

TWENTY-FOURTH DAY

(CONTINUED)

WEDNESDAY, FEBRUARY 26, 1997

PROCEEDINGS

AFTER RECESS

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

SENATOR ANNOUNCED PRESENT

Senator Fraser, who had previously been recorded as "Absent-excused," was announced "Present."

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 85 (Moncrief) Relating to surrogate decision making. (31-0)
(31-0) (31-0)

SB 91 (Patterson) Relating to the qualifications of a member of the board of directors of an appraisal district. (31-0) (31-0) (31-0)

CSSB 92 (Patterson) Relating to the authority of the Bayview Municipal Utility District of Galveston County to install and assess for street lighting. (31-0) (31-0) (31-0)

SB 93 (Patterson) Relating to providing notice to property owners of the right to protest a property tax matter. (31-0) (31-0) (31-0)

SB 161 (Lindsay) Relating to the authority of the commissioners courts of certain counties to alter speed limits on certain highways. (31-0)
(31-0) (31-0)

SB 166 (Moncrief on behalf of Harris) Relating to deferral of proceedings for certain traffic offenses for completion of a driving safety course. (31-0) (31-0) (31-0)

SB 185 (Shapiro) Relating to the prosecution of certain sexual assaults committed against children. (31-0) (31-0) (31-0)

CSSB 188 (Madla) Relating to creating an offense for possession of certain information by an inmate of the institutional division or the state jail division of the Texas Department of Criminal Justice. (31-0) (31-0) (31-0)

SB 199 (Zaffirini) Relating to the administration of park and recreation districts in certain counties. (31-0) (31-0) (31-0)

CSSB 222 (Sibley) Relating to retirement benefits payable for service as a district or criminal district attorney or county attorney performing the duties of district attorney. (31-0) (31-0) (31-0)

SB 224 (Sibley) Relating to the authority of county judges to issue certain search warrants. (31-0) (31-0) (31-0)

SB 238 (Nixon) Relating to state lottery contracts. (31-0) (31-0) (31-0)

SB 243 (Moncrief on behalf of Harris) Relating to a child's property damage to a hotel. (31-0) (31-0) (31-0)

CSSB 290 (Zaffirini) Relating to electronic assistance provided by the Health and Human Services Commission. (31-0) (31-0) (31-0)

CSSB 311 (Moncrief on behalf of Harris) Relating to the disposition of beneficial interests in insurance. (31-0) (31-0) (31-0)

SB 316 (Madla) Relating to the location of community homes. (31-0) (31-0) (31-0)

SB 319 (Moncrief on behalf of Harris) Relating to the waiver of certain rights by a child. (31-0) (31-0) (31-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 319**, in SECTION 1 of the bill, by adding a new Subsection (h) to Section 51.09, Family Code, to read as follows:

(h) The warning of the magistrate given under this section to the child may be videotaped only if the warning is made at a facility authorized for the detention of a child under this title.

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

SB 320 (Armbrister) Relating to exempting officers and employees of political subdivisions of this state from certain interest payments in regard to unclaimed property claims. (31-0) (31-0) (31-0)

SB 330 (Armbrister) Relating to the sunset review of the State Office of Administrative Hearings. (31-0) (31-0) (31-0)

SB 331 (Armbrister) Relating to procedures in a contested case in which the hearing is conducted by the State Office of Administrative Hearings. (31-0) (31-0) (31-0)

SB 333 (Moncrief on behalf of Harris) Relating to the payments of insurance benefits for a child to the possessory or managing conservator of the child. (31-0) (31-0) (31-0)

SB 344 (Moncrief on behalf of Harris) Relating to an exemption from ad valorem taxation for certain property acquired for use for a school. (31-0) (31-0) (31-0)

SB 348 (Moncrief on behalf of Harris) Relating to costs in certain family law cases. (31-0) (31-0) (31-0)

SB 388 (Whitmire) Relating to the provision of Texas Poison Control Center Network services to other jurisdictions and entities. (31-0) (31-0) (31-0)

