

FIFTY-FIRST DAY

TUESDAY, APRIL 10, 2001

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, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini, Mr. President.

Absent-excused: Harris.

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

The Reverend Thomas O. Brumett, First United Methodist Church, Bonham, offered the invocation as follows:

Gracious God, we call upon You by many names; You continue to claim each of us as Your very own. We seek You in many ways; You continue to reveal Yourself to us as love. This day is a blessed gift from You. May we so order our words and deeds this day that our parents will be proud, our children will be blessed, and Your love will be served. Bless these men and women that they may serve well. 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 Madla, Senator Harris was granted leave of absence for today on account of important business.

CO-AUTHORS OF SENATE BILL 536

On motion of Senator Ellis and by unanimous consent, Senators Duncan and Gallegos will be shown as Co-authors of **SB 536**.

CO-AUTHOR OF SENATE BILL 556

On motion of Senator Duncan and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 556**.

CO-AUTHOR OF SENATE BILL 749

On motion of Senator Shapleigh and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 749**.

CO-AUTHOR OF SENATE BILL 905

On motion of Senator Shapleigh and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 905**.

CO-AUTHOR OF SENATE BILL 961

On motion of Senator Moncrief and by unanimous consent, Senator Cain will be shown as Co-author of **SB 961**.

CO-AUTHOR OF SENATE BILL 1047

On motion of Senator Shapiro and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1047**.

CO-AUTHOR OF SENATE BILL 1096

On motion of Senator Cain and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1096**.

CO-AUTHOR OF SENATE BILL 1282

On motion of Senator Lucio and by unanimous consent, Senator Truan will be shown as Co-author of **SB 1282**.

CO-AUTHOR OF SENATE BILL 1296

On motion of Senator Lucio and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 1296**.

CO-AUTHOR OF SENATE BILL 1327

On motion of Senator Bivins and by unanimous consent, Senator West will be shown as Co-author of **SB 1327**.

CO-AUTHOR OF SENATE BILL 1344

On motion of Senator Barrientos and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 1344**.

CO-AUTHOR OF SENATE BILL 1461

On motion of Senator Nelson and by unanimous consent, Senator Bernsen will be shown as Co-author of **SB 1461**.

CO-AUTHOR OF SENATE BILL 1622

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

CO-AUTHOR OF SENATE JOINT RESOLUTION 37

On motion of Senator Lucio and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SJR 37**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 9

On motion of Senator Shapleigh and by unanimous consent, Senator Lucio will be shown as Co-author of **SCR 9**.

PERMISSION TO INTRODUCE BILLS

Senator Truan moved to suspend Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution to permit the introduction of the following bills: **SB 1795, SB 1797, SB 1798, SB 1799, SB 1800, SB 1801.**

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

SENATE BILLS ON FIRST READING

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

SB 1795 by Lucio

Relating to highways, transportation, and the operation of the Texas Department of Transportation.

To Committee on State Affairs.

SB 1796 by Brown

Relating to the assumption of road utility district authority by the Baybrook Municipal Utility District No. 1, including the authority to impose taxes and issue bonds. (Local bill)

To Committee on Intergovernmental Relations.

SB 1797 by Carona

Relating to an exemption from the licensure provisions of The Texas Engineering Practice Act for certain research or instructional work.

To Committee on Business and Commerce.

SB 1798 by Bivins, Bernsen, Lucio, Shapleigh, West

Relating to the creation, funding and operation of a teacher's housing assistance program.

To Committee on Education.

SB 1799 by Bernsen

Relating to the final report and abolishment of the Spindletop Centennial Celebration Commission.

To Committee on Natural Resources.

SB 1800 by Brown

Relating to the transfer of records of the office of the lieutenant governor.

To Committee on Administration.

SB 1801 by Ogden

Relating to the amount of tuition that a public institution of higher education must set aside for Texas Public Education Grants.

To Committee on Education.

SB 1802 by Truan

Relating to the annexation of additional territory and the composition of the port commission of the Port of Corpus Christi Authority of Nueces County, Texas.
(Local bill)

To Committee on Natural Resources.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 848**.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Members, Texas Commission on the Arts: Idelle G. Rabin, Dallas County; William P. Wright, Jr., Taylor County.

Member, Texas Aerospace Commission: Arthur Rojas Emerson, Bexar County.

Member, Texas Board of Chiropractic Examiners: Narciso Escareño, Cameron County.

