

**SIXTIETH DAY**  
(Continued)  
(Thursday, May 6, 1993)

**AFTER RECESS**

The Senate met at 10:00 a.m. and was called to order by Senator Haley.

**SENATOR ANNOUNCED PRESENT**

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

**MESSAGE FROM THE HOUSE**

House Chamber  
May 6, 1993

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

**S.B. 1160**, Relating to the authority of the Texas School for the Blind and Visually Impaired to lease certain real property. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

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

**S.B. 235** (Ratliff) Relating to consideration of recycling availability before issuance of municipal landfill permits. (31-0) (31-0)

**C.S.S.B. 720** (Whitmire) Relating to fire and police grievance procedures in certain municipalities. (31-0) (31-0)

**S.B. 805** (West) Relating to a report of certain conduct of a child by a court to the child's school; providing a penalty. (31-0) (31-0)

**S.B. 810** (West) Relating to requiring juvenile probation officers to monitor the school attendance of certain children. (31-0) (31-0)

**C.S.S.B. 817** (Madla) Relating to the retirement system for fire fighters and police officers in certain municipalities. (31-0) (31-0)

**C.S.S.B. 903** (Montford) Relating to an exemption from the examination required by the Texas Board of Architectural Examiners. (31-0) (31-0)

**C.S.S.B. 908** (Truan) Relating to the regulation of plumbing. (31-0) (31-0)

**S.B. 1251** (Lucio) Relating to the Texas Unemployment Compensation Act; defining temporary help firm and temporary employee. (31-0) (31-0)

**C.S.S.B. 1314** (Carriker) Relating to the creation of a multicounty statutory county court composed of Fisher and Nolan counties. (31-0) (31-0)

**S.B. 1379** (Armbrister on behalf of Haley) Relating to the Montgomery County Hospital District. (31-0) (31-0)

Senator Armbrister, on behalf of Senator Haley, offered the following committee amendment to the bill:

Amend **S.B. 1379**, page 11, line 8, by inserting the following section and renumbering all sections accordingly:

"SECTION 9. The Legislature hereby declares that the enactment of this Act is in fulfillment of authority conferred upon it by Section 9 of Article IX of the Constitution of the State of Texas; that Montgomery County Hospital District and the indigent health care services and other health care services and facilities that it is able to provide or arrange for the provision of, are essential to and operate on a subject in which the State and public at large are interested; and that the provisions of this Act therefore operate on a subject in which the State and the public are interested. All the terms and provisions of this Act are to be liberally construed to effectuate the purposes herein set forth."

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

On motion of Senator Armbrister, on behalf of Senator Haley, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1380** (Patterson) Relating to performance of the duties of a county budget officer. (31-0) (31-0)

**S.B. 1392** (Truan) Relating to establishment of the Texas Coastal Ocean Observation Network for collection of coastal management data. (31-0) (31-0)

**H.B. 345** (Lucio) Relating to the authority of an agricultural marketing association to deal in nonmember products and supplies. (31-0) (31-0)

**H.B. 367** (Armbrister on behalf of Haley) Relating to income considered in determining the fee for services provided by a community center. (31-0) (31-0)

**H.B. 757** (Harris of Tarrant) Relating to the parties entitled to citation in a suit affecting the parent-child relationship. (31-0) (31-0)

**H.B. 758** (Harris of Tarrant) Relating to the accrual of interest on delinquent child support. (31-0) (31-0)

**H.B. 1275** (Harris of Tarrant) Relating to appeals from a judgment of the municipal courts of record in Fort Worth. (31-0) (31-0)

**H.B. 1403** (Zaffirini) Relating to the salary of the bailiff of the 341st District Court. (31-0) (31-0)

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

<u>Number</u>	<u>Senators Removing</u>
S.C.R. 72	Madla, Wentworth

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

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

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 10:12 a.m. adjourned until 10:30 a.m. today.

**SIXTY-FIRST DAY  
(Thursday, May 6, 1993)**

The Senate met at 10:30 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, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend L. Joanne Windbigler, Cedar Park United Methodist Church, offered the invocation as follows:

Almighty God, we thank You for Your presence with us. We thank You for this world which You have created and for the life which You have breathed into us. As we go about the business of this day, grant us Your wisdom. We ask that as we come together from our different ways, we may remember Your gracious love for all people and look at our opponents, not as enemies to be confounded, but as neighbors with whom we are called to build a society reflecting Your concern for even the least among us. We ask that when we reach the time of decision making, we will choose, together and with courage, the path that leads to the greatest good for those whom we serve. And finally we ask that in Your love we find our life. Amen.

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

**RESOLUTION REMOVED FROM  
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**CO-AUTHOR OF SENATE BILL 91**

On motion of Senator Truan and by unanimous consent, Senator West will be shown as Co-author of S.B. 91.

**CO-AUTHOR OF SENATE BILL 109**

On motion of Senator Brown and by unanimous consent, Senator West will be shown as Co-author of S.B. 109.

