

**MEMORIAL RESOLUTIONS**

- S.R. 560 - By Glasgow: In memory of Mayor Walter Hales of Bridgeport.
- S.R. 561 - By Glasgow: In memory of James D. Gardner of Meridian.
- S.R. 562 - By Glasgow: In memory of Thurmond Spencer of Glen Rose.
- S.R. 563 - By Glasgow: In memory of Wesley I. Lane, Jr., of Fort Worth.
- S.R. 564 - By Glasgow: In memory of Bettye Harris of Lewisville.
- S.R. 565 - By Glasgow: In memory of Billie Cox Gaines of Dublin.
- S.R. 566 - By Glasgow: In memory of Charles Newby of Burleson.
- S.R. 567 - By Glasgow: In memory of Chief Deputy David Jones of Comanche.

**CONGRATULATORY RESOLUTIONS**

- S.R. 541 - By Carriker: Expressing appreciation to the crew of the USS Little and wishing for them a most rewarding reunion.
- S.R. 558 - By Henderson: Extending congratulations to Jon Christopher Moore on attaining the rank of Eagle Scout.
- S.R. 559 - By Henderson: Extending congratulations to Clifton Kyle Netterville on attaining the rank of Eagle Scout.
- S.R. 569 - By Truan: Commending the Nueces County Community Action Agency for the dedication and spirit of caring with which the directors and employees carry on the work of assisting those Texans in greatest need.

**RECESS**

On motion of Senator Brooks, the Senate at 12:50 p.m. took recess until 8:00 a.m. tomorrow.

**FIFTY-SIXTH DAY**

(Continued)

(Thursday, May 4, 1989)

**AFTER RECESS**

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

**SENATORS ANNOUNCED PRESENT**

Senators Brown, Glasgow and McFarland, who had previously been recorded as "Absent-excused," were announced "Present."

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Sims 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.)

- C.S.S.C.R. 25** (Barrientos) Directing the Legislative Budget Board staff to monitor use of federal Job Training Partnership Act funds. (vv)
- S.C.R. 117** (Brooks) Directing the Texas Department of Health to make available data on the costs associated with the most common diagnostic categories among older citizens. (vv)
- S.B. 156** (Lyon) Relating to certain annuities based on service credited in the elected class of membership of the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)
- S.B. 277** (Brooks) Relating to exempting certain lawn and yard services from sales and use taxes. (30-1) Washington "Nay" (31-0)
- S.B. 374** (Zaffirini) Relating to the application of the professional prosecutors law to the district attorney of the 22nd Judicial District. (30-1) Washington "Nay" (31-0)
- S.B. 549** (Krier) Relating to publication in the newspaper of a caption of an ordinance imposing a penalty by general-law municipalities. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 606** (Green) Relating to certain health insurance benefits for diagnostic, treatment and surgical procedures involving bones and joints of the human body. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 642** (Carriker) Relating to the bond required before the issuance of an order restraining or enjoining foreclosure on the homestead of an indigent person. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 681** (Krier) Relating to the authority of a county tax assessor-collector to deputize an individual or a business entity to issue motor vehicle registration receipts or to prepare or accept applications for title transfers. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 757** (Sims) Relating to advertising items provided to retailers by holders of winery permits. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 788** (Brooks) Relating to the authority of a physician to supply drugs and other remedies free of charge to certain patients. (30-1) Washington "Nay" (31-0)
- S.B. 836** (Truan) Relating to the certification, registration and regulation of medical radiologic technologists. (30-1) Washington "Nay" (31-0)
- S.B. 935** (Lyon) Relating to the management and operation of certain municipally owned utilities, including the power to issue bonds and the power of eminent domain. (30-1) Washington "Nay" (31-0)
- S.B. 949** (Whitmire) Relating to the computation of the leave of absence for military training or duties that a governmental officer or employee may take. (30-1) Washington "Nay" (31-0)
- S.B. 956** (Parmer) Relating to the Special Supplemental Food Program for Women, Infants, and Children. (30-1) Washington "Nay" (31-0)
- S.B. 987** (Krier) Relating to the manner in which a deadline is determined in connection with a public grant or loan program. (30-1) Washington "Nay" (31-0)
- S.B. 999** (Montford) Relating to the adoption of emergency rules by the Parks and Wildlife Commission. (30-1) Washington "Nay" (31-0)

- C.S.S.B. 1033** (Brown) Relating to abolishing the office of criminal district attorney of Fort Bend County, creating the office of district attorney for the 268th Judicial District, and creating the office of county attorney of Fort Bend County. (30-1) Washington "Nay" (31-0)
- S.B. 1039** (Haley) Relating to appointment of commissioners for the Sabine River Compact. (30-1) Washington "Nay" (31-0)
- S.B. 1163** (Henderson) Relating to an action to enjoin acts damaging to business reputation or to a trade name or mark. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1185** (Washington) Relating to dismissal of certain misdemeanor traffic offenses on completion of a driving safety course. (30-1) Washington "Nay" (31-0)
- S.B. 1231** (Montford) Relating to the extension of the filing period for appeals by school districts of the State Property Tax Board's annual property value study. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1272** (Harris) Relating to alcoholic beverage regulation. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1280** (Henderson) Relating to the creation, confirmation election, director's qualifications, and exclusions of property from a regional water district. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1322** (Dickson) Relating to rights and procedures governing the provision of services to persons with mental illness; providing a civil penalty. (30-1) Washington "Nay" (31-0)
- S.B. 1360** (Glasgow) Relating to the involuntary termination of the parent-child relationship. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1397** (Washington) Relating to inquests and autopsies regarding the body of a prospective organ donor. (30-1) Washington "Nay" (31-0)
- S.B. 1407** (Caperton) Relating to the creation of the constitutional office of criminal district attorney of Austin County and to the abolition of the offices of county attorney in that county and district attorney for the 155th Judicial District. (30-1) Washington "Nay" (31-0)
- S.B. 1462** (Santiesteban) Relating to the authority of a home-rule municipality to require that substandard buildings be vacated and that the occupants be relocated. (30-1) Washington "Nay" (31-0)
- S.B. 1500** (Whitmire) Relating to the county criminal courts at law in Harris County. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1511** (Santiesteban) Relating to the recovery of certain costs and attorney's fees by the State or a local government and to venue for certain prosecutions concerning litter offenses or illegal disposal of solid waste. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1517** (Brooks) Relating to the registration and permitting requirements of certain municipal solid waste management facilities and to establishing a waste minimization and recycling office within the Texas Department of Health. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1519** (Brooks) Relating to state, regional and local solid waste management plans and to the implementation of those plans through municipal solid waste planning regions. (30-1) Washington "Nay" (31-0)
- S.B. 1558** (Armbrister) Relating to the qualifications of members of the Board of Tax Professional Examiners. (30-1) Washington "Nay" (31-0)