Presiding Officer, Texas Funeral Service Commission: Harry M. Whittington, Travis County.

Members, Texas Funeral Service Commission: Dorothy L. Grasty, Tarrant County; John Q. Taylor King, Ph.D., Travis County; Frank W. Maresh, Kerr County; Martha J. Rhymes, Gregg County; Jim C. Wright, Wheeler County.

Members, Texas Lottery Commission: Walter H. Criner, Sr., Harris County; Betsy Whitaker, Dallas County.

Members, Texas State Board of Social Worker Examiners: John Steven Roberts, Midland County; Jamie B. Ward, Kendall County.

Members, Texas Racing Commission: Treva Boyd, Tom Green County; R. Dyke Rogers, Hartley County.

Members, Texas Appraiser Licensing and Certification Board: Benjamin E. Barnett, Dallas County; Elroy Carson, Lubbock County; Debra S. Runyan, Bexar County; Dona S. Scurry, El Paso County.

Member, Texas Board of Architectural Examiners: Gordon E. Landreth, Nueces County.

Members, Texas Board of Licensure for Professional Medical Physicists in the Texas Department of Health: Philip D. Bourland, Ph.D., Bell County; Rebecca C. Middleton, Ph.D., Dallas County.

Members, Polygraph Examiners Board: Michael C. Gougler, Travis County; Edward L. Hendrickson, Harris County.

Members, Texas Real Estate Commission: James N. Austin, Jr., Tarrant County; Ramon M. Cantu; Harris County; Lawrence D. Jokl, Cameron County.

Member, Real Estate Research Advisory Committee: Nick Nicholas, Dallas County.

Members, Texas Board of Professional Land Surveying: Steven C. Hofer, Midland County; Daniel E. Martinez, Lubbock County; Kelley Sue Neumann, Bexar County; Douglas W. Turner, Harris County.

Member, Texas Incentive and Productivity Commission: Sherry L. Phelps, Denton County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Nelson gave notice that she would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 723

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Anna M. Tinsley of Austin, who is leaving the Scripps Howard Austin Bureau, formerly the Harte-Hanks Austin Bureau, to join the staff of the *Fort Worth Star Telegram* to cover city hall; and

WHEREAS, The Scripps Howard Austin Bureau includes the *Corpus Christi Caller-Times*, the *Abilene Reporter News*, the *San Angelo Standard Times*, and the *Wichita Falls Times Record News*; and

WHEREAS, This talented young woman has been covering the Texas Legislature since February, 1995; stories about state agencies have been on her beat, as well as stories of local and Texas interest to be published in the four Texas newspapers and sent to the Scripps Howard national wire service; and

WHEREAS, Anna Tinsley is a dedicated journalist who became a reporter after she graduated from Baylor University with a bachelor of arts degree in 1991; and

WHEREAS, Anna immediately went to work for the *Odessa American* as a police and courts reporter and stayed until 1993; her superior writing was rewarded with an advancement, working for the *Corpus Christi Caller-Times* as a regional reporter and weekly columnist; and

WHEREAS, A journalist of great personal integrity, Anna Tinsley has received numerous accolades for her writing, including a first place award for science and health from the National Federation of Press Women in 2000 and a 2000 Texas Professional Communicators Sweepstakes award; in 1999, she was recognized with a first place award in news writing from the American Cancer Society and an honorable mention award for political writing; in 1994 she received the Press Club of Dallas Award of Excellence for analysis of the safety system in a Corpus Christi refinery explosion; and

WHEREAS, Although her many Capitol friends will miss Anna, they know she will continue to be an asset to the field of journalism; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend Anna M. Tinsley on her move to the *Fort Worth Star Telegram*; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of high regard from the Texas Senate.

The resolution was again read.

On motion of Senator Brown 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, April 9, 2001.

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Anna M. Tinsley of Austin.

The Senate welcomed Ms. Tinsley.

CONCLUSION OF MORNING CALL

The President at 10:12 a.m. announced the conclusion of morning call.

SENATE BILL 1195 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:

SB 1195, Relating to the creation of an offense involving the supervision of a vehicle operator holding an instruction permit.

