREAS, Mrs. Hardwick's interest in public health issues stems from her first-hand knowledge of the difficulties encountered by those with disabilities as several members of her family have been affected by a genetic visual impairment; and

WHEREAS, Betty Hardwick has worked closely with members of the Texas Legislature and various committees to strengthen community mental health care centers; she currently serves on the Joint Contract Committee of the Texas Department of Mental Health and Mental Retardation and is devoting much of her time to improving the contracting process; and

WHEREAS, In addition to spending many hours working on behalf of the mentally disabled, Betty is also a homemaker and is devoted to her family; she and her husband, Jon Hardwick, have been blessed with two daughters, Crecia and Lydia; and

WHEREAS, Betty Hardwick is an exemplary lady who has played a major role in improving the lives of our state's mentally disabled citizens, and her perseverance and many accomplishments are inspirational to all who work in the field of mental health; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend Betty Hardwick on her exceptional achievements and many contributions to the citizens of our state and extend best wishes to her for the future; and, be it further

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

The resolution was read.

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

On motion of Senator Fraser, the resolution was adopted by a viva voce vote.

GUEST PRESENTED

Senator Fraser was recognized and introduced to the Senate Betty Hardwick of Baird.

The Senate welcomed Mrs. Hardwick.

(Senator Gallegos in Chair)

GUESTS PRESENTED

Senator Lindsay, joined by Senator Bernsen, was recognized and introduced to the Senate a group of fifth-grade students from Willow Creek Elementary School in Kingwood, where Senator Ratliff's grandson, Grant, is a student.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of seventh-grade students from Tyler Street Christian Academy in Dallas.

The Senate welcomed its guests.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1166 ON SECOND READING

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

CSSB 1166, Relating to the purposes for which certain municipalities may use revenue from the municipal hotel occupancy tax.

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

RECORD OF VOTE

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

SENATE BILL 1180 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:

SB 1180, Relating to certain duties of county bail bond boards.

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

SENATE BILL 1180 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 **SB 1180** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Duncan, Luna.

SB 1180 was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Luna.

**COMMITTEE SUBSTITUTE
SENATE BILL 957 ON SECOND READING**

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

CSSB 957, Relating to the licensing of certain persons who provide services related to the business of insurance.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 957** as follows:

(1) In Section 1(b)(1), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 1, line 26, senate committee printing), strike "an officer of".

(2) In Section 1(d)(2), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 2, line 2, senate committee printing), between "of this state" and the comma, insert "or the United States".

(3) Strike Section 1(d)(3), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 2, lines 5-8, senate committee printing), and substitute the following:

(3) each trainee must be instructed with respect to the disclosures required to be made to consumers.

(4) In Section 1(g)(1)(C), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 2, line 39, senate committee printing), between "of this state" and the comma, insert "or the United States".

(5) Strike Section 3(d), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 4, lines 49-52, senate committee printing), and substitute the following:

(d) A license holder and the license holder's representative are not required to make the disclosures required by Section 1(g) of this article if the license holder or the license holder's representative complies with all disclosure requirements prescribed by another provision of this code or another law of this state or the United States relating to the sale or delivery of a credit insurance product that is subject to this section.

(6) In Section 4(c)(4), Article 21.09, Insurance Code, as added by SECTION 1.01 of the bill (page 5, line 13, senate committee printing), strike "\$10,000" and substitute "\$50,000".

(7) Following Section 6.02 of the bill (page 11, between lines 22 and 23, senate committee printing), insert the following:

SECTION 6.03. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 957 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 957** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Duncan, Luna.

CSSB 957 was read third time and was passed by a viva voce vote.

SENATE BILL 1354 ON SECOND READING

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

SB 1354, Relating to longevity pay for employees of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

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

SENATE BILL 1354 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1354** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Duncan, Luna.

SB 1354 was read third time and was passed by a viva voce vote.

SENATE BILL 1749 ON SECOND READING

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

SB 1749, Relating to participation in the Texas Employees Uniform Group Insurance Benefits Act by certain former members of the governing bodies of community/junior colleges.

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

SENATE BILL 1749 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1749** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Duncan, Luna.