**CO-AUTHOR OF SENATE BILL 110**

On motion of Senator Brown and by unanimous consent, Senator West will be shown as Co-author of S.B. 110.

**CO-AUTHOR OF SENATE BILL 536**

On motion of Senator Montford and by unanimous consent, Senator West will be shown as Co-author of S.B. 536.

**CO-AUTHOR OF SENATE BILL 1288**

On motion of Senator Brown and by unanimous consent, Senator Nelson will be shown as Co-author of S.B. 1288.

**CO-AUTHORS OF SENATE BILL 1408**

On motion of Senator West and by unanimous consent, Senators Barrientos, Ellis, Luna, Parker, Rosson, Shapiro, Shelley, Turner, Whitmire, and Zaffirini will be shown as Co-authors of S.B. 1408.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 30**

On motion of Senator Ratliff and by unanimous consent, Senator Ellis will be shown as Co-author of S.J.R. 30.

**CO-SPONSOR OF HOUSE BILL 1368**

On motion of Senator Montford and by unanimous consent, Senator West will be shown as Co-sponsor of H.B. 1368.

**CO-SPONSOR OF HOUSE BILL 1780**

On motion of Senator Madla and by unanimous consent, Senator Wentworth will be shown as Co-sponsor of H.B. 1780.

**PERMISSION TO INTRODUCE BILLS**

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

**S.B. 1477**

**S.B. 1478**

**S.B. 1479**

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**S.C.R. 86** by Whitmire Administration  
Granting Green International, formerly known as Argee Corporation, permission to sue the State of Texas and the Texas Department of Criminal Justice.

**S.C.R. 87** by Sims Natural Resources  
Requesting the Parks and Wildlife Department to develop and implement a plan for recreational access to the Devils River.

**S.C.R. 88** by Zaffirini Health and Human Services  
Requesting that the public institutions of higher education report their current efforts in developing or providing health or human service care to the people of Texas to the Higher Education Coordinating Board.

**S.B. 1477** by Armbrister, Wentworth, Natural Resources  
Barrientos, Zaffirini, Madla, Luna, Truan  
Relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Authority and the management of the Edwards Aquifer; granting the power of eminent domain; providing civil and criminal penalties; and validating the creation of the Uvalde County Underground Water Conservation District.

**S.B. 1478** by Haley Intergovernmental Relations  
Relating to service credit in the Texas County and District Retirement System.

**S.B. 1479** by Haley State Affairs  
Relating to the inspection of certain vehicles.

#### HOUSE BILLS ON FIRST READING

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

**H.B. 1** to Committee on Education.

**H.B. 21** to Committee on Criminal Justice.

**H.B. 68** to Committee of the Whole Senate on Redistricting,  
Ethics and Elections, Subcommittee on Elections and Ethics.

**H.B. 130** to Committee on Natural Resources.

**H.B. 265** to Committee on Jurisprudence.

**H.B. 272** to Committee on State Affairs.

**H.B. 456** to Committee on Economic Development.

**H.B. 467** to Committee on State Affairs.

**H.B. 472** to Committee on Criminal Justice.

**H.B. 493** to Committee on Intergovernmental Relations.

**H.B. 575** to Committee on Jurisprudence.

**H.B. 644** to Committee on Natural Resources, Subcommittee on  
Agriculture.

**H.B. 653** to Committee on Economic Development.

**H.B. 674** to Committee on Jurisprudence.

**H.B. 689** to Committee of the Whole Senate on Redistricting,  
Ethics and Elections, Subcommittee on Elections and Ethics.

**H.B. 825** to Committee on Intergovernmental Relations.

- H.B. 906 to Committee on Economic Development.  
H.B. 930 to Committee on Criminal Justice.  
H.B. 984 to Committee on State Affairs.  
H.B. 1112 to Committee on Intergovernmental Relations.  
H.B. 1121 to Committee on Criminal Justice.  
H.B. 1165 to Committee on Education.  
H.B. 1182 to Committee on Criminal Justice.  
H.B. 1217 to Committee on Health and Human Services.  
H.B. 1226 to Committee on Intergovernmental Relations.  
H.B. 1262 to Committee on Natural Resources.  
H.B. 1287 to Committee on Natural Resources.  
H.B. 1309 to Committee on Natural Resources.  
H.B. 1387 to Committee on Economic Development.  
H.B. 1390 to Committee on Economic Development.  
H.B. 1391 to Committee on Economic Development.  
H.B. 1395 to Committee on Economic Development.  
H.B. 1408 to Committee on Intergovernmental Relations.  
H.B. 1433 to Committee on Jurisprudence.  
H.B. 1434 to Committee on Jurisprudence.  
H.B. 1444 to Committee on Jurisprudence.  
H.B. 1551 to Committee on Health and Human Services.  
H.B. 1630 to Committee on Jurisprudence.  
H.B. 1659 to Committee on Natural Resources.  
H.B. 1684 to Committee on Natural Resources.  
H.B. 1686 to Committee on Education.  
H.B. 1691 to Committee on Jurisprudence.  
H.B. 1704 to Committee on Natural Resources.  
H.B. 1713 to Committee on Health and Human Services.  
H.B. 1739 to Committee on Natural Resources.  
H.B. 1790 to Committee on Economic Development.  
H.B. 1826 to Committee on Intergovernmental Relations.  
H.B. 1835 to Committee on Health and Human Services.  
H.B. 1968 to Committee on Natural Resources.  
H.B. 2007 to Committee on Natural Resources.  
H.B. 2024 to Committee on Natural Resources.  
H.B. 2053 to Committee on Education.  
H.B. 2109 to Committee on Health and Human Services.  
H.B. 2182 to Committee on Natural Resources.  
H.B. 2315 to Committee on Education.  
H.B. 2332 to Committee on Education.  
H.B. 2489 to Committee on Natural Resources.  
H.B. 2535 to Committee on Criminal Justice.  
H.B. 2557 to Committee on Health and Human Services.  
H.B. 2568 to Committee on Natural Resources.  
H.B. 2622 to Committee on Natural Resources.  
H.B. 2631 to Committee on Intergovernmental Relations.  
H.B. 2634 to Committee on Natural Resources, Subcommittee on Agriculture.  
H.B. 2647 to Committee on Natural Resources.  
H.B. 2712 to Committee on Economic Development.