CSSB 401 (Zaffirini) Relating to the duties of the district attorney for the 156th Judicial District. (31-0) (31-0) (31-0)

SB 402 (Moncrief on behalf of Harris) Relating to the appointment of probate masters for certain courts. (31-0) (31-0) (31-0)

SB 415 (Brown) Relating to associate judges appointed by the district courts and county courts at law of Fort Bend County. (31-0) (31-0) (31-0)

SB 434 (Moncrief on behalf of Harris) Relating to the provision of mental health services, including the review of agency rulemaking by the Health and Human Services Commission and the creation of an advisory committee on inpatient mental health services. (31-0) (31-0) (31-0)

SB 447 (Madla) Relating to the practice of barbering. (31-0) (31-0) (31-0)

SESSION CONCLUDED FOR LOCAL AND UNCONTESTED CALENDAR

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

WELCOME AND CONGRATULATORY RESOLUTIONS

SR 238 - by Gallegos: Congratulating George Garrett of Galena Park.

SR 239 - by Barrientos: Welcoming students and counselors from Mendez Middle School of Austin to the State Capitol.

SR 240 - by Barrientos: Congratulating Stephen Paul Grant of Austin.

SR 241 - by Barrientos: Congratulating Devki and Satyawati Gupta.

SR 244 - by Cain: Welcoming teachers and students from Palmer High School to the State Capitol.

SR 245 - by Armbrister: Congratulating Michael H. Talbot of Bastrop.

MISCELLANEOUS RESOLUTIONS

SCR 10 - by West: Designating March 4 and 5, 1997, as Delta Days at the State Capitol.

HCR 92 - (Zaffirini): Designating February 25, 1997, as Long-Term Care Ombudsman Day in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 7:55 a.m. adjourned, in memory of John Joseph Shea, husband of former Member of the House of Representatives Gwyn Shea, until 11:30 a.m. today.

TWENTY-FIFTH DAY

WEDNESDAY, FEBRUARY 26, 1997

PROCEEDINGS

The Senate met at 11:30 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, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Fraser.

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

The Reverend John Pitts, Senate Chaplain, offered the invocation as follows:

We stand before You not knowing what to ask or how. We stand humbly before You knowing that we are Your creation and created to do Your will. We ask that You show us Your will. We ask that You make Your will very clear as we enter this legislative day.

Lord, we also ask that You give us a moment today to discern Your will. In all the busyness of this place, in all the meetings, committee hearings, preparation of legislation, all the demands on our time, energy, and thought, give us a time this day to hear Your small quiet voice. 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 Truan, Senator Fraser was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 127

On motion of Senator Galloway and by unanimous consent, Senator Lindsay will be shown as Co-author of **SB 127**.

CO-AUTHOR OF SENATE BILL 180

On motion of Senator Ellis and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 180**.

CO-AUTHOR OF SENATE BILL 190

On motion of Senator Zaffirini and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 190**.

CO-AUTHOR OF SENATE BILL 241

On motion of Senator West and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 241**.

CO-AUTHOR OF SENATE BILL 419

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

CO-AUTHOR OF SENATE BILL 468

On motion of Senator Armbrister and by unanimous consent, Senator Carona will be shown as Co-author of **SB 468**.

CO-AUTHOR OF SENATE BILL 474

On motion of Senator Ogden and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 474**.

CO-AUTHOR OF SENATE BILL 584

On motion of Senator Ogden and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 584**.

CO-AUTHOR OF SENATE BILL 727

On motion of Senator Gallegos and by unanimous consent, Senator Brown will be shown as Co-author of **SB 727**.

CO-AUTHOR WITHDRAWN

Senator Duncan requested that his name be withdrawn as Co-author of **SB 265**.

The request was granted.

SENATE BILLS ON FIRST READING

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

SB 358 by Brown

Relating to the continuation and functions of the Credit Union Commission. To Committee on State Affairs.

SB 705 by Patterson

Relating to the imposition of a municipal sales and use tax and hotel occupancy tax in areas to be annexed by certain municipalities. To Committee on Intergovernmental Relations.

