

SIXTY-SIXTH DAY

FRIDAY, MAY 7, 1999

PROCEEDINGS

The Senate met at 9:00 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:

Lord of all life, whose laws we are desirous to keep, whose fellowship we would contentedly enjoy, and to whose service we would pledge our loyalty, we humbly bow before You as You send us forth to the labors of this day. For this day we give You thanks because, "This is the day which the Lord hath made; we will rejoice and be glad in it." (Psalm 118:24)

We pray that we shall avail ourselves of the day's opportunities and that all our deeds may help make this world a better place for people to live in. Give us wisdom to speak words of cheer and encouragement to every despondent heart and to brace the person who is struggling with life's toils. May Your traveling grace be upon the President of the United States as he visits our fair city. And, 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-AUTHOR OF SENATE BILL 3

On motion of Senator Bivins and by unanimous consent, Senator Truan will be shown as Co-author of **SB 3**.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 7, 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 27, Relating to the medical records of the patient of a physician.

HB 143, Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

HB 163, Relating to the offense of possession of a controlled substance or dangerous drug in a correctional facility.

HB 211, Relating to compliance by school districts and open-enrollment charter schools with the public information law and the open meetings law and to the governance of an open-enrollment charter school.

HB 261, Relating to the forfeiture of good conduct time of an inmate who files a frivolous or malicious lawsuit while confined in county jail awaiting transfer to the Texas Department of Criminal Justice.

HB 275, Relating to restricting certain recreational amenities available to inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

HB 641, Relating to requiring a municipal utility district to disclose to the purchaser of residential real property whether the property is located in a municipality's corporate boundaries or extraterritorial jurisdiction.

HB 1398, Relating to indigent health care.

HB 1444, Relating to local public health services.

HB 1516, Relating to the representation of applicants for writs of habeas corpus in capital cases.

HB 1860, Relating to establishing an acanthosis nigricans screening pilot program in public and private schools in certain counties.

HB 2247, Relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

HB 2261, Relating to testing natural gas piping in certain school facilities.

HB 2691, Relating to the sale, assignment, or transfer of structured settlements.

HB 3059, Relating to the operation of the Texas State Affordable Housing Corporation.

HB 3072, Relating to certain payments by a retail seller in a retail installment transaction involving a motor vehicle.

HB 3132, Relating to the creation of the scrap tire enforcement fund and the regulation of scrap tire disposal.

HB 3255, Relating to compensation to certain victims of domestic violence from the compensation to victims of crime fund.

HB 3262, Relating to information in a rabies vaccination certificate or in a county or municipal registry of dogs and cats; providing criminal penalties.

HB 3516, Relating to the regulation of funeral directing and embalming.

HB 3517, Relating to the detention, adjudication, and disposition of certain persons within the juvenile justice system.

HB 3582, Relating to receivers, payors, and lessees under certain mineral leases.

HB 3596, Relating to workforce development services provided by the Texas Workforce Commission or a private vendor under a contract with a local workforce development board.

HJR 62, Proposing a constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective constitutional provisions.

SB 130, Relating to certain unfair practices by insurers and certain related entities regarding preferred providers of health care.
(Committee Substitute/Amended)

SB 174, Relating to codification of certain state employment matters currently prescribed by the General Appropriations Act.
(Committee Substitute/Amended)

SB 175, Relating to codification of certain travel provisions in the General Appropriations Act that are applicable to state officers and employees.
(Committee Substitute/Amended)

SB 176, Relating to codification of certain reporting and accounting requirements in the General Appropriations Act that are applicable to state agencies.
(Committee Substitute/Amended)

SB 177, Relating to codification of certain provisions in the General Appropriations Act that authorize, restrict, or prohibit expenditures by public entities.
(Committee Substitute/Amended)

SB 184, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.
(Committee Substitute)

SB 1272, Relating to the authority of a political subdivision to prepare and implement a regional habitat conservation plan or habitat conservation plan or to enter into a conservation agreement.
(Amended)

SB 1307, Relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil

penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

SB 1367, Relating to legislative access to information.
(Amended)

SB 1755, Relating to modification of district lines for the election of directors for the Edwards Aquifer Authority.

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 844

House Conferees: Wilson - Chair/Flores/Haggerty/Moreno, Joe/Yarbrough

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**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.

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. C. Bryce Thomas of Jasper, was introduced to the Senate by Senator Nixon.

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

GUEST PRESENTED

Senator Madla was recognized and introduced to the Senate Louis Ramirez, Sr., Executive Director of the Community Council of South Central Texas.

The Senate welcomed Mr. Ramirez.

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Samuel Martinez of Austin, serving today as an Honorary Senate Page.

The Senate welcomed Samuel.