- S.B. 1576** (Uribe) Relating to the award of attorney's fees and certain costs of litigation to cities and counties in lawsuits brought by such governments to enforce environmental laws. (30-1) Washington "Nay" (31-0)
- S.B. 1601** (Armbrister) Relating to the creation of the Piney Creek Municipal Utility District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1605** (Leedom) Relating to certain statutory county courts in Dallas County. (30-1) Washington "Nay" (31-0)
- S.B. 1630** (Uribe) Relating to the definition of "handicapped person" for the purposes of education, training and special services provided by a rehabilitation district. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1632** (Caperton) Relating to compensation for members of the juvenile board in Waller County. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1634** (Sims) Relating to the creation of the Reagan County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)
- S.B. 1654** (Glasgow) Relating to the salary of the judge of the County Court at Law of Johnson County and to the service of that judge on the county juvenile board. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1656** (Montford) Relating to the creation of the South Ector County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)
- S.B. 1673** (Zaffirini) Relating to the date and time of regular meetings of water control and improvement districts. (30-1) Washington "Nay" (31-0)
- S.B. 1675** (Zaffirini) Relating to the creation of the Live Oak County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1676** (Zaffirini) Relating to consent for immunization of minors. (30-1) Washington "Nay" (31-0)
- S.B. 1690** (Sims) Relating to the boundaries of the Real-Edwards Conservation and Reclamation District. (30-1) Washington "Nay" (31-0)
- S.B. 1713** (Brown) Relating to the use of certain municipal hotel occupancy tax revenue for manned space flight tourism facilities. (30-1) Washington "Nay" (31-0)
- S.B. 1727** (Montford) Relating to the creation of the Dawson County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1728** (Bivins) Relating to the authority of the Railroad Commission of Texas to direct payment of the cost of holding certain hearings at locations other than Austin and making an appropriation. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1733** (Edwards) Relating to the county court and the county courts at law in McLennan County. (30-1) Washington "Nay" (31-0)
- H.C.R. 52** (Parker) Reauthorizing the construction of a memorial honoring veterans of the Korcan War and the war in Southeast Asia. (vv)
- C.S.H.C.R. 92** (Carriker) Directing the Coordinating Board to study all issues and concerns relating to the nursing shortage. (vv)
- H.C.R. 117** (Zaffirini) Extending an invitation to the people of Canada to join Texas in a relationship of mutual benefit. (vv)
- H.C.R. 118** (Zaffirini) Extending an invitation to the people of Mexico to join Texas in a relationship of mutual benefit. (vv)

**H.C.R. 140** (Zaffirini) Extending an invitation to the people of South Korea to join Texas in a relationship of mutual benefit. (vv)

**H.C.R. 141** (Zaffirini) Extending an invitation to the people of Japan to join Texas in a relationship of mutual benefit. (vv)

**H.B. 79** (Sims) Relating to the jurisdiction of the County Court at Law of Medina County and to certain fees in that court. (30-1) Washington "Nay" (31-0)

**H.B. 122** (Tejeda) Relating to persons authorized to receive compensation for the preparation of instruments affecting title to real property. (30-1) Washington "Nay" (31-0)

**H.B. 143** (Edwards) Relating to the definition of blood banks for purposes of testing, confidentiality of records, "Operation Look-Back" procedures, and liability. (30-1) Washington "Nay" (31-0)

**H.B. 371** (Haley) Relating to the time when a county must prepare an annual budget. (30-1) Washington "Nay" (31-0)

**H.B. 391** (Santiesteban) Relating to treatment of permits issued under certain federally authorized State programs. (30-1) Washington "Nay" (31-0)

**H.B. 423** (Santiesteban) Relating to audit report exemptions and financial dormancy affidavits of certain water districts. (30-1) Washington "Nay" (31-0)

**H.B. 468** (Parmer) Relating to the coverage of Alzheimer's disease under certain health insurance. (30-1) Washington "Nay" (31-0)

Senator Parmer offered the following committee amendment to the bill:

Amend **H.B. 468**, SECTION 1, Art. 3.77, (p. 1, line 17) by deleting the "," between the words "psychological" and "and/or" and inserting a "," between the words "evaluations" and "and".

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

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

**C.S.H.B. 563** (Barrientos) Relating to the withdrawal of a participating jurisdiction from certain metropolitan transit authorities. (30-1) Washington "Nay" (31-0)

**H.B. 709** (Sims) Relating to an emergency appropriation to the Texas Agricultural Experiment Station for research on the Africanized bee. (30-1) Washington "Nay" (31-0)

**H.B. 729** (Glasgow) Relating to a prohibition on requiring a peace officer to issue a specified number of traffic citations. (30-1) Washington "Nay" (31-0)

**H.B. 1192** (Caperton) Relating to the identification of certain county vehicles. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 1211** (Washington) Relating to the provision of services by podiatrists under the Indigent Health Care and Treatment Act. (30-1) Washington "Nay" (31-0)

**H.B. 1243** (McFarland) Relating to the provision of services by dentists under the Indigent Health Care and Treatment Act. (30-1) Washington "Nay" (31-0)

Senator McFarland offered the following committee amendment to the bill:

Amend **H.B. 1243** as follows:

Strike (i) and replace with the following:

Notwithstanding Subsection (a) of this section or any other provision of law, the department shall permit payment to a licensed dentist for services provided under Section 3.01(a)5 and Section 3.01(a)3 to the extent that these services are required by Section 3.01(a)5 of this Act if the dentist can provide those services within the scope of the dentist's license.