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

COMMITTEE SUBSTITUTE

SENATE BILL 1629 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:

CSSB 1629, Relating to the creation, administration, powers, duties, operations, and financing of Cibolo Canyon Conservation and Improvement District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE

SENATE BILL 514 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:

CSSB 514, Relating to expanding grant programs formerly limited to physicians to include other health care professionals.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 514 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 **CSSB 514** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

SENATE BILL 660 ON SECOND READING

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

SB 660, Relating to the regulation of the practice of barbering.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 660** (senate committee printing) as follows:

(1) In SECTION 10 of the bill, in added Subsection (a) of Section 1601.3571, Occupations Code (page 2, line 61), between "less than" and ", the board", strike "\$200,000" and substitute "\$25,000".

(2) In SECTION 10 of the bill, in added Subsection (a) of Section 1601.3571, Occupations Code (page 2, line 64), between "the account to" and the period, strike "\$200,000" and substitute "\$25,000".

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

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

SB 660 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 660 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 660** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

PHYSICIAN OF THE DAY

Senator Odgen was recognized and presented Dr. Robert Stark of Brenham as the Physician of the Day.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1327 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 1327, Relating to improvement of the mathematics skills of public school students.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1327 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 1327** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief,

Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

The bill was read third time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1327** (Senate committee printing) as follows:

(1) On page 4, line 20, delete "required" and insert "developed."

(2) On page 4, line 23, insert the following, and renumber subsequent subsections accordingly:

SECTION 6. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.087 to read as follows:

Sec. 29.087. AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS INSTRUCTION PROGRAMS. (a) A school district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics instruction to students:

(1) who are not performing at grade level in mathematics to assist those students in performing at grade level; or

(2) who are not performing successfully in a mathematics course to assist those students in successfully completing the course.

(b) Before providing a program under this section, the board of trustees of a school district must adopt a policy for:

(1) determining student eligibility for participating in the program that:

(A) prescribes the grade level or course a student must be enrolled in to be eligible; and

(B) provides for considering teacher recommendations in determining eligibility;

(2) ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

(3) ensuring that eligible students are encouraged to attend the program;

(4) ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and

(5) measuring student progress on completion of the program.

(c) The commissioner by rule shall:

(1) prescribe a procedure that a school district must follow to apply for and receive funding for a program under this section;

(2) adopt guidelines for determining which districts receive funding if there is not sufficient funding for each district that applies;

(3) require each district providing a program to report student performance results to the commissioner within the period and in the manner prescribed by the rule; and

(4) based on district reports under Subdivision (3) and any required analysis and verification of those reports, disseminate to each district in this state information concerning instructional methods that have proved successful in improving student performance in mathematics.

(d) A program provided under this section shall be paid for with funds appropriated for that purpose.

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

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

CSSB 1327 as amended was finally passed by a viva voce vote.

BILL AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read: **HB 519, HCR 240.**

SENATE BILL 1419 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:

SB 1419, Relating to the statute of limitations in certain civil proceedings involving the state or other governmental entities.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1419** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 3.118, Business & Commerce Code, is amended by adding subsection (i) to read as follows:

(i) A right of action of a public institution of higher education or the Texas Higher Education Coordinating Board is not barred by this section.

SECTION 2. This act takes effect immediately if it is enacted, as required by Section 39, Article III, Texas Constitution, by a vote of two-thirds of all the members elected to each house. If this act does not receive the votes required for immediate effect, this Act takes effect on September 1, 2001.

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.

SB 1419 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1419 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 **SB 1419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief,

Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 317 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 317, Relating to continuation and functions of the Office of Consumer Credit Commissioner and the regulation of certain financial businesses.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 317** in Section 341.001(9), Finance Code, as amended by SECTION 8 of the bill (Committee printing, page 3, line 62), by striking "(9)" and substituting:

(9) "Loan" has the meaning assigned by Section 301.002 and includes a sale-leaseback transaction and a deferred presentment transaction.

(10) "Sale-leaseback transaction" means a transaction in which a person sells personal property used primarily for personal, family, or household use and the buyer of the property agrees to lease the property back to the seller. In a sale-leaseback transaction:

(A) the buyer is a creditor and the seller is an obligor;

(B) an agreement to defer payment of a debt and an obligation to pay the debt are established; and

(C) any amount received by the buyer in excess of the price paid for the property by the buyer is interest subject to this subtitle.

(11)

The amendment was read and was adopted by the following vote: Yeas 17, Nays 10, Present-not voting 1.

Yeas: Barrientos, Bernsen, Cain, Ellis, Gallegos, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapleigh, Truan, Van de Putte, Wentworth, West, Whitmire.

Nays: Armbrister, Bivins, Carona, Fraser, Haywood, Jackson, Shapiro, Sibley, Staples, Zaffirini.

