

S.R. 449 - By Brooks: Declaring April 11, 1991, "ARC/Texas Day" in recognition of the tireless volunteerism of ARC members throughout the state and of their 41 years of support for advancements in services benefitting Texas citizens with mental retardation.

S.R. 452 - By Harris of Tarrant: Joining with the citizens of Arlington in celebrating the grand opening of a new Boys Club branch.

RECESS

On motion of Senator Brooks, the Senate at 1:07 p.m. took recess until 8:00 a.m. tomorrow.

THIRTY-NINTH DAY (Continued) (Thursday, April 4, 1991)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Haley.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Haley in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.B. 151 (Barrientos) Relating to eligibility for participation of graduate students in the Texas State College and University Employees Uniform Insurance Benefits Program. (31-0) (31-0)

C.S.S.B. 164 (Armbrister) Relating to the authority of a municipality to require that property owners connect their property to a sewer system. (31-0) (31-0)

C.S.S.B. 356 (Green) Relating to the authority of certain counties to regulate alarm systems; providing penalties. (31-0) (31-0)

C.S.S.B. 402 (Carriker) Relating to an advisory board of directors for a state bank. (31-0) (31-0)

C.S.S.B. 628 (Lyon) Relating to the jurisdiction of the county courts at law in Smith County. (31-0) (31-0)

S.B. 648 (Tejeda) Relating to purchase prices and loan amounts on real property purchased under the Veterans Land Program or the Veterans Housing Assistance Program. (31-0) (31-0)

C.S.S.B. 862 (Glasgow) Relating to exempting certain management services from municipal competitive bidding and competitive sealed proposal requirements. (31-0) (31-0)

S.B. 878 (Whitmire) Relating to the coverage of, and administration of, public retirement systems for fire fighters in certain municipalities. (31-0) (31-0)

S.B. 879 (Whitmire) Relating to eligibility for membership in, administration of, and disability benefits paid by, public retirement systems for fire fighters in certain municipalities. (31-0) (31-0)

S.B. 953 (Green) Relating to dates for completion on grievance procedures in certain cities; and declaring an emergency. (31-0) (31-0)

S.B. 954 (Green) Relating to eligibility for a beginning position with a fire department in certain cities. (31-0) (31-0)

S.B. 955 (Green) Relating to grievance procedures under the municipal civil service act in certain cities; and declaring an emergency. (31-0) (31-0)

S.B. 992 (Whitmire) Relating to the application of statutes that classify political subdivisions according to population. (31-0) (31-0)

S.B. 993 (Whitmire) Relating to contributions of and benefits for certain members of municipal retirement systems for fire fighters. (31-0) (31-0)

S.B. 1046 (Sims) Relating to the length of leases entered into by the Board for Lease of University Lands. (31-0) (31-0)

S.B. 1126 (Tejeda) Relating to the transaction of business by the Court of Appeals for the Fourth Court of Appeals District. (31-0) (31-0)

S.B. 1186 (Zaffirini) Relating to absentee voting terminology. (31-0) (31-0)

S.B. 1389 (Zaffirini) Relating to the membership of the board of trustees of the Canyon Regional Water Authority. (31-0) (31-0)

H.B. 155 (Montford) Relating to validation of acts of the board of directors of the Terry Memorial Hospital District. (31-0) (31-0)

H.B. 156 (Montford) Relating to the powers and administration of the Terry Memorial Hospital District; granting the authority to create public debt. (31-0) (31-0)

Senator Montford offered the following committee amendment to the bill:

Amend **H.B. 156** in Section 2 of the bill (page 1, line 21, House Engrossment), after the words "appointment hereunder", by inserting "be registered to vote in the District and".

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

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

H.B. 820 (Barrientos) Relating to the conveyance of certain state-owned real property in Travis County by the State Purchasing and General Services Commission. (31-0) (31-0)

MESSAGE FROM THE HOUSE

House Chamber
April 4, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 34, Relating to the name of a portion of State Highway 288.

S.B. 206, Relating to the qualifications of certain special judges.

S.B. 264, Relating to the 49th Judicial District.

H.B. 881, Relating to soil and water conservation land improvement measures.

H.B. 54, Relating to the use of revenue from the county hotel occupancy tax by certain counties.

H.B. 416, Relating to the offenses of aggravated assault and deadly assault on a municipal officer or employee who is authorized to issue citations or serve process.

H.B. 153, Relating to speed limits on certain highways.

H.B. 828, Relating to the creation of municipal courts of record in Grapevine.

H.B. 1664, Relating to the operation of an alternative incarceration program by the institutional division of the Texas Department of Criminal Justice.

H.B. 1666, Relating to the housing in the institutional division of the Texas Department of Criminal Justice of persons punished for violation of probation.

H.B. 736, Relating to certain necessary parties in a will contest or will construction suit.

H.B. 750, Relating to the transfer to a receiver of property not in compliance with municipal ordinances.

H.B. 396, Relating to the tax rate, board of directors, indigent health care responsibilities, and dissolution of the Sutton County Hospital District.

H.B. 338, Relating to programs to increase the participation of minority businesses in contract awards of certain home-rule municipalities.

H.B. 1050, Relating to the sealing or destruction of files and records of certain persons adjudicated as having engaged in delinquent conduct.

H.B. 991, Relating to the delegation by Health Authority of authority to carry out statutory powers and duties; permitting a regional medical director to serve as Health Authority in certain circumstances; amending the Local Public Health Reorganization Act (Chapter 121, Health and Safety Code); and declaring an emergency.

