

THIRTY-THIRD DAY

(CONTINUED)

THURSDAY, MARCH 13, 1997

PROCEEDINGS

AFTER RECESS

The Senate met at 7:30 a.m. and was called to order by Senator Moncrief.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Sixty-day Rule, the Constitutional Three-day Rule, and final passage are indicated after each caption.

SB 95 (Patterson) Relating to the immediate qualification for an ad valorem tax exemption for a church or other nonprofit organization. (31-0) (31-0) (31-0)

SB 137 (Bivins) Relating to the removal of certain students to an alternative education program. (31-0) (31-0) (31-0)

SB 138 (Bivins) Relating to mandatory public school attendance by certain expelled students. (31-0) (31-0) (31-0)

SB 157 (Haywood) Relating to the reimbursement to Wilbarger County for use of the county attorney's office to prosecute mental health matters involving persons residing outside the county. (31-0) (31-0) (31-0)

SB 174 (Brown) Relating to a fee collected by a prosecutor for collecting and processing a dishonored or forged check or similar sight order. (31-0) (31-0) (31-0)

SB 209 (Haywood) Relating to the composition of the lake planning commission of Lake Tawakoni and Lake Ray Roberts. (31-0) (31-0) (31-0)

SB 326 (Armbrister) Relating to vessels and obstructions in fish passes. (31-0) (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 326** as follows:

SECTION 1. Section 66.204(b), Parks and Wildlife Code, is amended to read as follows:

(b) . . . to a marker or sign erected by the department indicating the restricted area.

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

SB 334 (Harris) Relating to the recodification of statutes relating to the marriage relationship. (31-0) (31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 334** as follows:

(1) On page 60, between lines 13 and 14, insert the following:

"Sec. 6.702. WAITING PERIOD. (a) The court may not grant a divorce before the 60th day after the date the suit was filed. A decree rendered in violation of this subsection is not subject to collateral attack.

(b) A waiting period is not required before a court may grant an annulment or declare a marriage void other than as required in civil cases generally."

(2) On page 60, line 14, strike "6.702." and substitute "6.703."

(3) On page 60, line 17, strike "6.703." and substitute "6.704."

(4) On page 60, line 25, strike "6.704." and substitute "6.705."

(5) On page 61, line 8, strike "6.705." and substitute "6.706."

(6) On page 61, line 21, strike "6.706." and substitute "6.707."

(7) On page 62, line 9, strike "6.707." and substitute "6.708."

(8) On page 62, line 16, strike "6.708." and substitute "6.709."

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

SB 400 (Nelson) Relating to the creation of municipal courts of record in the City of Lewisville. (31-0) (31-0) (31-0)

CSSB 410 (Nelson) Relating to certain students expelled from public school or ordered to attend a juvenile justice alternative education program. (31-0) (31-0) (31-0)

SB 426 (Harris) Relating to the revision of the Uniform Interstate Family Support Act to comply with federal law. (31-0) (31-0) (31-0)

SB 435 (Harris) Relating to standard orders for the possession of a child. (31-0) (31-0) (31-0)

SB 467 (Nelson) Relating to prohibiting a peace officer or attorney representing the state from requiring that certain complainants submit to polygraph examinations. (31-0) (31-0) (31-0)

SB 472 (Cain) Relating to powers of certain regional transportation authorities. (31-0) (31-0) (31-0)

SB 492 (Patterson) Relating to the cancellation and removal from the delinquent tax roll of an ad valorem tax on certain real property. (31-0) (31-0) (31-0)

SB 495 (Armbrister) Relating to travel expenses incurred by state officers and employees. (31-0) (31-0) (31-0)

SB 497 (Harris) Relating to certain persons having custody of an adult disabled child. (31-0) (31-0) (31-0)

SB 503 (Ellis) Relating to the continuation of the school child care services program. (31-0) (31-0) (31-0)

SB 504 (Harris) Relating to the adoption of the Uniform Transfer on Death Security Registration Act. (31-0) (31-0) (31-0)

SB 551 (Brown) Relating to the exemption of certain persons from jury service. (31-0) (31-0) (31-0)