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

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

**H.B. 1393** (Brooks) Relating to the validation of certain municipal consolidations. (30-1) Washington "Nay" (31-0)

**H.B. 1394** (Brooks) Relating to the validation of certain municipal annexations. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 1407** (Brooks) Relating to financing of the Texas Low-Level Radioactive Waste Disposal Authority and to the radiation and perpetual care fund and transfers to that fund. (30-1) Washington "Nay" (31-0)

**H.B. 1474** (Haley) Relating to the creation of the constitutional office of criminal district attorney of San Jacinto County and the abolition of the office of county attorney in that county. (30-1) Washington "Nay" (31-0)

**H.B. 1577** (Brown) Relating to the maintenance and disposition of certain county records. (30-1) Washington "Nay" (31-0)

**H.B. 2079** (McFarland) Relating to acts of public agencies that jointly own one or more airports pursuant to joint action agreements. (30-1) Washington "Nay" (31-0)

**H.B. 2769** (Bivins) Relating to the creation of the Hutchinson County Hospital District. (30-1) Washington "Nay" (31-0)

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

<u>Number</u>	<u>Senators Removing</u>
<b>S.B. 1629</b>	Green, Sims

**SENATE BILLS AND RESOLUTION ON FIRST READING**

On motion of Senator Dickson and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.C.R. 137** by Dickson Health and Human Services  
Recognizing National Mental Illness Awareness Week during the next biennium as a way to reduce stigma and promote understanding of mentally ill citizens and their families.

**S.B. 1801** by Bivins Finance  
Relating to exempting certain corporations that are exempt from federal income tax from the franchise tax.

**S.B. 1802** by Lyon Health and Human Services  
Relating to the regulation of Texas youth camps.

**S.B. 1803** by Ratliff Natural Resources  
Relating to the regulation of naturally occurring radioactive materials; making an appropriation.

**S.B. 1804** by Tejada Jurisprudence  
Relating to an exemption from sanctions for a professional journalist, and the employer or organization with authority over the professional journalist, for the refusal or failure to disclose certain information in response to a subpoena.

**S.B. 1805** by Dickson Intergovernmental Relations  
Relating to the composition of the Taylor County Juvenile Board.

#### HOUSE BILLS ON FIRST READING

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

- H.B. 291**, To Committee on Health and Human Services.
- H.B. 535**, To Committee on Jurisprudence.
- H.B. 624**, To Committee on Health and Human Services.
- H.B. 760**, To Committee on Criminal Justice.
- H.B. 799**, To Committee on Finance.
- H.B. 817**, To Committee on Criminal Justice.
- H.B. 1263**, To Committee on Intergovernmental Relations.
- H.B. 1522**, To Committee on Jurisprudence.
- H.B. 1645**, To Committee on Intergovernmental Relations.
- H.B. 1878**, To Committee on State Affairs.
- H.B. 2111**, To Committee on Criminal Justice.
- H.B. 2178**, To Committee on State Affairs.

#### REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

- S.B. 1750**
- S.B. 1710**
- S.B. 1708**
- H.B. 1955**
- H.B. 1841**
- H.B. 301**

By unanimous consent, Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

**C.S.S.B. 1774**

By unanimous consent, Senator Glasgow submitted the following report for the Committee on Jurisprudence:

**C.S.S.B. 1721**

#### MESSAGE FROM THE HOUSE

House Chamber  
May 4, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 5**, Relating to the offenses of engaging in organized criminal activity, collection of unlawful debts, and receiving or using proceeds from criminal activity; to the prosecution and punishment of those offenses; and to civil remedies, including injunctive relief, for prohibited activities.

**H.B. 9**, Relating to the punishment for the offense of aggravated assault on a peace officer, member or employee of the Board of Pardons and Paroles, or jailer or guard.

**H.B. 1536**, Relating to the statutory county courts in Bexar County.

**H.B. 581**, Relating to termination of the parent-child relationship and emergency removal for certain children.

**H.B. 608**, Relating to the definition of a railroad company for the purposes of incorporation and regulation by the Railroad Commission of Texas.

**H.B. 1546**, Relating to the Texas Water Commission's review and approval of the water pollution control and abatement programs of certain municipalities.

**H.B. 1925**, Relating to the imposition of a civil penalty on a municipality that fails to provide services in an annexed area within certain time limits.

**H.B. 1929**, Relating to the release of certain persons accused of misdemeanors without bail on the condition that they report to county court for arraignment at a later date.

**H.B. 1949**, Relating to the disposition of certain fees and charges collected by hospitals operated by the Texas Department of Health.

**H.C.R. 235**, Recognizing May 1989 as Spina Bifida Awareness Month.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 338**. The following have been appointed on the part of the House: Rudd, Chair; Danburg, Earley, Evans, Watkins.

**H.B. 8**, Relating to the forfeiture of certain property related to felony offenses and to the offense of illegal investment under the Texas Controlled Substances Act.

**H.B. 392**, Relating to income eligibility for nursing home care; making an emergency appropriation to the Texas Department of Human Services.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

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

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

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:46 a.m. adjourned until 9:30 a.m. today.



**FIFTY-SEVENTH DAY**  
(Thursday, May 4, 1989)

The Senate met at 9:30 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, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Henderson, Santiesteban, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as we assemble this morning, we acknowledge Your presence and give thanks for this day and another opportunity for service. May this be a day of challenge and achievement. We are grateful that we may share Your grace and Your gifts, and remind us that on this earth there is no equal to Your strengths.

Bless all the activities here today and may Thy will be done.

In Your name we pray. Amen.

On motion of Senator Brooks 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**

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.C.R. 132  
H.B. 1700  
S.B. 285  
S.B. 1777  
S.B. 1224  
C.S.S.B. 1144  
C.S.H.B. 1462  
C.S.S.B. 1715

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 50  
C.S.S.B. 376

Senator Parker submitted the following report for the Committee on Education:

C.S.S.C.R. 48  
C.S.S.B. 1279  
C.S.S.B. 1177  
C.S.S.B. 741  
C.S.S.B. 1414  
C.S.H.B. 558  
C.S.S.C.R. 108  
S.B. 1320  
S.B. 485  
C.S.S.B. 834

**CO-AUTHORS OF SENATE BILL 803**

On motion of Senator Zaffrini and by unanimous consent, Senators Brown, Dickson and Lyon will be shown as Co-authors of S.B. 803.