SB 1749 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of students from La Vernia High School in La Vernia.

The Senate welcomed its guests.

LEAVE OF ABSENCE

On motion of Senator Harris, Senator Ratliff was granted leave of absence for the remainder of the day.

HOUSE BILL 1033 ON SECOND READING

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

HB 1033, Relating to the continuation and functions of the Texas Cancer Council.

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

RECORD OF VOTE

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1033 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1033** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

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

Nays: Ogden, Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

HB 1033 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

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

SENATE BILL 1343 ON THIRD READING

Senator Bivins asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

SB 1343, Relating to the issuance of bonds to finance or refinance certain facilities used by an open-enrollment charter school.

There was objection.

Senator Bivins then moved to suspend the regular order of business and take up **SB 1343** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Sibley, Wentworth, West, Zaffirini.

Nays: Barrientos, Bernsen, Gallegos, Shapleigh, Truan, Whitmire.

Absent-excused: Duncan, Luna, Ratliff.

SB 1343 was read third time and was passed by the following vote: Yeas 22, Nays 6. (Same as previous roll call)

SENATE RESOLUTION 725

Senator Ellis offered the following resolution:

WHEREAS, The Texas Senate is proud to honor Clyde Drexler for his dedication to his alma mater and his loyalty to the City of Houston; and

WHEREAS, A highly recruited high school player at Houston Ross Sterling, Mr. Drexler pursued his collegiate career in his hometown when he joined the University of Houston Cougars and became the highest flyer in "Phi Slamma Jamma," Texas' tallest fraternity; and

WHEREAS, Nicknamed Clyde "The Glide" for his silky-smooth, acrobatic moves to the hoop, Mr. Drexler led the Cougars to two Final Four appearances in 1982 and 1983 and earned individual distinction as a first team All-American and the United States Basketball Writer's Association District VI Player of the Year in 1983; and

WHEREAS, Mr. Drexler amassed a number of records while at the University of Houston and remains the school's all-time career steal leader with 268 steals; in addition, he is the only Cougar ever to accumulate 1,000 points, 900 rebounds, 300 assists, and 250 steals; and

WHEREAS, The 14th player taken in the 1983 National Basketball Association draft, he joined the Portland Trailblazers and quickly became one of the league's dominant forces; over the next 15 seasons he was selected to 10 National Basketball Association All-Star teams and in 1992 he was named All-NBA First Team and was runner-up for the National Basketball Association's most valuable player award; and

WHEREAS, Although he carried the Trailblazers to the National Basketball Association Finals in 1990 and 1992, Mr. Drexler did not claim the coveted championship ring until he returned to Houston to join the Rockets; together with former Cougar teammate Hakeem "The Dream" Olajuwon, Drexler helped the Rockets claim their second consecutive National Basketball Association title in 1995; and

WHEREAS, Retiring from the Rockets in 1998, Clyde "The Glide" completed his storied National Basketball Association career as the league's 17th all-time scorer and was fourth all-time in steals; he also joined legendary hoops heroes Oscar Robertson and John Havlicek as the only National Basketball Association players to amass 20,000 points, 6,000 rebounds, and 6,000 assists in their careers; and

WHEREAS, Mr. Drexler's rightful place in the pantheon of basketball superstars was assured when he was named one of the National Basketball Association's 50 greatest players, and he was also selected to represent his country as a member of America's "Dream Team" at the 1992 Olympics in Barcelona, Spain; and

WHEREAS, On completing his years as a professional player, he became the head basketball coach at his alma mater, and under his able leadership the Houston Cougars will no doubt emerge as one of college basketball's elite teams; and

WHEREAS, By returning to Houston to share the fruits of his success with the community where his athletic career began, Mr. Drexler has set an inspirational example that has made his fellow Texans proud; and

WHEREAS, Clyde Drexler has achieved a level of success in the sport of basketball to which all may aspire but that only a select few will attain, and it is indeed appropriate that he be honored for his extraordinary contributions at this time; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend Clyde Drexler for his decision to coach at the University of Houston and extend to him sincere best wishes for continued success and happiness; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Mr. Drexler as an expression of highest regard from the Texas Senate.