Present-not voting: Mr. President.

Absent: Brown, Duncan.

Absent-excused: Harris.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 317** as follows:

Add the following new SECTION immediately following SECTION 21 of the bill and renumber the remaining sections accordingly:

The Finance Commission and the Consumer Credit Commissioner shall conduct a study of mortgage lending practices, with emphasis upon identifying possible predatory and discriminating lending patterns or practices. In conducting the study, the agencies shall collect data from entities making mortgage loans about mortgage loans using the data formats of the Home Mortgage Disclosure Act and other data fields necessary to identify possible predatory practices. In conducting the study, the agencies shall also study and consider parameters that could be used to consistently classify credit risk among mortgage loans for the purpose of assessing possible predatory or discriminatory lending practices. The agencies shall prepare a report detailing the findings and recommendations resulting from the study and deliver the report to the Lieutenant Governor, the Speaker of the House, and Legislative committees dealing with lending entities before December 1, 2002.

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.

CSSB 317 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 317 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 317** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

SENATE RESOLUTION 625

Senator Van de Putte offered the following resolution:

WHEREAS, Ovarian cancer, which is the fourth most common cause of fatal cancer in the United States, is one of the most serious threats to women's health across our state and nation; and

WHEREAS, This dire disease causes more deaths than any other cancer of the female reproductive system; ovarian cancer is treatable, but only when it is detected before spreading beyond the ovaries, and at this stage the five-year survival rate can be almost 93 percent; and

WHEREAS, Unfortunately, there is currently no screening test for the early detection of ovarian cancer; therefore, increased public awareness about the disease, its risk factors, and its subtle symptoms is important for saving lives; and

WHEREAS, It is of paramount importance that women and their doctors learn to recognize the warning signs, which are often the only early indication of illness; increased awareness of the symptoms and risk factors will greatly enhance chances of early detection and survival; and

WHEREAS, Inspired by and in the memory of Carolyn Mierl and Donna Rossi, two mothers who lost their battle with the disease, the Central Texas and Dallas/Fort Worth divisions of the National Ovarian Cancer Coalition are promoting ovarian cancer awareness activities during the month of September, 2001, and are encouraging every woman in Texas to become knowledgeable about the symptoms and risk factors of the disease; and

WHEREAS, More ovarian cancer research will undoubtedly help to develop reliable diagnostics, improved therapies, and prevention strategies, thereby offering women the opportunity to better fight and overcome this deadliest of all gynecological cancers; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby recognize September, 2001, as Ovarian Cancer Awareness Month in the State of Texas and encourage Texans to seek out information about this serious health concern.

The resolution was again read.

The resolution was previously adopted on Monday, April 2, 2001.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate the following delegation from the National Ovarian Cancer Coalition: Founder and President Stacey Hull, Madalene Allen, Linda Wertz, Terri Wiginton, Cara Mierl, Douglas Mierl, Shaun Mierl, Seth Mierl, Cile Spelce, Shelia Spelce, Jackie Veauthier, Lizzie Clay-Litton, Elizabeth Guardiola, Lora Reid, Jan Martin, and Terry Hull.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate a group of students who were the first graduating class of Plano West Senior High School in Plano.

The Senate welcomed its guests.

SENATE RESOLUTION 683

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the organizers and participants in the 42nd Annual League of United Latin American Citizens' Feria de las Flores on the occasion of their visit to the State Capitol on April 10; and

WHEREAS, This is the 42nd year that the LULAC Council No. 1 has sponsored the Feria de las Flores; the council is noted for its efforts to raise money for scholarships for qualified college-bound students; through the generosity of South Texas businesses, the council has given approximately \$1 million in scholarship money to the winners of the Feria; and

WHEREAS, The Feria de las Flores is a celebration of the heritage of Mexican American citizens and includes dance, music, and dress typical of the different regions south of the border; the participants compete in dance routines, costumes, poise, personality, beauty, and on-stage questioning; and

WHEREAS, The first Feria de las Flores was created and organized by Joe Flores in 1959, and Abby Pina was crowned the first Feria de las Flores Queen and Elvira Munguia was selected Runner-up; and the next LULAC Feria de las Flores will take place on July 21, 2001, at the Selena Auditorium, Bayfront Plaza Convention Center in Corpus Christi, Texas; and