SENATE RESOLUTION 773

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the accomplishments of Boy Scout Troop 454; this distinguished troop of 54 is conferring

the rank of Eagle Scout on 11 young members, the largest group of young men ever to attain this rank at a single time within the troop's history; and

WHEREAS, Texas recognizes that a successful future rests on the shoulders of its youth; it is of crucial importance to groom our rising generations to be tomorrow's honorable and judicious leaders; and

WHEREAS, As resources are always limited in our communities and as social needs are many, public policy has long encouraged individual and group volunteer efforts to improve the quality of life in Texas; and

WHEREAS, The Boy Scouts of America instills a spirit of volunteerism in young men and teaches our young to heed the call to civic and community responsibility through an advancement system that leads to the rank of Eagle Scout; and

WHEREAS, Troop 454's 11 Eagle Scout candidates planned, directed, and completed projects involving more than 1,000 hours of work with help from volunteers recruited from their families, friends, and fellow Boy Scouts, using material donated by local businesses; and

WHEREAS, Their projects involved such worthwhile causes as making necessary and significant repairs and improvements to state and local natural areas, gardens, and parks; chronicling tombstones in a local cemetery for historical purposes; and building a play and exercise deck for a home which provides care for babies and children with AIDS; and

WHEREAS, These 11 Scouts have raised the quality of life in their community for all residents without any expenditure of public funds or thought of their own financial gain; these young men are truly a merit to the Boy Scout organization, to their families, and to their communities; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the leadership and civic responsibility demonstrated in attaining the prestigious rank of Eagle Scout by the following members of Boy Scouts of America Troop 454: Chris Dismukes, Joey Fernandez, Dan Habitzreiter, Read Hoffman, Josh Krezinski, Robert Moritz, John Michael Pike, Brad Robicheaux, Taylor Roye, Driskill Stallworth, and Russell Yeager, and their Scoutmasters Walter Roye and Archie Whittemore; these fine Texans have shown their dedication to the spirit and goals of Scouting, to the traditions of the Lone Star State, and to the future of their communities; and, be it further

RESOLVED, That a copy of this Resolution be prepared for each of these Eagle Scouts, their Scoutmasters, and for Troop 454 as an expression of esteem from the Texas Senate.

The resolution was again 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.

The resolution was previously adopted on Wednesday, April, 28, 1999.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of Eagle Scouts from Boy Scout Troop 454, accompanied by their Scoutmaster.

The Senate welcomed its guests.

HOUSE BILL 3635 REREFERRED

Senator Wentworth submitted a Motion In Writing requesting that **HB 3635** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

SENATE JOINT RESOLUTION 16 WITH HOUSE AMENDMENT

Senator Barrientos called **SJR 16** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment

Amend **SJR 16** by substituting in lieu thereof the following:

A JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 50b-5 to read as follows:

Sec. 50b-5. ADDITIONAL STUDENT LOANS. (a) The legislature by general law may authorize the Texas Higher Education Coordinating Board or its successor or successors to issue and sell general obligation bonds of the State of Texas in an amount not to exceed \$400 million to finance educational loans to students. The bonds are in addition to those bonds issued under Sections 50b, 50b-1, 50b-2, 50b-3, and 50b-4 of this article.

(b) The bonds shall be executed in the form, on the terms, and in the denominations, bear interest, and be issued in installments as prescribed by the Texas Higher Education Coordinating Board or its successor or successors.

(c) The maximum net effective interest rate to be borne by bonds issued under this section may not exceed the maximum rate provided by law.

(d) The legislature may provide for the investment of bond proceeds and may establish and provide for the investment of an interest and sinking fund to pay the bonds. Income from the investment shall be used for the purposes prescribed by the legislature.

(e) While any of the bonds issued under this section or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in an interest and sinking fund established under this section at the end of the preceding fiscal year that is pledged to the payment of the bonds or interest.

(f) Bonds issued under this section, after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, are incontestable.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on the earlier of the first date on which another

election on a constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, is held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the issuance of \$400 million in general obligation bonds to finance educational loans to students."

The amendment was read.

Senator Barrientos moved to concur in the House amendment to **SJR 16**.

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

Absent-excused: Luna.

CONCLUSION OF MORNING CALL

The President at 9:42 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 2085 ON SECOND READING

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

CSHB 2085, Relating to the continuation and functions of the Texas Board of Health and Texas Department of Health, including the operation of certain boards and councils administratively attached to the department; providing penalties.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2085** (committee printing) as follows:

(1) On page 36, line 27, add a new SECTION 15.03 to read as follows:
SECTION 15.03. Section 6, Opticians' Registry Act (Article 4551-1, Vernon's Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) The Board of Health may by rule require that a person engaged in spectacle dispensing be registered under the Optician Registry Act or under the supervision of a person registered under the Optician Registry Act unless the person is licensed as or under the supervision of a physician, optometrist, or therapeutic optometrist. In adopting rules under this section, the Board must consider consumer choice, spectacle affordability, spectacle quality, and other factors as determined by the board.

(2) Renumber subsequent SECTIONS appropriately.

The amendment was read.

On motion of Senator Ogden and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2085** by adding the following appropriately numbered sections:
SECTION _____. Chapter 81, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BLOODBORNE
PATHOGEN EXPOSURE CONTROL PLAN

Sec. 81.301. DEFINITIONS. In this subchapter:

(1) "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and that can cause diseases in humans. The term includes hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(2) "Engineered sharps injury protection" means:

(A) a physical attribute that is built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids and that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or another effective mechanism; or

(B) a physical attribute built into any other type of needle device, into a nonneedle sharp, or into a nonneedle infusion safety securement device that effectively reduces the risk of an exposure incident.

(3) "Governmental unit" means:

(A) this state and any agency of the state, including a department, bureau, board, commission, or office;

(B) a political subdivision of this state, including any municipality, county, or special district; and

(C) any other institution of government, including an institution of higher education.