SB 557 (Armbrister) Relating to issuance of exempt license plates. (31-0) (31-0) (31-0)

SB 611 (Carona) Relating to criminal law magistrates in Dallas County. (31-0) (31-0) (31-0)

CSSB 634 (Brown) Relating to the classification of certain liquefied petroleum gas activities; insurance requirements for liquefied petroleum gas, compressed natural gas, and liquefied natural gas licensees; and registration and transfer fees for liquefied petroleum gas, compressed natural gas, and liquefied natural gas transportation vehicles. (31-0) (31-0) (31-0)

CSSB 636 (Brown) Relating to assistance to certain surface coal mining operators in the preparation of surface coal mining permit applications and to the eligibility of land and water affected by coal mining for reclamation or abatement expenditures. (31-0) (31-0) (31-0)

CSSB 638 (Brown) Relating to the responsibility for the plugging of an oil or gas well. (31-0) (31-0) (31-0)

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Moncrief announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

CONGRATULATORY RESOLUTIONS

SR 323 - by Lindsay, Patterson: Congratulating Dr. Parker Williams.

HCR 135 - (Gallegos): Congratulating Craig William Hemenway of Houston.

MISCELLANEOUS RESOLUTION

HCR 131 - (Ratliff): Declaring March 11 and 12, 1997, as Tyler Days at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 7:49 a.m. adjourned until 11:00 a.m. today.

THIRTY-FOURTH DAY

THURSDAY, MARCH 13, 1997

PROCEEDINGS

The Senate met at 11:00 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, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

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

The Reverend Joe A. Carbajal, Pastor, Mighty Wind Worship Center, Waco, offered the invocation as follows:

Heavenly Father, I thank You for the honor and privilege of offering prayer to You this morning on behalf of these Senators of the great State of Texas.

We recognize this morning that You have ordained earthly authority, those who rule others in order to keep society stable and orderly. But may each Senator also recognize that Your son, Jesus Christ, said in John 19:11, "They would have no power except if given from Thee above."

May we all recognize that when human governments exalt themselves above God, they go beyond their legitimate function in society. Help each of us to understand that when governments promote good and suppress evil, they fulfill their God-given function. But if government, O God, exalts itself as sovereign over all life, then it has overstepped its bounds and is a handmaiden of evil. May Your precious Holy Spirit be with these Senators today as they make decisions that will affect the lives of many people. I ask that You bless these Senators and their families. And may each of us come to truly know Your peace, Your love, and Your joy. We ask all of this in the name of Jesus Christ, Your beloved son. Amen.

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

CO-AUTHORS OF SENATE BILL 79

On motion of Senator Ellis and by unanimous consent, Senators Armbrister, Luna, and Zaffirini will be shown as Co-authors of **SB 79**.

CO-AUTHOR OF SENATE BILL 220

On motion of Senator Bivins and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 220**.

CO-AUTHOR OF SENATE BILL 253

On motion of Senator Barrientos and by unanimous consent, Senator Luna will be shown as Co-author of **SB 253**.

CO-AUTHOR OF SENATE BILL 419

On motion of Senator Armbrister and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 419**.

CO-AUTHOR OF SENATE BILL 427

On motion of Senator Haywood and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 427**.

CO-AUTHOR OF SENATE BILL 828

On motion of Senator Ellis and by unanimous consent, Senator Luna will be shown as Co-author of **SB 828**.

CO-AUTHOR OF SENATE BILL 937

On motion of Senator Harris and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 937**.

CO-AUTHOR OF SENATE BILL 1102

On motion of Senator Armbrister and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 1102**.

CO-AUTHOR OF SENATE BILL 1122

On motion of Senator Armbrister and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 1122**.

CO-AUTHOR OF SENATE BILL 1131

On motion of Senator Ellis and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 1131**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
March 13, 1997

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

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

TO BE MEMBERS OF THE STATE BOARD OF DENTAL EXAMINERS for terms to expire February 1, 2003:

MICHAEL D. PLUNK, D.D.S., M.S.D.
8827 Kenton Drive
Dallas, Texas 75231

Dr. Plunk will be replacing Dr. James L. Bolton of Borger whose term expired.

