

TWENTY-FOURTH DAY

MONDAY, MARCH 1, 1999

PROCEEDINGS

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

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

The Reverend Sydney Gervais, Rector Emeritus, Saint Richard's Episcopal Church, Round Rock, offered the invocation as follows:

"I will listen to what the Lord God is saying; for He is speaking peace to His faithful people and to those who turn their hearts to Him. Mercy and truth have met together; righteousness and peace have kissed each other." (Psalm 85:8, 10)

O Lord, You teach us that the law is good and right and holy. And You teach us that if we but listen to You, we will receive Your peace.

We pray that this legislative body, the Texas Senate, may so hear You that our laws may bear Your mark of righteousness and peace, the righteousness of good laws well articulated and the peace of a people mindful of Your mercies in those laws. And, all of it to the praise and glory of Your great name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 25, 1999, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 22

On motion of Senator Nelson and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 22**.

CO-AUTHORS OF SENATE BILL 58

On motion of Senator Haywood and by unanimous consent, Senators Moncrief and Wentworth will be shown as Co-authors of **SB 58**.

CO-AUTHOR OF SENATE BILL 224

On motion of Senator Haywood and by unanimous consent, Senator Sibley will be shown as Co-author of **SB 224**.

CO-AUTHORS OF SENATE BILL 304

On motion of Senator Truan and by unanimous consent, Senators Duncan, Lucio, Shapleigh, Sibley, and Zaffirini will be shown as Co-authors of **SB 304**.

CO-AUTHOR OF SENATE BILL 322

On motion of Senator Ellis and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 322**.

CO-AUTHORS OF SENATE BILL 445

On motion of Senator Moncrief and by unanimous consent, Senators Armbrister, Barrientos, Fraser, Haywood, Jackson, Luna, and Truan will be shown as Co-authors of **SB 445**.

CO-AUTHOR OF SENATE BILL 501

On motion of Senator Shapleigh and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 501**.

CO-AUTHORS OF SENATE BILL 549

On motion of Senator Haywood and by unanimous consent, Senators Moncrief and Nelson will be shown as Co-authors of **SB 549**.

CO-AUTHORS OF SENATE BILL 591

On motion of Senator Shapiro and by unanimous consent, Senators Nixon and Wentworth will be shown as Co-authors of **SB 591**.

CO-AUTHORS OF SENATE BILL 592

On motion of Senator Shapiro and by unanimous consent, Senators Nixon and Wentworth will be shown as Co-authors of **SB 592**.

CO-AUTHORS OF SENATE BILL 593

On motion of Senator Shapiro and by unanimous consent, Senators Nixon and Wentworth will be shown as Co-authors of **SB 593**.

(Senator Sibley in Chair)

SENATE BILLS ON FIRST READING

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

SB 687 by Barrientos
Relating to lifeline and tel-assistance telecommunications services.
To Committee on Economic Development.

SB 688 by Carona
Relating to declaring a junked motor vehicle a nuisance.
To Committee on Intergovernmental Relations.

SB 689 by Carona
Relating to an exemption from the Sale of Checks Act for electronic funds transfers.
To Committee on Economic Development.

SB 690 by Lucio, Brown

Relating to preference to Texas and United States products in purchasing by state agencies, school districts, and certain charter schools.

To Committee on Education.

SB 691 by Lucio

Relating to the financing and administration of a program for public library development.

To Committee on Education.

SB 692 by Lucio

Relating to expanding the TexShare library consortium.

To Committee on Education.

SB 693 by Cain

Relating to public notice of and public hearings on proposed ad valorem tax rates.

To Committee on State Affairs.

SB 694 by Cain

Relating to the written notice of the appraised value of property for ad valorem tax purposes delivered by a chief appraiser to the property owner.

To Committee on State Affairs.

SB 695 by Luna, Lucio, Zaffirini

Relating to minimum salaries for public school classroom teachers and librarians.

To Committee on Education.

SB 696 by Barrientos

Relating to a franchise tax credit for a corporation that establishes and operates a day-care center for children of employees or purchases services for employees.