(4) "Needleless system" means a device that does not use a needle and that is used:

(A) to withdraw body fluids after initial venous or arterial access is established;

(B) to administer medication or fluids; or

(C) for any other procedure involving the potential for an exposure incident.

(5) "Sharp" means an object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

(6) "Sharps injury" means any injury caused by a sharp, including a cut, abrasion, or needlestick.

Sec. 81.302. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a governmental unit that employs employees who:

(1) provide services in a public or private facility providing health care-related services, including a home health care organization; or

(2) otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps.

Sec. 81.303. EXPOSURE CONTROL PLAN. The department shall establish an exposure control plan designed to minimize exposure of employees described by Section 81.302 to bloodborne pathogens. In developing the plan, the department must consider:

(1) policies relating to occupational exposure to bloodborne pathogens;

(2) training and educational requirements for employees;

(3) measures to increase vaccinations of employees; and

(4) increased use of personal protective equipment by employees.

Sec. 81.304. MINIMUM STANDARDS. The board by rule shall adopt minimum standards to implement the exposure control plan and the other provisions of this subchapter. The rules shall be analogous to standards adopted by the federal Occupational Safety and Health Administration. Each governmental unit shall comply with the minimum standards adopted under this subchapter.

Sec. 81.305. NEEDLELESS SYSTEMS. (a) The board by rule shall recommend that governmental units implement needleless systems and sharps with engineered sharps injury protection for employees.

(b) The recommendation adopted under Subsection (a) does not apply to the use of a needleless system or sharps with engineered sharps injury protection in circumstances and in a year in which an evaluation committee has established that the use of needleless systems and sharps with engineered sharps injury protection will jeopardize patient or employee safety with regard to a specific medical procedure or will be unduly burdensome. A report of the committee's decision shall be submitted to the department annually.

(c) At least half of the members of an evaluation committee established by a governmental unit to implement Subsection (b) must be employees who are health care workers who have direct contact with patients or provide services on a regular basis.

(d) The rules adopted under Subsection (a) may not prohibit the use of a prefilled syringe that is approved by the federal Food and Drug Administration. This subsection expires May 1, 2003.

Sec. 81.306. SHARPS INJURY LOG. (a) The board by rule shall require that information concerning exposure incidents be recorded in a written or electronic sharps injury log to be maintained by a governmental unit. This information must be reported to the department and must include:

(1) the date and time of the exposure incident;

(2) the type and brand of sharp involved in the exposure incident; and

(3) a description of the exposure incident, including:

(A) the job classification or title of the exposed employee;

(B) the department or work area where the exposure incident occurred;

(C) the procedure that the exposed employee was performing at the time

of the incident;

(D) how the incident occurred;

(E) the employee's body part that was involved in the exposure incident; and

(F) whether the sharp had engineered sharps injury protection and, if so, whether the protective mechanism was activated and whether the injury occurred before, during, or after the activation of the protective mechanism.

(b) Information regarding which recommendations under Section 81.305(a) were adopted by the governmental entity shall be included in the log.

(c) All information and materials obtained or compiled by the department in connection with a report under this Section are confidential and not subject to disclosure under Section 552.001, et seq., Government Code and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release by the department. The department shall make available, in aggregate form, the information described in Sec. 81.305(b) and this Section, provided that the name and

other information identifying the facility is deleted, and the information is provided according to public health regions established by the Texas Department of Health.

Sec. 81.307. DEVICE REGISTRATION. (a) The department, in accordance with rules adopted by the board, shall implement a registration program for existing needleless systems and sharps with engineered sharps injury protection.

(b) The department shall compile and maintain a list of existing needleless systems and sharps with engineered sharps injury protection that are available in the commercial marketplace and registered with the department to assist governmental units to comply with this subchapter.

(c) The department shall charge a fee to register a device in an amount established by the board. The fees collected under this section may be appropriated only to the department to implement this subchapter.

SECTION ___. (a) Except as provided by Subsection (e) of this section, this Act takes effect September 1, 1999.

(b) The Texas Board of Health shall adopt the exposure control plan and the rules required by Subchapter H, Chapter 81, Health and Safety Code, as added by this Act, not later than September 1, 2000.

(c) Except as provided by Subsection (d) of this section, a governmental unit, as defined by Subdivision (3), Section 81.301, Health and Safety Code, as added by this Act, shall comply with Subchapter H, Chapter 81, Health and Safety Code, as added by this Act, not later than January 1, 2001.

(d) The Texas Department of Health may, in accordance with rules adopted by the Texas Board of Health, waive the application of Subchapter H, Chapter 81, Health and Safety Code, as added by this Act, to a rural county if the department finds that the application of the subchapter to the county would be unduly burdensome. A waiver granted under this subsection expires December 31, 2001. For purposes of this subsection, "rural county" means a county that:

- (1) has a population of 50,000 or less; or
- (2) has a population of more than 50,000 but:

(A) does not have located within the county a general or special hospital licensed under Chapter 241, Health and Safety Code, with more than 100 beds; and

(B) was not, based on the 1990 federal census, completely included within an area designated as urbanized by the Bureau of the Census of the United States Department of Commerce.

(e) Subchapter H, Chapter 81, Health and Safety Code, as added by this Act, takes effect only if a specific appropriation for the implementation of Subchapter H, Chapter 81, Health and Safety Code, as added by this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, then Subchapter H, Chapter 81, Health and Safety Code, as added by this Act has no effect.

