

S.C.R.	1
S.C.R.	20
S.C.R.	120
S.C.R.	119
S.C.R.	137
H.C.R.	126
H.C.R.	157
H.C.R.	166

**SIXTY-FIFTH DAY**

(Continued)

(Thursday, May 9, 1985)

**AFTER RECESS**

The Senate met at 8:15 o'clock a.m. and was called to order by Senator Blake.

**SENATOR ANNOUNCED PRESENT**

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

**LOCAL AND UNCONTESTED BILLS CALENDAR**

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

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

**C.S.S.C.R. 89** (Parmer) Requesting the Texas Department of Human Resources use any available unexpended State funds appropriated to the Department for purposes of administering the Temporary Emergency Food Assistance Program. (vv)

**S.C.R. 90** (Parmer) Requesting the Texas Department of Agriculture be directed to study the feasibility of providing tax incentives that encourage donations to food banks. (vv)

**C.S.S.C.R. 108** (Brown) Granting James and Theresa Jackson permission to sue the State of Texas. (vv)

**C.S.S.C.R. 109** (Brown) Granting Lottie K. and Gregory T. Burk permission to sue the State of Texas. (vv)

**C.S.S.C.R. 110** (Brown) Granting permission to George and Betty Parks to sue the State of Texas. (vv)

**C.S.S.C.R. 111** (Brown) Granting James H. Pogue and Karen H. Pogue permission to sue the State of Texas. (vv)

**S.B. 474** (Parker) Relating to the reporting of occupational diseases to the Texas Department of Health. (30-1) Washington "Nay" (31-0)

**S.B. 660** (Parmer) Relating to certain proceedings affecting the parent-child relationship. (30-1) Washington "Nay" (31-0)

**S.B. 693** (Edwards) Relating to the establishment of a dental care advisory committee by the Texas Health and Human Services Coordinating Council and to the abolition of the Texas Board of Health Dental Advisory Committee. (30-1) Washington "Nay" (31-0)

Senator Edwards offered the following committee amendment to the bill:

Amend **S.B. 693** as follows:

In SECTION 1, Sec. 131.0052(b), insert the following new Subsection (4):

"(4) a representative of a Texas Dental School."

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

**C.S.S.B. 699** (Lyon) Relating to regulation of certain iron ore and iron ore gravel mining and reclamation activity. (30-1) Washington "Nay" (31-0)

**S.B. 749** (Parmer) Relating to restraining orders under the Deceptive Trade Practices-Consumer Protection Act. (30-1) Washington "Nay" (31-0)

**S.B. 868** (Mauzy) Relating to the employees covered by a civil service system in certain counties. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 922** (Mauzy) Relating to divulgence of information by persons licensed by the Texas Board of Private Investigators and Private Security Agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 927** (Washington) Relating to assignment pay for fire fighters and police officers serving as bilingual personnel in certain cities. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 957** (Howard) Relating to the regulation of home health agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 960** (Uribe) Relating to certain exceptions applicable to licensure as a fitter or dispenser of hearing aids. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1109** (Krier) Relating to the number of residents a foster care type residential facility may serve without being licensed under the convalescent and nursing home law. (30-1) Washington "Nay" (31-0)

**S.B. 1153** (Uribe) Relating to interest on certain public securities issued by public agencies. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1180** (Barrientos) Relating to establishment and effect of a performing artist's lien. (30-1) Washington "Nay" (31-0)

**S.B. 1257** (McFarland) Relating to the authority of a municipal court judge to issue an arrest warrant for a person in another county. (30-1) Washington "Nay" (31-0)

**S.B. 1277** (Parmer) Relating to the right to appeal certain judgments and sentences of a justice or municipal court. (30-1) Washington "Nay" (31-0)

Senator Parmer offered the following committee amendment to the bill:

Amend **S.B. 1277** as follows:

Amending SECTION 2 by striking the words "or give an appeal bond in the amount stated in the notice" which appear between the words "The defendant shall pay any fine assessed" and the words "before the thirty-first (31st) day".

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

**S.B. 1280** (Mauzy) Relating to civil liabilities of the owner of a sign who fails to remove the sign from the premises of another. (30-1) Washington "Nay" (31-0)

**S.B. 1297** (Montford) Relating to the official court reporters of the county courts at law of Lubbock County; salary of the judges of those courts. (30-1) Washington "Nay" (31-0)

**S.B. 1298** (Montford) Relating to the supplemental compensation of the district judges in Lubbock County. (30-1) Washington "Nay" (31-0)

**S.B. 1302** (Truan) Relating to the liability of the operator of a boat or motor vehicle for litter offenses. (30-1) Washington "Nay" (31-0)

**S.B. 1303** (Truan) Relating to persons who commit certain litter offenses. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1308** (Glasgow) Relating to procedures and practices before a municipal or justice court; authority of justices of the peace and municipal court judges to order incarceration of certain defendants. (30-1) Washington "Nay" (31-0)

**S.B. 1336** (Blake) Relating to the board of directors, administration, operation, and financing of the Montgomery County Hospital District. (30-1) Washington "Nay" (31-0)

Senator Blake offered the following committee amendment to the bill:

**S.B. 1336** is amended by adding new Section 3 and renumbering succeeding sections accordingly.

**SECTION 3.** Section 8, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977, is amended by adding Subsection (d) to read as follows:

Sec. 8 (d) The district shall have the same power and authority as cities and counties under the Certificate of Obligation Act, Chapter 923, Acts of the 62nd Legislature, 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes) to issue and sell certificates of obligation for permitted purposes under this act in accordance with the provisions of the Certificate of Obligation Act. Certificates of obligation shall be issued in conformity with and in the manner specified in the Certificate of Obligation Act, as it may be amended from time to time.