WHEREAS, This year the contestants are Jessica Ramirez, Kimberly Nicole Guerra, Kayla A. Garza, Amy Guerrero, Martha Elena Nuncio, Melissa Nicole Diaz, Raina D. Ybarra, Melinda Lopez, Erin Hunter, Amanda Marie Amaro, Marlo Casarez, Raven Martinez, Joann de la Rosa, and Bernadette Galvan; the 41st Annual Feria de las Flores Queen is Mariana Garza; and

WHEREAS, The Feria de las Flores is an exemplary competition that provides educational opportunities for the young people of South Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the League of United Latin American Citizens' Council No. 1 on its humanitarian endeavors and extend a warm welcome to the participants and organizers of the 42nd Annual LULAC Feria de las Flores; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate to LULAC Council No. 1 and to each contestant participating in this year's event.

The resolution was again read.

On motion of Senator Brown 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, April 9, 2001.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate the following contestants in Feria de las Flores: Kimberly Nicole Guerra, Kayla A. Garza, Amy Guerrero, Martha Elena Nuncio, Melinda Lopez, Erin Hunter, Amanda Marie

Amaro, Marlo Casarez, Raven Martinez, Joann de la Rosa, and Bernadette Galvan, accompanied by General Chairman Raul Vasquez, Jr., and committee members Aurelia Bazan, Norma Cisneros, and Sandra Segura.

The Senate welcomed its guests.

(Senator Lucio in Chair)

SENATE RESOLUTION 666

Senator Sibley offered the following resolution:

WHEREAS, On April 9-10, 2001, many fine residents from Wise County are gathering in Austin to celebrate Wise County Days at the State Capitol; and

WHEREAS, Established in 1856 from Cooke County, the county is named for Henry A. Wise, a United States Congressman from Virginia who supported the annexation of Texas; and

WHEREAS, In its early years, the county relied on its cattle and sheep production to spur growth; throughout the years, Wise County has undergone many changes and now benefits from a diverse economy that is centered around agribusiness, petroleum, tourism, and manufacturing; on the northwest edge of the Dallas-Fort Worth Metroplex, Wise is one of the 25 fastest-growing counties in the state; and

WHEREAS, Decatur serves as the county seat and is home to such notable attractions as the Waggoner Mansion, Old Stone Prison, the Wise County Heritage Museum, and the historic pink granite Wise County Courthouse built in 1895; other towns in the county include Bridgeport, Alvord, Aurora, Boyd, Briar, Chico, Fairview, Greenwood, Lake Bridgeport, Newark, Paradise, Rhome, Runaway Bay, and Slidell; and

WHEREAS, Area residents uphold the county's heritage with traditional annual events such as Butterfield Stage Days and Chisolm Trail Days, and Lake Bridgeport, Eagle Mountain Lake, and the Lyndon Baines Johnson National Grasslands provide a wide range of outdoor opportunities; and

WHEREAS, The citizens of Wise County can be justifiably proud of their history and progressive development, and it is indeed appropriate to take this opportunity to recognize the outstanding role the county is playing in the annals of this state; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature hereby recognize April 9-10, 2001, as Wise County Days at the State Capitol and extend to its citizens warmest best wishes for a memorable and enjoyable visit.

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

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate Kyle Stephens, James Hubbard, and Paul Wood, Wise County commissioners; Mickey McMaster, President of the Decatur Chamber of Commerce; and Richard Chase of the Wise County Republican Party, accompanied by a delegation of citizens from Wise County.

The Senate welcomed its guests.

SENATE RESOLUTION 729

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in recognizing Big Spring Day, which will be held April 10, 2001, at the State Capitol; a Texas city rich in the pioneering spirit that looks back on a prosperous history and that looks forward to a productive 21st century, Big Spring is indeed worthy of a grand celebration; and

WHEREAS, Big Spring's pioneering spirit is shown in the lives of those who first explored the area, including the Spanish explorers such as Coronado, and the Comanche Indians and Captain Randolph B. Marcy, who recorded the discovery of Big Spring; and

WHEREAS, Big Spring's growth continued with early settlers including Colonel C. C. Slaughter, David Abner Rhoton, J. B. Boydstun, W. R. Settles, and Dora and "Bud" Roberts, whose contributions to the community are still evident today in the social and economic infrastructure of the city; and

WHEREAS, The pioneering spirit of Big Spring is apparent in the historical preservation of Scenic Mountain at Big Spring State Park, the Potton House, the Heritage Museum, Hanger 25 Museum, and the Vietnam Memorial; and