To Committee on Finance.

SB 697 by Duncan

Relating to credits for settlements in certain civil actions.

To Subcommittee on Technology and Business Growth.

SB 698 by Carona

Relating to the computation of the initial contribution rate for certain employers for purposes of unemployment compensation.

To Committee on Economic Development.

SB 699 by Carona, Ellis

Relating to residential subdivisions with mandatory membership in homeowner associations.

To Committee on State Affairs.

SB 700 by Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the North Harris County Regional Water Authority; granting the power of eminent domain and the authority to issue bonds and to impose taxes; providing a civil penalty.

To Committee on Natural Resources.

SB 701 by Madla

Relating to estimating interest in the county budget process.
To Committee on Intergovernmental Relations.

SB 702 by Madla

Relating to importation of alcoholic beverages into the state by direct shipment; providing penalties.
To Committee on Economic Development.

SB 703 by Madla

Relating to regulation of nursing homes.
To Committee on Health Services.

SB 704 by Shapiro

Relating to a franchise tax refund or credit for certain research and development activities.
To Committee on Finance.

SB 705 by Ogden

Relating to providing aid, support, and assistance to agriculture, including the promotion of agriculture and the establishment of the "Go Texan" Partner Program; providing penalties.
To Subcommittee on Agriculture.

SB 706 by Ogden, Wentworth, Bernsen

Relating to providing disaster relief to agriculture; providing penalties.
To Committee on Finance.

SB 707 by Carona

Relating to an exemption from sand and gravel permit requirements.
To Committee on Natural Resources.

SB 708 by Jackson, Bernsen

Relating to the implementation and financing of approved management plans for designated estuaries of national significance in the state.
To Committee on Natural Resources.

SB 709 by Sibley

Relating to development regulations for certain unincorporated areas located in the watershed of Lake Granbury and the Brazos River; providing a penalty.
To Committee on Intergovernmental Relations.

SB 710 by Wentworth, Ogden, Lindsay

Relating to the requirement of a plat for a subdivision of land outside a municipality.
To Committee on Intergovernmental Relations.

SB 711 by Wentworth

Relating to requiring certain tract owners to execute a maintenance bond for certain subdivision improvements.
To Committee on Intergovernmental Relations.

SB 712 by Wentworth

Relating to requiring manufactured home rental communities to comply with county subdivision regulations.

To Committee on Intergovernmental Relations.

SB 713 by Ogden

Relating to the county and road district highway fund.

To Committee on Finance.

SB 714 by Gallegos

Relating to evaluation and termination of certain public school employees.

To Committee on Education.

SB 715 by Truan

Relating to the authority of the Texas Water Development Board to set performance standards for certain colonias contracts and to deny an application for financial assistance or terminate a contract for inability to perform.

To Committee on Border Affairs - Special.

SB 716 by Harris

Relating to the power of a court to defer adjudication in cases involving misdemeanors punishable by fine only and payment of all court costs.

To Committee on Criminal Justice.

SB 717 by Lindsay, Nelson

Relating to certain suits against firearms or ammunition manufacturers, trade associations, or sellers.

To Committee on State Affairs.

SB 718 by Lindsay

Relating to primary election dates and procedures and related dates.

To Committee on State Affairs.

SB 719 by Lindsay

Relating to the deposit and investment of funds by the comptroller of public accounts.

To Committee on Finance.

SB 720 by Zaffirini

Relating to granting limited state law enforcement authority to border patrol agents of the United States Immigration and Naturalization Service.

To Committee on Border Affairs - Special.

SB 721 by Zaffirini

Relating to credit in the Judicial Retirement System of Texas Plan Two for certain judicial service.

To Committee on State Affairs.

SB 722 by Luna

Relating to the establishment of a high technology training program by the Texas State Technical College System.

To Subcommittee on Higher Education.

SB 723 by Zaffirini

Relating to the Texas Academy of Foreign Languages and Culture.
To Committee on Finance.