**GUEST PRESENTED**

The President introduced to the Senate former Senator Frank Owens of El Paso.

The Senate welcomed its guest.

**CAPITOL PHYSICIAN**

Senator Zaffirini was recognized and presented Dr. Ramon Garcia of Del Rio as the "Doctor for the Day."

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

**PERMISSION TO INTRODUCE RESOLUTIONS**

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

**S.J.R. 53**

**S.J.R. 54**

**HOUSE BILL 357 REREFERRED**

On motion of Senator Whitmire and by unanimous consent, **H.B. 357** was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Criminal Justice.

**SENATE RESOLUTION ON FIRST READING**

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

**S.J.R. 53** by Parker Education  
Proposing a constitutional amendment relating to the equitable distribution of the available school fund.

**PROCLAMATION FROM THE GOVERNOR**

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

**P R O C L A M A T I O N  
BY THE****GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

legislation related to an increase in the amounts of constitutionally dedicated funds for certain institutions of higher education.



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this 5th day of May, 1993.

/s/Ann W. Richards  
Governor of Texas

Attest:

/s/John Hannah, Jr.  
Secretary of State

### BILLS SIGNED

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

S.B. 27  
S.B. 154  
S.B. 506  
S.B. 777

### SENATE RESOLUTION 831

Senator Armbrister offered the following resolution:

**S.R. 831**, Commending Myrtle Foester Whitmire for her exceptional contribution to the protection of migratory birds and to the preservation of the Texas coastal wetland habitats.

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

(Senator Truan in Chair)

### GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Mrs. Myrtle Foester Whitmire, accompanied by her family members.

The Senate welcomed these guests.

Senator Armbrister escorted Mrs. Whitmire and her family members to the President's rostrum. Mrs. Whitmire was presented by the President with an enrolled copy of S.R. 831.

(President in Chair)

### COMMITTEE SUBSTITUTE HOUSE BILL 1587 ON SECOND READING

On motion of Senator Harris of Dallas 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. 1587**, Relating to the operation of the state lottery; creating the State Lottery Commission.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

Amend C.S.H.B. 1587 as follows:

1. In SECTION 1, on page 6, delete lines 23-27 and substitute the following:

(b) The commission may not employ or continue to employ a person who is a spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of a person who is subject to a disqualification prescribed by Subsection (a).

2. Delete SECTION 3.

3. In SECTION 39, on page 62, line 9, insert after the word "date," the words "but the comptroller shall not be considered a member of the commission,".

4. In SECTION 39, on page 62, line 20, delete the word "Commission".

5. Renumber SECTIONS accordingly.

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

On motion of Senator Harris of Dallas 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 third reading by a viva voce vote.

#### COMMITTEE SUBSTITUTE HOUSE BILL 1587 ON THIRD READING

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 1587 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

#### COMMITTEE SUBSTITUTE HOUSE BILL 2771 ON SECOND READING

On motion of Senator Harris of Dallas 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. 2771, Relating to the regulation of bingo; providing penalties; imposing taxes.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

Amend C.S.H.B. 2771 as follows:

1. In SECTION 4, on page 3, line 21, between the word "own" and the word "premises" insert the words "or lease".

2. In SECTION 24, on page 27, line 11, page 27, line 23, and page 28, line 6, substitute the word "may" for the word "shall".

3. In SECTION 28, on page 28, line 26, insert between the word "practicable" and the comma the words "after the commission appoints an executive director or acting executive director", and on page 28, line 27, substitute "April" for "January".

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

On motion of Senator Harris of Dallas 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 third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2771 ON THIRD READING**

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 2771 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 71 ON SECOND READING**

On motion of Senator Shelley 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. 71**, Relating to the addition of certain property to the property tax roll and to the application of certain ad valorem tax overpayments and erroneous payments to certain delinquent ad valorem taxes.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend C.S.H.B. 71 by amending Section 3 of the bill in Section 11.43(i) of the Tax Code to delete three and replace it with five.