CORNELIUS O. HENRY, D.D.S.
2301 North Englewood
Tyler, Texas 75702

Dr. Henry is being reappointed.

JAMES W. KENNEDY, D.D.S.
3911 Turnbery Drive
Sugar Land, Texas 77478

Dr. Kennedy is being reappointed.

H. GRANT LAPPIN
101 Westcott, #2004
Houston, Texas 77007-7031

Mr. Lappin is being reappointed.

MARCIA W. WAUGH
1425 Rim Road
El Paso, Texas 79902

Ms. Waugh is being reappointed.

GAIL WILKS
2701 Woodhaven Court
Longview, Texas 75605

Ms. Wilks is being reappointed.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate Bill and Mary Freeman, owners of the *Suburban Tribune*; Ken and Barbara Milstead, former owners of the *Suburban Tribune*; Madeline Harp, reporter; and family members and friends of Bill and Mary Freeman.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

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

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE:

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.

To be Members of the COASTAL COORDINATION COUNCIL: Fred W. Heldenfels IV, Chair, Nueces County; John Barrett, San Patricio County; Robert B. Dunkin, Cameron County; Edward Francis Stuart, Galveston County.

To be Members of the TEXAS BOARD OF CRIMINAL JUSTICE: Patricia A. Day, Dallas County; Alfred C. Moran, Tarrant County; Nancy Patton, Lubbock County; Alfred M. "Mac" Stringfellow, Bexar County.

To be EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS: Larry Paul Manley, Travis County.

To be Members of the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD: Robert O. Brewer, Tom Green County; C. Kent Conine, Dallas County; Michael E. Jones, Smith County; Jerry Romero, El Paso County (Nominee Withdrawn).

To be Members of the TEXAS COMMISSION OF LICENSING AND REGULATION: Mickey Christakos, Collin County; William Young "Bill" Fowler IV, Llano County; Elliott B. McConnell, Aransas County; Earl L. Yeakel III, Travis County.

To be Members of the TEXAS TECH UNIVERSITY BOARD OF REGENTS: John Willoughby Jones, McCulloch County; Nancy Eileen Jones, Taylor County; J. Michael Weiss, Lubbock County.

To be Members of the UNIVERSITY OF HOUSTON SYSTEM BOARD OF REGENTS: Eduardo Aguirre, Jr., Harris County; Charles E. McMahan, Harris County; Gary L. Rosenthal, Harris County.

To be Members of the TEXAS AEROSPACE COMMISSION: David William Carr, D.D.S., Travis County; R. Walter Cunningham, Harris County; William Earl Juett, Potter County; Anne H. McNamara, Dallas County; Bryon D. Sehlke, Travis County; T. C. Selman II, Brazoria County; Norma H. Webb, Midland County.

To be Members of the COMMISSION ON HUMAN RIGHTS: Laura Ayoub Keith, El Paso County; Charles W. Taylor, Jr., Harris County.

To be Members of the TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY BOARD OF DIRECTORS: James L. Carroll, El Paso County; Milton J. Guiberteau, M.D., Harris County; John E. Simek, Brazos County.

To be Members of the TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE BOARD OF TRUSTEES: Esperanza P. "Hope" Andrade, Bexar County; Mary A. Flores, Denton County; Larry N. Forehand, Harris County; J. Patrick McLochlin, Dallas County.

To be Members of the TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES: Rogelio Ibanez, Jr., Hidalgo County; John W. Luna, Tarrant County; Eugene F. Matthews, Denton County;

Gwendolyn C. Morrison, Ph.D., Tarrant County; Margaret "Meg" Pfluger, Tom Green County; Robert A. Swerdlow, Ph.D., Jefferson County; Bobbie F. Templeton, Hays County; Pat A. Wilson, Gregg County.