SECTION _____. In adopting the initial rules establishing the duties of an evaluation committee under Subsection (c), Section 81.305, Health and Safety Code, as added by this Act, the Texas Board of Health shall consider the duties of similar committees in existence on the effective date of this Act.

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 **CSHB 2085** in ARTICLE 19 of the bill delete SECTION 19.02 beginning on page 51, line 66 in its entirety.

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

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 2085** by striking SECTION 19.03 of the bill (senate committee printing, page 52, lines 17-32) and substituting the following:

SECTION 19.03. Section 773.0495, Health and Safety Code, is amended to read as follows:

Sec. 773.0495. LICENSED PARAMEDIC QUALIFICATIONS. (a) An individual qualifies as a licensed paramedic if the individual meets the requirements of Subsection (b)(1) or (2) and the department determines that the individual is minimally proficient to provide advanced life support that includes initiation under medical supervision of certain procedures, including intravenous therapy, endotracheal or esophageal intubation, electrical cardiac defibrillation or cardioversion, and drug therapy.

(b) In addition to meeting the minimal proficiency requirement prescribed by Subsection (a), to qualify as a licensed paramedic an individual:

(1) must complete a curriculum that includes college-level course work in accordance with rules adopted by the board; or

(2) must:

(A) hold on September 1, 1999, a certificate as an emergency medical technician-paramedic;

(B) have four years of field experience while certified as an emergency medical technician-paramedic in providing advanced life support care with an advanced life support emergency service, as a volunteer or for compensation, for an average of at least 20 hours per week; and

(C) file with the department before March 1, 2000, an application for a certificate as a licensed paramedic on a form prescribed by the department and pay an application fee of \$100 to the department.

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2085 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2085** 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.

CSHB 2085 was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2085** (committee printing) as follows:

(1) On page 36, line 27, add a new SECTION 15.03 to read as follows:

SECTION 15.03. Section 6, Opticians' Registry Act (Article 4551-1, Vernon's Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) The Board of Health shall study the need for a person engaged in spectacle dispensing to be registered under the Optician Registry Act or be under the supervision of a person registered under the Optician Registry Act and report the results of this study to the legislature by December 1, 2000.

(2) Renumber subsequent sections appropriately.

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

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

CSHB 2085 as again amended was finally passed by a viva voce vote.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of students from Grimes Elementary School in Houston, accompanied by their teachers.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1355 ON SECOND READING**

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

CSHB 1355, Relating to the adoption of the Red River Boundary Compact.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1355** as follows:

In SECTION 1 of the bill, Section 12.005 of the Red River Boundary Compact, on page 5 line 1, add the words "AND LITIGATION" after the word "LAW" and before the period.

On page 5, line 9, delete the period and replace it with "; or"

On page 5 line 9, add a new subsection (3) to read as follows:

(3) litigation pending in either state involving title to land or boundaries of rivers or water bodies of that state.

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1355 ON THIRD READING**

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1355** 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.

CSHB 1355 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

BILLS AND RESOLUTION SIGNED

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

SB 142, SB 334, SB 343, SB 448, SB 598, SB 710, SB 1114, SB 1155, SB 1236, SB 1509, SB 1555, SB 1560, SB 1627, SB 1684, SCR 69.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

Members, Texas State Board of Public Accountancy: Billy M. Atkinson, Jr., Fort Bend County; Kimberly Dryden, Randall County; April L. Eyeington, Brazos County; Edwardo B. Franco, Dallas County; Robert C. Mann, Tarrant County.

Members, State Board of Dental Examiners: James Kevin Irons, D.M.D., Travis County; Amy Landess Juba, Potter County; Martha Lynn Manley Malik, D.D.S., Victoria County; Kent T. Starr, D.D.S., McLennan County; Nathaniel George Tippit, Jr., D.D.S., Harris County.

Commissioners, Texas Funeral Service Commission: John Q. Taylor King, Ph.D., Travis County; Roy H. Kiser, Hale County; Martha J. Rhymes, Gregg County; Jim C. Wright, Wheeler County.

Directors, Texas Turnpike Authority division of the Texas Department of Transportation Board: Glenn Jarvis, Hidalgo County; Manuel Zuniga, Travis County.

Member, Gulf States Marine Fisheries Commission: L. Don Perkins, Harris County.

Members, Coastal Water Authority Board of Directors: Buster E. French, Liberty County; Darryl L. King, Harris County; Gary R. Nelson, Chambers County.

Members, Brazos River Authority Board of Directors: Joe B. Hinton, McLennan County; Andrew Jackson, Fort Bend County; Celeste L. Kotter, Falls County; Robert Bruce Lane, Bosque County; Steve D. Peña, Williamson County; M. Lance Phillips, Limestone County; Janet Kay Sparks, Johnson County.

Members, Motor Vehicle Board of the Texas Department of Transportation: Patricia Fincher Harless, Harris County; Robena Jackson, Travis County; Kevin D. Pagan, Hidalgo County; Joe Wayne Park, Dallas County; Jimmy C. Payton, Sr., Tarrant County.