SB 724 by Zaffirini

Relating to continuing education courses and programs for public school educators.
To Committee on Education.

SB 725 by Barrientos

Relating to the investigation of Texas Department of Public Safety officers and to the appeal of any resulting disciplinary actions.
To Committee on Criminal Justice.

SB 726 by Nixon

Relating to property owners' association elections.
To Committee on State Affairs.

SB 727 by Nixon

Relating to creating a real estate appraiser's lien.
To Committee on State Affairs.

SB 728 by Fraser, Lindsay

Relating to implementation of a Texas courthouse preservation program.
To Committee on Finance.

SB 729 by Shapiro

Relating to reports and other business filings made with the secretary of state; providing penalties.
To Committee on State Affairs.

SB 730 by Madla

Relating to the licensing and regulation of pharmacists and pharmacies.
To Committee on Health Services.

SB 731 by Harris

Relating to suits for damages for personal injury to certain persons.
To Subcommittee on Technology and Business Growth.

SB 732 by Harris

Relating to authorizing certain governmental entities located in certain municipalities with a development corporation to assess fees with the approval of the municipality.
To Committee on Intergovernmental Relations.

SB 733 by Armbrister

Relating to the use of accomplice witness testimony in a criminal proceeding.
To Committee on Criminal Justice.

SB 734 by Armbrister

Relating to the number of certified peace officers commissioned and employed by the Office of the Attorney General.
To Committee on Criminal Justice.

SB 735 by Armbrister

Relating to contracts for the repair or maintenance of certain equipment of the Texas Department of Transportation.

To Committee on State Affairs.

SB 736 by Armbrister

Relating to the investment of funds of a nonprofit water supply or sewer service corporation.

To Committee on Natural Resources.

SB 737 by Armbrister

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

To Subcommittee on Agriculture.

SB 738 by Armbrister

Relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or a bail bond.

To Committee on Criminal Justice.

SB 739 by Armbrister

Relating to the regulation of bail bondsmen.

To Committee on Criminal Justice.

SB 740 by Armbrister

Relating to liability for damages resulting from contact with a high voltage overhead line.

To Subcommittee on Technology and Business Growth.

SB 741 by Armbrister

Relating to recovery of certain relocation costs by a gas utility.

To Committee on Natural Resources.

SB 742 by Armbrister

Relating to settlement of a claim for a tax penalty or interest on a tax.

To Committee on Finance.

SB 752 by Sibley

Relating to residents' voting rights and the right to file for candidacy after an area is annexed by certain small and medium sized municipalities.

To Committee on Intergovernmental Relations.

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Stephen Spann of Houston, was introduced to the Senate by Senator Ellis.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 1, 1999

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 80, Honoring Southwest Texas Telephone Company for 100 years of service.

HCR 88, Congratulating the Texas Audubon Society on its 100th anniversary.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

(President in Chair)

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
February 25, 1999

TO THE SENATE OF THE SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS AGRICULTURAL FINANCE AUTHORITY BOARD OF DIRECTORS:

For terms to expire January 1, 2001

Darwin D. DeWees

2306 Sul Ross

San Angelo, Texas 76902

(replacing Charles Legg of
Dumas whose term expired)

Robert Hensley Henry

3001 Mansard Street

Vernon, Texas 76384

(replacing Mark Jones of
Menard whose term expired)

Susan Kennedy
4821 Emerald Drive
Nacogdoches, Texas 75961
(replacing Deborah Herber of
Pleasanton whose term expired)

Renato Ramirez
1 Ramirez Drive
P.O. Box 125
Zapata, Texas 78076
(replacing Dickie Gerles of
Uvalde whose term expired)

Respectfully submitted,

/s/George W. Bush
Governor

SENATE RESOLUTION 293

Senator Sibley offered the following resolution:

WHEREAS, Monday March 1, 1999, has been selected by the citizens of Erath County, Texas, as a special day to gather at the State Capitol to recognize and celebrate the contributions of Erath County to the heritage of the State of Texas; and