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

On motion of Senator Shelley 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 third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 71 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 261 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 third reading:

**C.S.H.B. 261**, Relating to the requirement of corroboration of testimony in the prosecution of certain offenses.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 261 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 261** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 810 ON SECOND READING**

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

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

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

**HOUSE BILL 810 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 810** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**HOUSE BILL 1173 ON SECOND READING**

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

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

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

**RECORD OF VOTES**

Senators Harris of Tarrant and Henderson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**HOUSE BILL 1173 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1173** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Dallas, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**HOUSE BILL 1596 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 third reading:

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

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

**HOUSE BILL 1596 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1596** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 639 ON THIRD READING**

On motion of Senator Sims 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. 639**, Relating to solid waste permits.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 8.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Henderson, Leedom, Lucio, Moncrief, Nelson, Patterson, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Luna, Madla, Rosson, Truan, West, Zaffirini.

Absent: Harris of Dallas, Montford, Parker, Ratliff, Shapiro.

**HOUSE BILL 2434 ON SECOND READING**

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

**H.B. 2434**, Relating to ex parte communications in contested cases involving hazardous waste permits.

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

**HOUSE BILL 2434 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2434** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 674 ON SECOND READING**

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

**C.S.S.B. 674**, Relating to the regulation of health professions, including the profession of nursing facility administration, and to the abolition of the Texas Board of Licensure for Nursing Home Administrators; providing penalties.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 674**, as follows:

On page 4, line 52, insert a new Subsection (d) to read as follows and re-number subsequent sections accordingly:

(d) The board shall include the State Long Term Care Ombudsman of the Texas Department on Aging and the Commissioner of the Texas Department of Human Services, or the commissioner's designee, as non-voting, ex officio members. These ex officio members shall serve at no expense to the department or the board.

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

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 674**, as follows:

## ARTICLE 1. HEALTH PROFESSIONS COUNCIL

(1) On page 1, line 35, delete “the executive director or the equivalent official or the designee of the executive director or the equivalent official of” and insert “one representative appointed by each of the following:”

(2) On page 1, line 52, before the period, add the following language:  
(13) the health licensing division of the Department of Public Health; and

(14) the governor’s office

(3) On page 2, line 14, delete subsection (b) and replace with the following language:

“(b) Before a member of a board may assume the member’s duties and before the member may be confirmed by the Senate, the member must complete at least one course of the training program established under this section.”

(4) On page 3, line 64, delete “develop in cooperation” and insert “adopt a memorandum of understanding”.

(5) On page 3, line 65, after the word “Commission,” insert “to develop and implement”.

(6) On page 3, line 66, after the word “article,” insert “except that the memorandum shall provide for a study of the feasibility of relocating the health licensing division of the Department of Public Health with the collocated staffs;”.

(7) On page 4, line 1, in subsection (d)(4) and (5), replace existing language with the following language:

(4) develop and implement, in coordination with the staffs of the Legislative Budget Board, the governor’s office of budget and planning and the licensing division of the Department of Public Health information necessary to prepare statistical comparisons of licensing functions and unit costs of all boards represented on the council;

(5) develop and implement a plan to centralize the receipt and referral of complaints for member agencies using the toll free complaint number established under section 2;”.

Renumber the current language in (4) and (5) to (6) and (7).

(8) On page 4, line 1, delete the words “receipt and”.

(9) On page 4, line 6, replace the existing language in Subsection (e) with the following language:

(e) “To carry out its duties under Subsection (d) of this section, the council shall appoint working groups consisting of the executive director of the member boards who shall report to the council.

Renumber the existing language in Subsections (e) to (f).

(10) On page 4, strike lines 13-14.

## ARTICLE 2. NURSING FACILITY ADMINISTRATION

(1) On page 4, line 24, delete Sec. 2, Subsection (2) and renumber.

(2) On page 6, line 16, after the word “board”, delete “and”

(3) On page 6, line 17, delete the words “department” and replace the second “department” with “board”.

(4) On page 6, line 21, replace “department” with “board”.

(5) On page 6, line 22, replace “department” with “board”.

(6) On page 6, line 28, replace “department” with “board”.

