

FIFTY-THIRD DAY

TUESDAY, APRIL 20, 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, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna.

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

Senate Doorkeeper Don Long offered the invocation as follows:

Almighty, glorious, and blessed God, vouchsafe thine aid to Lieutenant Governor Perry, to these Senators, and to everyone who has a duty to perform in this legislative body. Help us to forget the defeats and disappointments that have occurred so far in this 76th Legislative Session, and give us all the strength and courage to press on to the goals You have set before us, which are the fixed intent of glorifying Your holy name and the good of all the people in Texas. God bless each and every one in this Senate Chamber. 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.

LEAVE OF ABSENCE

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of illness.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Bivins and by unanimous consent, Senators Fraser, Lucio, Nelson, Shapiro, and Sibley will be shown as Co-authors of **SB 3**.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Duncan and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Carona and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 495

On motion of Senator Truan and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 495**.

CO-AUTHOR OF SENATE BILL 1112

On motion of Senator Shapleigh and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 1112**.

CO-AUTHOR OF SENATE BILL 1401

On motion of Senator Nixon and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 1401**.

CO-AUTHOR OF SENATE BILL 1622

On motion of Senator Lucio and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 1622**.

CO-AUTHOR OF SENATE BILL 1685

On motion of Senator Bernsen and by unanimous consent, Senator Jackson will be shown as Co-author of **SB 1685**.

CO-AUTHOR OF SENATE BILL 1724

On motion of Senator Ellis and by unanimous consent, Senator West will be shown as Co-author of **SB 1724**.

CO-AUTHORS OF SENATE BILL 1851

On motion of Senator Wentworth and by unanimous consent, Senators Carona and Shapleigh will be shown as Co-authors of **SB 1851**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 35

On motion of Senator Lucio and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SJR 35**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan moved to postpone the introduction of bills and resolutions on first reading until the end of today's session.

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 19, 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 A MEMBER OF THE RADIATION ADVISORY BOARD for a term to expire April 16, 2005:

Philip M. Wentworth
5901 Pathfinder
Plano, Texas 75093

Mr. Wentworth is being reappointed.

TO BE MEMBERS OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION BOARD OF DIRECTORS:

For a term to expire January 31, 2001

Albon O. Head, Jr.
13751 Old Weatherford Road
Aledo, Texas 76008
(filling the unexpired term of
Alan V. Rash of El Paso who resigned)

For terms to expire January 31, 2005

Tannon Carroll
1902 Shadow Forest Drive
Katy, Texas 77494
(replacing Jennifer Jen'nan
Ghazal of Wichita Falls whose
term expired)

Jane Phipps
907 Almadin
San Antonio, Texas 78258
(reappointment)

Jorja L. Kimball
3306 Bahia
College Station, Texas 77845
(reappointment)

TO BE MEMBERS OF THE AGRICULTURE RESOURCES PROTECTION AUTHORITY for terms to expire February 1, 2001:

Reappointments

Craig Estes
2014 Clarinda
Wichita Falls, Texas 76308

L. C. Harrison
Route #5 Box 350
Wichita Falls, Texas 76301

Gary Johnson
P.O. Box 1206
Dalhart, Texas 79022

David K. Langford
P.O. Box 6066
San Antonio, Texas 78209

David Michael Nix
1601 South 8th Street
Lamesa, Texas 79331

Julian H. Trevino, Ed.D.
332 King William
San Antonio, Texas 78204

TO BE MEMBERS OF THE PRIVATE SECTOR PRISON INDUSTRY
OVERSIGHT AUTHORITY for terms to expire February 1, 2005:

Charles D. "Mickey" Harr
2808 Good Shepherd
Brownwood, Texas 76801
(reappointment)

Carl Casey Spencer
1522 20th Street
Huntsville, Texas 77340
(reappointment)

TO BE MEMBERS OF THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
AUTHORITY, TEXAS BOARD OF DIRECTORS:

For a term to expire February 1, 2001:

Louis Lee Munoz, M.D.
1512 Burning Tree Lane
Plano, Texas 75093
(replacing Milton Guiberteau of
Houston who resigned)

For a term to expire February 1, 2005:

Bernold Morris "Bruno" Hanson
1613 West Pecan
Midland, Texas 79705
(replacing William Fisher of Austin
whose term expired)

TO BE A MEMBER OF THE REAL ESTATE RESEARCH ADVISORY
COMMITTEE for a term to expire January 31, 2005:

Celia Ross Goode-Haddock
5560 Timberwood Drive
College Station, Texas 77845

Ms. Goode-Haddock is being reappointed.