WHEREAS, Erath County, located in West Central Texas, was created in 1855 out of a land patent awarded to the heirs of John Blair for his service to the Republic of Texas at the Alamo in 1836, and the heirs of John Blair subsequently conveyed 17 2/3 labors or 3,127 acres of said patent to John M. Stephens, for whom Stephenville was named, and Stephens contracted the surveying services to George B. Erath, for whom the county is named; and

WHEREAS, Erath County has been ranked the fifth best county among 205 rural counties in the state for economic development for five years, according to a report released by the State Comptroller; and

WHEREAS, Stephenville, the county seat of Erath County, has been listed as one of the 100 best small towns in the nation in a registry compiled by Norman Crampton and published by Prentice-Hall; and

WHEREAS, The Stephenville High School Yellow Jacket football team has become the team of the decade in Class 4A University Interscholastic League competition by winning state championships in 1993, 1994, and 1998; and

WHEREAS, Dublin, the second largest city in Erath County, is the home of the oldest Dr Pepper bottling plant in the world, opened in 1891 as the first Dr Pepper franchise, and now markets throughout the country as the only plant still using the original Dr Pepper formula; and

WHEREAS, Erath County has a strong, diversified economic base, featuring agriculture as the leading industry; recognized as the number one dairy county in Texas, it is complimented by national and worldwide industrial operations; and

WHEREAS, Erath County is known as the "Cowboy Capital of the World," earning this designation by being the home of Ty Murray, who recently won a record seventh National Championship All-Around Cowboy title, and several other world-class rodeo performers; and

WHEREAS, Tarleton State University in Stephenville is currently celebrating 100 years of providing outstanding educational opportunities for students throughout Texas and the nation, and it is an integral part of The Texas A&M University System with approximately 6,500 students in four undergraduate colleges and one graduate college; and

WHEREAS, Erath County is justifiably proud of its history, culture, progressive development, and contributions to the heritage of the State of Texas; and

WHEREAS, This special day is an appropriate occasion for the Texas Senate to recognize the citizens of Erath County and to commend them for their notable endeavors and achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby declare March 1, 1999, as Erath County Day at the State Capitol and join Erath residents as they celebrate their county's greatness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Erath County as an expression of the recognition and appreciation of the Texas Senate.

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

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a delegation of citizens from Erath County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Shing Chi Yuen, Senior Clinical Psychologist, and Hannah Yip, Social Work Officer, with the Hong Kong Government's Sex Offender Treatment Program and Child Abuse Unit; accompanied by Grace Davis, Director of Prevention, Sexual Assault Prevention and Crisis Services Division of the Attorney General's Office.

The Senate welcomed its distinguished guests.

(Senator Whitmire in Chair)

RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate:

HCR 30, HCR 60, HCR 76, HCR 79, HCR 92, HCR 97, HCR 98, HCR 103, SCR 28, SCR 29, SCR 32.

AT EASE

The Presiding Officer at 2:03 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:26 p.m. called the Senate to order as In Legislative Session.

CONCLUSION OF MORNING CALL

The President at 2:26 p.m. announced the conclusion of morning call.

SENATE BILL 61 ON SECOND READING

Senator Madla moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 61** be taken up for consideration at this time:

SB 61, Relating to regulation of certain body piercing facilities; providing penalties.

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

Absent: Moncrief.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 61** as follows:

(1) In SECTION 2 of the bill (committee printing page 1, line 24), strike "the external part of".

(2) In SECTION 2 of the bill (committee printing page 1, line 24), between "individual's" and "to", strike "ear" and substitute "earlobe".

(3) In SECTION 12 of the bill (committee printing page 3, line 29), between "pierced" and the period, strike "is the external part of the person's ear" and substitute "is the person's earlobe".

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

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 61** as follows:

(1) Strike Section 146.001, Health and Safety Code, as amended by SECTION 2 of the bill (Senate committee printing, page 1, lines 16-38), and substitute the following:

Sec. 146.001. DEFINITIONS. In this chapter:

(1) "Body piercing" means the creation of an opening in an individual's body to insert jewelry or another decoration.