WHEREAS, The pioneering spirit of Big Spring anticipates the future through the construction of America's largest wind turbines for new sources of energy and the creation of a Technology Task Force to investigate the implementation of emerging technologies in public and private sectors; and

WHEREAS, The Big Spring community attracts business and industry through concerted economic development efforts while maintaining its established manufacturing and technology industries and its vital oil, farming, and ranching industries; and

WHEREAS, Big Spring is moving into the 21st century by providing new technologies while continuing to meet the basic needs of all its citizens through exciting job opportunities, affordable housing, recreation, and education; and

WHEREAS, Big Spring's pioneering spirit will continue into the future because of its greatest natural resource, its citizens; they will continue to explore, settle, toil, and envision a quality of life that makes this vital and prosperous community the Crossroads of West Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby extend best wishes to the citizens of Big Spring, Texas, for a most successful Big Spring Day at the Texas Capitol.

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 Duncan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Duncan, joined by Senator Fraser, was recognized and introduced to the Senate Russ McEwen, Mayor of Big Spring; Ben Lockhart, Howard County Judge; Kent Sharp, Executive Director, Moore Development for Big Spring, Incorporated; John Freeman, President, Big Spring Area Chamber of Commerce;

and Terri Davis, Executive Director, Big Spring Area Chamber of Commerce; accompanied by a delegation of citizens from the City of Big Spring.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 624

Senator Cain offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join citizens of Fannin County in celebrating April 10, 2001, as Fannin County Day at the State Capitol; and

WHEREAS, Located in northeast Texas along the Red River Valley, Fannin County was originally populated by Caddo Indians; by 1836, permanent settlement of the area had begun when several families arrived to build their homes on the rolling prairie; and

WHEREAS, Fannin was the first original county created in 1837 by the Congress of the Republic of Texas from the larger Red River County; the Texas Congress first thought to name the new county Independence, but later settled on Fannin, in honor of James Walker Fannin, Jr., a martyred hero of the Texas Revolution; and

WHEREAS, Bonham, the county seat, was founded in 1836 by Judge Bailey English, who originally named the settlement Bois d'Arc after the area's native trees; the name of the town became Bonham in 1844, in honor of James B. Bonham, the famous messenger in the Battle of the Alamo; and

WHEREAS, Fannin County is quite proud of its native son, Sam Rayburn, who began his distinguished political career in the Texas House of Representatives, where he served one year as speaker; later, Sam Rayburn went to Washington, D.C., as a congressman and was reelected to that position for 48 years; during his tenure as congressman, Mr. Sam served as speaker of the United States House of Representatives for 17 years, longer than any other individual in history; and

WHEREAS, Its final boundaries were fixed by 1846, and by 1900, the county had over 50,000 residents and was a significant producer of livestock and other agricultural products; by the end of the 20th century, Fannin County's farming economy also included manufacturing and retail businesses; and

WHEREAS, The Bonham Area Chamber of Commerce was established in 1886 as the Board of Trade; renamed the chamber of commerce in 1926, it has been instrumental in bringing jobs and new residents to Bonham and Fannin County, and it is the driving force for social and economic change; and

WHEREAS, Citizens of Fannin County have much to be proud of; their home has played an important role in the history of Texas, and it will continue to be vital to the state's well-being as an agribusiness center; a grand place, with industrious, civic-minded residents, Fannin County can look forward to a bright future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby extend best wishes to the citizens of Fannin County for a most enjoyable and successful Fannin County Day; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Fannin County as a memento of this grand occasion and as an expression of high regard from the Texas Senate.

The resolution was read.

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

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate Justice of the Peace Joe Dale of Bonham, accompanied by a delegation of citizens from Fannin County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate firefighters from Houston Professional Fire Fighters Association Local 341.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate students and their professors from Angelo State University in San Angelo.

The Senate welcomed its guests.

(Senator Madla in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 7 ON SECOND READING**

On motion of Senator Ellis 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 7, Relating to the period during which a person arrested is required to be taken before a magistrate and to the appointment and compensation of counsel to represent indigent persons accused of crime.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 7** on page 14, line 45, by adding a new subsection (e) as follows:
"(e) A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided by the task force under this section."

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

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

CSSB 7 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 7 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

(President in Chair)

(Senator Shapleigh in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 698 ON SECOND READING**

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

CSSB 698, Relating to the applicability of the rule against perpetuities to trusts.

There was objection.

Senator Carona then moved to suspend the regular order of business and take up **CSSB 698** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7, Present-not voting 1.