Respectfully submitted,

/s/George W. Bush
Governor

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate representatives of the Selena Chapter of Avanze in Corpus Christi.

Senator Truan then introduced to the Senate students from Solomon P. Ortiz Intermediate School in Robstown.

Senator Truan was again recognized and introduced to the Senate contestants in the 40th La Feria de las Flores.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Justice John C. Phillips, former Chief Justice of the Third Court of Appeals District.

The Senate welcomed Justice Phillips.

(Senator Ogden in Chair)

SENATE RESOLUTION 671

Senator Bernsen offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in paying tribute to the life of Captain Jesse Billingsley and in recognizing the role he played in our state's history on April 21, 1836; and

WHEREAS, Born October 10, 1810, in Warren County, Tennessee, Jesse Billingsley moved to Missouri in 1817 and later settled near David Crockett in Gibson County, Tennessee, in 1828; and

WHEREAS, On May 5, 1835, he arrived in Bastrop County and settled in Cedar Creek, Texas; he joined the Texas Army under the command of General Edward Bureson and became captain of the Mina Volunteers; and

WHEREAS, Upon hearing that his friend and role model Davy Crockett had been killed at the Alamo, Captain Billingsley reorganized the Mina Volunteers and is credited with being the first man to proclaim the famous battle cry, "Remember the Alamo!"; and

WHEREAS, As commander of Company C, Captain Billingsley ignored orders to countermarch and courageously proceeded to San Jacinto to assist Colonel Sidney Sherman and his men who were outnumbered by Santa Anna's army; and

WHEREAS, Captain Billingsley's men suffered severe casualties from the blast of the enemy's cannon fire, and Captain Billingsley sustained a wound to his left hand, leaving it crippled for life; however, he and his regiment saved the lives of many of Colonel Sherman's men and helped them to be victorious in that famous battle on April 21, 1836; and

WHEREAS, Captain Billingsley was honored for his valor by artist William H. Huddle who placed Captain Billingsley behind Santa Anna in his painting of the historic moment of "The Surrender of Santa Anna"; and

WHEREAS, After the Battle of San Jacinto, Captain Billingsley represented Bastrop County in the First and Second Congress and the Fifth and Eighth legislatures of Texas; he then sacrificed his public career by taking a stand against secession from the Union and by becoming an advocate for the literacy of slaves; and

WHEREAS, In 1874, Captain Billingsley stepped forward to insist that the name of a black soldier, Maxlin "Mack" Smith be inscribed on the San Jacinto honor role after his name had been omitted from the bronze plaque listing those who fought in the Battle of San Jacinto; and

WHEREAS, Captain Billingsley died quietly on October 1, 1880, and was buried in his front yard in McDade, Texas, beside his faithful white horse, Gopher; his body was exhumed under the direction of L. W. Kemp in 1929 and was reinterred in the State Cemetery in Austin near his fellow patriot Stephen F. Austin, "the Father of Texas"; and

WHEREAS, Captain Billingsley's great-great-grandson is Randy Billingsley, who is visiting the Capitol on April 21, 1999, and is joining other descendants of Captain Billingsley's men in paying tribute on San Jacinto Day to the Battle of San Jacinto and to Captain Jesse Billingsley; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby honor the memory of Captain Jesse Billingsley and pay tribute to all Texans who participated in the Battle of San Jacinto; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Randy Billingsley as an expression of esteem for Captain Billingsley from 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 Randy Billingsley, great-great-grandson of Captain Jesse Billingsley, accompanied by friends of the family.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Ogden in Chair, at 10:25 a.m. announced the conclusion of morning call.