- (7) On page 6, line 33, replace "department" with "board".
- (8) On page 7, line 7, replace "department" with "board".
- (9) On page 7, line 8, replace "department" with "board".
- (10) On page 7, line 12, replace "department" with "board".
- (11) On page 7, line 14, replace "department" with "board".
- (12) On page 7, line 16, replace "department" with "board".
- (13) On page 7, line 18, replace "department" with "board".
- (14) On page 7, line 22, replace "department" with "board".
- (15) On page 7, line 32, replace "department" with "board".
- (16) On page 7, line 48, replace "department" with "board".
- (17) On page 7, line 62, replace "department" with "board".
- (18) On page 7, line 65, replace "department" with "board".
- (19) On page 7, line 66, replace "department" with "board".
- (20) On page 8, line 1, replace "department" with "board".
- (21) On page 8, line 6, replace "department" with "board".
- (22) On page 8, line 9, replace "department" with "board".
- (23) On page 8, line 14, replace "department" with "board".
- (24) On page 8, line 17, replace "department" with "board".
- (25) On page 8, line 22, replace "department" with "board".
- (26) On page 8, line 26, delete "by submitting to reexamination and".
- (27) On page 8, line 28, replace "department" with "board".
- (28) On page 8, line 32, replace "department" with "board".
- (29) On page 8, line 35, replace "department" with "board".
- (30) On page 8, line 37, replace "department" with "board".
- (31) On page 8, line 43, replace "department" with "board".
- (32) On page 8, line 50, replace "department" with "board".
- (33) On page 8, line 60, replace "department" with "board".
- (34) On page 8, line 66, replace "department" with "board".
- (35) On page 8, line 68, replace "department" with "board".
- (36) On page 8, line 69, replace "department" with "board".
- (37) On page 8, line 70, replace "department" with "board".
- (38) On page 9, line 2, replace "department" with "board".
- (39) On page 9, line 16, replace "department" with "board".
- (40) On page 9, line 49, replace "department's" with "board's".
- (41) On page 9, line 61, replace "department" with "board".
- (42) On page 10, line 12, replace "department" with "board".
- (43) On page 10, line 34, replace "hearings examiner" with "executive secretary".
- (44) On page 10, line 35, replace "hearings examiner" with "executive secretary".
- (45) On page 10, line 37, replace "hearings examiner's" with "executive secretary's".
- (46) On page 10, line 40, replace "hearings examiner" with "executive secretary".
- (47) On page 10, line 49, replace "hearings examiner" with "executive secretary".
- (48) On page 10, line 54, replace "hearings examiner" with "executive secretary".



(49) On page 12, line 16, after "a", insert "legal". Delete "of the office of the attorney general".

(50) On page 12, line 17, replace "department" with "board".

(51) On page 13, line 7, delete "Texas Department of Health" and replace with "board".

(52) On page 13, line 10, delete "Texas Department of Health" and replace with "board".

(53) On page 13, line 12, delete "Health, the Texas Department of Health, or the Texas Board of".

(54) On page 13, line 13, delete "as appropriate".

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

On motion of Senator Moncrief 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 674 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 674 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1080 ON SECOND READING**

On motion of Senator Harris of Dallas 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. 1080**, Relating to the regulation of podiatry and to the continuation and functions of the Texas State Board of Podiatry Examiners; providing a penalty.

The bill was read second time.

Senator Harris of Dallas offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend SECTION 1 of C.S.S.B. 1080 to read as follows:

Art. 4567. DEFINITIONS. (a) Any person shall be regarded as practicing [~~chiropr~~pod~~o~~dy] podiatry within the meaning of this law, and shall be deemed and construed to be a [~~chiro~~pod~~o~~dist] podiatrist, who shall treat or offer to treat any disease or disorder, physical injury or deformity, or ailment of the human foot by any system or method and charge therefor, directly or indirectly, money or other compensation, or who shall publicly profess or claim to be a [~~chiro~~pod~~o~~dist,] podiatrist, [~~pedi~~curist,] foot specialist, doctor or use any title, degree, letter, syllable, word or words that would tend to lead the public to believe such person was a practitioner authorized to practice or assume the duties incident to the practice of [~~chiro~~pod~~o~~dy] podiatry.

(b) In this chapter:

(1) "Board" means the Texas State Board of Podiatry Examiners.

(2) "Executive director" means the employee of the board who manages the day-to-day operations of the board.

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

Senator Harris of Dallas offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend SECTION 2 of C.S.S.B. 1080 to read as follows:

Art. 4567e. ADMINISTRATIVE PENALTY. (a) The board may impose an administrative penalty against a person licensed or regulated under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) The penalty for a violation may be in an amount not to exceed \$2,500. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter future violations;

(5) efforts to correct the violation; and

(6) any other matter that justice may require.

(d) An executive director who determines that a violation has occurred may issue to the board a report that states the facts on which the determination is based and the director's recommendation on the imposition of a penalty, including a recommendation on the amount of the penalty.

(e) Within 14 days after the date the report is issued, the executive director shall give written notice of the report to the person. The notice may be given by certified mail. The notice must include a brief summary of the alleged violation and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(f) Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the executive director or may make a written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(g) If the person accepts the determination and recommended penalty of the executive director, the board by order shall approve the determination and impose the recommended penalty.

(h) If the person requests a hearing or fails to respond timely to the notice, the executive director shall set a hearing and give notice of the

hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the board by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.

(i) The notice of the board's order given to the person under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments must include a statement of the right of the person to judicial review of the order.

(j) Within 30 days after the date the board's order is final as provided by Section 16(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(k) Within the 30-day period, a person who acts under Subsection (j)(3) of this section may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court for the amount of the penalty and that is effective until all judicial review of the board's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive director by certified mail.