To be Members of the RADIATION ADVISORY BOARD: Jimmy Lester Barker, Hood County; Thomas M. Burnette, Collin County; Donald S. Butler, Tarrant County; Earl P. Erdmann, Midland County; Justin P. LeVasseur, M.D., Wichita County; Odis R. Mack, Harris County; William Robert Underdown, Jr., Live Oak County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Madla gave notice that he would Monday, March 17, 1997, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CAPITOL PHYSICIAN

Senator Patterson was recognized and presented Dr. P. J. Mock of La Porte as the "Doctor for the Day."

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

(Senator Moncrief in Chair)

SENATE RESOLUTION 328

Senator Lucio offered the following resolution:

WHEREAS, The Texas Senate is proud to recognize the volunteers from the Senior Companion Program who are visiting the State Capitol on March 13, 1997, to observe the 75th Texas Legislature; and

WHEREAS, The Senior Companion Program is an integral part of the National Senior Service Corps, one of the three national service initiatives created in 1993 by the Corporation for National Service; and

WHEREAS, Active senior volunteers bring a wealth of experience, skills, talents, interests, and creativity that are invaluable resources in building a network of individuals who are interested in helping other seniors; and

WHEREAS, These exceptional volunteers are committed to sharing their life experience in order to solve critical local problems in the areas of education, public safety, human needs, and the environment; and

WHEREAS, Senior companions provide assistance and friendship to seniors who have difficulty with daily living tasks, thereby helping them to retain their dignity and independence; and

WHEREAS, These devoted men and women aged 55 and over assist older Texans with such duties as paying bills, grocery shopping, and providing transportation to medical appointments; during the first year of the Senior Companion Program, Texans gave more than 8,000 hours of their time; in 1995-1996, they provided more than 500,000 hours of volunteer service; and

WHEREAS, As Texans continue to live longer, the need for volunteer assistance in providing care for the elderly will increase dramatically, and the

Senior Companion Program is bringing together seniors who are committed to sharing their time and abilities with fellow Texans in need; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby express its deepest gratitude to the volunteers in the Senior Companion Program who are visiting the Capital City and extend best wishes to them in their future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for these distinguished Texans as a memento of their visit to the State Capitol.

LUCIO
TRUAN

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Senior Companion Program volunteers Don Donegan, Manuel Guerra, Gilberto Perez, Juanita C. Leija, Esperanza Quintanilla, Cruz Orozco, Bertha Dominguez, Santos Layton, Ela Jimenez, Guadalupe Solis, Nona Donegan, Gloria Guerra, Noelia Garza, Elia Longoria, Alicia Cantu; staff members Jose T. Perez, Josefina Martinez, Viola de la Rosa; and Rudy Villarreal, Mayor of Alamo.

The Senate welcomed its guests.

SENATE RESOLUTION 335

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the members of the Tip of Texas Girl Scout Council on the occasion of their visit to the State Capitol on March 13, 1997; and

WHEREAS, The Tip of Texas Girl Scout Council is well known for its many contributions to the girls and young women of South Texas; over the years, the council has excelled at providing its troops with enthusiastic support and with a wide variety of worthwhile activities and projects to undertake on behalf of South Texas communities; and

WHEREAS, Chartered in 1954, the Tip of Texas Girl Scout Council is committed to inspiring girls with the highest ideals of character, patriotism, and conduct; the council helps to guide these young Texans in their work and in their efforts to make our state a better place in which to live; and

WHEREAS, The council sponsors a number of social and family events, such as the mother/daughter lock-ins and the Summer Sizzler on South Padre Island, as well as the type of projects that are designed to exercise leadership potential and encourage humanitarian goals; and

WHEREAS, The young people of Texas today are our future state leaders, and it is gratifying to know that organizations such as the Tip of Texas Girl Scout Council are providing these youngsters with the type of guidance, role

models, and exemplary projects that will undoubtedly benefit our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the members of the Tip of Texas Girl Scout Council on their dedication and many accomplishments and wish them an enjoyable visit to the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Tip of Texas Girl Scout Council as an expression of esteem from the Texas Senate.

The resolution was read.

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

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation from the Tip of Texas Girl Scout Council.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 13, 1997

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 566, Relating to certain deductions from the winnings of lottery winners.

