

THIRTY-NINTH DAY

THURSDAY, MARCH 25, 1999

PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, 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 John Alsbrooks, First United Methodist Church, San Saba, offered the invocation as follows:

We praise You this day, O holy and righteous God, for You are an awesome and wonderful God who is worthy of all praise.

Though we have sinned, You have given grace; though we fall short, You have provided forgiveness; though we are weak, You have made available Your strength.

We thank You for these men and women who have given much to serve our great State of Texas. We realize that their job is one of few thanks. A job in which there are few winners, but we want to lift them to You today. We ask You to guide them in all their decisions during this session. Keep their minds focused on the task before them of obtaining equality and justice for all.

We realize that this task seems hopeless at times, but with Your help we will strive to obtain it. Day by day we face challenges, many of our own making, but through You we can overcome all obstacles. Let us place our trust in God and not in ourselves, relying heavily on His mercy and not fighting the battle alone.

Help us to recognize the great privilege we have been given to live in this land that we call Texas. We know, God, that You are the source of all good things—good things like springtime when life begins to erupt from the coldness of winter, good things like the joy of family and friends spending time together. During this time of the year we realize that You are the creator and sustainer of all good things.

We know that You want to create in us more than a dream or a purpose. You want to give us courage to dream Your dream; You want to give us the strength to carry out Your purpose in the lives of our fellow Texans and the world. And, above all, You want to help us to rejoice in Your love and grace

and in the reconciliation You have made possible through our Lord, in whose name we pray. Amen.

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

CO-AUTHORS OF SENATE BILL 37

On motion of Senator Ellis and by unanimous consent, Senators Bernsen, Bivins, and Sibley will be shown as Co-authors of **SB 37**.

CO-AUTHOR OF SENATE BILL 149

On motion of Senator Harris and by unanimous consent, Senator West will be shown as Co-author of **SB 149**.

CO-AUTHOR OF SENATE BILL 1342

On motion of Senator Carona and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 1342**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 42

On motion of Senator Luna and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SCR 42**.

PERMISSION TO INTRODUCE BILLS

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

SB 1833, SB 1834, SB 1835, SB 1836, SB 1837.

SENATE BILLS ON FIRST READING

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

SB 1833 by Jackson, Moncrief

Relating to disposing of certain waste created by home health providers.
To Committee on Health Services.

SB 1834 by Sibley

Relating to authorized investments for entities subject to the Public Funds Investment Act.
To Committee on State Affairs.

SB 1835 by Sibley

Relating to the powers, duties and financing of the Brazos River Authority, the authority of persons and public agencies to contract with the authority with reference thereto by amending Chapter 13, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, by adding Section 11 and changing the conditions

upon which Authority may sell property by amending Section 12, Chapter 368, Acts of the 44th Legislature, 1st Called Session, 1935, as amended.
To Committee on Natural Resources.

SB 1836 by Sibley

Relating to certain expenditures by corporations and labor organizations for appearances by candidates for public office.
To Committee on State Affairs.

SB 1837 by Sibley

Relating to rights of survivorship transfer of a motor vehicle.
To Committee on Jurisprudence.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 52 to Committee on Border Affairs - Special.

HB 221 to Committee on Jurisprudence.

HB 431 to Subcommittee on Agriculture.

HB 573 to Committee on Health Services.

HB 1033 to Committee on Health Services.

HB 1283 to Committee on Natural Resources.

HB 1503 to Committee on Human Services.

HCR 23 to Committee on Natural Resources.

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a group of fourth- and fifth-grade students and their teachers from Shackelford Elementary School in Waxahachie.

The Senate welcomed its guests.

CAPITOL PHYSICIAN

Senator Cain was recognized and presented Dr. Ziad Haydar of Dallas as the "Doctor for the Day."

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

GUESTS PRESENTED

Senator Madla was recognized and introduced to the Senate Mrs. Texas International, Joy Saxon of San Antonio, accompanied by her mother, Lucille Garcia.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

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

SB 85, SB 115, HCR 50, HCR 58.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of fifth-grade students from Wooldridge Elementary School in Austin, accompanied by their teachers.

The Senate welcomed its guests.

(Senator Madla in Chair)

SENATE RESOLUTION 476

Senator Bernsen offered the following resolution:

WHEREAS, The Texas Senate takes pleasure in welcoming the proud citizens of Beaumont to Austin, Texas, on March 25, 1999, as the group celebrates Beaumont Day at the State Capitol; and

WHEREAS, The county seat of Jefferson County, Beaumont is located on the Neches River, where it is an industrial inland port which is one of the state's largest handlers of ship tonnage; the city is also the site of one of the world's largest petrochemical and refining complexes; and

WHEREAS, In 1835, one of the town's organizers, Henry Millard, bought 50 acres for a townsite and called it Beaumont, for beautiful mountain; some of the first early industries were lumber products, rice farming, and cattle ranching; and

WHEREAS, Settlement was fairly rapid, and the port of Beaumont became the shipping center for cattle, sugar cane, and cotton; on January 10, 1901, oil was discovered at Spindletop and the town was changed; Spindletop created the first Texas boomtown and a new energy industry was born; 600 oil companies were formed during the boom, some of which became Texaco, Gulf, and Humble; and

WHEREAS, Beaumont has many thriving industries, including rice, soybeans, wheat, grain sorghum, precision industrial equipment, and medical instruments; and

WHEREAS, Colored by the culture of neighboring Louisiana, Beaumont has a Cajun influence in some of its cuisine, and the mix of cultures present in the city add greatly to its interest to both tourists and residents; and

WHEREAS, The fascinating city holds recreational and outdoor opportunities; it is located near the Big Thicket National Preserve, and the fortunate placement of the town puts it near beaches, lakes, parks, and marshlands; and

WHEREAS, Beaumont is known as the Museum Capital of Texas, and it has 24 museums throughout the city; the Art Museum of Southeast Texas has fine art, sculpture courtyards, and an art library, while the Texas Energy Museum houses the Western Company of Fort Worth and the Lamar University Spindletop collections; and

WHEREAS, Among other attractions of the city are the McFaddin-Ward House, one of the few restored colonial Beaux-Arts mansions in the country; there is also the oldest surviving residence in Beaumont, the John Jay French Museum, which was built in 1845; it has been carefully restored by the heritage society in the city; and

WHEREAS, Noted for its vigorous and enthusiastic citizenry, Beaumont takes justifiable pride in its past and looks forward to its promising future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby proclaim March 25, 1999, as Beaumont Day at the State Capitol and extend a hearty welcome to the citizens from Beaumont; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of the admiration and esteem of the Texas Senate.

The resolution was read.

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

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

GUESTS PRESENTED

Senator Bernsen was recognized and introduced to the Senate Beaumont City Council Members, Guy N. Goodson and Becky Ames, and a delegation of citizens from the City of Beaumont.

The Senate welcomed its guests.

(Senator Truan in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 25, 1999

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 677, Relating to physicians who may provide certain mental health services.

HB 688, Relating to the jurisdiction and authority of a justice or municipal court concerning a child and the parent, managing conservator, or guardian of the child.

HB 870, Relating to county fees for handling certain registry funds.

HB 1289, Relating to the regulation of gas utilities organized as limited liability companies.

HB 1348, Relating to the classification of certain child support claims against the estate of a decedent.

HB 1615, Relating to the acquisition of goods and services by certain medical and dental institutions of higher education.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL 1240 RECOMMITTED

On motion of Senator Nelson and by unanimous consent, **SB 1240** was recommitted to the Committee on Health Services.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Truan in Chair, at 10:34 a.m. announced the conclusion of morning call.

(President in Chair)

MOTION TO PLACE**SENATE BILL 460 ON SECOND READING**

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

SB 460, Relating to the admissibility in a criminal proceeding of an oral or sign language statement made by the accused.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up **SB 460** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Carona, Duncan, Fraser, Harris, Haywood, Jackson, Lindsay, Nelson, Nixon, Ratliff, Shapiro, Sibley, Wentworth.