SB 706 by Patterson

Relating to recomputation of an employer's unemployment compensation

experience rate based on payment by the employer of certain voluntary contributions.

To Committee on Economic Development.

SB 707 by Patterson

Relating to certain structures on coastal public land.

To Committee on Natural Resources.

SB 708 by Patterson

Relating to the validation of all acts, governmental proceedings, officials, bonds, and obligations of navigation districts and port authorities.

To Committee on Intergovernmental Relations.

SB 709 by Haywood

Relating to reports of long-term state capital improvement projects and credit programs financed through state debt.

To Committee on Finance.

SB 710 by Brown

Relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

To Committee on Criminal Justice.

SB 711 by Harris

Relating to the creation of municipal courts of record in Dalworthington Gardens.

To Committee on Jurisprudence.

SB 712 by Harris

Relating to certain duties by clerks of court in family law proceedings.

To Committee on Jurisprudence.

SB 714 by Barrientos

Relating to the apportionment of the state into congressional districts.

To Committee of the Whole Senate on Legislative and Congressional Redistricting.

SB 715 by Barrientos

Relating to apportionment of the state into state senate districts.

To Committee of the Whole Senate on Legislative and Congressional Redistricting.

SB 716 by Barrientos

Relating to tuition and fee exemptions for the children of certain classroom teachers enrolled at a public institution of higher education.

To Committee on Finance.

SB 717 by Duncan

Relating to keeping school campuses open after school hours for recreational purposes and tutoring.

To Committee on Education.

SB 718 by Duncan

Relating to the control of harmful excess surface water in the extraterritorial jurisdiction of certain home-rule municipalities.

To Committee on Natural Resources.

SB 719 by Duncan

Relating to the regulation of barbers and cosmetologists under the Texas Board of Barber and Cosmetologist Examiners and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

To Committee on State Affairs.

SB 720 by Duncan

Relating to the exception for certain officers from the registration requirements of The Property Taxation Professional Certification Act.

To Committee on Intergovernmental Relations.

SB 721 by Duncan

Relating to the issuance of certificates of obligation for the payment of a municipality's contractual interests in certain utilities.

To Committee on State Affairs.

SB 722 by Moncrief

Relating to the refusal of registration of motor vehicles by a county assessor-collector of the Texas Department of Transportation under certain conditions.

To Committee on State Affairs.

SB 723 by Armbrister

Relating to granting the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district.

To Committee on Natural Resources.

SB 724 by Madla

Relating to the evaluation of tenured faculty at certain institutions of higher education.

To Committee on Education.

SB 725 by Madla

Relating to the qualification of a personal care facility as a community home.

To Committee on Health and Human Services.

SB 726 by Shapleigh

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.

To Committee on Jurisprudence.

SB 727 by Gallegos, Brown

Relating to contracts between municipal utility districts located in extraterritorial areas and municipalities.

To Committee on Intergovernmental Relations.

SB 728 by Nelson, Cain

Relating to the status, control over, and disposition of state property,

including property owned or used for the superconducting super collider research facility.

To Committee on Natural Resources.

SB 729 by Bivins

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

To Committee on Education.

SB 730 by Whitmire

Relating to changing the name of the Institute for Urban Studies at the University of Houston to the Center for Public Policy.

To Committee on Education.

SB 731 by Moncrief

Relating to restrictions on employment of former state officers and employees; providing penalties.

To Committee on State Affairs.

SB 732 by Galloway

Relating to granting a housing authority the authority to employ and commission peace officers.

To Committee on Jurisprudence.

SB 733 by Galloway

Relating to exempting certain reserve peace officers in certain counties from the application of the Private Investigators and Private Security Agencies Act.

To Committee on Jurisprudence.

SB 734 by Cain

Relating to the contractual options available to the purchaser of a motor vehicle under a retail installment agreement.

To Committee on Jurisprudence.

SB 735 by West

Relating to the oversight of rail fixed guideway system safety.