**CO-AUTHOR OF SENATE BILL 1028**

On motion of Senator Uribe and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 1028.

**SENATE CONCURRENT RESOLUTION 83  
ON SECOND READING**

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

**S.C.R. 83**, Requesting the Texas Department of Health to review the feasibility of adopting rules to regulate imported municipal solid waste from other states.

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

**SENATE RESOLUTION 460**

Senator Washington offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Houston Police Department for achieving accreditation; and

WHEREAS, The largest police department in the world, the Houston Police Department became the fifth law enforcement agency in the State of Texas and the 78th in the world to be accredited in the Law Enforcement Accreditation Program on July 24, 1988; and

WHEREAS, Organized in 1979 through the combined efforts of four major law enforcement membership associations, the Commission on Accreditation for Law Enforcement Agencies, Incorporated, was formed to develop a set of law enforcement standards and establish and administer an accreditation process by which law enforcement agencies at the state and local levels can demonstrate voluntarily that they meet professional criteria; and

WHEREAS, These four major law enforcement membership associations, whose members direct approximately 80 percent of the law enforcement community in the United States, are the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum; and

WHEREAS, The principal objectives of the accreditation process are: to increase law enforcement agency capabilities to prevent and control crime, apprehend offenders, and recover stolen property; to increase agency effectiveness

and efficiency in the delivery of law enforcement services; to increase cooperation and coordination with other law enforcement agencies and with other agencies in the criminal justice system; and to increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency; and

WHEREAS, Among the major benefits of this accreditation program are: to provide a means of independent evaluation of agency operations, to provide a basis to correct deficiencies before they become public problems, to increase the confidence of individual officers and the general public in the effectiveness, efficiency, and responsiveness of the agency, and, with adherence to the standards developed, to reduce the likelihood of liability suits; and

WHEREAS, There are more than 900 standards, covering more than 48 topic areas concerning every aspect of law enforcement organization, management, administration, operations, and technical and support services; and

WHEREAS, The Houston Police Department, under the distinguished leadership of Lee P. Brown, Chief of Police, and the Accreditation Manager, Captain Mark L. Curran, has worked many long, hard hours to complete the accreditation that will lead to more efficiency and greater protection and other benefits for the citizens of Houston; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate the Houston Police Department on this splendid achievement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Houston Police Department as an expression of deep appreciation and high esteem from the Texas Senate.

The resolution was read and was adopted viva voce vote.

#### GUESTS INTRODUCED

Senator Washington recognized the presence of the following members of the Houston Police Department seated in the Senate Gallery: Deputy Chief L. D. Sherman, Captain Mark Curran, Sergeant John Roberson, Officer Daniel Cain and Lieutenant R. W. Lee.

These guests received a welcome from the Senate.

#### SENATE RESOLUTION 548

Senator Bivins offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Pampa Police Department for achieving accreditation; and

WHEREAS, On November 20, 1988, the Pampa Police Department became the sixth law enforcement agency in the State of Texas and the 19th in the world to be accredited in the Law Enforcement Accreditation Program; and

WHEREAS, Organized in 1979 through the combined efforts of four major law enforcement membership associations, the Commission on Accreditation for Law Enforcement Agencies, Inc., was formed to develop a set of law enforcement standards and establish and administer an accreditation process by which law enforcement agencies at the state and local levels can demonstrate voluntarily that they meet professional criteria; and

WHEREAS, These four major law enforcement membership associations, whose members direct approximately 80 percent of the law enforcement community in the United States, are the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum; and

WHEREAS, The principal objectives of the accreditation process are (1) to increase law enforcement agency capabilities to prevent and control crime, apprehend offenders, and recover stolen property; (2) to increase agency

effectiveness and efficiency in the delivery of law enforcement services; (3) to increase cooperation and coordination with other law enforcement agencies and with other agencies in the criminal justice system; and (4) to increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency; and

WHEREAS, Among the major benefits of this accreditation program are (1) to provide a means of independent evaluation of agency operations; (2) to provide a basis to correct deficiencies before they become public problems; (3) to increase the confidence of individual officers and the general public in the effectiveness, efficiency, and responsiveness of the agency; and (4) with adherence to the standards developed, to reduce the likelihood of liability suits; and

WHEREAS, There are more than 900 accreditation standards, covering more than 48 topic areas concerning every aspect of law enforcement organization, management, administration, operations, and technical and support services; and

WHEREAS, The Pampa Police Department, under the distinguished leadership of Chief of Police Robert Eberz and accreditation manager Sergeant Steve Chance, has worked many long and hard hours to complete the accreditation process that will lead to more efficiency and to greater protection and other benefits for the citizens of Pampa; now, therefore, be it

RESOLVED, That the Senate of the 71st Legislature of the State of Texas hereby congratulate the Pampa Police Department on the prestigious distinction of achieving accreditation status; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Pampa Police Department as an expression of esteem and best wishes from the Texas Senate.

The resolution was read and was adopted viva voce vote.

#### **GUESTS PRESENTED**

Senator Bivins introduced the following guests seated in the Senate Gallery: Pampa City Manager Jack Chaney, Pampa Police Department Deputy Chief Kenneth Hall and Police Sergeant Steve Chance.

These guests were welcomed by the Senate.

#### **GUEST PRESENTED**

The President introduced his guest, Sam Lane, brother of the late Senator Wardlow Lane.

The Senate, in adopting S.R. 578, a memorial resolution for Senator Lane, paid their respects to Mr. Lane.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

#### **NOTICE RULE SUSPENDED**

On motion of Senator Edwards and by unanimous consent, Senate Rule 14.02 was suspended in order to consider nominations at this time.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 25, Nays 0.

Absent: Barrientos, Parmer, Tejada.

Absent-excused: Henderson, Santiesteban, Whitmire.

Member, Texas National Guard Armory Board: BRIGADIER GENERAL LILLIAN DUNLAP, Bexar County.

Members, State Board of Insurance: RICHARD F. REYNOLDS, Denton County; EDWIN J. "JACK" SMITH, JR., Dallas County.

Members, Texas Low-Level Radioactive Waste Disposal Authority: DR. MILTON J. GUIBERTEAU, Harris County; JOHN E. SIMEK, Brazos County.

Member, Air Conditioning and Refrigeration Contractors Advisory Board: HENRY CAESAR BROWN, JR., Fort Bend County.