HCR 29, Authorizing a cost-of-living increase in benefits for certain retirees proposed by the state board of trustees of the Texas Statewide Volunteer Firefighters' Retirement Fund.

HCR 76, Honoring the *Suburban Tribune*.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 255 ON SECOND READING**

Senator Harris moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 255** be taken up for consideration at this time.

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

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended for **CSSB 255**:

CSSB 255, Relating to the regulation of driver's training courses and to certificates issued on completion of such courses.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 255** as follows:

(1) In SECTION 1, (page 1, line 13), in the recital, strike "subdivisions (18) and" and replace it with "subdivision".

(2) In SECTION 1, (page 1, lines 16-22), strike Subdivision (18).

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 255** as follows:

(1) In SECTION 3 (page 2, after line 7), add a new subsection (d) as follows:

"(d) The commissioner may waive the requirements in subsection (c) for a public school district if the commissioner determines that implementing this provision would present a substantial hardship on the public school district."

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

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 255** as follows:

(1) Add an appropriately numbered section to read as follows:

SECTION __. This Act does not affect the approval by the Department of Public Safety of a driver training course given by a parent or legal guardian under Section 7A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), as added by Section 30, Chapter 1009, Acts of the 74th Legislature, Regular Session, 1995.

(2) Renumber the remaining sections of the bill accordingly.

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

CSSB 255 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 255 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 255** be placed on its third reading and final passage.

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

CSSB 255 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a group of students from Blocker Middle School of Texas City.

The Senate welcomed its guests.

(Senator Brown in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 729 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 729** be taken up for consideration at this time.

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

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

Nays: Luna, Truan.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **CSSB 729**:

CSSB 729, Relating to the Texas Academic Skills Program for students at public institutions of higher education.

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

RECORD OF VOTES

Senators Luna and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 729 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 729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Gallegos, Luna, Truan.

CSSB 729 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Gallegos, Luna, and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

RESOLUTIONS SIGNED

The Presiding Officer, Senator Brown in Chair, announced the signing of the following enrolled resolutions in the presence of the Senate:

HCR 131, HCR 135

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Queen Citrianna the 60th, Miss Anna Pena of Mission.

The Senate welcomed Miss Pena.

COMMITTEE SUBSTITUTE SENATE BILL 79 ON SECOND READING

Senator Ellis moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 79** be taken up for consideration at this time.

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

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended for **CSSB 79**:

CSSB 79, Relating to certain insurance covering church property; providing a penalty.

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

COMMITTEE SUBSTITUTE SENATE BILL 79 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 79** be placed on its third reading and final passage.

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

CSSB 79 was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 537 ON SECOND READING

Senator Ogden moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 537** be taken up for consideration at this time.

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

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended for **SB 537**:

SB 537, Relating to contracts with and compensation of administrators of public institutions of higher education.

The bill was read second time.

Senator Ogden offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 537** as follows:

On page 1, line 22, insert ", Sec. 51.105" after "Subchapter C" and before the semicolon.

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

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 537** as follows:

In SECTION 1 of the bill, at the end of added Section 51.945 (committee printing page 1, between lines 62 and 63), insert the following:

(3) "Contract" includes a letter of agreement or letter of understanding.

(g) Notwithstanding Subsection (b)(3), the governing board of an institution may grant development leave at the faculty member's full regular salary for one full year to a faculty member who has held an administrative position at the institution for more than five years.

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

SB 537 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 537 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 537** be placed on its third reading and final passage.

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

SB 537 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 635 ON SECOND READING**

Senator Brown moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 635** be taken up for consideration at this time.

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

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended for **CSSB 635**:

CSSB 635, Relating to the use of money in the oil-field cleanup fund to conduct a site investigation or environmental assessment and to the recovery of costs incurred for that purpose.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 635** as follows:

On page one, delete language on lines 20-24 and add the following language:

(A) the nature and extent of contamination caused by oil and gas wastes or other substances or materials regulated by the commission under Section 91.101; and

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

CSSB 635 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 635 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 **CSSB 635** be placed on its third reading and final passage.