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

**S.B. 1378** (Sarpalius) Relating to the classification of records in the custody of a county clerk, county recorder, or clerk of a county court. (30-1) Washington "Nay" (31-0)

Senator Sarpalius offered the following committee amendment to the bill:

Amend **S.B. 1378** by striking lines 13-27 on page 2, and line 1 on page 3, and substituting the following:

(b) In addition to the names of the parties, each entry in an index for the appropriate Official Public Record described in Sections 2(b)(1), 2(b)(2) and 2(b)(7) or Section 2(d) [~~Sections 2(a)(1), 2(a)(2) and 2(a)(7)~~] shall include: an abbreviated description of the nature of such instrument of writing, legal document, paper or record as shown therein[~~including the name of the record in which it would have been recorded under existing laws pertaining to bound volume records and to other records in the Recorder's office~~]; the [~~time and~~] date of filing; the location of the

recorded image or images on microfilm by roll number, or by group number, and image number or numbers, or by other suitable data; and an abbreviated description of the property, if any[, or an abbreviated description of a lien or mortgage, if any, or of other reference, if any, to former recorded data, or such additional information as will properly identify each index entry as pertaining to the particular type of record to which the index applies].

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

**S.B. 1388** (Sharp) Relating to the regulation and the placement of motor vehicles in motor vehicle storage facilities. (30-1) Washington "Nay" (31-0)

Senator Sharp offered the following committee amendment:

Amend **S.B. 1388** by adding the following after the period following the word "owner" on page 2, line: "This article does not apply to a vehicle storage facility operated by a person licensed pursuant to the Texas Motor Vehicle Commission Code."

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

**C.S.S.B. 1391** (Jones) Relating to State Board of Insurance authority to promulgate rates and gather statistical data. (30-1) Washington "Nay" (31-0)

**S.B. 1397** (Blake) Relating to the creation of the County Court at Law of Cherokee County. (30-1) Washington "Nay" (31-0)

**S.B. 1409** (Traeger) Relating to the proof required under the Sales Tax Act to show that items have been exported outside the territorial limits of the United States. (30-1) Washington "Nay" (31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 1409** on page 1, line 14, following the word "lading", add the following: "issued by a licensed and certificated carrier of persons or property."

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

**H.C.R. 9** (Brooks) Encouraging community cancer care facilities to assess current services and projected needs. (vv)

**H.B. 318** (Farabee) Relating to exempting unopposed candidates from filing reports required to be filed within 48 hours of accepting certain contributions. (30-1) Washington "Nay" (31-0)

**H.B. 341** (Parker) Relating to regional administration by certain health-related State agencies. (30-1) Washington "Nay" (31-0)

**H.B. 353** (Krier) Relating to the persons entitled to notice of an appeal from an order refusing, cancelling, or suspending an alcoholic beverage license or permit. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 385** (Howard) Relating to the regulation of going out of business sales. (30-1) Washington "Nay" (31-0)

**H.B. 593** (Brooks) Relating to the regulation of nursing home administrators. (30-1) Washington "Nay" (31-0)

Senator Brooks offered the following committee amendment:

Amend **H.B. 593**, SECTION 3, Sec. 7A(b)(2), on page 4, line 17, by substituting the following:

(2) on a sign prominently displayed in every nursing home regulated by the state in which the words "Administrator Complaints" are in letters no smaller than one inch in height and the name, mailing address, and telephone number of the board are in letters no smaller than one-half inch in height; and

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

**H.B. 597** (Traeger) Relating to certain real estate investments by certain insurers. (30-1) Washington "Nay" (31-0)

**H.B. 665** (Edwards) Relating to validation of certain actions of the Midlothian Water District. (29-2) Mauzy, Washington "Nay" (30-1) Mauzy "Nay"

**H.B. 711** (Whitmire) Relating to the creation of the Probate Court No. 4 of Harris County. (30-1) Washington "Nay" (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Amend **H.B. 711** as follows:

Section 19. EFFECTIVE DATE. delete "February 1, 1987" and insert "September 1, 1985".