(l) An executive director who receives a copy of an affidavit under Subsection (k)(2) of this section may file, with the court within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(m) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the executive director may refer the matter to the attorney general for collection of the amount of the penalty.

(n) Judicial review of the order of the board:

(1) is instituted by filing a petition as provided by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments; and

(2) is under the substantial evidence rule.

(o) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(q) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(r) All proceedings under this section are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments.

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

On motion of Senator Harris of Dallas 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 1080 ON THIRD READING

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1080 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1023 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:

**C.S.S.B. 1023**, Relating to duties and liabilities of operators of roller-skating centers, roller skaters, and spectators at roller-skating centers.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1023 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1023** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**VOTE RECONSIDERED**

On motion of Senator Montford and by unanimous consent, the vote by which **H.B. 1173** was finally passed was reconsidered.

Question—Shall **H.B. 1173** be finally passed?

**COMMITTEE SUBSTITUTE  
SENATE BILL 1201 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:

**C.S.S.B. 1201**, Relating to industrial solid waste and hazardous waste fee revenues; recovery of regulatory and remediation costs.

The bill was read second time.

**(Senator Harris of Dallas in Chair)**

Senator Armbrister offered the following amendment to the bill:

Amend SECTIONS 2, 3, and 5 of **C.S.S.B. 1201** as follows:

**SECTION 2.** Section 361.132(b)(3), Health and Safety Code, is amended to read as follows:

(3) fees imposed on the owner or operator of an industrial solid waste or hazardous waste facility for noncommercial and commercial management or disposal of hazardous waste, or commercial disposal of industrial solid waste, under Section 361.136;

**SECTION 3.** Section 361.133(b)(1), Health and Safety Code, is amended to read as follows:

(b) The fund consists of money collected by the commission from:

(1) fees imposed on the owner or operator of an industrial solid waste or hazardous waste facility for commercial and noncommercial management or disposal of hazardous waste, or commercial disposal of industrial solid waste, under Section 361.136 and fees imposed under Section 361.138;

Section 361.133(e), Health and Safety Code, is amended to read as follows:

(e) The commission shall monitor the unobligated balance in the hazardous and solid waste remediation fee fund and all sources of revenue to the fund and may adjust the amount of fees collected under Subsection (d) of this section and Section 361.138 of this chapter, within prescribed limits, to maintain an unobligated balance [~~at least \$5 million and~~] of no more than \$25 million at the end of each fiscal year.

SECTION 5. Section 361.136(b), Health and Safety Code, is amended to read as follows:

(b) The commission by rule shall establish fee rates for management [~~both commercial and noncommercial storage, processing and disposal~~] of hazardous waste and commercial disposal of industrial solid waste, as well as the manner of collection, and shall revise the fee amounts as necessary.

(1) Fees under this section may apply only to the following:

(A) commercial and noncommercial and noncommercial storage, processing, or disposal of hazardous waste, or

(B) commercial disposal of Class I nonhazardous industrial solid waste.

(2) A fee established for the commercial disposal of a nonhazardous industrial solid waste shall not exceed twenty percent (20%) of the fee established for the disposal of a hazardous waste by the same method of disposal.

(3) A fee under this section shall not be assessed for the disposal of a waste subject to an assessment under Section 361.013 of this chapter.

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

On motion of Senator Armbrister 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 1201 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 C.S.S.B. 1201 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### SENATE BILL 793 ON SECOND READING

On motion of Senator Leedom 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. 793**, Relating to disability retirement under the Employees Retirement System of Texas.

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

**SENATE BILL 793 ON THIRD READING**

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 793** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 91 ON SECOND READING**

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

**C.S.S.B. 91**, Relating to the identification of children suffering from lead poisoning and to control measures for lead contamination; providing civil penalties.

On motion of Senator Truan and by unanimous consent, the motion to suspend the regular order of business was temporarily withdrawn.

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 30 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:

**C.S.S.J.R. 30**, Proposing a constitutional amendment allowing the voluntary designation of less than 200 acres as a rural homestead.

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

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 30 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 **C.S.S.J.R. 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 110 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. 110**, Relating to the peremptory challenge of a juror in a criminal case based on race.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 110 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 110** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 536 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. 536**, Relating to disclosure of information by certain applicants for employment in residential dwelling projects; providing criminal penalties.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 536 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 806 ON SECOND READING**

On motion of Senator West 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. 806**, Relating to programs that a justice court may require a child to attend if the court finds that the child engaged in truant conduct.