(2) "Body piercing studio" means a facility in which body piercing is performed.

(3) "Ear piercing" means the creation of an opening in the external part of an individual's ear to insert jewelry or another decoration.

(4) "Tattoo" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(5) [(2)] "Tattooist" means a person who performs tattooing.

(6) [(3)] "Tattoo studio" means an establishment or facility in which tattooing is performed.

(7) [(4)] "Temporary location" means a fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

(2) In Section 146.008, Health and Safety Code, as amended by SECTION 8 of the bill, strike "or body piercing professional" in each of the two places the phrase appears (Senate committee printing, page 2, lines 53 and 57) and substitute in each of these places "or person who performs body piercing".

(3) In Section 146.011(a), Health and Safety Code, as amended by SECTION 11 of the bill, strike "or body piercing professional" (Senate committee printing, page 3, line 13) and substitute "or person who performs body piercing".

(4) In Section 146.011(b), Health and Safety Code, as amended by SECTION 11 of the bill, strike "or body piercing professional" (Senate committee printing, page 3, line 16) and substitute "or person who performs body piercing".

(5) Strike Section 146.0125(a), Health and Safety Code, as added by SECTION 12 of the bill (Senate committee printing, page 3, lines 22-25) and substitute:

(a) A person may not perform body piercing on an individual younger than 18 years of age without the written and notarized consent of a parent, managing conservator, or guardian of the individual.

(6) In Section 146.013(a), Health and Safety Code, as amended by SECTION 13 of the bill, strike the added sentence (Senate committee printing, page 3, lines 34-36) and substitute:

A person who performs body piercing shall maintain a permanent record of each individual whose body is pierced by the person for a period established by the board.

(7) In SECTION 16(b) of the bill (Senate committee printing, page 3, line 62), strike "a body piercing professional" and substitute "a person who performs body piercing".

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

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

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

SENATE BILL 61 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 61** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent: Moncrief.

SB 61 was read third time and was passed by a viva voce vote.

SENATE BILL 115 ON SECOND READING

Senator Brown moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 115** be taken up for consideration at this time:

SB 115, Relating to the repeal of the expiration of certain fees imposed by the Railroad Commission of Texas.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Moncrief.

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

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 115 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 **SB 115** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Moncrief.

SB 115 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 191 ON SECOND READING

Senator Ogden moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 191** be taken up for consideration at this time:

SB 191, Relating to restrictions on certain actions involving the executive head of a state agency or special district; providing a penalty.

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

The bill was read second time.

Senator Ogden offered the following committee amendment to the bill:

Committee Amendment No. 1

(1) Amend **SB 191**, in Section 1 of the bill, in the title for CHAPTER 618, after the word "AGENCY", delete the phrase "OR SPECIAL DISTRICT".

(2) Amend **SB 191**, in Section 1 of the bill, in added Section 618.001 by deleting subdivisions (2) and (3) in their entirety and substituting a new subdivision to read as follows:

(2) "State agency" has the same meaning assigned by Section 572.002.

(3) Amend **SB 191**, in Sections 618.001, 618.002, 618.003, and 618.004 by deleting the phrases "or special district", "or district", "OR SPECIAL DISTRICT" and ", special district," throughout.

(4) Amend the caption to conform with the body of the bill.

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

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

SENATE BILL 191 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 191** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 191 was read third time and was passed by a viva voce vote.

SENATE BILL 284 ON SECOND READING

Senator Brown moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 284** be taken up for consideration at this time:

SB 284, Relating to the fee collected by a prosecutor for collecting and processing a dishonored or forged check or similar sight order.

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

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

SENATE BILL 284 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 **SB 284** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 284 was read third time and was passed by a viva voce vote.

SENATE BILL 223 ON SECOND READING

Senator Ogden moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 223** be taken up for consideration at this time:

SB 223, Relating to restrictions on spending by state agencies for certain employee training or certain membership dues.