SENATE JOINT RESOLUTION 3 ON THIRD READING

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

SJR 3, Proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Stephen Daniels of Austin as the "Doctor for the Day."

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

**COMMITTEE SUBSTITUTE
SENATE BILL 781 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 781, Relating to contracts between podiatrists and health care plans.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 781 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 781** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 781 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1382 ON SECOND READING**

On motion of Senator Shapleigh 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 1382, Relating to the technology access clause in certain state contracts.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1382 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1382** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 1382 was read third time and was passed by a viva voce vote.

SENATE BILL 495 ON SECOND READING

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

SB 495, Relating to the powers and duties of the Office of Defense Affairs and Texas Strategic Military Planning Commission.

The bill was read second time.

Senator Truan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 495** as follows:

On page 2, lines 18-20, strike subsection (6) in its entirety.

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

On motion of Senator Truan 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 495 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 495** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 495 was read third time and was passed by a viva voce vote.

(President in Chair)

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate a delegation of citizens from Upshur County.

The Senate welcomed its guests.

(Senator Lucio in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON SECOND READING**

On motion of Senator Sibley 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 5, Relating to the authorization of certain franchise tax incentives promoting economic development.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 5** as follows:

On page 2, beginning on line 14 replace subsection (2) with the following subsection (2):

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to corporations with less than 100 employees; and

(D) the two-digit standard industrial classification of corporations claiming a credit under this subchapter.

On page 4, beginning on line 43, replace subsection (1) with the following subsection (1):

(1) the total number of jobs created by corporations that claim a credit under this subchapter and the average and median annual wage of those jobs;

On page 4, beginning on line 46, replace subsection (2) with the following subsection (2):

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter; and

(C) the percentage of tax credits that were awarded to corporations with less than 100 employees.

On page 4, beginning on line 48, replace subsection (3) with the following subsection (3):

(3) a breakdown of the two-digit standard industrial classification of businesses claiming a credit under this subchapter.

On page 6, beginning on line 41, replace subsection (1) with the following subsection (1):

(1) the total amount of qualified capital investments made by corporations that claim a credit under this subchapter and the average and median wages paid by those corporations;

On page 6, beginning on line 43, replace subsection (2) with the following subsection (2):

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to corporations with less than 100 employees; and

(D) the two-digit standard industrial classification of corporations claiming a credit under this subchapter.

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

(President in Chair)

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 5** as follows:

1. In Section 2 of the bill, Sec. 171.751 (page 2, line 49) insert a new subsection (1) to read as follows and renumber the subsequent subsections appropriately.

(1) "Agricultural processing" means an establishment primarily engaged in activities described in categories 2011-2099, 2211, 2231, or 3111-3199 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

2. In Section 2 of the bill, Sec. 171.751(7) (page 3, line 12), insert "agricultural processing," in between "in" and "central".

3. Amend Section 2 of the bill, Sec. 171.751(8)(a) (page 3, line 15 through line 17), to read as follows:

(8) "Qualifying job" means a new permanent full-time job that:

(A) is located in:

(i) a strategic investment area; or

(ii) a county with a population of less than 250,000, if the job is created by a business primarily engaged in agricultural processing;

4. In Section 2 of the bill, Section 171.752(b) (page 3, line 51) in between "area" and "." insert ", if applicable".

5. In Section 3 of the bill, Sec. 171.801(1) (page 5, line 10) insert "Agricultural processing," before the term "Central administrative offices,".

6. In Section 3 of the bill, Section 171.801(3) (page 5, line 19), in between "area" and "and" insert ", or first placed in service in a county with a population of less than 250,000 by a corporation primarily engaged in agricultural processing,".

7. In Section 3 of the bill, Section 171.802(c) (page 5, line 46) in between "area" and "." insert ", if applicable".

The amendment was read.

Senator Sibley moved to table Floor Amendment No. 2.

The motion to table was lost by the following vote: Yeas 11, Nays 19.