Nays: Barrientos, Bernsen, Cain, Ellis, Gallegos, Lucio, Luna, Moncrief, Ogden, Shapleigh, Truan, West, Whitmire, Zaffirini.

Absent: Madla.

SENATE CONCURRENT RESOLUTION 53

Senator Sibley offered the following resolution:

WHEREAS, Thursday, March 25, 1999, has been selected by the citizens of Comanche County as a special day to gather at the State Capitol to recognize and celebrate the contributions of Comanche County to the heritage of the State of Texas; and

WHEREAS, Named for Comanche Indians who once ruled the Southwest Plains, both the county and town of Comanche were established in 1856 near the settlement of Cora; the historic courthouse "Old Cora" was restored and moved to Comanche, and it has earned the distinction of being one of the oldest original existing courthouses in Texas; and

WHEREAS, Today, "Old Cora" sits on the town square under the spreading branches of the legendary Fleming Oak, a beautiful oak tree that was saved from destruction by a gun-wielding settler named Martin Fleming, who hid behind the tree to escape an Indian attack; believing the tree saved his life, he pledged to defend the tree from encroaching development; and

WHEREAS, The determined settler got his wish, and today both "Old Cora" and the Fleming Oak stand on the county's Courthouse Square alongside a historic well that was discovered and restored near the Fleming Oak; and

WHEREAS, Nestled in the hills of Central Texas, Comanche County boasts fertile soil and warm sunny weather that make the county a top producer of peanuts, pecans, watermelons, and cantaloupes; in addition, the county is a top milk producer; and

WHEREAS, Comanche County's natural resources also include an abundant wildlife population and nearby Lake Proctor, which is used for a variety of water sports and is a top draw for fishermen; and

WHEREAS, Comanche County residents celebrate their colorful heritage and spirit throughout the year with festive events such as an annual July rodeo, the DeLeon Peach and Melon Festival, and the famed Comanche County Pow-Wow; and

WHEREAS, Comanche County is proud to be the home of the Comanche High School Maidens, winners of the 1998 State 3A Championship in basketball; and

WHEREAS, Comanche 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 Legislature to recognize the citizens of Comanche County and to commend them for their notable endeavors and achievements; now, therefore, be it

RESOLVED, That the 76th Legislature of the State of Texas hereby declare March 25, 1999, as Comanche County Day at the Capitol and join Comanche County 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 Comanche County as an expression of the recognition and appreciation of the Texas Legislature.

The resolution was read.

On motion of Senator Sibley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Sibley, joined by Senator Fraser, was recognized and introduced to the Senate a delegation of citizens from Comanche County.

The Senate welcomed its guests.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate former National Football League All-Pro offensive player for the Cleveland Browns, Jim Brown.

The Senate welcomed Mr. Brown.

(Senator Ogden in Chair)

GUESTS PRESENTED

Senator Luna was recognized and introduced to the Senate members of the distance learning program from Chicago, Illinois, who are visiting Huston-Tillotson College in Austin.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Haywood, joined by Senators Fraser and Sibley, was recognized and introduced to the Senate a delegation from the Texas Midwestern Community Network.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a group of fourth- and fifth-grade students from Saint Barnabas Episcopal Day School in Pasadena, accompanied by their principal, Darlene Hansen; fourth-grade teacher, Allison Lock; and fifth-grade teacher, Barbara Gailbraith.

The Senate welcomed its guests.

**SENATE RULE 2.02 SUSPENDED
(Restrictions on Admission)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 2.02 was suspended to grant a member of his staff permission to be seated at his desk during the deliberation of **CSSB 37**.

**COMMITTEE SUBSTITUTE
SENATE BILL 37 ON SECOND READING**

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

CSSB 37, Relating to student financial aid, including the consolidation or repeal of student aid, grant, and scholarship programs and the creation of scholarship or grant programs to provide financial assistance to students at institutions of higher education who meet certain academic, citizenship, financial need, and other requirements.

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

The bill was read second time.

(Senator Lindsay in Chair)

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 37**, on page 5, lines 6-49, by striking SECTION 3 of the bill.

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

Yeas: Armbrister, Barrientos, Bernsen, Cain, Fraser, Gallegos, Jackson, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Shapleigh, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Carona, Duncan, Ellis, Harris, Haywood, Lindsay, Ratliff, Shapiro, Sibley, Wentworth.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 37**, page 5, line 6, add a new subsection (b) to read as follows:

(b) The provisions of Section 54.064(a) requiring an academic scholarship do not apply to student athletes who meet the qualifications of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

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

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 37** as follows:

(1) In SECTION 1 of the bill (committee printing page 1, line 19), in the title of Subchapter M, strike "SCHOLARSHIP" and insert "GRANT".

(2) In SECTION 1 of the bill (committee printing page 1, lines 33-35), in added Section 56.302(a), Education Code, strike "scholarship" each time it appears and substitute "grant".

(3) In SECTION 1 of the bill (committee printing page 1, line 40), in added Section 56.303(a), Education Code, between "Hope" and "Program", strike "Scholarship" and substitute "Grant".

(4) In SECTION 1 of the bill (committee printing page 1, line 44), in added Section 56.303(b), Education Code, between "Hope" and "to", strike "scholarship" and substitute "grant".

(5) In SECTION 1 of the bill (committee printing page 1, line 47), in added Section 56.303(c), Education Code, between "Hope" and "awarded", strike "scholarships" and substitute "grants".

(6) In SECTION 1 of the bill (committee printing page 1, line 51), in added Section 56.303(d), Education Code, between "Hope" and the comma, strike "scholarship" and substitute "grant".

(7) In SECTION 1 of the bill (committee printing page 1, line 52), in added Section 56.303(d), Education Code, between "awarding" and "to", strike "scholarships" and substitute "grants".

(8) In SECTION 1 of the bill (committee printing page 1, line 55), in added Section 56.304, Education Code, strike "scholarship" each time it appears and substitute "grant".

(9) In SECTION 1 of the bill (committee printing page 2, lines 35-50), in added Section 56.305, Education Code, strike "scholarship" each time it appears and substitute "grant".

(10) In SECTION 1 of the bill (committee printing page 3, lines 1-11), in added Section 56.306, Education Code, strike "scholarship" each time it appears and substitute "grant".

(11) In SECTION 1 of the bill (committee printing page 3, lines 12-53), in added Section 56.307, Education Code, strike "scholarship" each time it appears and substitute "grant".

(12) In SECTION 1 of the bill (committee printing page 3, lines 54-67), in added Section 56.308, Education Code, strike "scholarship" each time it appears and substitute "grant".

(13) In SECTION 1 of the bill (committee printing page 3, lines 68-69 and page 4, lines 1-55), in added Section 56.309, Education Code, strike "scholarship" each time it appears and substitute "grant".

(14) In SECTION 4 of the bill (committee printing page 5, line 62), in amended Section 54.5021(c), Education Code, between "making" and "awards", strike "scholarship and grant" and substitute "grant".

(15) In SECTION 7 of the bill (committee printing page 6, line 55), in amended Section 56.039, Education Code, between "award" and the period, strike "scholarships and grants under Subchapter M [as provided by law to students at institutions other than the institution that transferred the funds]" and substitute "grants under Subchapter M [scholarships as provided by law to students at institutions other than the institution that transferred the funds]"

(16) In SECTION 8 of the bill (committee printing page 6, lines 60-69 and page 7, lines 1-7), in amended Section 151.423, Tax Code, strike "scholarships or grants" each time the phrase appears and substitute "grants".

(17) In SECTION 11 of the bill (committee printing page 7, line 17), strike "Scholarship" and substitute "Grant".

(18) Strike SECTION 14 of the bill and substitute a new SECTION 14 to read as follows:

SECTION 14. (a) The Texas Higher Education Coordinating Board shall award grants under the Texas Hope Grant Program and the Teach for Texas Grant Program beginning with the 1999 fall semester.

(b) The Texas Higher Education Coordinating Board shall adopt the rules for awarding grants under the Texas Hope Grant Program and the Teach for Texas Grant Program not later than July 31, 1999.