To Committee on State Affairs.

SB 736 by West

Relating to the ad valorem taxation of an inventory of computer software.

To Committee on Finance.

SB 737 by Carona

Relating to a disqualification of eligibility for unemployment compensation benefits for periods of unpaid disciplinary suspensions.

To Committee on Economic Development.

SB 738 by Carona

Relating to a disqualification of eligibility for unemployment compensation benefits for periods of partial unemployment caused by a disciplinary reduction in hours.

To Committee on Economic Development.

SB 739 by Carona

Relating to the refund of certain overpaid unemployment compensation benefits by the recipients of those benefits.
To Committee on Economic Development.

SB 740 by Carona

Relating to the appeal of certain administrative proceedings regarding the payment of wages.
To Committee on Economic Development.

SB 741 by Nelson

Relating to the consolidation of investigations of fraud in the provision of health and human services and other improvements in identifying and preventing fraud.
To Committee on Health and Human Services.

SB 742 by Nelson

Relating to the prevention and recovery of benefits granted in error under the food stamp program and the program of financial assistance for persons with dependent children.
To Committee on Health and Human Services.

SB 743 by Lucio

Relating to the preference for hearing juvenile and family law cases in the 206th judicial district court of Hidalgo county.
To Committee on Jurisprudence.

SB 744 by Lucio

Relating to the creation of a judicial district composed of Cameron County.
To Committee on Finance.

SB 745 by Carona

Relating to a special license plate for a mother, or the spouse of a mother, of a person who died while serving in the United States armed forces.
To Committee on Finance.

SB 748 by Sibley

Relating to the use of a digital signature in a communication with a state agency.
To Committee on Jurisprudence.

SB 749 by Sibley

Relating to use of the state government telecommunications system by private colleges and universities.
To Committee on International Relations, Trade, and Technology.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 52**

SENATE RESOLUTION 177

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in joining the residents of Fort Bend County in declaring Wednesday, February 26, 1997, as Fort Bend County Day; and

WHEREAS, Fort Bend County was named in honor of the old Fort Bend, a frontier outpost established on a bend of the Brazos River in 1821; and

WHEREAS, Created in 1837, the county was a major settlement site for Stephen F. Austin's first colony of settlers, the Old Three Hundred, who farmed land and established homes along the Brazos River and the Oyster Creek area; and

WHEREAS, Fort Bend County is a popular area for fishing, hunting, and vacationing; yet it has recently been named the number two location in the United States for manufacturing by the National Association of Corporate Real Estate Executives; and

WHEREAS, Fort Bend County is currently gaining national recognition for its quality of human resources, amazing growth, and economic vibrance; the county enjoyed the second fastest population growth of any United States county through the first half of the nineties; and

WHEREAS, The county is leading the state in job creation at three times the state average for new manufacturing jobs, and American Demographics named Fort Bend County the nation's third best address for managerial and professional workers; and

WHEREAS, Fort Bend County residents have an award-winning school system and a strong economy, and they provide much of the state's rice, corn, and nursery crops; and

WHEREAS, While Fort Bend County offers the opportunities generated by fast growing communities, its natural beauty and rural charm have been retained, and the residents of Fort Bend County deserve to be proud of their efforts and planning; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend best wishes to the people of Fort Bend County for a joyous and celebratory Fort Bend County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Fort Bend County as an expression of esteem from the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Tuesday, February 18, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Brown was recognized and introduced to the Senate a delegation of citizens from Fort Bend County.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE RESOLUTION 243

Senator Ogden offered the following resolution:

WHEREAS, On February 26, 1997, many proud residents of Navarro County will gather in Austin to celebrate Navarro County Day at the State

Capitol, and this festive event is a fitting opportunity to extol the many virtues of the area; and

WHEREAS, Sprawling across more than 1,000 square miles of gently rolling prairie and woodland, Navarro County is a rich repository of both abundant natural resources and colorful Texas history, and the county's fortunate inhabitants take justifiable satisfaction in these assets; and