Members, Air Conditioning and Refrigeration Contractors Advisory Board: Guy F. Ellyson, Harris County; Cassie L. Hughes, Callahan County; David D. Muñoz, Comal County; Lee Jaye Rosenberg, Bexar County.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a group of students from Don T. Durham Elementary School in Southlake.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1650 ON SECOND READING

On motion of Senator Jackson 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 1650, Relating to the public notice requirements applicable to persons who are subject to sex offender registration.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1650** as follows:

(1) In SECTION 1, in amended Subsection (a), Article 62.03, Code of Criminal Procedure, between "assign to the person a numeric risk level" and the comma (Committee Printing, page 1, line 20) insert "of one or two".

(2) In SECTION 1, in amended Subsection (c), Article 62.03, Code of Criminal Procedure, between "developed or selected under Article 62.035" and "and ensure" (Committee Printing, page 2, lines 16-17), insert ", assign to the person a numeric risk level of one or two,".

(3) In SECTION 1, in amended Subsection (e), Article 62.03, Code of Criminal Procedure, strike "and the person is not assigned a numeric risk level three." (Committee Printing, page 2, lines 38-39).

(4) In SECTION 1, in amended Subsection (e), Article 62.03, Code of Criminal Procedure, strike "or the person's numeric risk level" (Committee Printing, page 2, line 49).

(5) In SECTION 2, in proposed Article 62.035(b)(3), strike the language between "level three:" and "no basis for concern" (Committee Printing, page 3, lines 42-44).

(6) In SECTION 2, at the end of proposed Article 62.035, Code of Criminal Procedure (Committee Printing, page 3, between lines 46 and 47), insert a Subsection (c) to read as follows:

(c) The risk assessment review committee may assign to a person a numeric risk level of three only on receipt of notice under Article 62.04 that the person intends to move to a new residence in this state and only if:

(1) the person was originally assigned a numeric risk level of two under Article 62.03;

(2) the committee considers any information available to the committee that was used by the committee or by the court at the time of assigning to the person a numeric risk level of two; and

(3) the basis on which the person is subject to registration is a conviction of or a grant of deferred adjudication for an offense under Section 21.11 or Section 22.011(a)(2), Penal Code, or an adjudication of delinquent conduct based on a violation of one of those offenses, committed against a victim who is of the opposite sex of the person and is not more than five years younger than the person.

(7) In the introductory language to SECTION 3 (Committee Printing, page 3, line 47), strike "(f)" and substitute "(d), (f),".

(8) In SECTION 3, between the introductory language and amended Subsection (f), Article 62.04, Code of Criminal Procedure (Committee Printing, page 3, between lines 48 and 49), insert the following:

(d) Not later than the third day after receipt of information under Subsection (a) or (b), whichever is earlier, the local law enforcement authority shall forward this information to the department and, if the person intends to move to another municipality or county in this state, to the applicable local law enforcement authority in that municipality or county and, if the person meets the criteria described by Article 62.035(c)(3) to be reassigned a numeric risk level of three, to the risk assessment review committee established under that article. On receipt of information under this subsection, the risk assessment review committee shall determine whether the person meets the criteria to be reassigned a numeric risk level of three, assign to the person a numeric risk level of three, if the person meets that criteria, and immediately send a written notice of the person's risk level to the department and to the local law enforcement authority in the municipality or county where the person intends to reside.

(9) In SECTION 4, in proposed Article 62.045(c), Code of Criminal Procedure, between "notice is provided under" and the comma (Committee Printing, page 4, line 44), strike "this section" and substitute "Subsection (a)".

(10) In SECTION 4, at the end of proposed Article 62.045, Code of Criminal Procedure (Committee Printing, page 4, line 49), add a Subsection (d) to read as follows:

(d) On receipt of notice under this chapter that a person subject to registration under this chapter is required to register or verify registration with a local law enforcement authority and has been assigned a numeric risk level of one, the local law enforcement authority may provide notice to the public in any manner determined appropriate by the local law enforcement authority, including holding a neighborhood meeting, posting notices in the area where the person intends to reside, distributing printed notices to area residents, or establishing a specialized local website. The local law enforcement authority may include in the notice any information that is public information under this chapter.

(11) Strike SECTIONS 5, 6, and 7 of the bill and renumber the existing SECTIONS of the bill accordingly.

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

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1650**, adding an appropriately numbered SECTION to read as follows:

"SECTION _____. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

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

On motion of Senator Jackson 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 1650 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1650** 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 1650 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate a group of seventh-grade students from Whitewright Middle School in Whitewright.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1220 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:

CSSB 1220, Relating to highway beautification; providing civil penalties.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1220** on page 1 at line 55 by adding the following appropriately numbered SECTION and renumbering the existing SECTIONS as appropriate:

SECTION 3. Subchapter B, Chapter 392, Transportation Code, is amended by adding Section 392.0315 to read as follows:

Sec. 392.0315. NONAPPLICABILITY. This subchapter does not apply to a sign that:

(1) is attached to a building located on property other than a state highway right-of-way; and

(2) extends over the state highway right-of-way in a manner that does not interfere with the current use of the right-of-way or pose a hazard.

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1220 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 **CSSB 1220** 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 1220 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HOUSE BILL 3561 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 third reading:

HB 3561, Relating to grant-making authority of the Texas Natural Resource Conservation Commission.

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

HOUSE BILL 3561 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 **HB 3561** 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.

HB 3561 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 670 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 third reading:

CSHB 670, Relating to providing, at no cost, medical records to Texas veterans for certain purposes.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 670 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 **CSHB 670** 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.