Yeas: Brown, Cain, Duncan, Harris, Lucio, Nelson, Ratliff, Shapleigh, Sibley, Truan, Zaffirini.

Nays: Armbrister, Barrientos, Bernsen, Bivins, Carona, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Madla, Moncrief, Nixon, Ogden, Shapiro, Wentworth, West, Whitmire.

Absent-excused: Luna.

Question recurring on the adoption of Floor Amendment No. 2, the amendment was adopted by a viva voce vote.

(Senator Truan in Chair)

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 5** as follows:

(1) In SECTION 1, strike Section 171.721(2), Tax Code, and substitute a new Section 171.721(2), Tax Code, to read as follows:

(2) "Strategic investment area" means:

(A) a county within this state with above state average unemployment and below state average per capita income; or

(B) an area that, on or before January 1, 1999, is a federally designated urban enterprise community or an urban enhanced supplemental enterprise community.

(2) In SECTION 1, in Section 171.722(b), Tax Code, strike "county" and substitute "strategic investment area".

(3) In SECTION 2, in Section 171.752(b), Tax Code, strike "county" and substitute "strategic investment area".

(4) In SECTION 3, in Section 171.802(c), Tax Code, strike "county" and substitute "strategic investment area".

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

On motion of Senator Sibley 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.

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE SENATE BILL 5 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Harris, Wentworth.

Absent-excused: Luna.

CSSB 5 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

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

GUEST PRESENTED

Senator Nelson was recognized and introduced to the Senate Alveda Celeste King of Atlanta, Georgia, niece of Dr. Martin Luther King, Jr.

The Senate welcomed Ms. King.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a group of students from Taylor High School in Taylor, 1999 University Interscholastic League academic champions, accompanied by their principal and coordinator.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Danyelle Rideout of Abilene, Miss Rodeo Texas 1998-99.

The Senate welcomed Ms. Rideout.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a group of students from Saint Paul's Episcopal School in Waco.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1153 ON SECOND READING**

On motion of Senator Bivins 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 1153, Relating to fraternal benefit societies.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1153 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1153** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 1153 was read third time and was passed by a viva voce vote.

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 274 ON SECOND READING**

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

CSSB 274, Relating to class actions.

There was objection.

Senator Bivins then moved to suspend the regular order of business and take up **CSSB 274** for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Carona, Duncan, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Sibley, Whitmire.

Nays: Barrientos, Bernsen, Cain, Ellis, Gallegos, Madla, Shapleigh, Truan, Wentworth, West, Zaffirini.

Absent-excused: Luna.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a group of students from the political science class of Texas Tech University in Lubbock.

The Senate welcomed its guests.

SENATE BILL 516 ON SECOND READING

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

SB 516, Relating to school district high school equivalency examination programs.

There was objection.

Senator Ogden then moved to suspend the regular order of business and take up **SB 516** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Haywood, Jackson, Lindsay, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos, Harris.

Absent: Bernsen, Lucio.

Absent-excused: Luna.

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

COMMITTEE SUBSTITUTE SENATE BILL 1251 ON SECOND READING

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

CSSB 1251, Relating to discontinuance of basic local telecommunications service.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1251** as follows:

(1) In Section 55.012(b), Utilities Code, as added by SECTION 1 of the bill (Committee report, page 1, line 22), strike "long distance service" and substitute "long distance service or any other service".

(2) Strike Section 55.012(c), Utilities Code, as added by SECTION 1 of the bill (Committee report, page 1, lines 27 and 28), and substitute:

(c) Notwithstanding Subsection (a), the commission shall adopt and implement rules, not later than January 1, 2000, to prevent customer abuse of the protections afforded by this section. The rules must include:

(1) provisions requiring a provider of basic local telecommunications service to offer and implement, at the request and expense of a long distance service provider, toll blocking capability to limit a customer's ability to incur additional charges for long distance services after nonpayment for long distance services; and

(2) provisions regarding fraudulent activity in response to which a provider may discontinue a residential customer's basic local telecommunications service.