WHEREAS, Originally inhabited by Native American tribes, including Iones, Kickapoos, and Comanches, Navarro County was founded in 1846, and the cotton, tobacco, and produce crops that covered the area quickly established it as a center for agricultural trade; and

WHEREAS, In 1894, Corsicana city employees drilling for water hit oil instead, and petroleum replaced peaches and pecans as the region's preeminent export; since that time manufacturing, construction, and food processing have also taken their places as mainstays of the local economy, and the area's many attributes continue to attract new industry and investment; and

WHEREAS, Residents of Navarro County revel in their multifaceted cultural heritage, and this appreciation of their roots is reflected in such area attractions as Corsicana's Pioneer Village, a historical recreation of a 19th-century town; the Gaston C. Gooch Library, which houses a collection of over 44,000 pieces of Native American art that is among the finest of its kind; and the Lefty Frizzell Country Music Museum, dedicated to the life and art of local hero and country music legend Lefty Frizzell; and

WHEREAS, The region is also a sportsman's paradise, boasting outstanding fishing and boating on Richland-Chambers Lake and Navarro Mills Lake, while less athletically inclined visitors may sample the internationally famous Corsicana fruitcake that has been the pride of Collin Street Bakery for over a century; and

WHEREAS, Navarro County has always been characterized by its dynamic and forward-thinking citizenry, and even as these notable Texans look with pride on the region's past, they eagerly await the challenges and opportunities of the years to come; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby recognize February 26, 1997, as Navarro County Day at the State Capitol and extend a warm welcome to the Navarro County delegation; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the members of the Navarro County delegation as an expression of high regard by the Texas Senate.

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

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation of citizens from Navarro County.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 100

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in joining the residents of Collin County in declaring Wednesday, February 26, 1997, as Collin County Day; and

WHEREAS, Created from Fannin County, Collin County was organized in 1846 and was named for the pioneer settler Collin McKinney, a signer of the Texas Declaration of Independence; the county is located in Northeast Texas and was originally Caddo Indian country; and

WHEREAS, Known for its rich, black clay soil, Collin County is a source of timber and is a major agricultural area that produces wheat, hay, sorghum, and cotton; beef cattle, horses, and the dairy industry are income producers for the area; and

WHEREAS, Over the years, industrial development and population growth in the county have been managed with care in order to preserve natural habitats and historical sites; and

WHEREAS, Many of the area's old homes have been restored, and residents and tourists enjoy visiting the Old Collin County Post Office, the McKinney Historical District, and the Heard Natural Science Museum and Wildlife Sanctuary; and

WHEREAS, The county offers attractive scenery and excellent recreational opportunities; fishing and water sports are popular at Lake Lavon, and McKinney, the county seat, is host to a trade center, a fashion outlet, museums, the Bolin Wildlife Exhibit, and Wilson Creek Park; and

WHEREAS, Plano is one of the state's fastest growing cities; the city is home to various manufacturing headquarters and is a growing commercial and financial center; it has an award-winning park system, a farmers' market, and a premier 54-hole miniature golf course; host to a balloon festival each September, the city has become known as the "Balloon Capital of Texas"; and

WHEREAS, Collin County Day is an opportunity for friends and families to gather together and celebrate the county's history and its many assets; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby express appreciation to the people of Collin County for their preservation of the county's history and natural amenities and extend best wishes to them for a joyous Collin County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Collin County as an expression of esteem from the Texas Senate.

SHAPIRO
HAYWOOD

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

GUESTS PRESENTED

Senator Shapiro, joined by Senator Haywood, was recognized and introduced to the Senate a delegation of citizens from Collin County.

The Senate welcomed its guests.