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

**H.B. 731** (Traeger) Relating to erroneous or wrongful collections of State taxes by retailers and others engaged in business. (30-1) Washington "Nay" (31-0)

**C.S.H.B. 742** (Montford) Relating to the regulation of dentistry. (30-1) Washington "Nay" (31-0)

**H.B. 783** (Krier) Relating to the civil enforcement of various health and safety ordinances of certain cities. (30-1) Washington "Nay" (31-0)

**H.B. 794** (Traeger) Relating to the validation of acts by the county tax assessor-collector in certain counties regarding optional county motor vehicle registration fees. (30-1) Washington "Nay" (31-0)

**H.B. 871** (Harris) Relating to the acquisition, maintenance, and operation of a railroad by certain municipalities and other public agencies. (30-1) Washington "Nay" (31-0)

**H.B. 899** (Henderson) Relating to the notice of changes under certain credit agreements. (30-1) Washington "Nay" (31-0)

**H.B. 927** (Edwards) Relating to authorizing a health care plan and health care fund for school district employees and their dependents. (30-1) Washington "Nay" (31-0)

Senator Edwards offered the following committee amendment to the bill:

Amend **H.B. 927** as follows:

Amend line 18 after "dependent" by striking the word "coverage" and adding: and/or employee coverage.

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

**C.S.H.B. 1059** (Parmer) Relating to the period for which periodic child support may be ordered. (30-1) Washington "Nay" (31-0)

**H.B. 1110** (Whitmire) Relating to the jurisdiction of the county civil courts at law of Harris County. (30-1) Washington "Nay" (31-0)

**H.B. 1188** (Jones) Relating to forfeiture of remedy for nonpayment of taxes. (30-1) Washington "Nay" (31-0)

**H.B. 1204** (Traeger) Relating to the financing of street construction and improvements by certain cities. (30-1) Washington "Nay" (31-0)

**H.B. 1210** (Henderson) Relating to police departments authorized to take possession of abandoned motor vehicles. (30-1) Washington "Nay" (31-0)

**H.B. 1550** (Barrientos) Relating to the rights of landlords and tenants. (30-1) Washington "Nay" (31-0)

**H.B. 1560** (Santiesteban) Relating to the refunding of bonds by water control and improvement districts. (30-1) Washington "Nay" (31-0)

**H.B. 1686** (Traeger) Relating to the method of computing the percentage of land owned by persons who protest a zoning change. (30-1) Washington "Nay" (31-0)

**H.B. 1697** (Brown) Relating to construction contracts for solid waste disposal projects of the Gulf Coast Waste Disposal Authority. (30-1) Washington "Nay" (31-0)

Senator Brown offered the following committee amendment:

Amend **H.B. 1697** SECTION 1 (b) the third sentence by inserting the words "or hazardous" after the word "solid" and "or hazardous" after the second word "solid". The sentence will then read:

Provided that as to construction contracts for industrial wastewater disposal and solid or hazardous waste disposal projects, where such projects are not being constructed for or to serve a public agency or a local government or where the project is a solid or hazardous waste....

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

**C.S.H.B. 1779** (Jones) Relating to authority of certain insurance agents. (30-1) Washington "Nay" (31-0)

**H.B. 1808** (Montford) Relating to unfair competition and unfair practices in the business of insurance. (30-1) Washington "Nay" (31-0)

**H.B. 1865** (McFarland) Relating standards of regulatory review by the Railroad Commission of Texas for proposed gas utility rate reductions agreed to by the parties. (30-1) Washington "Nay" (31-0)

**H.B. 2045** (Jones) Relating to the calculation of net to land for the purpose of appraisal of agricultural land. (30-1) Washington "Nay" (31-0)

**H.B. 2048** (Harris) Relating to certain local sales and use taxes on amusement services. (30-1) Washington "Nay" (31-0)

**H.B. 2216** (Krier) Relating to the authority of cities to establish industrial districts in areas in which the tourist industry is located. (30-1) Washington "Nay" (31-0)

**H.B. 2288** (Farabee) Relating to housing emergencies. (30-1) Washington "Nay" (31-0)

**H.B. 2381** (Edwards) Relating to the creation of the County Court at Law of Henderson County. (30-1) Washington "Nay" (31-0)

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

<u>Number</u>	<u>Senators Objecting</u>
S.C.R. 91	Parmer, Sims
S.B. 1099	Truan, Blake
C.S.S.B. 1152	Truan, Blake
H.B. 747	Mauzy, Blake

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

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

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 8:48 o'clock a.m. adjourned until 9:00 o'clock a.m. today.

**SIXTY-SIXTH DAY  
(Thursday, May 9, 1985)**

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

The Senate Doorkeeper, Jim Morris, offered the invocation as follows:

Heavenly Father, Thou has given us a good day and our prayer this morning is that we will treat it as a gift and use the minutes wisely and unselfishly. Give wisdom, courage and grace to these who assemble today, and in each of us strength in the concept that we are in truth our brother's keeper. Amen.