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

CSSB 635 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 652 ON SECOND READING**

Senator Carona moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 652** be taken up for consideration at this time.

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

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended for **CSSB 652**:

CSSB 652, Relating to the definitions of a certain account and an instrument for purposes of a secured transaction and to the perfection of a security interest in an instrument.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 652 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 **CSSB 652** be placed on its third reading and final passage.

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

CSSB 652 was read third time and was passed by a viva voce vote.

SENATE BILL 726 ON SECOND READING

Senator Shapleigh moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 726** be taken up for consideration at this time.

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

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended for **SB 726**:

SB 726, Relating to court administration in El Paso County, to the creation of the County Courts at Law No. 6 and No. 7 of El Paso County, Texas, and to the assignment of certain judges in El Paso County.

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

SENATE BILL 726 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 726** be placed on its third reading and final passage.

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

SB 726 was read third time and was passed by a viva voce vote.

SENATE BILL 294 ON SECOND READING

Senator Sibley moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 294** be taken up for consideration at this time.

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

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended for **SB 294**:

SB 294, Relating to a study project involving the use of computer networks in public schools.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 294** as follows:

On page 1, strike lines 1-18 through 1-23 and insert the following in lieu thereof:

(b) An advisory committee shall be appointed to outline the central issues to be studied. Those issues must include the possibility of delivering, through a computer network, updated supplements to textbooks adopted under Chapter 31.

(1) The commissioner shall appoint to the advisory committee agency personnel, textbook publishers, educators, students, and technology experts;

(2) The presiding officers of the Senate and the House of Representatives each shall appoint two members of the legislature to serve on the advisory committee.

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

SB 294 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 294 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 **SB 294** be placed on its third reading and final passage.

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

SB 294 was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of fifth-grade students from Woodridge Elementary School of San Antonio.

The Senate welcomed its guests.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **HB 578** today.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 12:00 noon agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, March 17, 1997.

(Senator Truan in Chair)

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 520 to Committee on Natural Resources.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 366 by Armbrister

Relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education.

To Committee on State Affairs.

SB 367 by Brown, Whitmire

Relating to the continuation and functions of the Commission on Jail Standards.

To Committee on Criminal Justice.

SB 1052 by Harris

Relating to the certification, operation, powers, and duties of certain integrated health plans.

To Committee on Economic Development.

SB 1053 by Bivins, Ellis

Relating to authorization of the creation of Texas growth fund II.

To Committee on Finance.

SB 1061 by Madla

Relating to an optional county fee for vehicle registration to be used for air and water quality programs.

To Committee on Natural Resources.

SB 1064 by Carona

Relating to regulating personal care facilities; providing for a civil penalty.

To Committee on Health and Human Services.

SB 1076 by Lucio

Relating to prohibited activities of officers, directors, and certain shareholders of insurance companies.

To Committee on Economic Development.

SB 1094 by Wentworth

Relating to the procedure for fixing a mechanic's, contractor's, or materialman's lien on homestead property.

To Committee on Jurisprudence.

SB 1095 by Wentworth

Relating to the subdivision of land outside a municipality.

To Committee on Intergovernmental Relations.

SB 1096 by Wentworth

Relating to deductions of the amount of certain child support awards from lottery winnings.

To Committee on State Affairs.

SB 1097 by Wentworth

Relating to the creation of the Texas Real Estate Inspector Licensing Board and the regulation of real estate inspectors; providing a criminal penalty.

To Committee on State Affairs.

SB 1099 by Wentworth, Duncan

Relating to salaries and fees for services of certain prosecutors.

To Committee on Finance.

SB 1100 by Wentworth

Relating to the regulation of real estate brokers, real estate salesmen and inspectors.

To Committee on State Affairs.

SB 1101 by Wentworth, West

Relating to access to certain law enforcement and prosecutorial records under the open records law.

To Committee on State Affairs.

SB 1102 by Armbrister, Barrientos

Relating to systems and programs administered by the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 1103 by Ellis

Relating to assisting certain low-income persons to participate in the prepaid higher education tuition program.

To Committee on Education.