(c) The Texas Higher Education Coordinating Board may award a grant under the Teach for Texas Grant Program to a person who has not received a Texas Hope grant if the person meets all the other qualifications for the award of a Teach for Texas tuition grant under Section 56.309, Education Code, as added by this Act, and the requirements for a Texas Hope grant under Section 56.305, Education Code, as added by this Act. This subsection expires September 1, 2001.

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

On motion of Senator Ellis 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 37 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 37** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 37 was read third time and was passed by a viva voce vote.

GUEST PRESENTED

Senator Armbrister was recognized and introduced to the Senate former National Football League All-Pro defensive player for the Dallas Cowboys, Charlie Waters.

The Senate welcomed Mr. Waters.

(Senator Sibley in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON SECOND READING**

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

CSSB 89, Relating to municipal annexation; providing penalties.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 89** in SECTION 2 of the bill, by striking Sections 43.002(c)(5) and (6), Local Government Code (Committee Printing page 1, lines 59-61), and substituting the following:

- (5) a regulation relating to the storage and use of hazardous substances;
- (6) a regulation relating to the sale and use of fireworks; or
- (7) a regulation relating to the discharge of firearms.

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 89** in SECTION 4 of the bill (Committee Printing page 3, lines 1-13) by striking Section 43.052(f), Local Government Code, and substituting the following:

- (f) This section does not apply to an area proposed for annexation if:
 - (1) the area has fewer than 250 permanent residents;
 - (2) the area will be annexed by vote or petition of the qualified voters or property owners as provided by Subchapter B;
 - (3) the area is the subject of an industrial district contract under Section 42.044;
 - (4) the area is located in a colonia, as that term is defined by Section 2306.581, Government Code;
 - (5) the area is annexed under Section 43.026, 43.027, 43.029, or 43.031; or
 - (6) the municipality determines that the annexation of the area is necessary to protect the public health or safety.

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 89** in SECTION 6 of the bill, by striking Section 43.056(f)(3), Local Government Code (Committee Printing page 6, lines 26-30), and substituting the following:

(3) provide [fewer] services [or lower levels of services] in the area in a manner that would result in fire and police protection and emergency medical services to not be provided at substantially the same level within the corporate boundaries of the municipality before annexation.

The amendment was read.

On motion of Senator Madla and by unanimous consent, Floor Amendment No. 3 was withdrawn.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 89** in SECTION 6 of the bill by striking Section 43.056(l), Local Government Code (Committee Printing page 7, lines 23-45), and substituting the following:

(l) If a court issues a [the] writ under Subsection (k), the court:

(1) [municipality shall pay the person's costs and reasonable attorney's fees in bringing the action. A writ issued under this subsection] must provide the municipality the option of disannexing the area within a reasonable period specified by the court;

(2) may require the municipality to comply with the service plan in question before a reasonable date specified by the court if the municipality does not disannex the area within the period prescribed by the court under Subdivision (1);

(3) may require the municipality to refund to the landowners of the annexed area money collected by the municipality from those landowners for services to the area that were not provided;

(4) may assess a civil penalty against the municipality, to be paid to the state in an amount as justice may require, for the period in which the municipality is not in compliance with the service plan;

(5) may require the parties to participate in mediation; and

(6) may require the municipality to pay the person's costs and reasonable attorney's fees in bringing the action for the writ [30 days].

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 89** in SECTION 7 of the bill, at the end of Section 43.0561(b), Local Government Code (Committee Printing page 8, line 8), by inserting the following:

If a suitable site is not reasonably available in the area proposed for annexation, the hearing may be held outside the area proposed for annexation if the hearing is held in the nearest suitable public facility.

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 89** in SECTION 7 of the bill, at the end of Section 43.0562(c), Local Government Code (Committee Printing page 8, line 37), by inserting the following: If more than one municipal utility district is located in the area proposed for annexation, the governing boards of the districts may jointly select five representatives to negotiate with the municipality on behalf of all the affected districts.

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 89** as follows:

(1) In SECTION 7 of the bill, strike Section 43.0564(a), Local Government Code (Committee Printing page 8, lines 57-67), and substitute the following:

(a) If the municipality and the representatives of the area proposed for annexation cannot reach an agreement for the provision of services under Section 43.0562, 43.0563, or 43.0751, either party by majority decision of the party's representatives may request the appointment of an arbitrator to resolve the service plan issues in dispute. The request must be made in writing to the other party before the 60th day after the date the service plan is completed under Section 43.056. The municipality may not annex the area under another section of this chapter during the pendency of the arbitration proceeding or an appeal from the arbitrator's decision.

(2) In SECTION 9 of the bill, strike Section 43.0751(o), Local Government Code (Committee Printing page 11, lines 8-17), and substitute the following:

(o) If a municipality required to negotiate with a district under this section and the requesting district fail to agree on the terms of a strategic partnership agreement, either party may seek binding arbitration of the issues relating to the agreement in dispute under Section 43.0564.

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

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 89** as follows:

(1) In SECTION 2 of the bill, in the recital to that section, strike "Section 43.002" and substitute "Sections 43.002 and 43.003" (Committee Printing page 1, line 29).

(2) In SECTION 2 of the bill, immediately following the colon at the end of the recital to that section, insert a new Section 43.002, Local Government Code (Committee Printing page 1, between lines 29 and 30), to read as follows:

Sec. 43.002. APPLICABILITY. This chapter does not apply to a municipality with a population of 1.6 million or more.

(3) In SECTION 2 of the bill, in the heading to Section 43.002, Local Government Code (Committee Printing page 1, line 30), strike "Sec. 43.002" and substitute "Sec. 43.003".

(4) In SECTION 6 of the bill, strike the first sentence in Section 43.056(d), Local Government Code (Committee Printing, page 5, lines 45-47), and substitute the following:

(d) ~~[A municipality with a population of 1.5 million or more may provide all or part of the municipal services required under the service plan by contracting with service providers.]~~

(5) In SECTION 7 of the bill, in the recital to that section, strike "Section 43.0566" and substitute "Section 43.0565" (Committee Printing page 7, line 62).

(6) In SECTION 7 of the bill, in Section 43.0566, Local Government Code, strike "Sec. 43.0566" and substitute "Sec. 43.0565" (Committee Printing page 9, line 40).

(7) In SECTION 8 of the bill, in Section 43.062, Local Government Code, strike "43.0565." (Committee Printing page 10, line 7).

(8) In SECTION 8 of the bill, strike Section 43.064, Local Government Code (Committee Printing page 10, lines 32-43), and substitute the following:

Sec. 43.064. PERIOD FOR COMPLETION OF ANNEXATION. The annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the municipality is restrained or enjoined by a court from annexing the area is not included in computing the 90-day period.

(9) Immediately following SECTION 8 of the bill, insert a new SECTION to the bill (Committee Printing page 10, between lines 54 and 55) to be numbered appropriately to read as follows:

SECTION __. Section 43.0715(b), Local Government Code, is amended to read as follows:

(b) If a municipality [~~with a population of less than 1.5 million~~] annexes a special district for full or limited purposes and the annexation precludes or impairs the ability of the district to issue bonds, the municipality shall, simultaneously with the annexation, pay in cash to the landowner or developer of the district a sum equal to all actual costs and expenses incurred by the landowner or developer in connection with the district that the district has, in writing, agreed to pay and that would otherwise have been eligible for reimbursement from bond proceeds under the rules and requirements of the Texas Natural Resource Conservation Commission as such rules and requirements exist on the date of annexation.

(10) Immediately following SECTION 13 of the bill, insert a new SECTION to the bill (Committee Printing page 12, between lines 4 and 5) to be numbered appropriately to read as follows:

SECTION __. Subtitle C, Title 2, Local Government Code, is amended by adding Chapter 44, redesignating Section 43.0565 of the Local Government Code as Section 44.057 of the Local Government Code, and amending the redesignated section to read as follows:

CHAPTER 44. MUNICIPAL ANNEXATION
IN CERTAIN POPULOUS MUNICIPALITIES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 44.001. APPLICABILITY. This chapter applies only to a municipality with a population of 1.6 million or more.