Yeas: Armbrister, Bivins, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Jackson, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Barrientos, Bernsen, Brown, Lindsay, Shapleigh, Truan, Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

RECORD OF VOTES

Senators Barrientos, Bernsen, Brown, and Truan asked to be recorded as voting "Nay" on the passage of **CSSB 698** to engrossment.

SENATE JOINT RESOLUTION 26 ON SECOND READING

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

SJR 26, Proposing a constitutional amendment to remove the prohibition against perpetual trusts.

There was objection.

Senator Carona then moved to suspend the regular order of business and take up **SJR 26** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Armbrister, Bivins, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Staples, Van de Putte, Whitmire, Zaffirini.

Nays: Barrientos, Bernsen, Brown, Cain, Shapleigh, Truan, Wentworth, West.

Present-not voting: Mr. President.

Absent-excused: Harris.

The resolution was read second time.

Senator Carona offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **SJR 26**, on page 1, line 9, by striking the word "perpetual".

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

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

SJR 26 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Bernsen, Brown, and Truan, asked to be recorded as voting "Nay" on the passage of **SJR 26** to engrossment.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Lydia Belmar, Nicole Flores, Alex Garcia, and Isaac Shelton of Robstown High School in Robstown, accompanied by their teachers Tom Walker, Benny Figueroa, Jr., and Tony Jimenez.

The Senate welcomed its guests.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1659 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 1659, Relating to the format of telecommunications utility billing statements.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1659 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 1659** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1060 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 1060, Relating to the transferability of appropriations and the suspension of statutory restrictions on the use of certain appropriations made to the Texas Natural Resource Conservation Commission.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1060** as follows:

Amend Section 5.707 to read:

Sec. 5.707. TRANSFERABILITY OF APPROPRIATIONS AND FUNDS DERIVED FROM FEES. Notwithstanding any law that provides specific purposes for which a fund, account, or revenue source may be used and expended by the commission and that restricts the use of revenues and balances by the commission,

the commission may transfer a percentage of appropriations from one appropriation item to another appropriation item consistent with the General Appropriations Act for any biennium authorizing the commission to transfer a percentage of appropriations from one appropriation item to another appropriation item. The use of funds in dedicated accounts under this section for purposes in addition to those provided by statutes restricting their use may not exceed seven percent or \$20 million, whichever is less, of appropriations to the commission in the General Appropriations Act for any biennium. A transfer of \$500,000 or more from one appropriation item to another appropriation item under this section must be approved by the commission at an open meeting subject to Chapter 551, Government Code.

The 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.

CSSB 1060 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1060 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 1060** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1210 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 1210, Relating to certain attorneys and law clerks employed by a court.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1210** as follows:

(1) In Section 57.002, Government Code, as added by SECTION 1 of the bill (senate committee printing, page 1, line 20), strike "or 57.004".

(2) In Section 57.002, Government Code, as added by SECTION 1 of the bill, in Subdivision (1) (senate committee printing, page 1, line 24), between "entity" and the semi-colon, insert "except as prescribed by the supreme court".

(3) Strike Section 57.004, Government Code, as added by SECTION 1 of the bill (senate committee printing, page 1, lines 46-50).

(4) Renumber Section 57.005, Government Code, as added by SECTION 1 of the bill (senate committee printing, page 1, line 51) as Section 57.004, and in Subsection (a) of that section (senate committee printing, page 1, line 53, strike "or 57.004" and substitute "and the requirements of the supreme court".

(5) Renumber Section 57.006, Government Code, as added by SECTION 1 of the bill (senate committee printing, page 1, line 64), as Section 57.005, and in Subsection (a) of that section (senate committee printing, page 2, line 2), strike "or 57.004" and substitute "and the requirements of the supreme court".

(6) Renumber Section 57.007, Government Code, as added by SECTION 1 of the bill (senate committee printing, page 2, line 12), as Section 57.006.

(7) Following SECTION 2 of the bill (senate committee printing, page 2, between lines 52 and 53), insert the following new SECTION, appropriately numbered:

SECTION __. Not later than the 90th day after the effective date of this Act, the supreme court shall adopt rules as necessary to implement Section 57.002(1), Government Code, as added by this Act.

(8) Renumber existing SECTIONS of the bill appropriately.

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.

CSSB 1210 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1210 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 1210** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE
SENATE BILL 177 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 177, Relating to electronic monitoring devices in the rooms of residents of convalescent or nursing homes or related institutions; providing a criminal penalty.