The resolution was read.

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

On motion of Senator Ellis, the resolution was adopted by a viva voce vote.

(Senator Truan in Chair)

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Clyde Drexler, coach of the University of Houston Cougars basketball team.

The Senate welcomed Mr. Drexler.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1351 ON SECOND READING**

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

CSSB 1351, Relating to health benefits plan coverage for dependent children of certain employees paid by state appropriated money.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend the Committee Report for **CSSB 1351** as follows:

On page 1, line 1-27, after the words "The trustee shall", strike "identify employees who may be eligible" and replace with "notify employees that they may be eligible".

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1351 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1351** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

CSSB 1351 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of seventh-grade students from United Day School in Laredo, accompanied by their teacher, Rita Peters.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 974 ON SECOND READING

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

CSSB 974, Relating to the creation of a task force and demonstration project regarding the provision of certain state agency and local government services to the general public and to regulated entities through the Internet.

The bill was read second time.

(Senator Brown in Chair)

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 974** as follows:

- 1) On page 2, line 18 strike "and"
- 2) On page 2, line 21 between "governor" and the period insert "; and"
- 3) On page 2, line 22 insert a new subsection (4) to read as follows:
 - (4) three public members, appointed by the governor

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 974 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 974** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

CSSB 974 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a group of political science students from Hardin-Simmons University in Abilene.

The Senate welcomed its guests.

(President in Chair)

SENATE BILL 1124 ON SECOND READING

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

SB 1124, Relating to the use of mediation or other dispute resolution procedures in family violence cases.

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

SENATE BILL 1124 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1124** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

SB 1124 was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Duncan, Luna, Ratliff.

**COMMITTEE SUBSTITUTE
SENATE BILL 1421 ON SECOND READING**

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

CSSB 1421, Relating to the regulation of the subdivision or development of land in certain economically distressed areas, including colonias, and certain other areas; providing penalties.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1421 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

CSSB 1421 was read third time and was passed by a viva voce vote.

REMARKS ORDERED PRINTED

On motion of Senator Truan and by unanimous consent, the following remarks regarding **CSSB 1421** by Senator Lucio were ordered reduced to writing and printed in the *Senate Journal*:

Mr. President, I want to thank you publicly for the support that you've given us during the period of time that we've taken up and considered this piece of legislation. Your staff has been outstanding. I also, with your permission, Mr. President, would like to introduce two other gentlemen that are with us here who have done a yeoman's job in helping us, one from the Texas Water Development Board, Jonathan Steinberg, and the other from the Attorney General's office, David Preister, who have done such a wonderful job in helping us pass this colonias bill. Thank you, sir.

(Senator Brown in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 88 ON SECOND READING

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

CSSB 88, Relating to certain transactions subject to regulation as loans.

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

RECORD OF VOTES

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

COMMITTEE SUBSTITUTE SENATE BILL 88 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 88** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

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

Nays: Armbrister, Brown, Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

CSSB 88 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Armbrister and Brown asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 324 ON SECOND READING**

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

CSSB 324, Relating to applications for coverage under the market assistance program operated by the Texas Department of Insurance.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 324 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 324** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

CSSB 324 was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 1061 ON SECOND READING

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

SB 1061, Relating to the ad valorem taxation of a certain leasehold or other possessory interest in real property constituting a certain project of an industrial development corporation.

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

RECORD OF VOTES

Senators Bernsen, Fraser, and Jackson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1061 ON THIRD READING

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

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

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

Nays: Bernsen, Fraser, Jackson, Wentworth.

Absent-excused: Duncan, Luna, Ratliff.

SB 1061 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bernsen, Fraser, and Jackson asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Nixon in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1272 ON SECOND READING

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

CSSB 1272, Relating to the authority of a political subdivision to prepare and implement a regional habitat conservation plan or habitat conservation plan or to enter into a conservation agreement.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **CSSB 1272** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Armbrister, Bernsen, Bivins, Brown, Cain, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

Absent: Carona.