Sec. 44.002. CONTINUATION OF LAND USE. (a) Sections 43.003(a) and (b) apply to the annexation of an area by the municipality.

(b) This section does not prohibit a municipality from prohibiting the sale and use of fireworks in the area.

[Sections 44.003-44.020 reserved for expansion]

SUBCHAPTER B. GENERAL AUTHORITY TO ANNEX

Sec. 44.021. GENERAL AUTHORITY TO ANNEX. (a) Sections 43.021, 43.022, 43.028, 43.031, 43.032, and 43.102 apply to the annexation of an area by the municipality.

(b) For purposes of this section, the reference to Section 43.054 in Section 43.102(d) means Section 44.054.

[Sections 44.022-44.050 reserved for expansion]

SUBCHAPTER C. ANNEXATION PROCEDURE FOR

AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN

Sec. 44.051. AUTHORITY TO ANNEX LIMITED TO EXTRATERRITORIAL JURISDICTION. Section 43.051 applies to the annexation of an area by the municipality.

Sec. 44.052. MUNICIPAL ANNEXATION PLAN REQUIRED. (a) In this section "district" means a municipal utility district, water control and improvement district, or other district created under Section 52, Article III, or Section 59, Article XVI, of the Texas Constitution.

(b) A municipality may annex an area identified in the annexation plan only as provided by this section.

(c) A municipality shall prepare an annexation plan that specifically identifies annexations that may occur beginning on the third anniversary of the date the annexation plan is adopted. The municipality may amend the plan to specifically identify annexations that may occur beginning on the third anniversary of the date the plan is amended.

(d) At any time during which the area of a district is included in a municipality's annexation plan, the district may not take an action described by Section 43.052(c) without the consent of the municipality.

(e) A municipality may amend its annexation plan at any time to remove an area proposed for annexation. If, before the end of the 18th month after the month an area is included in the three-year annexation cycle, a municipality amends its annexation plan to remove the area, the municipality may not amend the plan to again include the area in its annexation plan until the first anniversary of the date the municipality amended the plan to remove the area. If, during or after the 18 months after the month an area is included in the three-year annexation cycle, a municipality amends its annexation plan to remove the area, the municipality may not amend the plan to again include the area in its annexation plan until the second anniversary of the date the municipality amended the plan to remove the area.

(f) Before the 90th day after the date a municipality adopts or amends an annexation plan under this section, the municipality shall give written notice to:

(1) each property owner in the affected area, as indicated by the appraisal records furnished by the appraisal district for each county in which the affected area is located, that the area has been included in or removed from the municipality's annexation plan;

(2) each public entity, as defined by Section 43.053, or private entity that provides services in the area proposed for annexation; and

(3) each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation.

- (g) This section does not apply to an area proposed for annexation if:
- (1) the area has fewer than 250 permanent residents;
 - (2) the area will be annexed by vote or petition of the qualified voters or property owners as provided by Subchapter B;
 - (3) the area is annexed at the request of a district;
 - (4) the area is the subject of an industrial district contract under Section 42.044;
 - (5) the area is annexed under Section 43.031; or
 - (6) the municipality determines that the annexation of the area is necessary to protect the public health or safety.

Sec. 44.053. INVENTORY OF SERVICES AND FACILITIES REQUIRED.

(a) Except as provided by this section, Section 43.053 applies to the annexation of an area by the municipality.

(b) Notwithstanding Section 43.053(c), if a service provider fails to provide the information required within the 90-day period, the municipality is not required to include the information in an inventory prepared under this section.

(c) The municipality may monitor the services provided in an area proposed for annexation and verify the inventory information provided by a service provider.

Sec. 44.054. WIDTH REQUIREMENTS. (a) In this section, "designated municipal area" means the area within the corporate boundaries of a municipality other than:

- (1) an area annexed by the municipality before September 1, 1999, that was less than 1,000 feet in width at its narrowest point;
- (2) an area annexed by the municipality before September 1, 1999, that was contiguous to a strip of municipal territory that was less than 1,000 feet in width at its narrowest point when the annexation occurred;
- (3) an area annexed after December 1, 1995, and before September 1, 1999;
- (4) property owned by the municipality; and
- (5) an area contiguous to property owned by the municipality if the municipal property was annexed in an annexation that included an area that was less than 1,000 feet in width at its narrowest point.

(b) A municipality may not annex an area unless the width of the area at its narrowest point is at least 1,500 feet. At least 1,500 feet of the boundaries of the area proposed for annexation must be contiguous to the boundaries of the designated municipal area of the municipality.

- (c) This section does not apply to:
- (1) an area if:
 - (A) the area is contiguous to an area annexed by the municipality before September 1, 1999, that is less than 1,000 feet in width at its narrowest point; and
 - (B) the area previously annexed and the area proposed for annexation combined is at least 1,500 feet in width;
 - (2) an area completely surrounded by designated municipal area;
 - (3) an area in which the property owners request annexation by the municipality;
 - (4) an area in a district, as defined by Section 44.052(a), if the governing board of the district by majority vote requests annexation;
 - (5) an area owned by the municipality; or
 - (6) an area with fewer than 50 residents.

Sec. 44.055. MAXIMUM AMOUNT OF ANNEXATION EACH YEAR. Section 43.055 applies to the annexation of an area by the municipality.

Sec. 44.056. PROVISION OF SERVICES TO ANNEXED AREA. (a) Before the first day of the 10th month after the month in which the inventory is prepared as provided by Section 44.053, the governing body of the municipality proposing the annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.

(b) The service plan must include a program under which the municipality will provide full municipal services in the annexed area no later than 2-1/2 years after the effective date of the annexation, in accordance with Subsection (e). However, under the program the municipality must provide the following services in the area on the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection;
- (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (6) operation and maintenance of roads and streets, including road and street lighting;
- (7) operation and maintenance of parks, playgrounds, and swimming pools; and
- (8) operation and maintenance of any other publicly owned facility, building, or service.

(c) For purposes of this section, "full municipal services" means services funded in whole or in part by municipal taxation and provided by the annexing municipality within its full-purpose boundaries.

(d) A municipality may provide all or part of the municipal services required under the service plan by contracting with service providers. If the municipality owns a water and wastewater utility, the municipality shall, subject to this section, extend water and wastewater service to any annexed area not within the service area of another water or wastewater utility. If the municipality annexes territory included within the boundaries of a municipal utility district or a water control and improvement district, the municipality shall comply with applicable state law relating to annexation of territory within a municipal utility district or a water control and improvement district. The service plan shall summarize the service extension policies of the municipal water and wastewater utility.

(e) The service plan must also include a program under which the municipality will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area. The construction shall be substantially completed within 2-1/2 years after the effective date of the annexation. The acquisition or construction of the facilities shall be accomplished by purchase, lease, or other contract or by the municipality succeeding to the powers, duties, assets, and obligations of a conservation and reclamation district as authorized or required by law. The construction of the facilities shall be accomplished in a continuous process and shall be completed as soon as

reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. However, the municipality does not violate this subsection if the construction process is interrupted for any reason by circumstances beyond the direct control of the municipality. The requirement that construction of capital improvements must be substantially completed within 2-1/2 years:

(1) does not apply to a development project or proposed development project within an annexed area if the annexation of the area was initiated by petition or request of the owners of land in the annexed area and the municipality and the landowners have agreed in writing that the development project within that area, because of its size or projected manner of development by the developer, is not reasonably expected to be completed within that period; or

(2) may be extended by:

(A) an agreement entered into by the municipality and a district, as defined by Section 44.052(a); or

(B) a decision issued by an arbitrator under Section 44.060.

(f) A service plan may not:

(1) require the creation of another political subdivision;

(2) require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or

(3) provide services in the area in a manner that would have the effect of reducing the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

(g) If the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services available in other parts of the municipality with land uses and population densities similar to those reasonably contemplated or projected in the area. If the annexed area had a level of services, infrastructure, and infrastructure maintenance equal to the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must maintain that same level of services, infrastructure, and infrastructure maintenance. If the annexed area had a level of services, infrastructure, and infrastructure maintenance superior to the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance that existed in the annexed area before annexation.