SB 1104 by Patterson

Relating to the operation of ice skating centers.

To Committee on State Affairs.

SB 1105 by Duncan, Nelson

Relating to the liability of certain volunteer health care providers.

To Committee on Economic Development.

SB 1106 by Duncan

Relating to actions for amount of deductible under personal automobile insurance policies; and declaring an emergency.

To Committee on Economic Development.

SB 1107 by Duncan

Relating to the provision of financial assistance to survivors of certain law enforcement officers, fire fighters, and others.

To Committee on Intergovernmental Relations.

SB 1108 by Duncan

Relating to the extension of the regulations and ordinances of a Joint Airport Zoning Board after a military airfield closure.

To Committee on Veteran Affairs and Military Installations.

SB 1109 by Duncan

Relating to the liability of a governmental unit for the removal or destruction of traffic and road control devices.

To Committee on Jurisprudence.

SB 1110 by Duncan

Relating to the award of attorney's fees under the Uniform Declaratory

Judgments Act.

To Committee on Jurisprudence.

SB 1111 by Duncan

Relating to the investment authority of certain insurers.

To Committee on Economic Development.

SB 1112 by Ellis, West, Zaffirini, Gallegos

Relating to development of a statewide consumer guide on child care.

To Committee on Health and Human Services.

SB 1113 by Ellis, West, Zaffirini

Relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients.

To Committee on Health and Human Services.

SB 1114 by Ellis, West, Zaffirini, Truan

Relating to the establishment of a "wheels for work" pilot program to assist certain recipients of AFDC.

To Committee on Health and Human Services.

SB 1115 by Luna

Relating to certain administrative penalties under the Texas Workers' Compensation Act.

To Committee on Economic Development.

SB 1116 by Luna

Relating to the creation, funding, powers, and duties of the Office of Public Workers' Compensation Counsel.

To Committee on Economic Development.

SB 1117 by Luna

Relating to certain professional qualifications for ombudsmen under the workers' compensation system.

To Committee on Economic Development.

SB 1118 by Luna

Relating to qualifications for service as a designated doctor under the workers' compensation system.

To Committee on Economic Development.

SB 1119 by Harris

Relating to appellate review of a summary judgment regarding certain civil matters.

To Committee on Jurisprudence.

SB 1120 by Armbrister

Relating to the interception of wire, oral, or electronic communications, to the use of pen registers and trap and trace devices, and to the civil and criminal consequences of improperly engaging in those activities.

To Committee on Criminal Justice.

SB 1121 by Armbrister

Relating to the approval of certain international travel by state employees.

To Committee on State Affairs.

SB 1122 by Armbrister, Barrientos, Carona, Patterson
Relating to systems and programs administered by the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1123 by Shapiro
Relating to limiting the assignment of a student to a particular class under certain circumstances.
To Committee on Education.

SB 1124 by Brown
Relating to the regulation of aquaculture.
To Committee on Natural Resources.

SB 1125 by Madla
Relating to the conveyance of certain state-owned real property in Bexar County to the National Park Service.
To Committee on State Affairs.

SB 1126 by Madla
Relating to the authority of a county to regulate certain fireworks during a drought.
To Committee on Intergovernmental Relations.

SB 1127 by Madla
Relating to the operation of certain military installations as businesses by development corporations.
To Committee on Veteran Affairs and Military Installations.

SB 1129 by Madla, Zaffirini, Lucio, Ellis
Relating to review of the termination of contracts with certain insurance agents; providing an administrative penalty.
To Committee on Economic Development.

SB 1130 by Nelson
Relating to the creation of a judicial district composed of Denton County.
To Committee on Finance.

SB 1131 by Ellis, Nelson
Relating to the regulation of cosmetologists; providing an administrative penalty.
To Committee on State Affairs.

SB 1132 by Sibley
Relating to the regulation of lawn crypts.
To Committee on State Affairs.

SB 1133 by Sibley
Relating to the creation of an emergency telephone call box system for highway users in this state.
To Committee on State Affairs.