CSHB 670 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 931 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 931, Relating to the support of graduate pharmacy education and resident pharmacists.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 931**, on page 2, line 34 add the following (d):
"(d) After August 31, 2001, general revenue funds may not be used to fund pharmacy residencies other than in the manner prescribed by this subchapter."

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 931 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 931** 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 931 was read third time and was passed by a viva voce vote.

SENATE BILL 1872 ON SECOND READING

On motion of Senator Lindsay 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 1872, Relating to the sale of certain toll roads by certain political subdivisions.

The bill was read second time.

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1872** as follows:

I. Strike Section 284.009(b) and substitute the following:

(b) A county may not sell or otherwise transfer a toll road project to any other public or private entity if the project was built using right-of-way acquired from the state, without the express written consent of, and consultation with, the Texas Department of Transportation.

II. Strike Section 365.016(b) and substitute the following:

(b) A district may not sell or otherwise transfer a toll road project to any other public or private entity if the project was built using right-of-way acquired from the state, without the express written consent of, and consultation with, the Texas Department of Transportation.

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

On motion of Senator Lindsay 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 1872 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1872** 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 1872 was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

**COMMITTEE SUBSTITUTE
SENATE BILL 1828 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:

CSSB 1828, Relating to government purchasing from people with disabilities.

The bill was read second time.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1828**, committee printing, as follows:

On page 1, line 47, strike "three" and substitute the word "five."

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

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1828**, committee printing, as follows:

On page 6, line 67, after "council." add "the management fee rate and the computational method for including the management fee rate in the selling price or contract price must be approved by the council."

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

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1828**, committee printing, as follows:

In SECTION 1 of the bill, Government Code (committee report page 8, line 26), strike "one public member" and insert "one member appointed to represent a purchasing agency".

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

On motion of Senator Shapiro 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 1828 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 **CSSB 1828** 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 1828 was read third time and was passed by a viva voce vote.

HOUSE BILL 2067 ON SECOND READING

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

HB 2067, Relating to the application of the franchise tax to banking corporations and savings and loan associations.

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

HOUSE BILL 2067 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2067** 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.

HB 2067 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1665 ON SECOND READING

On motion of Senator Lindsay 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 1665, Relating to the authority of certain navigation districts to acquire land, equipment, or improvements and issue bonds.

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

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE SENATE BILL 1665 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1665** be placed on its third reading and final passage.

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

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

Nays: Bernsen, Wentworth.

Absent-excused: Luna.

CSSB 1665 was read third time and was passed by the following vote:
Yeas 29, Nays 1.

Nays: Bernsen.

Absent-excused: Luna.

SENATE RESOLUTION 815

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to congratulate the James E. Taylor High School Decathlon team of Katy, Texas, for winning second place in the United States Academic Decathlon national finals at California State University at Fullerton; and

WHEREAS, The self-discipline and dedication of this team have brought well-deserved recognition to the school, the community, and the state; and

WHEREAS, Since the establishment of this competition in 1982, Texas and California state champion schools have dominated the national finals; the Katy-area record for the past five years includes a national championship in 1997, seconds in 1998 and 1999, and a third in 1995; and

WHEREAS, The Decathlon consists of written tests in mathematics, social science, economics, literature, fine arts, and science, and a live competition in speech, essay writing, and factual recall; and

WHEREAS, Under the excellent tutelage of Biology teacher Cynthia Swetnam and English teacher Susan Shellum, the nine-member team compiled 49,845 points for its second-place finish; only 380 points separated first and second place; and

WHEREAS, Michael Griebe, Joshua Robinson, Charles Rubio, Jackie Sokol, Cyrus Chen, Andrew Hsieh, Nick Vitolo, Leif Powers, and Amit Gupta brought a tremendous sense of pride to their school; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the James E. Taylor High School Decathlon team on receiving second place in the national finals; and, be it further

RESOLVED, That a copy of this Resolution be prepared for each team member as a tribute of the Texas Senate.

BROWN
LINDSAY

The resolution was again 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.

The resolution was previously adopted on Monday, May 3, 1999.

GUESTS PRESENTED

Senator Brown, joined by Senator Lindsay, was recognized and introduced to the Senate members of the Academic Decathlon team from James E. Taylor High School in Katy, accompanied by their coaches and principal.

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:

HB 221, HB 431, HB 573, HB 624, HB 870, HB 873, HB 963, HB 1138, HB 1401, HB 1643, HB 1987, HCR 115, HCR 183, HCR 185, HCR 188, HCR 194.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1269 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 third reading:

CSHB 1269, Relating to the mandatory detention of a juvenile for allegedly engaging in certain conduct.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1269 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 **CSHB 1269** 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.

CSHB 1269 was read third time and was passed by a viva voce vote.

(Senator Fraser in Chair)

GUESTS PRESENTED

Senator Bernsen was recognized and introduced to the Senate Miguel Rubiano, Member, House of Deputies of Tamaulipas, Mexico, and Tommy Bean of Vidor.

The Senate welcomed its guests.

(President in Chair)

SENATE BILL 1144 ON SECOND READING

On motion of Senator Fraser 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 1144, Relating to retirement benefits payable for service as a district or criminal district attorney or a county attorney performing the duties of a district attorney.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1144** as follows:

(1) In Section 1, line 12, strike the words "for service performed" and substitute "payable for at least 20 years service credit".