Member, Advisory Board of Athletic Trainers: THOMAS D. WILSON, JR., Harris County.

Member, Texas Board of Architectural Examiners: GEORGE RAY RODGERS, Harrison County.

Member, Board of Trustees, Employees Retirement System of Texas: J. MICHAEL WEISS, Lubbock County.

Member, Texas National Research Laboratory Commission: PETER O'DONNELL, JR., Dallas County.

Members, State Pension Review Board: JOE M. NUESSELE, Midland County; PAUL H. WEYRAUCH, Llano County.

Member, Board of Tax Professional Examiners: MRS. PHYLLIS J. COLON, Nueces County.

Public Utility Counsel: MS. CAROL KINGSBERY OTTMERS, Travis County.

Members, Texas Funeral Service Commission: RUSSELL WAYNE ALLEN, Tarrant County; REVEREND C. L. JACKSON, Harris County; SCOTT KURTH, Dallas County; PERCY PARSONS, Castro County; PAUL GIFFORD POND, Jefferson County; MRS. LOIS VILLASENOR, Travis County.

Member, Angelina and Neches River Authority: PAUL RICHARD RIEHLE, Angelina County.

Member, Board of Directors, Bandera County River Authority: J. B. EDWARDS, Bandera County.

Member, State Historical Commission: AL DAVIS, Harris County.

Judge of the 146th Judicial District Court, Bell County: JACK RICHARD "RICK" MORRIS, Bell County.

Nonresident Violator Compact Administrator: CALVIN MICHAEL ANDERSON, Travis County.

Member, Board of Directors, Nueces River Authority: BRUCE TERRY FOSTER, Medina County.

Members, Texas Real Estate Commission: HENRY SANTAMARIA, El Paso County; MS. MARSHA SPENCER, Harris County.

Members, Board of Directors, Lavaca-Navidad River Authority: M. H. BROCK, Jackson County; GENE A. RATLIFF, Jackson County; R. DON SACHTLEBEN, Jackson County.

Members, Texas Racing Commission: DR. GLENN BLODGETT, King County; A. L. MANGHAM, JR., Nacogdoches County.

Member, Runnels County Water Authority: KENNETH HORTON SLIMP, Runnels County.

Member, Board of Directors, Upper Colorado River Authority: JAMES DAVID CLENDENNEN, Coke County.

**COMMITTEE SUBSTITUTE  
SENATE BILL 900 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. 900**, Relating to the reimbursement for expenses for certain witnesses in criminal cases.

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

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 900 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 900** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent: Barrientos, Parmer, Tejeda.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 902 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. 902**, Relating to the disposition of property purchased by a law enforcement agency from a person investigated by the law enforcement agency as part of an investigation into illegal sales of stolen property.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 902 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 902** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Barrientos, Parmer.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

Absent: Barrientos, Parmer.

Absent-excused: Henderson, Santiesteban, Whitmire.

(Senator Carriker in Chair)

#### MESSAGE FROM THE HOUSE

House Chamber  
May 4, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 174**, Relating to the qualifications of school bus drivers for hearing impaired students.

**S.B. 391**, Relating to the arbitration or conciliation of international commercial disputes.

**S.B. 1050**, Relating to the boundaries and establishment of county election precincts and to the collection and furnishing of certain precinct election and voter registration information.

**S.B. 1045**, Relating to the codification, transfer and renumbering of Title 110B, Revised Statutes, containing statutes relating to public retirement systems.

The House has concurred in Senate amendments to **H.B. 630** by a record vote of 139 Yeas, 0 Nays, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE RESOLUTION 571

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Victoria Police Department for achieving accreditation; and

WHEREAS, The Victoria Police Department became the seventh law enforcement agency in the State of Texas and the 95th in the world to be accredited in the Law Enforcement Accreditation Program on April 2, 1989; and

WHEREAS, Organized in 1979 through the combined efforts of four major law enforcement membership associations, the Commission on Accreditation for Law Enforcement Agencies, Incorporated, was formed to develop a set of law enforcement standards and establish and administer an accreditation process by which law enforcement agencies at the state and local levels can demonstrate voluntarily that they meet professional criteria; and

WHEREAS, These four major law enforcement membership associations, whose members direct approximately 80 percent of the law enforcement community in the United States, are the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum; and

WHEREAS, The principal objectives of the accreditation process are: to increase law enforcement agency capabilities to prevent and control crime, apprehend offenders, and recover stolen property; to increase agency effectiveness and efficiency in the delivery of law enforcement services; to increase cooperation and coordination with other law enforcement agencies and with other agencies in the criminal justice system; and to increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency; and

WHEREAS, Among the major benefits of this accreditation program are: to provide a means of independent evaluation of agency operations, to provide a basis to correct deficiencies before they become public problems, to increase the confidence of individual officers and the general public in the effectiveness, efficiency, and responsiveness of the agency, and, with adherence to the standards developed, to reduce the likelihood of liability suits; and

WHEREAS, There are more than 900 standards, covering more than 48 topic areas concerning every aspect of law enforcement organization, management, administration, operations, and technical and support services; and

WHEREAS, The Victoria Police Department, under the distinguished leadership of M. J. Talley, Chief of Police, and the Accreditation Manager, Captain O. T. McAllister III, has worked many long, hard hours to complete the accreditation that will lead to more efficiency and greater protection and other benefits for the citizens of Victoria; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate the Victoria Police Department on this splendid achievement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Victoria Police Department as an expression of deep appreciation and high esteem from the Texas Senate.

The resolution was read and was adopted viva voce vote.

#### **GUESTS PRESENTED**

Senator Armbrister introduced the following guests of Victoria seated in the Senate Gallery: City Manager Jim Miller, Chief of Police Jerry Talley, Captain O. T. McAllister, Captain Bill Pratkanis, Captain Jesse Ramirez, Detective Sergeant Mike Hoover, Detective Vince Landrum, Senior Patrolman Alan Smith, Records Supervisor Susan Riedesel and Dorothy Oefinger.

These guests were welcomed by the Senate.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1025 ON THIRD READING**

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

**C.S.S.B. 1025**, Relating to the power of a nonprofit corporation to lend money to or otherwise assist an officer or director.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 5.