(h) The municipality may not impose a fee in the annexed area, over and above ad valorem taxes and fees imposed within the corporate boundaries of the municipality before annexation, to maintain the level of services that existed in the area before annexation. This subsection does not prohibit the municipality from imposing a fee for a service in the area annexed if the same fee is imposed within the corporate boundaries of the municipality before annexation.

(i) If only a part of the area to be annexed is actually annexed, the governing body shall direct the department to prepare a revised service plan for that part.

(j) The proposed service plan must be made available for public inspection and explained to the inhabitants of the area at the public hearings held under Section 44.058. The plan may be amended through negotiation at the hearings, but the provision of any service may not be deleted. On completion of the public hearings, the service plan shall be attached to the ordinance annexing the area and approved as part of the ordinance.

(k) On approval by the governing body, the service plan is a contractual obligation that is not subject to amendment or repeal except that if the governing body determines at the public hearings required by this subsection that changed conditions or subsequent occurrences make the service plan unworkable or obsolete, the governing body may amend the service plan to conform to the changed conditions or subsequent occurrences. An amended service plan must provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the governing body must provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 44.058.

(l) A service plan is valid for 10 years. Renewal of the service plan is at the discretion of the municipality. A person residing or owning land in an annexed area may enforce a service plan by petitioning the municipality for a change in policy or procedures to ensure compliance with the service plan. If the municipality fails to take action with regard to the petition, the petitioner may request arbitration of the dispute under Section 44.061.

(m) This section does not require that a uniform level of full municipal services be provided to each area of the municipality if the governing body of the municipality determines that different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service. A district, as defined by Section 44.052(a), aggrieved by a determination made by a municipality under this subsection may request arbitration of the dispute under Section 44.060. Nothing in this subsection modifies the requirement under Subsection (g) for a service plan to provide a level of services in an annexed area that is equal to the level of services provided within the corporate boundaries of the municipality before annexation. To the extent of any conflict between this subsection and Subsection (g), Subsection (g) prevails.

Sec. 44.057 [~~43.0565~~]. PROVISION OF WATER OR SEWER SERVICES.

(a) The requirements of this section are in addition to those prescribed by Section 44.056 [~~43.056~~].

(b) A municipality that includes within its boundaries annexed areas without water service, sewer service, or both:

(1) shall develop a service plan that:

(A) must identify developed tracts in annexed areas of the municipality that do not have water service, sewer service, or both and must provide a procedure for providing water service, sewer service, or both to those developed tracts;

(B) must establish a timetable for providing service based on a priority system that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents;

(C) must include a capital improvements plan committing the necessary financing;

(D) may relieve the municipality from an obligation to provide water service, sewer service, or both in an area described in the service plan if a majority of the households in the area sign a petition stating they do not want to receive the services; and

(E) may require property owners to connect to service lines constructed to serve their area;

(2) shall provide water service, sewer service, or both to at least 75 percent of the residential buildings in annexed areas of the municipality that did not have water service, sewer service, or both on September 1, 1991;

(3) shall provide water service to each area annexed before January 1, 1993, if the area or subdivision as described in the service plan contains at least 25 residences without water service, unless a majority of the households in the area state in a petition that they do not want municipal water service; and

(4) is subject to the penalty prescribed by Section 5.235(n)(6), Water Code, for the failure to provide services.

Sec. 44.058. ANNEXATION HEARING REQUIREMENTS.

(a) Section 43.0561 applies to the annexation of an area by the municipality.

(b) For purposes of Section 43.0561(b), if a suitable site is not reasonably available in the area proposed for annexation, the hearing may be held outside the area proposed for annexation if the hearing is held in the nearest suitable public facility.

Sec. 44.059. NEGOTIATIONS REQUIRED. (a) This section applies only to the annexation of a district, as defined by Section 44.052(a).

(b) After holding the hearings as provided by Section 44.058, the municipality shall negotiate with the governing board of the district proposed for annexation for the provision of services to the district after annexation.

(c) If more than one district is located in the area proposed for annexation, the governing boards of the districts shall jointly select five representatives to negotiate with the municipality on behalf of all the affected districts.

Sec. 44.060. ARBITRATION REGARDING NEGOTIATIONS FOR SERVICES.

(a) If the municipality and the district cannot reach an agreement for the provision of services under Section 44.059, either party may request the appointment of an arbitrator to resolve the service plan issues in dispute. The request must be made in writing to the other party before the 60th day after the date the service plan is completed under Section 44.056. The municipality may not annex the area under another section of this chapter during the pendency of the arbitration proceeding or an appeal from the arbitrator's decision.

(b) The parties to the dispute may agree on the appointment of an arbitrator. If the parties cannot agree on the appointment of an arbitrator before the 11th business day after the date arbitration is requested, the mayor of the municipality shall immediately request a list of seven neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service or their successors in function. An arbitrator included in the list must be a resident of this state and may not be a resident of a county in which any part of the municipality or any part of the district proposed for annexation is located. The parties to the dispute may agree on the appointment of an arbitrator included in the list. If the parties cannot agree on the appointment of an arbitrator before the 11th business day after the date the list is provided to the parties,

each party or the party's designee may alternately strike a name from the list. The remaining person on the list shall be appointed as the arbitrator. In this subsection, "business day" means a day other than a Saturday, Sunday, or state or national holiday.

(c) The arbitrator shall:

(1) set a hearing to be held not later than the 10th day after the date the arbitrator is appointed; and

(2) notify the parties to the arbitration in writing of the time and place of the hearing not later than the eighth day before the date of the hearing.

(d) The authority of the arbitrator is limited to issuing a decision relating only to the establishment of the proper level of services to be provided under the service plan.

(e) The arbitrator may:

(1) receive in evidence any documentary evidence or other information the arbitrator considers relevant;

(2) administer oaths; and

(3) issue subpoenas to require:

(A) the attendance and testimony of witnesses; and

(B) the production of books, records, and other evidence relevant to an issue presented to the arbitrator for determination.

(f) The arbitrator shall complete the hearing within one day. The arbitrator, for good cause shown, may schedule an additional hearing to be held not later than the seventh day after the date of the first hearing. Unless otherwise agreed to by the parties, the arbitrator must issue a decision in writing and deliver a copy of the decision to the parties not later than the 14th day after the date of the final hearing.

(g) Either party may appeal any provision of an arbitrator's decision that exceeds the authority granted under Subsection (d) to a district court in a county in which the area proposed for annexation is located.

(h) If the municipality does not agree with the terms of the arbitrator's decision, the municipality may not annex the area proposed for annexation before the fifth anniversary of the date of the arbitrator's decision.

(i) The municipality shall pay the cost of arbitration.

Sec. 44.061. ARBITRATION REGARDING ENFORCEMENT OF SERVICE PLAN. (a) A person who requests arbitration as provided by Section 44.056(l) must request the appointment of an arbitrator in writing to the municipality.

(b) Sections 44.060(b), (c), and (f) apply to appointment of an arbitrator and the conduct of an arbitration proceeding under this section.

(c) In an arbitration proceeding under this section, the municipality has the burden of proving that the municipality is in compliance with the service plan requirements.

(d) If the arbitrator finds that the municipality has not complied with the service plan requirements, the municipality may disannex the area before the 31st day after the date the municipality receives a copy of the arbitrator's decision. If the municipality does not disannex the area, the arbitrator may:

(1) require the municipality to comply with the service plan in question before a reasonable date specified by the arbitrator;

(2) may require the municipality to refund to the landowners of the annexed area money collected by the municipality from those landowners for services to the area that were not provided;

(3) require the municipality to pay the costs of arbitration, including the reasonable attorney's fees and arbitration costs of the person requesting arbitration; and

(4) provide other appropriate remedies.

(e) If the arbitrator finds that the municipality has complied with the service plan requirements, the arbitrator may require the person requesting arbitration to pay all or part of the cost of arbitration, including the reasonable attorney's fees of the municipality.