Absent-excused: Duncan, Luna, Ratliff.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1272** in SECTION 3 of the bill, in added Section 83.014, Parks and Wildlife Code (committee printing page 3, lines 11-15), by striking Subsection (a) and substituting the following:

(a) A governmental entity may not impose a regulation, rule, or ordinance related to endangered species unless the regulation, rule, or ordinance:

(1) relates to the operation or management of a habitat preserve owned by or on behalf of a plan participant; or

(2) relates to or imposes restrictions on groundwater withdrawals.

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

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

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

RECORD OF VOTES

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

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Daniel G. Noyola, Superintendent of the West Oso Independent School District in Corpus Christi.

The Senate welcomed Mr. Noyola.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.18 was suspended in order that the Subcommittee on Technology and Business Growth might consider the following bills today: **SB 1029, SB 1030, SB 1214.**

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Natural Resources might consider **SB 708** today.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Border Affairs might consider **HB 165** today.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on State Affairs might consider the following bills today: **SB 1444, SB 1823.**

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Hunter Blanton and Hallie Christine Miller, serving today as Honorary Senate Pages.

The Senate welcomed Hunter and Hallie.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Jill Brown, wife of Senator Brown.

The Senate welcomed Mrs. Brown.

MEMORIAL RESOLUTIONS

SR 724 - by Brown: In memory of Dr. James Preston Parker of La Marque.

SR 726 - by Cain, Nixon, Ratliff: In memory of victims of violent crime in Smith County.

SR 730 - by Luna: In memory of Gerardo Toscano of San Antonio.

SR 731 - by Luna: In memory of Raul S. Murguia of San Antonio.

CONGRATULATORY RESOLUTIONS

SR 713 - by Nelson: Congratulating the Duncanville High School Panthers basketball team.

SR 714 - by Lucio: Congratulating Ralph Cowen of Brownsville.

SR 715 - by Barrientos: Congratulating Robert Moritz of Austin.

SR 716 - by Barrientos: Congratulating Taylor Roye of Austin.

SR 717 - by Barrientos: Congratulating Driskill Stallworth of Austin.

SR 718 - by Barrientos: Congratulating John Michael Pike of Austin.

SR 721 - by Bernsen: Congratulating the citizens of the Golden Triangle.

SR 722 - by Bernsen: Congratulating Little Cypress Elementary School in Orange.

SR 727 - by Lucio: Congratulating Joseph Edward Calapa of Brownsville.

SR 728 - by Lucio: Congratulating Ofelia de los Santos of Edinburg.

SR 729 - by Whitmire: Congratulating Gerardo Gonzales of Houston.

MISCELLANEOUS RESOLUTION

SR 712 - by Nelson: Recognizing the first week in May as Brain Tumor Awareness Week.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:20 p.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 22, 1999

ADMINISTRATION — **HB 1193** (Amended)

JURISPRUDENCE — **CSSB 629, CSSB 1417, CSSB 1814, CSSB 1388**

FINANCE — CSSB 1841, CSSB 1488, CSSB 1547

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1426, SB 1427, SB 1621

HEALTH SERVICES — CSSB 377

JURISPRUDENCE — CSSB 685, SB 1745 (Amended), CSSB 1739, CSSB 1719, CSSB 207, CSHB 76

INTERGOVERNMENTAL RELATIONS — SB 621, SB 824, SB 833, SB 935, SB 961, SB 1277, SB 1708, HB 649, HB 960, HB 1138, HB 1177, HB 1889

STATE AFFAIRS — SB 694 (Amended), CSSB 959

JURISPRUDENCE — SB 1394 (Amended)

HEALTH SERVICES — SB 1086 (Amended), CSSB 1524, CSSB 1525, HB 1402 (Amended)

ECONOMIC DEVELOPMENT — HB 2450, SB 532, SB 538, SB 697, SB 1246, SB 1344, CSSB 623

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 655, CSSCR 45, CSSB 1428

SENT TO GOVERNOR

April 22, 1999

SB 11, SB 18, SB 141, SB 144, SB 166, SB 189, SB 211, SB 212, SB 234, SB 269, SB 356, SB 380, SB 392, SB 404, SB 414, SB 461, SB 620, SB 813, SB 814, SB 815, SB 816