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

**SENATE BILL 806 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 806** be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 939 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:

**C.S.S.B. 939**, Relating to the employment of children; providing criminal and administrative penalties.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 939 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 **C.S.S.B. 939** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1013 ON SECOND READING**

On motion of Senator Carriker 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. 1013**, Relating to procedures regarding the cancellation of the voter registrations of persons whose names appear on the lists of returned registration certificates.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend **C.S.S.B. 1013** as follows:

On page 1, strike lines 25 through 35 and substitute the following:

**Sec. 16.032. CANCELLATION FOLLOWING RETURN OF RENEWAL CERTIFICATE.** (a) As soon as practicable after the return of the undelivered renewal certificate but not later than May 15 of each even-numbered year, the registrar may deliver by mail a notice of potential cancellation to each voter whose name appears on the list of returned certificates and whose name is not to be deleted from the list under Section 15.023. The notice must be forwardable and mailed to the voter's new address, if known. The notice must state that the voter's registration will be cancelled on the following August 16 unless the voter;

On page 1, strike Subsection (d) lines 60 through 62 and substitute the following:

(d) The expense of implementing Subsection (a) is an expense of the registrar's office in connection with voter registration, and Chapter 19, Election Code funds, if available, may be used to defray the cost under Section 19.004.

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

On motion of Senator Carriker 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 1013 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1013 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 91 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. 91**, Relating to the identification of children suffering from lead poisoning and to control measures for lead contamination; providing civil penalties.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 91 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1103 ON SECOND READING**

On motion of Senator West 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. 1103**, Relating to prosecutor assistance by the Office of the Attorney General of Texas.

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

**SENATE BILL 1103 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1103** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1214 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:

**S.B. 1214**, Relating to the priority for the distribution of the assets of a trust company on its liquidation.

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

**SENATE BILL 1214 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1214** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1040 ON SECOND READING**

On motion of Senator Parker 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. 1040**, Relating to the Texas Commission on Environmental Quality and the maintenance of air quality in the state; providing penalties.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Amend **S.B. 1040**, page 5, line 16, by striking "or in Travis County"

The amendment was read and was adopted by the following vote: Yeas 17, Nays 10.

Yeas: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Luna, Nelson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Ellis, Haley, Lucio, Moncrief, Montford, Parker, Rosson, Truan, Zaffirini.

Absent: Armbrister, Carriker, Madla, Patterson.

On motion of Senator Parker and by unanimous consent, further consideration of **S.B. 1040** was postponed.

Question—Shall the bill be passed to engrossment?

**SENATE BILL 1234 ON SECOND READING**

On motion of Senator Turner 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. 1234**, Relating to the consolidation and dedication of funds in the Texas Natural Resource Conservation Commission.

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

**SENATE BILL 1234 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1234** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1345 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. 1345**, Relating to the management of state-owned marl, sand, gravel, shell, mudshell, and other substrate materials; providing penalties.

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

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1345 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1345** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1441 ON SECOND READING**

On motion of Senator Haley 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. 1441**, Relating to the defense of state prosecuting attorneys by the attorney general.

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

**SENATE BILL 1441 ON THIRD READING**

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1441** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1282 ON SECOND READING**

On motion of Senator Parker 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. 1282**, Relating to the jurisdiction of the juvenile courts and criminal courts for certain persons.

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

**SENATE BILL 1282 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**SENATE BILL 1283 ON SECOND READING**

On motion of Senator Parker 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. 1283**, Relating to disclosure of certain information by the State Commission on Judicial Conduct.

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

**SENATE BILL 1283 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1283** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE****SENATE BILL 599 ON SECOND READING**

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

**C.S.S.B. 599**, Relating to the exoneration and forfeiture of bail.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up C.S.S.B. 599 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, West, Whitmire.

Nays: Truan, Wentworth, Zaffirini.

Present-not voting: Luna.

The bill was read second time and passed to engrossment by the following vote: Yeas 17, Nays 7, Present-not voting 1.

Yeas: Barrientos, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Madla, Moncrief, Montford, Nelson, Patterson, Shelley, Sims, Turner, Whitmire.

Nays: Leedom, Rosson, Shapiro, Sibley, Truan, Wentworth, Zaffirini.

Present-not voting: Luna.

Absent: Armbrister, Carriker, Ellis, Parker, Ratliff, West.

(Senator Harris of Dallas in Chair)

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 599 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 C.S.S.B. 599 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 17, Nays 7, Present-not voting 1. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Bivins, Brown, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Madla, Moncrief, Montford, Patterson, Shelley, Sibley, Sims, Turner.

Nays: Leedom, Rosson, Shapiro, Truan, Wentworth, West, Zaffirini.

Present-not voting: Luna.

Absent: Armbrister, Carriker, Nelson, Parker, Ratliff, Whitmire.

**HOUSE BILL 1173 ON THIRD READING**

The Presiding Officer laid before the Senate H.B. 1173 on its final passage. The vote by which the bill was passed was reconsidered earlier today.

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

Question—Shall the bill be finally passed?

Senator Henderson offered the following amendment to the bill:

Amend H.B. 1173 by striking on page 1, line 35 the word "Exclusive," and capitalizing the word "venue."

Amend H.B. 1173 on page 1, line 39 by striking the period and adding after the word "County" the following:

except that on motion filed and served concurrently with or before the filing of the answer, the court may, upon a finding of good cause, transfer the action to the county of the trust company's principal place of business.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

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

The bill as amended was again finally passed by the following vote: Yeas 31, Nays 0.