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

**REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

**H.B. 1449  
H.B. 2411**

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

**C.S.S.B. 61**

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**H.B. 1449  
H.B. 2411**

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

**C.S.S.B. 61**

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

S.B. 1225  
 S.B. 1112  
 H.B. 1161  
 S.B. 1184  
 H.B. 1376  
 S.B. 1377  
 H.B. 2248  
 H.B. 2421  
 S.B. 1437  
 H.B. 650 (Amended)  
 H.B. 2362  
 H.B. 2379  
 C.S.S.B. 725  
 C.S.S.B. 1319  
 C.S.S.B. 1304  
 C.S.S.B. 200  
 C.S.S.B. 249

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 1533  
 S.B. 1320  
 H.B. 276  
 S.B. 582 (Amended)  
 S.B. 1046  
 H.B. 1226 (Amended)  
 H.B. 2331  
 H.B. 160  
 H.B. 76  
 H.B. 2346  
 H.B. 118 (Amended)  
 S.B. 1355  
 H.B. 1788  
 C.S.S.B. 1362  
 C.S.H.B. 1280  
 C.S.H.B. 1132  
 C.S.H.B. 2344

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

H.C.R. 107, To Committee on Health and Human Resources.  
 H.J.R. 53, To Committee on Intergovernmental Relations.  
 H.B. 157, To Committee on Education.  
 H.B. 226, To Committee on Jurisprudence.  
 H.B. 245, To Committee on Natural Resources.  
 H.B. 740, To Committee on Jurisprudence.  
 H.B. 1263, To Committee on Economic Development.  
 H.B. 1509, To Committee on State Affairs.  
 H.B. 1583, To Committee on State Affairs.  
 H.B. 1610, To Committee on Intergovernmental Relations.

- H.B. 1912**, To Committee on Jurisprudence.  
**H.B. 2027**, To Committee on Intergovernmental Relations.  
**H.B. 2444**, To Committee on Natural Resources.  
**H.B. 575**, To Committee on Jurisprudence.  
**H.B. 669**, To Committee on Jurisprudence.  
**H.B. 106**, To Committee on Criminal Justice.

#### SENATE BILLS AND RESOLUTION ON FIRST READING

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

- S.J.R. 43** by Sharp Finance  
 Proposing a constitutional amendment relating to the use of state funds for toll roads and turnpikes.
- S.B. 1453** by Glasgow Criminal Justice  
 Relating to the use of a pen register.
- S.B. 1454** by Traeger Finance  
 Relating to a supplemental appropriation to the National Guard Armory Board.
- S.B. 1455** by Farabee Jurisprudence  
 Relating to notice in lawsuits in which certain present or former state employees are parties and to notice of intent to take default judgments against certain present or former state employees, by amending Chapter 659, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413a.1, Vernon's Texas Civil Statutes).
- S.B. 1456** by Sharp Finance  
 Relating to the authority of the Texas Turnpike Authority to pool turnpike projects and to accept loans from the State Highway and Public Transportation Commission.
- S.B. 1457** by Krier Natural Resources  
 Relating to the dissolution of the Bexar County Water Control and Improvement District No. 18.
- S.B. 1458** by Parker Intergovernmental Relations  
 Relating to the organization, boundaries, purposes, powers, duties, functions, authority, and financing of the Bastrop County Reclamation, Road, and Utility District, No. 1.

#### CO-SPONSOR OF HOUSE BILL 1728

On motion of Senator Henderson and by unanimous consent, Senator Whitmire will be shown as Co-sponsor of **H.B. 1728**.

#### SENATE BILL 649 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 649** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
 Committee Amendment No. 1 - Tejeda

Amend **S.B. 649** on page 4, by striking lines 21 and 22.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

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

Nays: Mauzy.

**SENATE BILL 599 WITH HOUSE AMENDMENTS**

Senator Farabee called **S.B. 599** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.  
Committee Amendment No. 1 - Laney

Amend **S.B. 599** on page 2 by deleting everything after the word "degree" on line 7 through the word "when" on line 15, and inserting in lieu thereof a period (".") and the word "When".

Committee Amendment No. 2

Amend **S.B. 599** by deleting Line 3 on Page 2 of the engrossed bill and substituting in lieu thereof the following:

"employment or duty for a period of one (1) year [~~two (2) years~~] prior to the"

The amendments were read.

Senator Farabee moved to concur in the House amendments.

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

**SENATE BILL 782 ON SECOND READING**

On motion of Senator Jones 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. 782**, Relating to the regulation and operation of banks.

The bill was read second time and was passed to engrossment.

**SENATE BILL 782 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 782** be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

**SENATE BILL 1261 ON SECOND READING**

On motion of Senator Mauzy 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. 1261**, Relating to the attorney general's exemption from court fees in certain proceedings brought for the purpose of obtaining child support; adding Section 14.13 to Chapter 14, Title 2, Family Code.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1261 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1261** be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

#### GUESTS PRESENTED

Senator Sims was recognized and introduced the Capitol Physician for the Day, Dr. William C. O'Donnell of Kerrville.

The Senate welcomed Dr. O'Donnell and his son, Will, and expressed appreciation to Dr. O'Donnell for his service.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 9, 1985

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.C.R. 210**, Directing the TEC not to spend certain funds.

The House has concurred in Senate amendments to **H.B. 1147** by a record vote of 85 ayes, 60 noes, and 0 present not voting.

The House has concurred in Senate amendments to the following House Bills by a vote of 143 ayes, 0 noes and 1 present not voting:

<b>H.B. 1085</b>	<b>H.B. 1090</b>
<b>H.B. 1086</b>	<b>H.B. 1091</b>
<b>H.B. 1087</b>	<b>H.B. 1092</b>
<b>H.B. 1088</b>	<b>H.B. 1093</b>
<b>H.B. 1089</b>	

**H.C.R. 209**, Authorizing placement of a plaque honoring Moses Austin on Capitol grounds.

**H.B. 1306**, Relating to the administration and regulation of solid waste management practices under the Solid Waste Disposal Act; amending Chapter 405, Acts of the 61st Legislature, 1969, as amended (Article 4477-7, VTCS).