Yeas: Armbrister, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Harris, Johnson, Krier, Lyon, McFarland, Montford, Parker, Ratliff, Sims, Tejada, Uribe, Zaffirini.

Nays: Green, Leedom, Parmer, Truan, Washington.

Absent: Barrientos.

Absent-excused: Henderson, Santiesteban, Whitmire.

#### GUEST PRESENTED

Senator Caperton was recognized and presented Dr. E. P. Descant II of Tomball.

The Senate welcomed Dr. Descant, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

#### COMMITTEE SUBSTITUTE HOUSE BILL 85 ON SECOND READING

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

**C.S.H.B. 85**, Relating to eligibility for service retirement benefits from, the rate of state contributions to, and the amount of certain benefits payable by, the Teacher Retirement System of Texas.

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

#### COMMITTEE SUBSTITUTE HOUSE BILL 85 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 85** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

#### CONFERENCE COMMITTEE ON SENATE BILL 222 GRANTED PERMISSION TO MEET

On motion of Senator Caperton and by unanimous consent, Senate conferees on **S.B. 222** (General Appropriations Bill) were granted permission to meet while the Senate was in session.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1085 ON SECOND READING**

On motion of Senator McFarland 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. 1085**, Relating to the assessment, collection, allocation, and administration of certain court costs and fees in criminal cases.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1085 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1085** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

(Senator Glasgow in Chair)

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 971 ON SECOND READING**

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

**C.S.S.B. 971**, Relating to creation of certain industrial development corporations supported by a tax and having the power to issue bonds and the power of eminent domain.

There was objection.

Senator Ratliff then moved to suspend the regular order of business and take up **C.S.S.B. 971** for consideration at this time.

The motion was lost by the following vote: Yeas 13, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brown, Green, Krier, McFarland, Montford, Ratliff, Sims, Tejada, Uribe, Zaffirini.

Nays: Brooks, Caperton, Dickson, Edwards, Glasgow, Haley, Johnson, Leedom, Lyon, Parker, Parmer, Truan.

Absent: Carriker, Harris, Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1112 ON SECOND READING**

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

**C.S.S.B. 1112**, Relating to public school attendance requirements.

There was objection.

Senator Haley then moved to suspend the regular order of business and take up **C.S.S.B. 1112** for consideration at this time.

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

Nays: Carriker.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

#### RECORD OF VOTE

Senator Carriker asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 1112 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1112** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Carriker, Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

#### RECORD OF VOTE

Senator Carriker asked to be recorded as voting “Nay” on the final passage of the bill.

#### SENATE BILL 242 ON SECOND READING

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

**S.B. 242**, Relating to the denial of the issuance or renewal of a driver’s license and the denial of the issuance of motor vehicle registration because of the failure to appear at a hearing in a suit affecting the parent-child relationship.

There was objection.

Senator Krier then moved to suspend the regular order of business and take up **S.B. 242** for consideration at this time.

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

Nays: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

**RECORD OF VOTES**

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

**SENATE BILL 242 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 242 be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Lyon, Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

**RECORD OF VOTES**

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

**HOUSE BILL 347 ON THIRD READING**

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

**H.B. 347**, Relating to jury service.

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

**RECORD OF VOTES**

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

**COMMITTEE SUBSTITUTE****SENATE BILL 1461 ON SECOND READING**

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

**C.S.S.B. 1461**, Relating to the jurisdiction of the Parks and Wildlife Department to protect Endangered Species of the State.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 1461** as follows:

At the end of subsection (c), on line 46, add the following:

"and may require information on the presence of threatened or endangered species by permit applicants wishing to initiate a project in a defined suitable habitat."

On line 48, between the words "species" and "by" insert the following:

"or multiple species"

The amendment was read and was adopted viva voce vote.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1461 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1461** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

**SENATE BILL 1071 ON SECOND READING**

On motion of Senator Green 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. 1071**, Relating to intoxicated persons remaining on the premises of certain holders of alcoholic beverage permits and licenses.

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

**SENATE BILL 1071 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1071** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

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

Absent-excused: Henderson, Santiesteban, Whitmire.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 677 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 677**, Relating to governmental contracts for architectural or engineering services.

The motion prevailed by the following vote: Yeas 20, Nays 1.

Nays: Glasgow.

Absent: Brooks, Caperton, Haley, Montford, Parker, Uribe, Washington.

Absent-excused: Henderson, Santiesteban, Whitmire.

The bill was read second time.

#### LEAVE OF ABSENCE

Senator Dickson was granted leave of absence for the remainder of today on account of important business on motion of Senator Glasgow.

Senator Johnson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend C.S.S.B. 677 as follows:

Strike Section 1 in its entirety, and insert the following:

SECTION 1. The Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes) is amended by amending Section 3 and adding Section 3A to read as follows:

Sec. 3. No state agency, political subdivision, county, municipality, district, authority or publicly-owned utility of the State of Texas shall make any contract for, or engage the professional services of, any licensed physician, optometrist, surgeon, or ~~architect~~ certified public accountant ~~or registered engineer~~, or any group or association thereof, selected on the basis of competitive bids submitted for such contract or for such services to be performed, but shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices, as long as professional fees are consistent with and not higher than the published recommended practices and fees of the various applicable professional associations and do not exceed the maximum provided by any state law.

Sec. 3A. (a) In the procurement of architectural or engineering services by an entity described by Section 3 of this Act, the entity shall negotiate a contract for the services:

(1) on the basis of the demonstrated competence and qualifications of the person, including any firm, who is to provide the services; and

(2) at a fair and reasonable price.

(b) The entity shall announce its intention to contract for architectural or engineering services by:

(1) publishing in a newspaper of general circulation in the entity a notice regarding the proposed contract; and

(2) sending the notice to each person who in writing has requested the notice.

(c) The notice must contain a statement of:

(1) the entity's intent to make a contract;

(2) the criteria by which persons desiring to perform the services will be evaluated;

(3) the deadline for submitting required information to the entity;  
and

(4) the name, address, and telephone number of the person or office with which the information must be submitted and from which additional information regarding the contract may be obtained.

(d) The entity shall require persons interested in providing the services to submit to the entity a statement of the person's qualifications and of performance

information. The entity shall evaluate the statements submitted in regard to the proposed contract. In addition, the entity shall evaluate statements that were previously filed with the entity and that indicate a desire of the person submitting the statement to be considered for future contracts for architectural or engineering services.