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

The bill was read second time.

Senator Ogden offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 223** on page 4 on line 1 by striking "required to register" and adding in its place "are registered" between the word "who" and the word "under" and; on line 23, page 3 by striking "required to register" and adding in its place "registered" between the words "salary of a person" and "under Chapter 305".

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

On motion of Senator Ogden 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.

SENATE BILL 223 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 223** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 223 was read third time and was passed by a viva voce vote.

SENATE BILL 356 ON SECOND READING

Senator Brown moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 356** be taken up for consideration at this time:

SB 356, Relating to the abolition of the Texas Hospital Equipment Financing Council.

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

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

SENATE BILL 356 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 **SB 356** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 356 was read third time and was passed by a viva voce vote.

SENATE BILL 17 ON SECOND READING

Senator Zaffirini moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 17** be taken up for consideration at this time:

SB 17, Relating to certain hearings held with respect to conduct relating to the distribution or marketing of cigarettes or tobacco products.

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

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

SENATE BILL 17 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 **SB 17** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 17 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 269 ON SECOND READING**

Senator Duncan moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **CSSB 269** be taken up for consideration at this time:

CSSB 269, Relating to the dissolution of certain economic development corporations.

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

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 269** by adding the following appropriately numbered SECTIONS, and renumbering the subsequent SECTIONS appropriately.

SECTION _____. Section 4B, The Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) is amended by amending Subsection (e) and adding a new Subsection (e-1) to read as follows:

(e) The rate of a tax adopted under this section must be one-eighth, one-fourth, three-eighths, or one-half of one percent. The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be adopted. A corporation that holds an election to reduce or abolish a tax imposed under Section 4A of this Act may, in the same or in a separate proposition on the same ballot, adopt a tax under this section. If an eligible city adopts the tax, a tax is imposed on the receipts from the sale at retail of taxable items within the eligible city at the rate approved at the election. There is also imposed an excise tax on the use, storage, or other consumption within the eligible city

of tangible personal property purchased, leased, or rented from a retailer during the period that the tax is effective within the eligible city. The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sale price of the tangible personal property.

(e-1) Notwithstanding any other provision of this subsection, if a city dissolves a corporation created under Section 4A of this Act and creates a corporation under this section, a person serving as a director of the corporation created under Section 4A of this Act at the time of dissolution may serve on the board of the corporation created under this section.

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

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 269** as follows:

(1) Add a new SECTION 2 of the bill (Committee Printing page 1, line 44) to read as follows:

"SECTION 2. The change in law made by Section 1 applies only to a corporation created on or after the effective date of this Act. A corporation created before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose."

(2) Renumber subsequent SECTIONs appropriately.

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 269 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 269** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 269 was read third time and was passed by a viva voce vote.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, February 25, 1999, by Senator Wentworth.

Senator Wentworth moved confirmation of the nominees reported Thursday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator West requested that the following nominees be severed:

Members, The University of Texas System Board of Regents: Woody L. Hunt, El Paso County; Charles Miller, Harris County; Raul R. Romero, Harris County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported Thursday by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Justice, Supreme Court of Texas: Alberto R. Gonzales, Travis County.

Members, Parks and Wildlife Commission: Alvin L. Henry, Harris County; Katharine Armstrong Idsal, Dallas County; Mark E. Watson, Jr., Bexar County.

Members, Texas Workforce Commission: Ronald E. Lehman, Williamson County; Terrence P. O'Mahoney, Dallas County.

Commissioner of Health and Human Services: Don Allen Gilbert, Travis County.

Member, Board for Lease of Parks and Wildlife Department Lands: William Gammon III, Travis County.

Chief Administrative Law Judge, State Office of Administrative Hearings: Shelia Bailey Taylor, Travis County.

Judge, 126th Judicial District Court, Travis County: Ernest C. Garcia, Travis County.

Judge, 338th Judicial District Court, Harris County: Elsa Alcala, Harris County.