**H.B. 162**, Relating to the summary suspension of certain alcoholic beverage permits or licenses pending investigation of violent acts taking place on the licensed premises.

**S.B. 1364**, Relating to the designation of certain areas as reinvestment zones for purposes of property tax abatement. (With amendments)

**S.J.R. 16**, Proposing a constitutional amendment relating to the manner in which a person is charged with a criminal offense and to certain requirements applicable to State writs and processes.

**H.B. 278**, Relating to the grounds for termination of the parent-child relationship.

**H.B. 1442**, Relating to the sale or transfer of stock, memberships, and other rights of participation in certain water supply corporations.

**H.B. 1055**, Relating to creating an offense for escape from custody by a person detained under court order.

**H.B. 2129**, Relating to the eligibility for release on parole of a prisoner serving consecutive sentences.

**H.B. 874**, Relating to the purchase of mutual fund contracts through licensed securities dealers and rulemaking authority for the administration of the deferred compensation plans for public employees.

**H.B. 1774**, Relating to disclosure of bank charges.

**H.B. 748**, Relating to the appointment of probate surrogates for the statutory probate courts.

**H.B. 1532**, Relating to the authority of a teacher to request a hearing on charges resulting in release under a continuing contract.

**H.B. 2256**, Relating to the extension of the term of, creation of, addition to, or modification of restrictive covenants applicable to certain real estate subdivisions.

**H.B. 743**, Relating to benefits payable on the death of a member or retiree of the Teacher Retirement System of Texas.

**H.B. 2089**, Relating to compensation subject to contributions to and credit in the Teacher Retirement System of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILL 1187 ON SECOND READING

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

**S.B. 1187**, Relating to the prohibition of the municipal regulation of firearms, ammunition, and firearm supplies.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Blake, Brown, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Mauzy, Parmer, Truan.

Absent: Parker, Santiesteban, Washington.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1187**, SECTION 1. by striking the word "use," after the word "ownership,"

The amendment was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent: Santiesteban.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 1187** by striking SECTION 2 and substituting the following:

“SECTION 2. EXCEPTIONS. This act does not affect the authority that a city or town may have under another law:

(1) to require citizens or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose; or

(2) to prohibit or regulate the discharge of firearms within the limits of the city or town.”

The amendment was read.

Senator McFarland offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 3

Amend Floor Amendment No. 2 to **S.B. 1187** by striking SECTION 2 and substituting the following:

“SECTION 2. EXCEPTIONS. This act does not affect the authority that a city or town may have under another law:

(1) to require citizens or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) to prohibit or regulate the discharge of firearms within the limits of the city or town; or

(3) to otherwise regulate the use of property under its zoning authority”

The amendment was read and was adopted.

Floor Amendment No. 2 as amended was then adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 4

Amend **S.B. 1187** by striking on line 13 the word “possession”

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 5

Amend **S.B. 1187** by striking the words on line 14 “other control of firearms”

The amendment was read.

On motion of Senator Brown, the amendment was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Blake, Brown, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Nays: Barrientos, Brooks, Caperton, Farabee, Glasgow, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire.

Absent: Harris.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 6

Amend **S.B. 1187** by striking SECTION 3 in its entirety.

The amendment was read.

Senator Brown moved to table the amendment.

The motion to table was lost by the following vote: Yeas 15, Nays 16.

Yeas: Blake, Brown, Edwards, Henderson, Howard, Kothmann, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Nays: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Jones, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire.

Floor Amendment No. 6 was adopted by the following vote: Yeas 17, Nays 14.

Yeas: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Jones, Krier, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire.

Nays: Blake, Brown, Edwards, Henderson, Howard, Kothmann, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Senator Parmer offered the following amendment to the bill:

Floor Amendment No. 7

Amend **S.B. 1187** by adding a new Section I (a) to read as follows:

Nothing in this act shall prohibit a city from regulating possession and use of firearms in emergency situations in which the city finds such regulation necessary to protect the public safety.

The amendment was read.

Senator Brown moved to table the amendment.

The motion to table was lost by the following vote: Yeas 13, Nays 18.

Yeas: Blake, Brown, Henderson, Howard, Kothmann, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger.

Nays: Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Jones, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Floor Amendment No. 7 was adopted.

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 by the following vote: Yeas 20, Nays 11.

Yeas: Barrientos, Blake, Brown, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Brooks, Caperton, Farabee, Glasgow, Harris, Mauzy, Parker, Parmer, Santiesteban, Truan, Washington.

#### **MOTION TO PLACE SENATE BILL 1187 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1187** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 17, Nays 14. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brown, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Washington.

### HOUSE CONCURRENT RESOLUTION 171

The President laid before the Senate the following resolution:

**H.C.R. 171**, Designating “No Place But Texas” as the official sesquicentennial song of the 69th Legislature.

The resolution was read.