(e) After evaluating the statements, the entity shall determine the three most highly qualified persons according to the published criteria and taking into account the value, scope, complexity, and professional nature of the services. The entity shall discuss with those persons the advantages and disadvantages of various approaches to the performance of the services. After the discussions, the entity shall attempt to negotiate a contract with the most highly qualified person.

(f) If the entity is unable to negotiate a satisfactory contract with the most highly qualified person, the entity shall formally end negotiations with that person and begin negotiations with the second most highly qualified person. If the entity is unable to negotiate a satisfactory contract with the second most highly qualified person, the entity shall formally end the negotiations with that person and begin negotiations with the third most highly qualified person.

(g) An entity that fails to negotiate a contract with the three selected persons shall select another three qualified persons and continue the negotiations with those persons in the same manner as with the previously selected persons.

(h) Negotiations shall be undertaken in accordance with this section until a contract is made.

The amendment was read.

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

Senator Edwards offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 677 as follows:

On page 1, line 47 of the Committee printing, insert the following:

(d) If it is determined by the entity that there is more than one person or firm who has the demonstrated competence and qualifications to provide the engineering or architectural services, the entity may enter negotiations with each such person or firm for a contract to provide the architectural or engineering services at a fair and reasonable price that is the most favorable to the entity.

The amendment was read and was adopted viva voce vote.

On motion of Senator Harris 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 viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 677 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 677 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

**SENATE BILL 1232 ON SECOND READING**

On motion of Senator Edwards 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. 1232**, Relating to the requirements for a matching grant or linked deposit obtained under programs of the agricultural diversification program.

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

**SENATE BILL 1232 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1232** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

**SENATE BILL 1385 ON SECOND READING**

On motion of Senator Johnson 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. 1385**, Relating to limitations on a school district that is granted an exception from class size limitations for certain reasons.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend **S.B. 1385**, page 1, line 28, after the word "personnel," insert "the Commissioner may grant the waiver with the condition that"

Page 1, line 36, after the word "space," insert "the Commissioner may grant the waiver with the condition that"

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson 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 viva voce vote.

**SENATE BILL 1385 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1385** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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



**COMMITTEE SUBSTITUTE  
SENATE BILL 356 ON SECOND READING**

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

**C.S.S.B. 356**, Relating to fees for services provided in criminal cases.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 356 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 356** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1316 ON SECOND READING**

On motion of Senator Parmer 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. 1316**, Relating to state oil overcharge funds administration and amending Article 4413 (56), Vernon's Texas Civil Statutes.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1316 ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

**SENATE BILL 1602 ON SECOND READING**

On motion of Senator Parmer 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. 1602**, Relating to the establishment within the Department of Agriculture of the Texas-Israel Semi-Arid Fund and Board.

The bill was read second time.

Senator Parmer offered the following committee amendment to the bill:

Amend **S.B. 1602** by deleting lines 24 through 26, page 5 and inserting in its place the following:

Sec. 45.007. FINANCING. (a) The original endowment of the fund consists of no more than \$5 million, mirroring an equal amount to be contributed by Israel to its corresponding fund.

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

On motion of Senator Parmer 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 viva voce vote.

#### **SENATE BILL 1602 ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1602** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

#### **COMMITTEE SUBSTITUTE SENATE BILL 619 ON SECOND READING**

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

**C.S.S.B. 619**, Relating to sick leave for public school employees.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 619 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 619** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Edwards, Glasgow, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Bivins, Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

#### **RECORD OF VOTE**

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1028 ON SECOND READING**

On motion of Senator Uribe 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. 1028**, Relating to funding for the Texas State Technical Institute and extension programs operated by the institute.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1028 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1028** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

**SENATE BILL 1735 ON SECOND READING**

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

**S.B. 1735**, Relating to the creation, administration, powers, duties, operation, financing, and annexation authority of the Canyon Regional Water Authority; authorizing the issuance of bonds; providing the power of eminent domain.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **S.B. 1735** as follows:

On page 2, line 46 delete the word "May" and insert the word "April" in its place.

On page 2, line 47 delete the phrase "May 31" and insert the phrase "April 30" in its place.

On page 2, line 50 delete the word "June" and insert the word "May" in its place.

The amendment was read and was adopted viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **S.B. 1735** on page 2, between lines 50 and 51, by inserting the following:

(c) A person may not serve more than three terms as a trustee.

The amendment was read and was adopted viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **S.B. 1735** as follows:

(1) On page 1, line 61, strike "A" and substitute "Subject to approval at a confirmation election under Section 2.05 of this Act, a".

(2) On page 2, strike lines 26 and 27 and substitute the following:

**SECTION 2.05. CONFIRMATION ELECTION AND TEMPORARY DIRECTORS.** (a) Not later than the 15th day after the effective date of this Act, the governing boards of the Crystal Clear Water Supply Corporation, the East Central Water Supply Corporation, the Green Valley Water Supply Corporation, and the Springs Hill Water Supply Corporation each shall appoint three temporary trustees. The temporary trustees shall serve until the authority is confirmed at the confirmation election and initial permanent trustees are appointed and qualify as provided by Article III of this Act. A vacancy in the office of temporary trustee shall be filled by the governing board of the water supply corporation that appointed the trustee whose position is vacated.

(b) The temporary trustees shall call and hold an election to confirm establishment of the authority as provided by Chapter 65, Water Code, to the extent that chapter can be made applicable and to the extent that chapter does not conflict with this Act.

(c) Section 41.001(a), Election Code, does not apply to a confirmation election held under this Act.

(d) Not later than the 30th day after the date on which the establishment of the authority is confirmed at an election held under this section, the initial permanent trustees must be appointed under Section 3.03 of this Act.

(3) On page 5, strike lines 14 through 22.

(4) On page 5, renumber Sections 8.02 and 8.03 as Sections 8.01 and 8.02, respectively.

The amendment was read and was adopted viva voce vote.

On motion of Senator Zaffirini 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 viva voce vote.