(d) Notwithstanding any other provision of this title, the commission has all jurisdiction necessary to establish a maximum price that an incumbent local exchange company may charge a long distance service provider to initiate the toll blocking capability required to be offered under the rules adopted under Subsection (c). The maximum price established under this subsection shall be observed by all providers of basic local telecommunications service in the incumbent local exchange company's certificated service area. Notwithstanding Sections 52.102 and 52.152, the commission has all jurisdiction necessary to enforce this section.

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

On motion of Senator West 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 1251 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1251** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

CSSB 1251 was read third time and was passed by a viva voce vote.

SENATE BILL 1020 ON SECOND READING

On motion of Senator Shapleigh 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 1020, Relating to telephone prepaid calling services; providing penalties.

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

SENATE BILL 1020 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1020** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Luna.

SB 1020 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Natural Resources might consider **SB 1690** today.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Harris 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 8:30 a.m. Thursday, April 22, 1999, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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 1872**, **SB 1873**.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 12:40 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

(Senator Harris in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 1872 by Lindsay

Relating to the sale of certain toll roads by certain political subdivisions.
To Subcommittee on Infrastructure.

SB 1873 by Armbrister, Jackson

Relating to the cancellation or termination of certain agreements.
To Committee on Economic Development.

SB 1874 by Armbrister

Relating to the creation, administration, powers, duties, operation, and financing of the Hays County Trinity Groundwater Conservation District. (Local Bill)
To Committee on Natural Resources.

SB 1875 by Fraser

Relating to the creation of the County Court at Law of Brown County.
(Local Bill)
To Committee on Intergovernmental Relations.

SCR 63 by Armbrister

Expressing the intent that the 76th Legislature did not intend that groundwaters from an aquifer other than the Edwards Aquifer be available for use for the artificial recharge of the Edwards Aquifer.
To Committee on Natural Resources.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 81 to Committee on Finance.

HB 110 to Committee on Health Services.

HB 217 to Committee on Education.

HB 243 to Committee on Criminal Justice.

HB 318 to Committee on Criminal Justice.

HB 362 to Committee on State Affairs.

HB 426 to Committee on Natural Resources.

HB 496 to Committee on Border Affairs - Special.

HB 558 to Committee on State Affairs.

HB 625 to Committee on Jurisprudence.

HB 662 to Committee on Jurisprudence.

HB 756 to Committee on Economic Development.

HB 873 to Committee on Finance.

HB 919 to Committee on Jurisprudence.

HB 1024 to Committee on State Affairs.

HB 1027 to Committee on Education.

HB 1064 to Committee on Economic Development.

HB 1074 to Committee on Natural Resources.

HB 1102 to Committee on Criminal Justice.

HB 1124 to Committee on Intergovernmental Relations.

HB 1168 to Committee on Intergovernmental Relations.

HB 1196 to Committee on Administration.

HB 1207 to Committee on Intergovernmental Relations.

HB 1322 to Committee on Jurisprudence.
HB 1346 to Committee on Education.
HB 1363 to Committee on Criminal Justice.
HB 1492 to Committee on State Affairs.
HB 1521 to Committee on Jurisprudence.
HB 1574 to Committee on Natural Resources.
HB 1588 to Committee on Intergovernmental Relations.
HB 1592 to Committee on Natural Resources.
HB 1622 to Committee on Jurisprudence.
HB 1643 to Committee on Health Services.
HB 1654 to Committee on Natural Resources.
HB 1660 to Committee on Jurisprudence.
HB 1661 to Committee on Jurisprudence.
HB 1662 to Committee on Jurisprudence.
HB 1677 to Committee on Health Services.
HB 1764 to Committee on Economic Development.
HB 1778 to Committee on Economic Development.
HB 1810 to Committee on Finance.
HB 1845 to Committee on Natural Resources.
HB 1869 to Committee on Education.
HB 1877 to Committee on Intergovernmental Relations.
HB 1961 to Committee on Education.
HB 1975 to Committee on Natural Resources.
HB 1985 to Committee on Natural Resources.
HB 1987 to Committee on Health Services.
HB 2059 to Committee on Jurisprudence.
HB 2108 to Committee on Finance.
HB 2109 to Committee on Economic Development.
HB 2110 to Committee on Intergovernmental Relations.
HB 2181 to Committee on Education.
HB 2208 to Committee on Human Services.
HB 2237 to Committee on Natural Resources.
HB 2301 to Committee on Intergovernmental Relations.
HB 2303 to Committee on Natural Resources.
HB 2314 to Committee on Intergovernmental Relations.
HB 2332 to Committee on Natural Resources.
HB 2374 to Committee on Intergovernmental Relations.
HB 2391 to Committee on Natural Resources.
HB 2406 to Committee on Finance.
HB 2407 to Subcommittee on Agriculture.
HB 2416 to Committee on Intergovernmental Relations.
HB 2434 to Committee on Intergovernmental Relations.
HB 2439 to Committee on Jurisprudence.
HB 2469 to Committee on Criminal Justice.
HB 2492 to Committee on State Affairs.
HB 2511 to Committee on Economic Development.
HB 2522 to Committee on Intergovernmental Relations.
HB 2535 to Committee on Jurisprudence.