(2) In Section 1, line 17, following the word "is", strike the remaining language in lines 17-23, and substitute "the sum of the percentage used to compute a standard service retirement annuity under Section 814.103 plus .5 percent."

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

On motion of Senator Fraser 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 1144 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1144** 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 1144 was read third time and was passed by a viva voce vote.

(Senator Brown in Chair)

SENATE BILL 507 WITH HOUSE AMENDMENT

Senator Duncan called **SB 507** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 507** by substituting the following for Section 1:

SECTION 1. Sections 252.021(b) and (c), Local Government Code, are amended to read as follows:

(b) Before a municipality with a population of less than 75,000 [~~100,000~~] may enter into a contract for insurance that requires an expenditure of more than \$5,000 from one or more municipal funds, the municipality must comply with the procedure prescribed by this chapter for competitive sealed bidding, or with the following procedure:

(1) negotiate for the contract for insurance with at least two insurance agents and one intergovernmental risk pool;

(2) select the contract for insurance that is lowest and best; and

(3) as soon as practicable after making the selection, publish in a newspaper of general circulation in the municipality the name and contract amount of the selected insurance carrier or risk pool and the names of the other entities making a proposal.

(c) A municipality may use the competitive sealed proposal procedure only for high technology procurements or, in a municipality with a population of 75,000 or more [~~in excess of 100,000~~], the purchase of insurance.

The amendment was read.

Senator Duncan moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 507** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Duncan, Chair; Lindsay, Bernsen, Armbrister, and Madla.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Madla and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Intergovernmental Relations might consider **SB 429** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10 and Senate Rule 11.18 were suspended in order that the Committee on Health Services might meet and consider the following bills today: **SB 1889**, **SB 1891**.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10 and Senate Rule 11.18 were suspended in order that the Committee on State Affairs might meet and consider **HB 3092** today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Truan, the Senate at 12:35 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. Monday, May 10, 1999, for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, in memory of Dr. Américo Paredes of Austin, Zachary B. Bell, and Willie Lee Campbell Glass of Tyler, until 1:30 p.m. Monday, May 10, 1999.

(Senator West in Chair)

PERMISSION TO INTRODUCE BILL

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 bill: **SB 1907**.

SENATE BILL ON FIRST READING

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

SB 1907 by Gallegos

Relating to the creation of commercial and industrial development zones in certain populous counties; providing for taxes and the issuance of bonds.

To Committee on Economic Development.

HOUSE BILLS ON FIRST READING

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

HB 91 to Committee on Criminal Justice.

HB 610 to Committee on Economic Development.

HB 1111 to Committee on Intergovernmental Relations.

HB 1275 to Committee on Education.

HB 1379 to Committee on Criminal Justice.

HB 1461 to Committee on Jurisprudence.

HB 1498 to Committee on Economic Development.

HB 1504 to Committee on Health Services.

HB 1620 to Committee on State Affairs.

HB 1652 to Committee on Health Services.

HB 1882 to Committee on Education.

HB 1919 to Committee on Administration.

HB 2111 to Committee on Criminal Justice.

HB 2445 to Committee on Natural Resources.

HB 2748 to Committee on Economic Development.

HB 2815 to Committee on Natural Resources.

HB 2824 to Committee on State Affairs.

HB 3182 to Committee on State Affairs.

HB 3216 to Committee on Health Services.

HB 3544 to Committee on Education.

HB 3697 to Committee on Economic Development.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 167**

Senator Carona submitted the following Conference Committee Report:

Austin, Texas
May 6, 1999

Honorable Rick Perry
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 167** have had the same under

consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CARONA

NIXON

GALLEGOS

BROWN

On the part of the Senate

GOOLSBY

SIEBERT

BOSSE

DUKES

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to requiring a seller of real property to deliver notice to the purchaser regarding the potential for annexation of the property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.011 to read as follows:

Sec. 5.011. SELLER'S DISCLOSURE REGARDING POTENTIAL ANNEXATION. (a) A person who sells an interest in real property in this state shall give to the purchaser of the property a written notice that reads substantially similar to the following:

NOTICE REGARDING POSSIBLE ANNEXATION

If the property that is the subject of this contract is located outside the limits of a municipality, the property may now or later be included in the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the property for further information.

(b) The seller shall deliver the notice to the purchaser before the date the executory contract binds the purchaser to purchase the property. The notice may be given separately, as part of the contract during negotiations, or as part of any other notice the seller delivers to the purchaser.

(c) This section does not apply to a transfer:

(1) under a court order or foreclosure sale;

(2) by a trustee in bankruptcy;

(3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;

(4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;

(5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;

(6) from one co-owner to another co-owner of an undivided interest in the real property;

(7) to a spouse or a person in the lineal line of consanguinity of the seller;

(8) to or from a governmental entity;

(9) of only a mineral interest, leasehold interest, or security interest; or

(10) of real property that is located wholly within a municipality's corporate boundaries.

(d) If the notice is delivered as provided by this section, the seller has no duty to provide additional information regarding the possible annexation of the property by a municipality.

(e) If an executory contract is entered into without the seller providing the notice required by this section, the purchaser may terminate the contract for any reason within the earlier of:

(1) seven days after the date the purchaser receives the notice; or

(2) the date the transfer occurs.

SECTION 2. (a) This Act takes effect January 1, 2000.