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

COMMITTEE SUBSTITUTE
SENATE BILL 177 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 177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE
SENATE BILL 556 ON SECOND READING

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

CSSB 556, Relating to prices of prescription drugs provided to certain Medicare recipients by certain pharmacies participating in the Medicaid vendor drug program.

The bill was read second time.

(Senator Truan in Chair)

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 556**, in SECTION 1 of the bill, as follows:

(1) Strike Subsection (h) of added Section 32.0462, Human Resources Code (Committee printing page 2, lines 3 through 10).

(2) In Subsection (j) of added Section 32.0462, Human Resources Code (Committee printing page 2, line 21), strike "(i)" and substitute "(h)".

(3) Reletter Subsections (i), (j), and (k) of added Section 32.0462, Human Resources Code, as Subsections (h), (i), and (j).

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

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

CSSB 556 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 556 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 556** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Harris.

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

**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 the following bills today: **SB 1802, SB 828.**

**SENATE RULE 11.18 SUSPENDED
(Posting Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Education might consider **SB 1798** tomorrow.

GUEST PRESENTED

Senator Barrientos was recognized and introduced to the Senate former Senator Bill Sims of Paint Rock.

The Senate welcomed Senator Sims.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Cain 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 tomorrow, upon completion of the daily session, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 731 by Wentworth, In memory of Mary Nan West of San Antonio.

Congratulatory Resolutions

SR 725 by Ellis, Commending the Wesley Community Center in Houston.

SR 726 by Ellis, Congratulating Allene D. Evans and Tom Herod, Jr., on the birth of their daughter, Elizabeth Evans Herod.

SR 727 by Ellis, Commending the Texas Southern University Campus All Star Challenge team.

SR 728 by Ellis, Commending the employees of Retriever Payment Systems.

SR 730 by Shapleigh, Congratulating Richard Adatao of El Paso.

SR 732 by Lindsay, Congratulating Sean Samuel of Spring.

SR 733 by Cain, Congratulating John David Lewis II of Terrell.

ADJOURNMENT

On motion of Senator Brown, the Senate at 1:05 p.m. adjourned, in memory of Richard "Dick" Solo of Dallas, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 10, 2001

**HEALTH AND HUMAN SERVICES — CSSB 876, CSSB 368, CSSB 1245,
CSSB 1683, CSSB 1394, CSSB 281, CSSB 43**

ADMINISTRATION — **HB 808**

HEALTH AND HUMAN SERVICES — **CSSB 8, SB 1763, SB 1264, SB 1496, CSSB 789**

JURISPRUDENCE — **SB 1640, SB 667, SB 618, SB 610, SB 486, SB 909, SB 776, SB 822** (Amended), **CSSB 731, CSSB 1001, SB 1778** (Amended)

SIGNED BY GOVERNOR

April 9, 2001

SB 331, SB 407, SB 585, SCR 44

SENT TO GOVERNOR

April 10, 2001

SB 848

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

Austin, Texas
April 9, 2001

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the Constitution of the State of Texas, and by the power vested in me as the chief executive officer of this state, I, Rick Perry, Governor of Texas, have signed **SB 407** by Cain into law. With regard to the importance of this issue, I want to add the following message:

SB 407 by Cain gives local governments access to innovative financing for transportation projects. Cities and counties will now have clearer access to the State Infrastructure Bank (SIB), a revolving loan fund administered by the Texas Department of Transportation. The Texas SIB has been used to advance large construction projects such as the World Trade Bridge in Laredo and State Highway 121 in Denton as well as smaller construction projects like county bridge replacements.

The passage of this bill is the first step in expanding the use of the SIB to leverage other funds for needed transportation projects. The next step is for the United States Congress to restore the ability of the State of Texas to direct more federal transportation funds into the SIB. Since the passage of the Transportation Efficiency Act for the 21st Century (TEA-21) in 1998, Texas has been prohibited from investing any current federal highway funds in the SIB. With the signing of this bill and the filing of this message, I urge the Texas Congressional Delegation to help the State of Texas regain its authority to direct currently appropriated funds into the State Infrastructure Bank.

The secretary of state will take note and forward an official copy of this message to the President of the United States and the members of the Texas delegation to the United States Congress.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 9th day of April, 2001.

/s/Rick Perry
Governor of Texas

ATTESTED BY:

/s/Henry Cuellar, Ph.D.
Secretary of State