HB 2537 to Committee on State Affairs.
HB 2542 to Committee on Intergovernmental Relations.
HB 2593 to Committee on Criminal Justice.
HB 2597 to Committee on Natural Resources.
HB 2653 to Committee on Jurisprudence.
HB 2663 to Committee on Intergovernmental Relations.
HB 2724 to Committee on Intergovernmental Relations.
HB 2866 to Committee on Human Services.
HB 2926 to Committee on Natural Resources.
HB 2930 to Committee on Intergovernmental Relations.
HB 2932 to Committee on Natural Resources.
HB 2966 to Committee on Human Services.
HB 3008 to Committee on State Affairs.
HB 3101 to Committee on Jurisprudence.
HB 3122 to Committee on Intergovernmental Relations.
HB 3130 to Committee on Jurisprudence.
HB 3133 to Committee on Intergovernmental Relations.
HB 3232 to Committee on Intergovernmental Relations.
HB 3256 to Committee on Criminal Justice.
HB 3271 to Committee on Jurisprudence.
HB 3319 to Committee on Education.
HB 3330 to Committee on Natural Resources.
HB 3412 to Committee on Intergovernmental Relations.
HB 3476 to Committee on Education.
HB 3554 to Committee on Natural Resources.
HB 3591 to Committee on Natural Resources.
HB 3790 to Committee on Intergovernmental Relations.
HCR 62 to Committee on Administration.
HCR 66 to Committee on Administration.
HCR 96 to Committee on Human Services.
HCR 115 to Committee on Administration.

CONGRATULATORY RESOLUTIONS

SCR 67 - by Madla: Congratulating the National Intercollegiate Rodeo Association.

SR 684 - by Whitmire: Congratulating the Reverend Floyd Nathaniel Williams, Sr., of Houston.

SR 686 - by Madla: Congratulating the Hondo High School Student Council.

SR 687 - by Madla: Congratulating Linda Perkins of Hondo.

SR 688 - by Madla: Congratulating Southwest General Hospital in San Antonio.

SR 689 - by Zaffirini: Commending the celebration of National Library Week.

SR 690 - by Zaffirini: Congratulating Dr. Joaquin Gonzalez Cigarroa, Jr., of Laredo.

SR 691 - by Haywood: Congratulating Harold Taylor of Howe.

SR 692 - by Haywood: Congratulating Stacy and Mike Toomey.

HCR 139 - (Duncan): Congratulating Texas Tech women's basketball coach Marsha Sharp on her induction into the Texas Women's Hall of Fame.

HCR 173 - (Duncan): Congratulating Coach Marsha Sharp and the Texas Tech University Lady Raiders basketball team.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:46 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 20, 1999

STATE AFFAIRS — **CSSB 418, CSSB 1128, CSSB 1226**

JURISPRUDENCE — **HB 115, HB 251, HB 688, HB 778, HB 1356, SB 1567, SB 1831, SB 1568**