On motion of Senator Traeger and by unanimous consent, the resolution was considered immediately and was adopted.

### GUEST PRESENTED

Senator Traeger introduced the composer of “No Place But Texas,” Alex Harvey, who performed his song.

The Senate welcomed this guest and expressed their appreciation for his music.

(Senator Brooks in Chair)

### COMMITTEE SUBSTITUTE SENATE BILL 1095 ON SECOND READING

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

**C.S.S.B. 1095**, Relating to the continuation, composition, powers, and duties of the Texas Health Facilities Commission.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Krier, Leedom, Lyon, McFarland.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1095** on page 1, line 43, by striking “home health agency,”.

The amendment was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Parmer, Sarpalius, Sims, Traeger, Uribe.

Nays: Barrientos, Brooks, Harris, McFarland, Mauzy, Parker, Santiesteban, Sharp, Truan, Washington, Whitmire, Williams.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 1095**, Section 9, page 5 of the printed bill by adding a new paragraph to read as follows:

“(6) make an expenditure of \$500,000.00 or more for any single piece of medical equipment.”

and by amending Section 9, page 6 beginning on line 28, Subsection 3 to read as follows:

“(3) the acquisition of equipment, costing less than \$500,000.00, except when the equipment is acquired as part of a project that is otherwise subject to review under Subsection (a) of this section;”

The amendment was read and was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Lyon, McFarland, Mauzy, Montford, Parker, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Harris, Henderson, Krier, Leedom, Parmer, Washington.

On motion of Senator Edwards 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.

#### RECORD OF VOTES

Senators Henderson, Krier, Lyon and McFarland asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 1095 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1095 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Leedom, Lyon, Washington.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Harris, Henderson, Krier, Leedom, Lyon, McFarland.

#### (Senator Harris in Chair)

Senator Harris introduced his guest Dr. Kenneth Cooper of the Dallas Aerobics Center.

Dr. Cooper addressed the Senate.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 9, 1985

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.C.R. 133**, Granting Michael Russell and others permission to sue the State of Texas.

**H.C.R. 153**, Granting the estate, heirs, and legal representatives of Sue Ann Chapin permission to sue the State of Texas.

**H.C.R. 156**, Establishing the Joint Special Committee on the Family Role in Reducing Recidivism.

**H.C.R. 176**, Creating a special interim committee to examine the issues related to cogeneration and small power production with regard to the future electric needs of the citizens of the State of Texas.

**H.C.R. 100**, Directing the Central Education Agency to assess the possible causes of high teacher turnover in special education.

**S.C.R. 47**, Memorializing the United States Congress to take prompt action to enact Interstate Cost Estimate legislation.

**S.C.R. 64**, Directing the Texas Commission on Alcoholism to design a system to divert alcoholic patients from the Texas state mental hospitals into community-based detoxification and residential programs.

**S.C.R. 71**, Granting Cornelius S. Cooper permission to sue the State of Texas.

The House has concurred in Senate amendments to **H.B. 1949** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

(Senator Brooks in Chair)

#### COMMITTEE SUBSTITUTE SENATE BILL 1091 ON SECOND READING

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

**C.S.S.B. 1091**, Relating to nonrenewal of teachers' employment contracts and to appeals; amending the Education Code, as amended, by amending Subsection (a) of Section 21.203 and Subsection (a) of Section 21.207 and by adding Section 21.212 to Chapter 21.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **C.S.S.B. 1091** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Henderson, Sims.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **C.S.S.B. 1091** as follows:

- (1) Add a new SECTION 1 to read as follows and renumber existing SECTIONS 1 through 4 accordingly:

SECTION 1. Section 21.201, Education Code, is amended by adding Subdivision (5) to read as follows:

“(5) ‘Valid educationally related criteria’ means any legitimate concern of the school district which significantly relates to the ability, competence, or qualifications of the teacher in the performance of the teacher’s assigned duties or significantly relates to the efficient administration of the school district.”

- (2) Amend Subsection (a), Section 21.203 of SECTION 1 (now renumbered as SECTION 2) to read as follows:

“(a) The board of trustees of each school district may choose not to renew the employment of any teacher employed under a term contract effective at the end of the contract period. The nonrenewal must be based on the recommendation of the school district’s administration, the written evaluations of the teacher, and valid educationally related evidence. Parents, students, nonprofessional school personnel, and other individuals having firsthand knowledge shall not be prohibited from providing valid educationally related evidence.”

The amendment was read and was adopted.

On motion of Senator Caperton 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.

**(President in Chair)**

#### **COMMITTEE SUBSTITUTE SENATE BILL 1091 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1091** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Henderson, Sims, Washington.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

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

#### **SENATE BILL 532 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:

**S.B. 532**, Relating to enforcement of agreements to arbitrate disputes.

The bill was read second time and was passed to engrossment.

**SENATE BILL 532 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 532** be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 1007 ON SECOND READING**

On motion of Senator Santiesteban 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. 1007**, Relating to the regulation of respiratory care practitioners; providing a penalty.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1007 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1007** be placed on its third reading and final passage.

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

Nays: Washington.