SENATE RESOLUTION 247

Senator Truan offered the following resolution:

WHEREAS, Jim Wells County Day at the State Capitol will be celebrated February 26, 1997, and the Texas Senate takes great pleasure in recognizing this important region whose citizens have contributed immeasurably to the Lone Star State; proudly representing their county on that day will be residents of Jim Wells County and the cities of Alice, Orange Grove, Premont, and San Diego; and

WHEREAS, In the early 1500s, Alvar Nunez de Cabeza de Vaca explored the area known today as Jim Wells County, and his records tell of tuna or prickly pear festivals held annually by his coastal Indian captors around the present day City of Alice; and

WHEREAS, Originally a part of Nueces County, Jim Wells County was created and organized by the Texas Legislature on March 11, 1911, and the City of Alice became the county seat; the county was named for a prominent political figure and land developer, James B. Wells, Jr., who was also purchasing agent for the King Ranch; and

WHEREAS, The area comprising Jim Wells County figures prominently in the early days of Texas for the land had become a part of Texas after it gained its independence from Mexico in 1836; and

WHEREAS, There were extensive land holdings in the area owned by N. G. Collins before early settlers to the region arrived in 1850; they brought only the barest necessities with them to build a general store and a trading post east of present day Alice; the town of Collins was short-lived since the San Antonio and Aransas Pass Railroad was built two miles west of the community when landowners refused to sell the right-of-way through the town; and

WHEREAS, In 1886, a new town developed where two rail lines intersected; after several name changes, the new town of Alice, named for Alice King, began to develop economically; located at that time in the northwestern part of Nueces County, the town eventually became the largest cattle shipping point in the world; and

WHEREAS, Located in the geographical heart of South Texas, along the "Texas Tropical Trail," Alice is known as the "Hub of South Texas" due to its strategic location at the intersection of State Highway 44 and U.S. Highway 281; and

WHEREAS, Many oil exploration and related companies have established facilities in Jim Wells County, principal among them the Flournoy Drilling and Production Company, founded in 1947 by Lucien Flournoy, who built his first drilling rig in Alice; as his company flourished and became one of the city's largest employers, Mr. Flournoy supported local and regional programs that have benefitted the residents of the county and all of South Texas, and his public service has included terms as a City Councilman and Mayor of the City of Alice; although his company was recently sold to DI Industries, Inc., Mr. Flournoy will serve on their board of directors and will continue to be a major corporate good citizen as the owner and operator of Flournoy Production Company, operating and managing oil and gas leases throughout South Texas; and

WHEREAS, Along with the oil business, ranching, cattle shipping, and cotton and grain production, a fine public school system, a modern hospital, and an expanding health-related service industry combine to drive the local economy; and

WHEREAS, Situated on primary United States-Mexico trade routes connecting Laredo and the Rio Grande Valley with the Port of Corpus Christi, the City of Alice and Jim Wells County are developing into a major "Hub of International Trade"; U.S. 281 has been named in the National Highway System Designation Act of 1995 as a key link in the future I-69 NAFTA Superhighway System; and

WHEREAS, Jim Wells County has been an important agricultural area that contributed to the development of the Southwestern part of the United States; since the mid-1800s when the famous Chisholm Trail passed through the county, the cattle industry has played a major role in its economy; mesquite brush and grasses in the western part are ideal grazing conditions for livestock, and coastal plains to the east produce coastal Bermuda and vegetables; and

WHEREAS, In 1936, the first notable oil activity in the county began and the first major oil producer, The Texas Royalty Corporation and Lucy Petroleum Company No. 1, was bought northeast of Alice; the oil rush brought many new families to Jim Wells County; and

WHEREAS, Jim Wells County history has been carefully preserved at the South Texas Museum, a Texas Historical Landmark; donated by the McGill Family, the museum was the old ranch headquarters; and

WHEREAS, Proud of their unique heritage, the citizens of Jim Wells County have retained the social fabric of their culture through fiestas, county fairs, rodeos, and outdoor activities, including hunting, water sports, and other popular recreational events; and

WHEREAS, Jim Wells County Day at the State Capitol is an appropriate occasion for the Texas Senate to recognize the residents of Jim Wells County and to commend them for their excellent accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby declare February 26, 1997, as Jim Wells County Day and join its citizens as they celebrate their county's greatness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Jim Wells County, and that copies be presented to County Judge Arnoldo Saenz, Mayor Octavio Figueroa, Jr., of Alice, Mayor Truett Thomas of Orange Grove, Mayor Lee Rodriguez of Premont, and Mayor Alfredo E. Cardenas of San Diego as an expression of the admiration and appreciation of 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 Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Arnaldo Saenz, County Judge; Diana Rincon, Mayor Pro Tempore of the City of Alice; Alice Stanford, President of Alice Chamber of Commerce; Praxedis Jimenez, Police Chief of Orange Grove; Maria Barrera, President of Premont Chamber of Commerce; and a delegation of citizens from Jim Wells County.