SB 1134 by Whitmire
Relating to fire and police department records concerning complaints and

disciplinary actions in certain municipalities.
To Committee on Intergovernmental Relations.

SB 1135 by Wentworth

Relating to refunding certain charges made by certain utilities.
To Committee on State Affairs.

SB 1136 by Wentworth

Relating to the authority of a political subdivision to prepare and implement a regional habitat conservation plan or conservation agreement to protect federally listed endangered species.
To Committee on Natural Resources.

SB 1137 by Wentworth

Relating to the authority of certain municipal utility districts to select the municipality in whose extraterritorial jurisdiction the district is located and to validating and confirming certain acts of municipal utility districts.
To Committee on Natural Resources.

SB 1138 by Wentworth

Relating to recording of evidence of ownership of cemetery plots.
To Committee on State Affairs.

SB 1144 by Luna

Relating to grants made by the commissioner of education to certain school districts.
To Committee on Education.

SB 1145 by Luna, Duncan, Lucio

Relating to the operation of a vehicle with a child in the open bed of the vehicle or in the open bed of a trailer being towed by the vehicle; providing a penalty.
To Committee on State Affairs.

SB 1146 by Cain

Relating to the licensing of franchised dealers engaged in the leasing of motor vehicles.
To Committee on State Affairs.

SB 1147 by Nixon

Relating to vexatious litigants.
To Committee on Economic Development.

SB 1148 by Moncrief, Ellis, Nelson, Zaffirini, Gallegos

Relating to financial assistance for victims of domestic violence.
To Committee on Health and Human Services.

SB 1149 by Wentworth

Relating to a prohibition on telecommunications utilities discriminating in the placement of advertisements in telephone directories.
To Committee on Economic Development.

SB 1150 by Nixon

Relating to registration and reporting requirements pursuant to the collection, management, and recycling of used oil and used oil filters.
To Committee on Natural Resources.

SJR 34 by Carona

Proposing a constitutional amendment relating to the rights of the defendant in a criminal case.

To Committee on Criminal Justice.

SJR 35 by Lindsay

Proposing a constitutional amendment to abolish the office of county treasurer of Harris County.

To Committee on Intergovernmental Relations.

SJR 36 by Duncan

Proposing a constitutional amendment to allow municipal court judges to hold more than one civil office of emolument.

To Committee on Jurisprudence.

SCR 46 by Ratliff

Paying tribute to President George Bush.

To Committee on Administration.

SCR 47 by Ratliff

Granting Dick Corporation permission to sue the State of Texas and the Texas Department of Criminal Justice.

To Committee on Finance.

SCR 48 by Lindsay

Directing the Texas Parks and Wildlife Department to report to the 75th Legislature on plans to implement findings of a study on state historic sites.

To Committee on Natural Resources.

MEMORIAL RESOLUTIONS

SR 330 - by Wentworth: In memory of Jimmie B. Keen of San Angelo.

SR 331 - by Wentworth: In memory of Pierce Alexander "Dynamite" Hoggett of Junction.

SR 332 - by Wentworth: In memory of Paul Page of Eldorado.

SR 338 - by Nixon: In memory of Ernest W. Brewster of Carthage.

CONGRATULATORY RESOLUTIONS

SR 326 - by Gallegos, Brown, Ellis, Galloway, Lindsay, Patterson, Whitmire: Commending Leonard H. O. Spearman, Jr., of Houston.

SR 329 - by Wentworth: Congratulating Allyson B. Turner of Fort Worth.

SR 333 - by Cain: Congratulating Confederate Rose Chapter 2548 of the United Daughters of the Confederacy.

SR 334 - by Whitmire: Congratulating Good Hope Missionary Baptist Church of Houston.

HCR 76 - (Cain): Honoring the *Suburban Tribune*.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:12 p.m. adjourned until 11:00 a.m. Monday, March 17, 1997.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

March 13, 1997

HEALTH AND HUMAN SERVICES — **SB 600, SB 788**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
SCR 35, SB 568, SB 843

HEALTH AND HUMAN SERVICES — **SB 64** (Amended), **CSSB 617**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
SB 569 (Amended), **CSSB 570**