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

**SENATE BILL 414 ON SECOND READING**

On motion of Senator Blake 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. 414**, Relating to the application of sales and use taxes to newspapers.

The bill was read second time and was passed to engrossment.

**SENATE BILL 414 ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 414** be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

**SENATE BILL 1128 ON SECOND READING**

On motion of Senator Glasgow 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. 1128**, Relating to the compensation, leave and work accounting records of the members of the State Board of Insurance and decision making by the State Board of Insurance with respect to matters within its quasi-judicial jurisdiction.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 1128** by striking Section 3 and renumbering subsequent sections.

The amendment was read and was adopted by the following vote: Yeas 22, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parmer, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Caperton, Edwards, Glasgow, Parker, Sims, Traeger.

Absent: Farabee, Jones, Santiesteban.

On motion of Senator Glasgow 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.

#### SENATE BILL 1128 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1128** be placed on its third reading and final passage.

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

Nays: Washington.

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

#### SENATE BILL 1421 ON SECOND READING

On motion of Senator Sharp 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. 1421**, Relating to the acquisition by purchase of existing roads by a road district; adding Section 4.447 to the County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Sharp offered the following amendment to the bill:

Amend **S.B. 1421** by adding a new SECTION 1 and renumbering current SECTION 1 and 2 accordingly:

SECTION 1. Subsection (b), Section 4.411, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Any county or any political subdivision of a county or any road district may issue bonds for the purpose of the construction, acquisition by purchase, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes in any amount not to exceed one-fourth of the assessed valuation of the real property of the county, political subdivision, or road district and may levy and collect ad valorem taxes to pay the interest on the bonds and provide a sinking fund for the redemption of the bonds. The bonds shall be issued in the manner provided in this part and as contemplated and authorized by Article III, Section 52, of the Texas Constitution."

The amendment was read and was adopted.

On motion of Senator Sharp 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.

#### **SENATE BILL 1421 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1421** be placed on its third reading and final passage.

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

Nays: Washington.

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

#### **SENATE BILL 1426 ON SECOND READING**

On motion of Senator Sharp 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. 1426**, Relating to the creation, organization, administration, and financing of road districts encompassing territory in two or more counties; amending Part 4, County Road and Bridge Act, as amended (Article 6702-1, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 1426 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1426** be placed on its third reading and final passage.

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

Nays: Washington.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 512 ON SECOND READING**

On motion of Senator Sarpalius 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. 512**, Relating to the imposition of certain administrative penalties by the State Board of Polygraph Examiners.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 512 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 512** be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 278 ON SECOND READING**

On motion of Senator Whitmire 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. 278**, Relating to an exemption from jury duty in certain courts because of past jury service.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 278 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 278** be placed on its third reading and final passage.

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

Nays: Washington.

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

**COMMITTEE SUBSTITUTE SENATE BILL 1058 ON SECOND READING**

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

**C.S.S.B. 1058**, Adding a new Section 67.213 to the Texas Education Code relating to authorization for a recreational sports fee at The University of Texas at Austin; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1058 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1058** be placed on its third reading and final passage.

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

Nays: Washington.

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

**MOTION TO PLACE****COMMITTEE SUBSTITUTE SENATE BILL 661 ON SECOND READING**

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

**C.S.S.B. 661**, Relating to regulating indoor air quality and to licensing persons who engage in encapsulating or scraping and removing friable building materials containing asbestos fibers; providing penalties.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of the Members present)

Yeas: Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Sharp, Sims, Traeger.

#### SENATE BILL 823 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. 823**, Relating to closing public water to the taking of aquatic life for sale or for human consumption; providing a penalty.

The bill was read second time and was passed to engrossment.

#### SENATE BILL 823 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 823** be placed on its third reading and final passage.

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

Nays: Washington.

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

#### SENATE BILL 1069 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. 1069**, Relating to the creation of a Drug Abuse Program Services Fund; providing for costs of court in certain types of convictions for said fund; providing for the disposition of such costs and the expenditure of the fund.

The bill was read second time.

Senator Parmer offered the following amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1069** as follows:

Amend SECTION 3 by inserting the following:

Insert the words "or the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes)" after the words "in all cases prosecuted under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes)" and before the words "and which are punishable by a fine in excess of \$200,"

Amending SECTION 4 by inserting the following:

Insert the words "or the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes)." after the words "in all cases prosecuted under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes)".

The amendment was read and was adopted.

Senator Parmer offered the following amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 1069** as follows:

Amend SECTION 13 to read as follows:

SECTION 13. This Act takes effect October 1, 1985.

The amendment was read and was adopted.

Senator Parmer offered the following amendment to the bill:

Committee Amendment No. 3

Amend S.B. 1069 by substituting the following for SECTION 5:

SECTION 5. If a court grants deferred adjudication under Article 42.12 or 42.13, Code of Criminal Procedure, 1965, as amended, the person shall pay as costs of court the amount that the person would have otherwise been required to pay under Section 3 or 4 of this Act had the adjudication not been deferred and the person been finally convicted of the offense.

Amend S.B. 1069 by substituting the following for SECTION 6:

SECTION 6. The costs due the state under this Act shall be collected along with and in the same manner as other fines or costs are collected in the case. The officer collecting the costs due under this Act in county and district courts shall keep separate records of the funds collected under this Act and shall deposit the funds in the county treasury.