Sec. 44.062. ANNEXATION THAT SURROUNDS AREA: FINDINGS REQUIRED. Section 43.057 applies to the annexation of an area by the municipality.

[Sections 44.063-44.070 reserved for expansion]

SUBCHAPTER D. ANNEXATION PROCEDURE FOR AREAS EXEMPTED FROM MUNICIPAL ANNEXATION PLAN

Sec. 44.071. APPLICABILITY. This subchapter applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 44.052.

Sec. 44.072. PROCEDURES APPLICABLE. Sections 44.051, 44.054, 44.055, 44.056, 44.057, and 44.062 apply to the annexation of an area to which this subchapter applies.

Sec. 44.073. ANNEXATION HEARING REQUIREMENTS. (a) Section 43.063 applies to the annexation of an area to which this subchapter applies.

(b) For purposes of Section 43.063(b), if a suitable site is not reasonably available in the area proposed for annexation, the hearing may be held outside the area proposed for annexation if the hearing is held in the nearest suitable public facility.

Sec. 44.074. PERIOD FOR COMPLETION OF ANNEXATION; EFFECTIVE DATE. (a) Section 43.064 applies to the annexation of an area to which this subchapter applies.

(b) Notwithstanding any provision of a municipal charter to the contrary, a municipality may provide that an annexation take effect on any date within 90 days after the date of the adoption of the ordinance providing for the annexation.

Sec. 44.075. PROVISION OF SERVICES TO ANNEXED AREA. (a) Before the publication of the notice of the first hearing required under Section 44.073, the governing body of the municipality proposing the annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.

(b) Section 44.056, except Subsection (a) of that section, applies to the annexation of an area to which this subchapter applies.

[Sections 44.076-44.090 reserved for expansion]

SUBCHAPTER E. ANNEXATION PROVISIONS RELATING TO SPECIAL DISTRICTS

Sec. 44.091. PROVISIONS APPLICABLE. (a) Sections 43.071, 43.072, 43.073, 43.074, 43.075, 43.076, 43.0761, 43.079, 43.080, and 43.081 apply to the annexation of an area by a municipality subject to this chapter.

(b) For purposes of this section, the reference to Section 43.054 in Section 43.072(d) means Section 44.054.

Sec. 44.092. STRATEGIC PARTNERSHIPS FOR CONTINUATION OF CERTAIN DISTRICTS. (a) In this section:

(1) "District" has the meaning assigned by Section 44.052(a).

(2) "Strategic partnership agreement" means a written agreement between a municipality and a district that provides terms and conditions under which services will be provided and funded by the parties to the agreement and under which the district will continue to exist for an extended period of time if the land within the district is annexed for limited purposes by the municipality.

(b) The governing bodies of a municipality, on written request from a district included in the municipality's annexation plan under Section 44.052 shall negotiate and enter into a written strategic partnership agreement with the district.

(c) A strategic partnership agreement is not effective until adopted by the governing bodies of the municipality and the district. The agreement shall be recorded in the deed records of each county in which the land included within the district is located and shall bind each owner and each future owner of land included within the district's boundaries on the date the agreement becomes effective.

(d) Before the governing body of a municipality or a district adopts a strategic partnership agreement, it shall conduct two public hearings at which members of the public who wish to present testimony or evidence regarding the proposed agreement shall be given the opportunity to do so. Notice of public hearings conducted by the governing body of a municipality under this subsection shall be published in a newspaper of general circulation in the municipality and in the district. The notice may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper and the headline on the notice must be in 18-point or larger type. The notice must be published at least once on or after the 20th day before each hearing date. Notice of public hearings conducted by the governing body of a district under this subsection shall be given in accordance with the district's notification procedures for other matters of public importance. Any notice of a public hearing conducted under this subsection shall contain a statement of the purpose of the hearing, the date, time, and place of the hearing, and the location where copies of the proposed agreement may be obtained prior to the hearing. The governing bodies of a municipality and a district may conduct joint public hearings under this subsection, provided that at least one public hearing is conducted within the district. A municipality may combine the public hearings and notices required by this subsection with the public hearings and notices required by Section 43.124.

(e) The governing body of a municipality may not annex a district for limited purposes under this section or under the provisions of Subchapter F until it has adopted a strategic partnership agreement with the district. The governing body of a municipality may not adopt a strategic partnership agreement before the agreement has been adopted by the governing body of the affected district.

(f) A strategic partnership agreement may provide for the following:

(1) limited-purpose annexation of the district under the provisions of Subchapter F provided that the district shall continue in existence during the period of limited-purpose annexation;

(2) payments by the municipality to the district for services provided by the district;

(3) payments by the district to the municipality for services provided by the municipality;

(4) agreements existing between districts and governmental bodies and private providers of municipal services in existence on the date a municipality evidences its intention by adopting a resolution to negotiate for a strategic partnership agreement with the district shall be continued and provision made for modifications to such existing agreements; and

(5) such other lawful terms that the parties consider appropriate.

(g) Except as limited by this section or the terms of a strategic partnership agreement, a district or a part of a district that has been annexed for limited purposes by a municipality and a limited district shall have and may exercise all functions, powers, and authority otherwise vested in a district.

(h) A municipality that has annexed a district for limited purposes under this section may impose a retail sales tax within the boundaries of the district.

(i) An agreement or a decision made under this section and an action taken under the agreement by the parties to the agreement are not subject to approval or an appeal brought under the Water Code unless it is an appeal of a utility rate charged by a municipality to customers outside the corporate boundaries of the municipality.

(j) An agreement under this section:

(1) may not require the district to provide revenue to the municipality solely for the purpose of obtaining an agreement with the municipality to forgo annexation of the district; and

(2) must provide benefits to each party, including revenue, services, and regulatory benefits, that must be reasonable and equitable with regard to the benefits provided by the other party.

Sec. 44.093. ARBITRATION OF STRATEGIC PARTNERSHIP AGREEMENT.

(a) If the municipality and the district cannot reach an agreement on the terms of a strategic partnership agreement under Section 44.092, either party may request the appointment of an arbitrator to resolve the issues in dispute. The request must be made in writing to the other party before the 90th day after the date the district submits its written request for negotiations under Section 44.092(b). The municipality may not annex the district under another section of this chapter during the pendency of the arbitration proceeding or an appeal from the arbitrator's decision.

(b) Sections 44.060(b), (c), (e), (f), (g), and (h) apply to appointment of an arbitrator and the conduct of an arbitration proceeding under this section.

(c) The authority of the arbitrator is limited to determining whether the offer of a party complies with Section 44.092(j).

(d) If the arbitrator finds that an offer complies with Section 44.092(j), the arbitrator may issue a decision that incorporates the offer as part of the strategic partnership agreement.

[Sections 44.094-44.120 reserved for expansion]

SUBCHAPTER F. LIMITED PURPOSE ANNEXATION

Sec. 44.121. LIMITED PURPOSE ANNEXATION PROVISIONS APPLICABLE. Subchapter F, Chapter 43, applies to the annexation of an area by the municipality.

[Sections 44.122-44.140 reserved for expansion]

SUBCHAPTER G. DISANNEXATION

Sec. 44.141. DISSANNEXATION PROVISIONS APPLICABLE. (a) Sections 43.141, 43.142, 43.145, 43.146, and 43.147 apply to the annexation of an area by the municipality.

(b) For purposes of this section:

(1) the reference to Section 43.056 in Section 43.141(a) means Section 44.056 or 44.075, as applicable; and

(2) the reference to Section 43.054 in Section 43.147(a) means Section 44.054.

[Sections 44.142-44.900 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 44.901. MISCELLANEOUS PROVISIONS APPLICABLE.

(a) Sections 43.901, 43.903, 43.904, and 43.905 apply to the annexation of an area by the municipality.

(b) For purposes of this section, the reference to Section 43.0561 or 43.063 in Section 43.905(a) means Section 44.058 or 44.073, as applicable.