PERSONAL PRIVILEGE STATEMENTS

Senator West was recognized to speak on a matter of personal privilege regarding the nominees to The University of Texas System Board of Regents.

Senators Truan, Ellis, Lucio, Gallegos, Whitmire, Barrientos, and Wentworth were also recognized to speak on the nominees.

NOMINEES CONFIRMED

Senator Wentworth moved that the following severed nominees be confirmed:

Members, The University of Texas System Board of Regents: Woody L. Hunt, El Paso County; Charles Miller, Harris County; Raul R. Romero, Harris County.

The nominees were confirmed by the following vote: Yeas 29, Nays 1.

Nays: West.

Absent: Haywood.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Madla announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and

Uncontested Calendar Session would be held at 9:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 4:04 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, in memory of Dr. Hugh Sticksel, Jr., of Amarillo, until 10:00 a.m. tomorrow.

MEMORIAL RESOLUTIONS

SCR 35 - by Moncrief: In memory of the Reverend Julius Lee Jackson, Sr., of Benbrook.

SCR 36 - by Duncan: In memory of "Big" Ed Wilkes of Lubbock.

SR 299 - by Truan: In memory of Fred J. Brandesky of Corpus Christi.

SR 304 - by Shapleigh: In memory of Richard Esmond Martin of El Paso.

SR 307 - by Bivins: In memory of Dr. Hugh Sticksel, Jr., of Amarillo.

HCR 46 - (Gallegos): In memory of Petra Garcia Torres.

WELCOME AND CONGRATULATORY RESOLUTIONS

SR 297 - by Lucio: Congratulating Charles Butt, 1999 Border Texan of the Year.

SR 298 - by Lucio: Congratulating the City of Hidalgo and the Hidalgo Chamber of Commerce.

SR 300 - by Haywood: Welcoming the Texas Midwest Community Network to the Capitol.

SR 301 - by Armbrister: Congratulating the Victoria High School cheerleaders and their coaches.

SR 302 - by Wentworth: Congratulating Rosalie and Clifton Bolner of San Antonio.

SR 303 - by Barrientos: Congratulating James Briones of Austin.

SR 305 - by Cain: Congratulating Deryl McKissack of Washington, D.C.

SR 306 - by Barrientos: Congratulating the Balcones Big League Softball Team from Austin.

SR 309 - by Haywood: Congratulating the citizens of the City of Gainesville.

SR 312 - by Nelson, Harris, West: Congratulating Leadership Grand Prairie.

MISCELLANEOUS RESOLUTIONS

SR 288 - by Madla: Designating January 8 as Kickapoo Nation Day.

SR 308 - by Madla: Declaring March 1-7, 1999, Rural Health Care Week in Texas.

SR 310 - by Brown, Armbrister, Ellis: Declaring March 3, 1999, as Fort Bend County Day.

SR 311 - by Nelson, Cain: Recognizing March 2, 1999, as Ellis County Day at the State Capitol.

HCR 107 - (Ratliff): Recognizing February 25, 1999, as Paris-Lamar County Day at the Capitol.

RECESS

On motion of Senator Truan, the Senate at 4:04 p.m. recessed until 9:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 1, 1999

HEALTH SERVICES — CSSB 95, CSSB 96, SB 254, CSSB 413, SB 511, CSSB 94

CRIMINAL JUSTICE — SB 23, SB 50

STATE AFFAIRS — SB 234, SB 440, SB 478, SB 479

ADMINISTRATION — CSSB 494, SCR 6, HCR 33

EDUCATION — CSSB 237

ECONOMIC DEVELOPMENT — SB 170, SB 427, CSSB 130, CSSB 295, CSSB 405

CRIMINAL JUSTICE — SB 152, SB 283 (Amended), CSSB 306, CSSB 461

STATE AFFAIRS — CSSCR 16, CSSB 138, CSSB 493

CRIMINAL JUSTICE — CSSB 24, CSSB 588

STATE AFFAIRS — CSSB 35

SIGNED BY GOVERNOR

February 26, 1999

SCR 19