The amendment was read and was adopted.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 1

S.B. 1069 is hereby amended by inserting a new Section 13 and renumbering the existing Sections 13 and 14 as Sections 14 and 15 respectively. The new Section 13 shall begin on line six of page four and read as follows:

"SECTION 13. The trial judge granting probation or deferred adjudication may, upon good cause shown by the testimony of the defendant and other relevant evidence, waive the payment of cost imposed under this Act. The judge shall set forth the reasons for such waiver in writing and notify the officer collecting such costs of the waiver in order that accurate records may be kept concerning the cost collected and waived. Nothing herein shall prevent the judge from permitting the defendant to pay such cost over the term of probation or deferred adjudication."

The amendment was read and was adopted.

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.

#### SENATE BILL 1069 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1069 be placed on its third reading and final passage.

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

Nays: Washington.

The bill was read third time and was passed.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 9, 1985

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. 76**, Relating to the eligibility of certain victims to receive benefits under the Crime Victims Compensation Act; defining certain terms; providing for cost collection enforcement. (As substituted)

**S.B. 228**, Relating to the regulation of certain carriers of currency, coin, securities, and certain other items.

**S.B. 515**, Relating to relief from liability for civil damages for disclosing real and personal property sales prices to property tax authorities.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILL 1085 ON SECOND READING**

On motion of Senator Lyon 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. 1085**, Relating to the disposition of unclaimed or abandoned property in the possession of a peace officer.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1085 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1085** be placed on its third reading and final passage.

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

Nays: Washington.

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

**SENATE CONCURRENT RESOLUTION 99 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:

**S.C.R. 99**, Directing the establishment by state agencies of a public awareness program relating to the problem of litter on Texas beaches.

The resolution was read second time and was adopted.

**BILLS AND RESOLUTIONS SIGNED**

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

**S.C.R. 138**  
**S.C.R. 146**

**S.B. 368**  
**S.B. 533**

S.B. 43	S.B. 611
S.B. 241	S.B. 630
S.B. 279	S.B. 1296
S.B. 303	

**MESSAGE FROM THE COMPTROLLER**

The following Message from the Comptroller of Public Accounts was read and was filed with the Secretary of the Senate:

**BOB BULLOCK**  
**COMPTROLLER OF PUBLIC ACCOUNTS**  
Austin, Texas 78774

May 9, 1985

The Honorable Mark W. White  
Governor of Texas

The Honorable William P. Hobby, Jr.  
Lieutenant Governor

The Honorable Gibson D. Lewis  
Speaker of the House

Members of the 69th Legislature

Ladies and Gentlemen:

As the legislative session enters its final days, we continue to monitor current tax receipts and the outlook for the state economy closely. To this point, I find no significant change in conditions which either add to or subtract from the estimates I have already given you.

Therefore, I continue to estimate that, under current law, the state will receive \$36.5 billion from all sources during 1986-87.

We will continue to monitor conditions and keep you informed during the last critical days of the regular session.

Sincerely,

/s/BOB BULLOCK  
Comptroller of Public Accounts

BB:bhl

**PRESENTATION TO SENATOR MONTFORD**

Senator Parker presented Senator Montford with a "Senate Water Boy" tee-shirt and a "Texas Water Bucket".

Senator Montford expressed his appreciation.

**CONGRATULATORY RESOLUTIONS**

**S.R. 390** - By Harris: Extending congratulations to J. J. Pearce High School Academic Decathlon team from Richardson on retaining national championship in U.S. Academic Decathlon finals.

**S.R. 391** - By Harris: Extending congratulations to Dr. Kenneth H. Cooper.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 12:17 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(May 8, 1985)

**H.B. 275** (Effective July 1, 1986)  
**H.B. 620** (Effective August 26, 1985)  
**H.B. 1218** (Sections 2, 3, 4 January 1, 1986; all other provisions, September 1, 1985)

Sent to Governor  
(May 9, 1985)

<b>S.B. 142</b>	<b>S.C.R. 138</b>
<b>S.B. 231</b>	<b>S.C.R. 146</b>
<b>S.B. 332</b>	<b>S.B. 43</b>
<b>S.B. 362</b>	<b>S.B. 241</b>
<b>S.B. 622</b>	<b>S.B. 279</b>
<b>S.B. 638</b>	<b>S.B. 303</b>
<b>S.B. 764</b>	<b>S.B. 368</b>
<b>S.B. 805</b>	<b>S.B. 533</b>
<b>S.B. 819</b>	<b>S.B. 611</b>
<b>S.B. 907</b>	<b>S.B. 630</b>
<b>S.C.R. 22</b>	<b>S.B. 1296</b>
<b>S.C.R. 134</b>	

Sent to Comptroller  
(May 9, 1985)

**S.B. 340**

**SIXTY-SEVENTH DAY**  
(Friday, May 10, 1985)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Bob Glasgow offered the invocation as follows:

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Our Father, as we enter these last weeks of this legislative session, we realize that this period of time usually and customarily has discord and controversies that we must overcome. We think that this body is