(11) Strike SECTION 15 of the bill (Committee Printing page 12, lines 61-69 and page 13, lines 1-45) and substitute new SECTIONS to the bill to be numbered appropriately to read as follows:

SECTION __. This Act takes effect September 1, 1999, except that the section of this Act that adds Section 5.011, Property Code, takes effect January 1, 2000.

SECTION __. (a) Each municipality subject to Chapter 43, Local Government Code, as amended by this Act, shall adopt an annexation plan as required by Section 43.052, Local Government Code, as amended by this Act, on or before December 31, 1999, that becomes effective December 31, 1999.

(b) Except as provided by Subsection (c) of this section, the changes in law made by this Act to Subchapters A, C, D, F, and G, Chapter 43, Local Government Code, apply only to an annexation included in a municipality's annexation plan prepared under Section 43.052, Local Government Code, as amended by this Act. Except as provided by Subsection (c) of this section, a municipality may continue to annex any area during the period beginning December 31, 1999, and ending December 31, 2002, under Chapter 43, Local Government Code, as it existed immediately before September 1, 1999, if the area is not included in the annexation plan, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act by amending or adding Sections 43.003, 43.0545, 43.056(b), (e), (f), (g), (k), (l), and (m), 43.121(a), 43.141(c), 43.148, and 43.905, Local Government Code, apply to the annexation of an area that is not included in the municipality's annexation plan during the period beginning December 31, 1999, and ending December 31, 2002, if the first hearing notice required by Section 43.052, Local Government Code, as it existed immediately before September 1, 1999, is published on or after that date.

(d) The changes in law made by this Act by amending or adding Sections 43.003, 43.0545, 43.056(b), (e), (f), (g), (k), (l), and (m), 43.121(a), 43.141(c), 43.148, and 43.905, Local Government Code, apply only to the annexation of an area that is not required to be included in a municipal annexation plan under Section 43.052, Local Government Code, as added by this Act, if the first hearing notice required by Section 43.063, Local Government Code, as added by this Act, is published on or after September 1, 1999.

SECTION __. (a) Each municipality subject to Chapter 44, Local Government Code, as added by this Act, shall adopt an annexation plan as required by Section 44.052, Local Government Code, as added by this Act, on or before December 31, 1999, that becomes effective December 31, 1999.

(b) Except as provided by Subsection (c) of this section, the changes in law made by this Act by adding Sections 44.002, 44.052, 44.053, 44.056, 44.058, 44.059, 44.060, and 44.061, Local Government Code, apply only to an annexation included in a municipality's annexation plan prepared under Section 44.052, Local Government Code, as added by this Act. Except as provided by Subsection (c) of this section, a municipality may continue to annex any area during the period beginning December 31, 1999, and ending December 31, 2002, under Chapter 43, Local Government Code, as it existed immediately before September 1, 1999, if the area is not included in the annexation plan, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act by amending or adding Sections 43.121(a), 43.141(c), 43.905, 44.002, 44.056(b), (e), (f), (g), (l), and (m), and 44.061, Local Government Code, apply to the annexation of an area that is not included in the municipality's annexation plan during the period beginning December 31, 1999, and ending December 31, 2002, if the first hearing notice required by Section 43.052, Local Government Code, as it existed immediately before September 1, 1999, is published on or after that date.

(d) The changes in law made by this Act by amending or adding Sections 43.121(a), 43.141(c), 43.905, 44.002, 44.056(b), (e), (f), (g), (l), and (m), and 44.061, Local Government Code, as added or amended by this Act, apply only to the annexation of an area that is not required to be included in a municipal annexation plan under Section 44.052, Local Government Code, as added by this Act, if the first hearing notice required by Section 44.073, Local Government Code, as added by this Act, is published on or after September 1, 1999.

SECTION _____. The change in law made by this Act by adding Section 42.0225, Local Government Code, applies only to:

(1) an annexation included in a municipality's annexation plan prepared under Section 43.052 or Section 44.052, Local Government Code, as amended or added by this Act; and

(2) an annexation of an area that is not included in the municipality's annexation plan during the period beginning December 31, 1999, and ending December 31, 2002, if the first hearing notice required by Section 43.052, Local Government Code, as it existed immediately before September 1, 1999, is published on or after that date.

SECTION _____. The change in law made by this Act by adding Section 5.011, Property Code, applies only to a transfer of property that occurs on or after January 1, 2000. For purposes of this section, a transfer of property occurs before January 1, 2000, if the executory contract binding the purchaser to purchase the property is executed before that date. Property transferred before January 1, 2000, is covered by the law in effect when the property was transferred, and the former law is continued in effect for that purpose.

(12) Renumber the sections of the bill appropriately.

The amendment was read.

On motion of Senator Madla, Floor Amendment No. 8 was tabled by a viva voce vote.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 89** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 89 was read third time and was passed by a viva voce vote.

(Senator Armbrister in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 928 ON SECOND READING**

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

CSSB 928, Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 928 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 928** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 928 was read third time and was passed by a viva voce vote.

SENATE JOINT RESOLUTION 21 ON SECOND READING

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

SJR 21, Proposing a constitutional amendment relating to the exemption from ad valorem taxation of certain leased motor vehicles not held primarily for the production of income.

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

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 21 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 21** be placed on its third reading and final passage.

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

Yeas: Armbrister, 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, West, Whitmire, Zaffirini.

Nays: Barrientos, Wentworth.

SJR 21 was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Barrientos.

SENATE BILL 34 ON SECOND READING

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

SB 34, Relating to the liability of certain volunteer centers.

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

SENATE BILL 34 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 34** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 34 was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
March 25, 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 57, Declaring October 18-22, 1999, as Children's Firearm Safety Week.

HCR 154, In memory of Minerva C. Uranga.

SB 345, Relating to the formula funding and tuition charged for certain excess credit hours of undergraduate students attending institutions of higher education. (Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL 783 ON SECOND READING

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

SB 783, Relating to a franchise tax credit for wages paid to persons with certain disabilities.

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

SENATE BILL 783 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 783** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 783 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 132 ON SECOND READING

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

CSSB 132, Relating to the requirements for the issuance of special license plates or vehicle parking placards to persons with disabilities.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 132** as follows:

(1) In SECTION 1 of the bill, strike "or a state adjacent to this state" (page 1, line 17, senate committee report) and substitute "or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration.".

(2) In SECTION 2 of the bill, strike "or a state adjacent to this state" (page 1, line 56, senate committee report) and substitute "or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration".

(3) In SECTION 3 of the bill, strike "or a state adjacent to this state" (page 1, lines 62-63, senate committee report) and substitute "or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration".

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

On motion of Senator Nixon 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 132 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 132** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 132 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 172 ON SECOND READING

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

CSSB 172, Relating to qualified commercial loans.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 172** as follows:

(1) In SECTION 1, strike Paragraph (D), Subdivision (9), Article 1H.001 (Committee printing page 1, lines 28-30).

(2) In the section heading of SECTION 2, strike "Subsection (b)," (Committee printing page 1, line 31).

(3) In the section heading of SECTION 2, after "amended" and before "to read as" (Committee printing page 1, line 33), add "by amending Subsection (b) and adding Subsection (d)".

(4) In SECTION 2, following Subsection (b), Article 1H.101 (Committee printing page 1, line 60), add:

"(d) The provisions of this article do not apply to a loan made to a licensee of the Motor Vehicle Board of the Texas Department of Transportation."

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 172 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 172** be placed on its third reading and final passage.

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

Nays: Wentworth.

CSSB 172 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 483 ON SECOND READING

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

SB 483, Relating to procedures for retirement of the Texas flag.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 483** as follows:

1. Strike the date "December 10, 1836" on page 1 at line 39 and replace it with "January 25, 1839"
2. Strike the words "the only flag" and replace it with the words "one of only two flags" on page 1 at line 40.

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.

SENATE BILL 483 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 **SB 483** be placed on its third reading and final passage.

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

Nays: Wentworth.

SB 483 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 7.21 SUSPENDED
(Printing Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 7.21 was suspended as it relates to the printing and distribution of the House amendments to **SB 345**.