The Senate welcomed its guests.

(Senator Armbrister in Chair)

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. John H. Frederick of San Antonio as the "Doctor for the Day."

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

GUESTS PRESENTED

Senator Wentworth was again recognized and introduced to the Senate Lieutenant Colonel Charles Moorhead of San Antonio and Mrs. Elayne Mott and Monica Mott of Nova Scotia, friends who were visiting the Capitol.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Wednesday, February 26, 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:

HCR 43, Recognizing February 26, 1997, as Atlanta Day at the Capitol.

HCR 95, Congratulating Jeanne Groff.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

GUEST PRESENTED

The Presiding Officer, Senator Armbrister in Chair, introduced to the Senate former Senator Cyndi Taylor Krier, Bexar County Judge.

The Senate welcomed Judge Krier.

(President in Chair)

SENATE RESOLUTION 248

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is honored to pay tribute to Anice Barber Read for her lifelong contributions to the State of Texas; and

WHEREAS, Mrs. Read's interest in preservation of historic landmarks began when she volunteered in her hometown of Fort Worth for various projects; and

WHEREAS, Governor John B. Connally recognized her effectiveness and appointed her to the Texas Historical Commission in 1969, where she served honorably for seven years; and

WHEREAS, When her term was finished, Mrs. Read was persuaded to accept a staff position; and

WHEREAS, Her primary project was to complete the Texas application for selection for the Main Street revitalization program of the National Trust for Historic Preservation; and

WHEREAS, Because of her dedication to this effort, the application was successful, and Texas became a charter participant in this innovative community initiative; Mrs. Read became the first Main Street Program Director, and since that time she has successfully encouraged attempts by other communities with the help of a number of first ladies of Texas; and

WHEREAS, This outstanding gentlewoman is well known for her chocolate cakes, which have become a famous incentive to further her goals; and

WHEREAS, Because of her dedicated leadership, inexhaustible determination, and boundless enthusiasm, the State of Texas has gained national recognition for its superiority in working with these programs; and

WHEREAS, Celebrated for her integrity and honesty, Anice Read has served as an excellent role model for many young Main Street managers; and

WHEREAS, Throughout her life, Mrs. Read has been supported by her loving family: her husband, Julian Read; her daughters, Courtney Hoffman and Ellen Read; and her grandchildren, Faye Hoffman, Kathryn Hoffman, and Read Hoffman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby honor Anice Barber Read and express its gratitude to her for her significant contributions to the heritage of the State of Texas; and, be it further

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

The resolution was read.

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

On motion of Senator Armbrister, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Mrs. Anice Barber Read and her daughters Courtney Hoffman and Ellen Read.

The Senate welcomed Mrs. Read and her daughters.

(Senator Truan in Chair)

HOUSE CONCURRENT RESOLUTION 43

The Presiding Officer laid before the Senate the following resolution:

HCR 43, Recognizing February 26, 1997, as Atlanta Day at the Capitol.

RATLIFF

The resolution was read.

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

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate a delegation of citizens from Atlanta, Texas.

The Senate welcomed its guests.

(President in Chair)

SENATE BILL 444 ON SECOND READING

Senator Zaffirini moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 444** be taken up for consideration at this time.

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

Absent-excused: Fraser.

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended for **SB 444**:

SB 444, Relating to administration of vital statistics records.

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

SENATE BILL 444 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 444** be placed on its third reading and final passage.

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

Absent-excused: Fraser.