#### SENATE RESOLUTION ON FIRST READING

By unanimous consent, the following resolution was introduced, read first time, and referred to the committee indicated:

**S.J.R. 54** by Parker

Education

Proposing a constitutional amendment relating to distribution of the available school fund and to ad valorem taxes authorized for the support of the public schools.

#### MESSAGE FROM THE HOUSE

House Chamber

May 6, 1993

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

**S.B. 377**, Relating to the regulation of certain telecommunications utilities. (As amended)

**S.B. 454**, Relating to the expansion of the Communities in Schools program.

**S.B. 510**, Relating to the continuation and operation of the Department of Public Safety, to the access that entities have to criminal history record information maintained by the department and certain other criminal justice agencies, and to the transfer of responsibility for law enforcement in the Capitol Complex from the General Services Commission to the Department of Public Safety; creating offenses; providing penalties. (As amended)

**S.B. 623**, Relating to the continuation and functions of the State Board of Veterinary Medical Examiners and to the regulation of the practice of veterinary medicine and dangerous drugs; providing penalties. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

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

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

<b>H.B. 395</b>	<b>S.B. 920</b>
<b>H.B. 1638</b>	<b>S.B. 1143</b>
<b>H.B. 2220</b>	<b>S.B. 1477</b>
<b>S.B. 880</b>	<b>H.B. 2182</b>

**HOUSE BILL 2856 REREFERRED**

On motion of Senator Henderson and by unanimous consent, **H.B. 2856** was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Jurisprudence.

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

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Health and Human Services might consider the following bill and resolution today:

**S.B. 565**  
**S.C.R. 88**

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

On motion of Senator Parker and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **S.B. 464** today.

**MEMORIAL RESOLUTION**

**S.R. 875** - By Sibley: In memory of Special Agents Steven David Willis, Robert J. Williams, Conway LeBleu, and Todd McKeehan of the Bureau of Alcohol, Tobacco and Firearms.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 105** - (Ratliff): Honoring Allen Jerald Cooper for his record of service to the DeKalb Independent School District.

**S.R. 873** - By Wentworth: Honoring the Salado High School teachers and students who participated in the H.E.B./General Land Office Environmental Challenge Day for winning second place in the high school division.

**S.R. 874** - By Luna: Congratulating Nick and Eloise Espiritu on the occasion of their 50th wedding anniversary.

**S.R. 876** - By Wentworth: Commending Peter Holt, president and chief executive officer; B. D. Holt, chairman of the board; and the employees of Holt Company of Texas for their contributions during 60 years of service.



### ADJOURNMENT

On motion of Senator Harris of Tarrant, the Senate at 12:24 p.m. adjourned, in memory of Harold Johnson, until 9:30 a.m. tomorrow.

### APPENDIX

#### REPORTS OF STANDING COMMITTEES

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

May 6, 1993

FINANCE — S.B. 1466, S.B. 1395, C.S.H.B. 1096

HEALTH AND HUMAN SERVICES — C.S.S.B. 1061

STATE AFFAIRS — H.B. 1081 (Amended), H.B. 409, H.B. 740 (Amended), C.S.S.B. 466

INTERGOVERNMENTAL RELATIONS — S.B. 507, S.J.R. 29, C.S.S.B. 1365, H.B. 1765, C.S.S.B. 1467, H.B. 1824, H.B. 1312, H.B. 22 (Amended), H.B. 66, H.B. 199, H.B. 333, H.B. 647, H.B. 795 (Amended), H.B. 832, H.B. 1039, H.B. 1278 (Amended), H.B. 1450, H.B. 1476, H.B. 1780, H.B. 2087, C.S.H.B. 2116, H.B. 2133, S.B. 523, S.B. 1403

EDUCATION — C.S.S.B. 994, C.S.S.B. 1377, C.S.S.B. 617, S.B. 658, C.S.S.B. 1363, C.S.S.B. 1419, S.B. 34, H.C.R. 68, H.B. 800, H.B. 2203, C.S.H.B. 1356, H.B. 1467, H.B. 1666, H.B. 183, H.B. 691, C.S.H.B. 723, H.B. 872

STATE AFFAIRS — C.S.S.B. 1408, C.S.S.B. 1091, S.B. 1465

HEALTH AND HUMAN SERVICES — C.S.S.B. 1424

ECONOMIC DEVELOPMENT — C.S.H.B. 474, C.S.S.B. 464, C.S.S.B. 1226, C.S.S.B. 861

CRIMINAL JUSTICE — C.S.H.B. 772

FINANCE — C.S.H.B. 2058

#### SENT TO GOVERNOR

(May 6, 1993)

S.C.R. 73	S.B. 508
S.B. 21	S.B. 513
S.B. 27	S.B. 596
S.B. 154	S.B. 664
S.B. 376	S.B. 777
S.B. 407	S.B. 792
S.B. 465	S.B. 982
S.B. 505	S.B. 997
S.B. 506	