SENATE BILL 345 WITH HOUSE AMENDMENTS

Senator Bivins called **SB 345** 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

Amend **SB 345** (engrossed) in SECTION 2, in amended Section 54.068, Education Code, as follows:

(1) Insert a new Subsection (e) to Section 54.068 to read as follows:

(e) Each institution of higher education shall inform each new undergraduate student enrolling at the institution in writing of the limitation provided by this section on the number of hours that a Texas resident is entitled to complete while paying tuition at the rate provided for Texas residents.

(2) Redesignate existing Subsection (e) at the end of amended Section 54.068 as Subsection (f) of that section.

Committee Amendment No. 2

Amend **SB 345** (engrossed) in SECTION 1, in amended Section 61.0595(d)(3), Education Code, by striking "the student's [a] degree program" and substituting "a degree program".

The amendments were read.

Senator Bivins moved to concur in the House amendments to **SB 345**.

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

REPORT OF COMMITTEE ON NOMINATIONS

Senator Wentworth submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

Members, Finance Commission of Texas: Deborah Hinton Kovacevich, Leon County; Victor "Buddy" Puente, Jr., Tarrant County; John Snider, Shelby County; Robert V. Wingo, El Paso County.

Members, Texas Healthy Kids Corporation Board of Directors: Thomas Allan Howeth, Tarrant County; Rene Daniel Pena, El Paso County; Gwyn Shea, Dallas County; Dorothy Nelson "Dot" Snyder, McLennan County; Kenneth D. Wells, M.D., P.A., Harris County.

Members, Commission on Human Rights: Anna Maria Farias, Zavala County; David J. Manning, Tarrant County.

Members, Telecommunications Infrastructure Fund Board: Roger James Benavides, Bexar County; Kay F. Karr, El Paso County.

Presiding Officer, Telecommunications Infrastructure Fund Board: Thomas R. Powers, Harris County.

Members, Veterans' Land Board: Neal Thomas "Tom" Jaco, Bexar County; Darryl Ladd Pattillo, Travis County.

Members, Texas Judicial Council: James Boswell, Collin County; Kathleen Cardone, El Paso County.

Commissioner, Canadian River Commission: Roger Stephen Cox, Randall County.

Members, Texas Board of Professional Engineers: Brenda A. Bradley, P.E., Harris County; Joe Paul Jones, P.E., Tarrant County; Kathleen Campbell Walker, El Paso County.

Members, Family Practice Residency Advisory Committee: Lourdes Matiana Cuellar, R.Ph., Harris County; Maria Esteve Poradek, Lubbock County.

Members, Gulf Coast Waste Disposal Authority Board of Directors: Louis S. "Sam" Dell'Olio, Jr., Galveston County; Rafael Ortega, Harris County; Shirley U. Seale, Chambers County.

Members, Texas Health Care Information Council: George H. Crowling, Jr., Dallas County; Bobby S. De Rossett, Smith County; Jean L. Freeman, Ph.D., Galveston County; Woody F. Gilliland, Taylor County; Robert W. Gracy, Ph.D., Tarrant County; Aman Ullah Khan, M.D., Ph.D., Dallas County; Imogen S. Papadopoulos, Harris County; Laura Ariel Puorro Stevens, Collin County.

Chair, Texas Health Care Information Council: Stephen L. Turner, M.D., Hale County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Michael L. Shobe, Lubbock County; Ursula Singleton, Hidalgo County; Eve-Anne D. Wall, Tom Green County; John Scott Westmoreland, McLennan County.

Members, Statewide Health Coordinating Council: Joan Wood Biggerstaff, Collin County; James A. Endicott, Jr., Bell County; Joe C. Frush, Taylor County; Laura Prendergast Gordon, El Paso County; Charles T. Ku, D.D.S., Denton County; Adena Williams Loston, Ph.D., Harris County; P. J. Schneider, Bexar County; Susan M. Scott-Galindo, Brazos County; Rebecca Uribe-Garza, M.D., Webb County; David Aurelio Valdez, M.D., Bexar County; Judy Petty Wolf, Bexar County.

Chair, Statewide Health Coordinating Council: Ben G. Raimer, M.D., Galveston County.

Members, Texas State Board of Medical Examiners District One Review Committee: Kevin R. Smith, M.D., P.A., Harris County; Frank R. Wellborne, D.O., Harris County.

Member, Texas State Board of Medical Examiners District Two Review Committee: Bud Roger Siebenlist, M.D., Harrison County.

Member, Texas State Board of Medical Examiners District Three Review Committee: Victor A. Diaz, M.D., El Paso County.

Member, Texas State Board of Medical Examiners District Four Review Committee: Leah Raye Mabry, M.D., R.Ph., Atascosa County.

Members, Texas Council on Offenders with Mental Impairments: Melissa Laura Mojica, Webb County; Susan A. Stone, J.D., M.D., Bastrop County; Judge Sharen Wilson, Tarrant County.

Member, Upper Neches River Municipal Water Authority Board of Directors: Jesse D. Hickman, Anderson County.

Member, School Land Board: C. Louis Renaud, Midland County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Wentworth gave notice that he would on Monday, March 29, 1999, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

MEMORIAL RESOLUTIONS

SR 481 - by Barrientos: In memory of Joe Emerson of Houston and Austin.

SR 490 - by Wentworth: In memory of Sam Jorrie of San Antonio.

SR 492 - by Ellis: In memory of Anna Mae Simpson of Houston.

CONGRATULATORY RESOLUTIONS

SR 478 - by Cain: Congratulating Wesley Neukam of Rowlett.

SR 479 - by Cain: Congratulating Marianna Purcell and Derek Anthony Horton.

SR 480 - by Cain: Congratulating Nathan Jones of Rowlett.

SR 482 - by Whitmire: Congratulating the Circle Award honorees of the Omicron Gamma Zeta Chapter of Zeta Phi Beta Sorority, Incorporated.

SR 483 - by Whitmire: Congratulating Ruby Lee Mosley of Houston.

SR 484 - by Nelson: Congratulating Thelma Daniel Conine of Grapevine.

SR 486 - by Shapleigh: Congratulating Dr. Cynthia D. Rivera of El Paso.

SR 487 - by Shapleigh: Congratulating Sandra Rushing of El Paso.

SR 488 - by Shapleigh: Congratulating Blanca Estela Enriquez of El Paso.

SR 489 - by Shapleigh: Congratulating Betty Ligon of El Paso.

SR 491 - by Armbrister: Congratulating Herbert F. Frels of Cuero.

SR 493 - by Ellis: Congratulating Mount Moriah Missionary Baptist Church of Houston.

SR 494 - by Haywood: Congratulating Rudolph and Mary Jo Miller of Wichita Falls.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:45 p.m. adjourned, in memory of the life of former Senate Parliamentarian Robert E. Johnson, until 1:30 p.m. Monday, March 29, 1999.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 25, 1999

STATE AFFAIRS — **CSSB 757**

NATURAL RESOURCES — **SCR 17, SB 296, SB 897, SB 1297**

JURISPRUDENCE — **SB 581** (Amended), **SB 1034** (Amended), **SB 1553** (Amended), **SB 1670** (Amended), **CSSB 229, CSSB 232, CSSB 788, CSSB 953, CSSB 1021, CSSB 1106, CSSB 1741**

FINANCE — **SB 706, SB 1065**

HUMAN SERVICES — **CSSB 558, CSSB 1141**

HEALTH SERVICES — **CSSB 931, CSSB 830, CSSB 602**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 525**

FINANCE — **SB 719** (Amended)

HEALTH SERVICES — **CSSB 632, CSSB 51, CSSB 1198, CSSB 862**

ECONOMIC DEVELOPMENT — **SB 1102, SB 1668, SB 1657, SB 1640, SB 652, SB 881, SB 901, CSSB 677, CSSB 456, CSSB 222**

CRIMINAL JUSTICE — **SB 557, SB 894, SB 1157**

NATURAL RESOURCES — **CSSB 1165, CSSB 898, CSSB 991, CSSB 1184**

SIGNED BY GOVERNOR

March 24, 1999

SB 752