SB 444 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 237 ON SECOND READING

Senator Nixon moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 237** be taken up for consideration at this time.

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

Absent-excused: Fraser.

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended for **SB 237**:

SB 237, Relating to competitive bids for state lottery contracts.

The bill was read second time.

Senator Nixon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 237**, Section 466.355(b)(4) and (5) to read as follows and renumbering the existing sections accordingly:

(4) the transfer to the foundation school fund of an amount equal to ninety-five percent of the savings resulting from any competitive bidding of contracts awarded under Section 466.014(b);

(5) the transfer to the Texas Workforce Commission for community-based adult literacy programs of an amount equal to five percent of the savings resulting from any competitive bidding of contracts awarded under Section 466.014(b); and

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

(Senator Sibley in Chair)

On motion of Senator Nixon and by unanimous consent, further consideration of **SB 237** was postponed.

Question—Shall **SB 237** be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 236 ON SECOND READING**

Senator Lindsay moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 236** be taken up for consideration at this time.

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

Absent-excused: Fraser.

On motion of Senator Lindsay and by unanimous consent, the regular order of business was suspended for **CSSB 236**:

CSSB 236, Relating to the right of voters in a municipality to participate in municipal elections.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 236** as follows:

(1) In Section 1 of the bill, in added Section 43.905(a), Local Government Code (committee printing page 1, line 17), strike "conduct an election for" and substitute "order an election to be held within"

(2) In Section 1 of the bill, in added Section 43.905(a), Local Government Code (committee printing page 1, lines 18-19), strike ", nor may a city impose taxes on the citizens of the newly annexed area during this 120 days,".

(3) In Section 1 of the bill, strike added Section 43.905(b), Local Government Code (committee printing page 1, lines 23-30) and substitute the following:

(b) This section does not apply if the annexed area:

(1) was annexed on the written petition of the owners or a majority of the qualified voters of the area;

(2) is vacant;

(3) is without residents;

(4) is owned by the municipality;

(5) is a municipally owned airport;

(6) is a municipally owned reservoir; or

(7) was annexed at the request of a governing board of a municipal utility district located in the annexed area.

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

CSSB 236 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 236 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 236** be placed on its third reading and final passage.

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

Absent-excused: Fraser.

CSSB 236 was read third time and was passed by a viva voce vote.

SENATE BILL 237 ON SECOND READING

The Senate resumed consideration of **SB 237**, the bill having been read second time, amended, and further consideration postponed.

SB 237, Relating to competitive bids for state lottery contracts.

Question—Shall **SB 237** be passed to engrossment?

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 237** by striking Section c(2), lines 53 through 56.

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

(President in Chair)

SB 237 as amended was passed to engrossment by the following vote:
Yeas 26, Nays 4.

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

Nays: Harris, Patterson, Ratliff, Sibley.

Absent-excused: Fraser.

SENATE BILL 237 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 237** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Harris, Patterson, Ratliff, Sibley.

Absent-excused: Fraser.

SB 237 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Harris, Patterson, Ratliff, and Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

CONGRATULATORY RESOLUTIONS

SR 246 - by Armbrister: Congratulating the Bastrop Ladies Reading Circle.

SR 251 - by Ratliff: Congratulating Julius DeMarkcus Jackson.

SR 252 - by Ratliff: Congratulating William Robert Bartush.

SR 253 - by Ratliff: Congratulating Adam P. Hanna.

SR 254 - by Ratliff: Congratulating Scott Christopher Fuhrman.

HCR 95 - (Haywood): Congratulating Jeanne Groff of Denison.

MISCELLANEOUS RESOLUTION

SR 249 - by Moncrief, Haywood: Recognizing the 130th anniversary of the Chisholm Trail.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:46 p.m. adjourned until 11:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

February 26, 1997

CRIMINAL JUSTICE — SB 67, SB 78, SB 160, SB 170, SB 174, CSSB 121

JURISPRUDENCE — SB 334 (Amended), SB 505 (Amended), CSSB 452