**SENATE BILL 1735 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1735** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

## MESSAGE FROM THE HOUSE

House Chamber  
May 4, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 245.** Relating to the collection and management of certain funds by the State. (As substituted and amended)

**S.B. 615.** Relating to the authority of the Texas Employers' Insurance Association to become a mutual insurance company.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

COMMITTEE SUBSTITUTE  
SENATE BILL 592 ON SECOND READING

On motion of Senator Johnson 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. 592.** Relating to the dismissal of certain school employees.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend **C.S.S.B. 592**, page 1, line 52, by inserting after the word "performance" the phrase "unless the basis for the proposed dismissal is: the commission of a crime, child abuse as defined under Section 34.012, Family Code, or the abuse of alcohol or other drugs"

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson 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 viva voce vote.

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE  
SENATE BILL 592 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 592** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Glasgow, Washington.

Absent-excused: Dickson, Henderson, Santiesteban, Whitmire.

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

#### RECORD OF VOTE

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

#### SENATOR ANNOUNCED PRESENT

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

#### COMMITTEE SUBSTITUTE SENATE BILL 650 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 650**, Relating to technology and telecommunications in public education.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Dickson, Henderson, Whitmire.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 650** as follows:

SECTION 5. Section 21.901(f), Education Code, is amended to read as follows:

(f) The board of trustees of a school district shall buy the newest technology available and may purchase for the district computers and computer-related equipment without submitting the purchase contract to competitive bidding if the computer or equipment is available under a term contract competitively bid by the State Purchasing and General Services Commission in accordance with Article 601b, Vernon's Texas Civil Statutes. ~~[on a list of approved equipment prepared by the State Purchasing and General Services Commission following competitive bids, and if the bid reference number supplied by the commission accompanies all documentation of the purchase. Based on recommendations made by the Central Education Agency, the commission shall include on the list of approved equipment computers suitable for use in public schools.]~~

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker 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 viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 650 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 650** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Dickson, Henderson, Whitmire.

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

Absent-excused: Dickson, Henderson, Whitmire.

**COMMITTEE SUBSTITUTE  
SENATE BILL 791 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. 791**, Relating to the reconveyance by the state of property acquired for highway purposes.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 791 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 791** be placed on its third reading and final passage.

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

Nays: Washington.

Absent-excused: Dickson, Henderson, Whitmire.

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

Absent-excused: Dickson, Henderson, Whitmire.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Workers' Compensation might meet at 9:00 a.m. tomorrow.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 162** - (McFarland): Commending William J. Murray, Jr.

**S.R. 570** - By Parmer: Extending congratulations to Eddie Humphery for his contributions to the labor unions in Texas.

**S.R. 572** - By Henderson: Commending the students, faculty and administrators of the Cypress-Fairbanks Independent School District for their exceptional educational program as they celebrate their golden anniversary.

**S.R. 573** - By Dickson: Extending congratulations to Gregg Hallman on achieving the rank of Eagle Scout.

**S.R. 574** - By Krier: Commending the Valle family members for their achievements.

**S.R. 575** - By Krier: Extending congratulations to Mr. and Mrs. Rod Radle of San Antonio and their children on being chosen Family of the Year.

**S.R. 576** - By Krier: Extending congratulations to Patricia and Jerry Kozar of San Antonio for winning the Family of the Year Award and expressing deep appreciation to them for their care and support of those they serve.

**S.R. 577** - By Armbrister: Extending congratulations to Eva McCutcheon Dolan on her 78th birthday.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:04 p.m. adjourned until 11:00 a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(May 1, 1989)

**S.B. 5** (Effective immediately)  
(May 2, 1989)

**H.C.R. 220**

**H.C.R. 205**

**S.C.R. 6**

(May 4, 1989)

**H.B. 406** (Effective August 28, 1989)

**H.B. 539** (Effective immediately)

**H.B. 1497** (Effective immediately)

**S.B. 113** (Effective August 28, 1989)

**S.B. 132** (Effective immediately)

**S.B. 308** (Effective September 1, 1989)

**S.B. 335** (Effective immediately)

**S.B. 395** (Effective September 1, 1989)

**S.B. 526** (Effective immediately)

**S.B. 623** (Effective September 1, 1989)

**S.B. 671** (Effective immediately)



**In Memory**

of

**Wardlow William Lane**

Senator Haley offered the following resolution:

**(Senate Resolution 578)**

WHEREAS, The State of Texas lost one of its most revered and esteemed citizens when Wardlow William Lane of Center died February 8, 1988, at the age of 86; and

WHEREAS, This admired gentleman's long, productive career spanned more than 50 years; during that time he served as County Attorney of Shelby County, District Attorney of the 123rd District, State Senator, and District Judge; and

WHEREAS, The people of the State of Texas are extremely fortunate to have had the dedicated services of such an outstanding public servant; and

WHEREAS, A graduate of The University of Texas School of Law, he returned to Center to start his law practice in 1929; he was soon elected to the office of County Attorney and, then, District Attorney in 1934; and

WHEREAS, Senator Lane was admired for his honesty and integrity and was known throughout the State of Texas as one of the most feared and respected prosecutors; and

WHEREAS, After retiring from the District Attorney's office, he was elected to the Texas Senate in 1942 where he served for 20 years representing the counties of Shelby, Panola, Gregg, Harrison, and Rusk; and

WHEREAS, For future generations his record will continue to speak as a lawmaker whose judgment was based on sound economy and common sense for all citizens; and

WHEREAS, In 1968 he was appointed by the Governor of Texas to fill a vacancy in the office of District Judge of the 123rd Judicial District Court, comprising Panola and Shelby counties; and

WHEREAS, Although he retired from the bench in 1975, he continued to serve throughout the State of Texas, trying primarily criminal cases in an effort to alleviate the backlog of cases on crowded metropolitan dockets; and

WHEREAS, This accomplished man will be remembered as a colorful storyteller, a man gifted with a keen sense of humor, and an individual possessing the ability to comprehend the inner feelings of others; and

WHEREAS, This native son was in the true East Texas sense a legend in his time, a feared prosecutor, dedicated lawmaker, distinguished jurist, and, above all, a God-fearing honest man; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby honor the memory of Wardlow William Lane and extend sympathy to the members of his family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Rachel Anderson, Dr. L. S. Oates, and his loving family as a token of deepest respect and appreciation from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Wardlow William Lane.

The resolution was read.

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

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