(b) The change in law made by this Act applies only to a transfer of property that occurs on or after the effective date of this Act. For purposes of this section, a transfer of property occurs before the effective date of this Act if the executory contract binding the purchaser to purchase the property is executed before that date.

(c) Property transferred before the effective date of this Act is covered by the law in effect when the property was transferred, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONGRATULATORY RESOLUTIONS

SR 884 - by Lindsay: Congratulating Ryan Wallace of Tomball.

SR 885 - by Lindsay: Congratulating Aaron J. Albers of Houston.

SR 886 - by Lindsay: Congratulating Judge Mark Davidson and Sarah Duckers.

SR 888 - by West: Congratulating Art Capps of Dallas.

SR 889 - by Nelson: Congratulating the Huffines Auto Group in Denton County.

SR 891 - by Cain: Recognizing the Third Annual County Wide Law Officers Memorial Service in Wolfe City.

SR 892 - by Ratliff: Congratulating L. J. and Jimmie Wayne of Pittsburg.

SR 893 - by Whitmire: Congratulating Angela Lois Green and Alexander Todd Hewlett.

SR 894 - by Jackson: Congratulating Cynthia Tauss of League City.

HCR 245 - (Carona): Celebrating the birth of Jacob Jeffrey Gonzalez on September 15, 1998.

RECESS

Pursuant to a previously adopted motion, the Senate at 12:37 p.m. recessed until 10:00 a.m. Monday, May 10, 1999, for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 7, 1999

BORDER AFFAIRS — HCR 19, HCR 18, HB 1982

HEALTH SERVICES — CSSB 458, CSSB 905, CSSB 941

EDUCATION — CSHB 2867, CSHB 1346, CSHB 746, CSSB 1325, CSSB 876, CSSB 831

FINANCE — CSHB 1945

NATURAL RESOURCES — HB 2407, CSHB 1479

INTERGOVERNMENTAL RELATIONS — CSSB 1786, CSSB 1806, SB 1899, SB 1903, CSHB 79, HB 347 (Amended), CSHB 2136, HB 2235, CSHB 2301, HB 2542 (Amended), HB 3799 (Amended)

BORDER AFFAIRS — HB 1861 (Amended), HB 3234 (Amended), HB 64 (Amended)

STATE AFFAIRS — HB 57, HB 856, HB 2299, SB 1009, SB 1328, SCR 47, HB 523, HB 558, HB 692, HB 1053, HB 1075, HB 1085, HB 1274, HB 1359, HB 1739, HB 2238, HB 2492, HB 3008, HB 3089, HB 3366

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSHCR 134, SB 1902 (Amended)

In Memory
of
Willie Lee Campbell Glass

Senator Cain offered the following resolution:

(Senate Resolution 890)

WHEREAS, The Texas Senate joins the citizens of Tyler and Nacogdoches in mourning the loss of Willie Lee Campbell Glass, who died May 2, 1999, at the age of 88; and

WHEREAS, Born August 24, 1910, in Nacogdoches, Willie Lee Campbell was the daughter of two educators, the late E. J. and Mary Campbell; Willie graduated from high school as class valedictorian and graduated from Prairie View A&M University in 1931 with a degree in home economics; she earned a master's degree from Iowa State College, where she was one of the first black women to complete the graduate program and the youngest student to receive a master's degree; and

WHEREAS, She joined the faculty at Virginia State College for Negroes and later returned to Nacogdoches to teach at her former high school; she married the president of Texas College, Dr. D. R. Glass on August 27, 1936, and after moving to the college campus in Tyler, Mrs. Glass began inviting groups of students to the president's home to teach etiquette and table manners; Mrs. Glass soon led the homemaking department at Texas College and served as a homemaking education consultant for the Texas Education Agency; and

WHEREAS, Willie Glass was dedicated to her work in the field of education and was an exemplary lady who was respected for her many accomplishments and for her leadership in the community; and

WHEREAS, After her retirement in 1963, Mrs. Glass was the recipient of a number of honors from organizations around the country; she was inducted into the Texas Woman's Hall of Fame in 1985 and received the T. B. Butler Award as Tyler's Most Outstanding Citizen; she was given an honorary doctorate in Humane Letters by Texas College in 1988 and received Prairie View A&M University's Distinguished Alumni Award; and

WHEREAS, Mrs. Glass was a member of the Texas College Board of Trustees, the East Texas Lighthouse for the Blind Board, the American Red Cross, The University of Texas at Tyler Foundation, and the Stephen F. Austin State University Foundation; she was a founder and director of the North Tyler Neighborhood Association; and

WHEREAS, A woman of integrity, strength, and generosity, she gave unselfishly of her time to others, and her wisdom, warmth, and valued counsel will not be forgotten by those who knew her; and

WHEREAS, A devout Christian, Mrs. Glass was a member of Saint Paul Christian Methodist Episcopal Church; and

WHEREAS, Willie Lee Glass was a devoted wife to the late Dr. Glass and was dedicated to Texas College and its students; she lived her life to the fullest, and she leaves behind memories that will be treasured forever by her many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby extend sincere condolences to the bereaved friends of Willie Lee Campbell Glass and to the citizens of Nacogdoches and Tyler; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Willie Lee Glass.

CAIN
NIXON
RATLIFF

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 Cain and by unanimous consent, the resolution was adopted by a rising vote of the Senate.