H.B. 873, Relating to the conveyance of a one (1) acre tract of land in Lee County, Texas, formerly used as a lookout tower site by the Texas Forest Service.

H.B. 1101, Relating to the regulation of the practice of professional nursing.

H.B. 902, Relating to adoption of a nonsubstantive revision of the statutes relating to mental health and mental retardation, including conforming amendments.

H.B. 903, Relating to employment contracts or terms of employment of a person appointed or hired by certain hospital districts.

H.B. 1227, Relating to the authority of counties to improve certain subdivision roads and assess the cost of repairs against subdivision residents.

H.B. 732, Relating to public hearings on the proposed budgets of certain counties.

H.B. 1487, Relating to notice of change of residence of a conservator of a child.

H.B. 662, Relating to reporting requirements to receive funding from the Texas Commission on Alcohol and Drug Abuse.

H.B. 1079, Relating to the authority of a county road district to refinance road district bonds by issuing alternative refunding bonds or certificates of assessment.

H.B. 1198, Relating to the election and terms of the board of directors of the Fairfield Hospital District.

H.B. 1063, Relating to continuing education for county commissioners.

H.B. 1266, Relating to the terms of and election procedures relating to the board of directors of the Val Verde County Hospital District.

H.B. 1340, Relating to the authority of the Angleton-Danbury Hospital District to provide office facilities for staff physicians and granting the authority to issue bonds.

H.B. 1000, Relating to the design and manufacture of medals, awards, and decorations for members of the state military forces.

H.B. 235, Relating to the administration and financing of mass transportation.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Haley in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

CONGRATULATORY RESOLUTIONS

S.R. 450 - By Green: Honoring Deborah Ann Ratliff and John Malcolm Jeter, Jr., on the special event of their marriage and expressing sincere wishes for much happiness and fulfillment.

S.R. 451 - By Green: Recognizing B. C. Elmore Middle School of the North Forest Independent School District for its recent, highly successful drug-free program.

S.R. 453 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Hurst to express appreciation for the services provided by their library.

S.R. 454 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Euless to express appreciation for the services provided by their library.

S.R. 455 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Arlington to express appreciation for the services provided by their library.

S.R. 456 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Bedford to express appreciation for the services provided by their library.

S.R. 457 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Irving to express appreciation for the services provided by their library.

S.R. 458 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Grapevine to express appreciation for the services provided by their library.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:14 a.m. adjourned until 11:00 a.m. today.

APPENDIX

Sent to Governor
(April 3, 1991)

S.B. 232

FORTIETH DAY (Thursday, April 4, 1991)

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, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Halcy, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Father Mark Villano, St. Austin's Catholic Church, Austin, offered the invocation as follows:

In our tradition we often begin meetings or gatherings with an invocation to the Holy Spirit, who rushed upon the disciples after the Resurrection, and who is the source of light and true inspiration. So, let us pray together.

Come Holy Spirit. Fill the hearts of Your faithful people and enkindle in us the fire of Your love.

Giver of life and light, help us who take part in this gathering to serve You in the world of our time.

Breath into us, Holy Spirit, that our thoughts may be clear. Grant that we may think honestly and speak wisely; and make us ready also to listen to others.

Attract our hearts toward Your truth, Holy Spirit. May everything we do this day begin with Your inspiration and continue with Your saving help.

Invalidate us and strengthen us, Spirit of God, to defend what is just and holy. Move in us, that all our work may find its origin in You and through You reach completion.

Bestow on us, and on all the people we serve, Your own gift of charity which is the bond of unity and peace, that all may know us as Your followers because of our love for one another.

Protect us, Loving Spirit, that on our journey to You we may be led by Your light to the fullness of Your glory. Amen.

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

S.R. 458 - By Harris of Tarrant: Proclaiming April 14-20, 1991, as National Library Week and encouraging the residents of Grapevine to express appreciation for the services provided by their library.

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Bestow on us, and on all the people we serve, Your own gift of charity which is the bond of unity and peace, that all may know us as Your followers because of our love for one another.

Protect us, Loving Spirit, that on our journey to You we may be led by Your light to the fullness of Your glory. Amen.

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

CO-AUTHOR OF SENATE BILL 301

On motion of Senator Bivins and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 301.

CO-AUTHOR OF SENATE BILL 314

On motion of Senator Brown and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 314.

CO-AUTHOR OF SENATE BILL 582

On motion of Senator Turner and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 582.

CO-AUTHOR OF SENATE BILL 591

On motion of Senator Johnson and by unanimous consent, Senator Barrientos will be shown as Co-author of S.B. 591.

CO-AUTHOR OF SENATE BILL 790

On motion of Senator Montford and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 790.

CO-AUTHOR OF SENATE BILL 1186

On motion of Senator Zaffirini and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 1186.

MESSAGE FROM THE HOUSE

House Chamber
April 4, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 110, Honoring Dr. George J. Beto by designating him as "Member Emeritus" of the Texas Youth Commission.

H.C.R. 161, Honoring William D. and Kathryn M. Draper for their many years of service to the staff and patients of Rusk State Hospital.

H.C.R. 162, In memory of Jack Lawrence Butler.

H.C.R. 163, Honoring the Texas Special Olympics of 1991.

H.C.R. 165, Honoring Dr. and Mrs. Frank Johnson for their service to the Kelview Heights Baptist Church.

H.C.R. 168, Commending Mr. George Bayoud, Jr., for his service to the State of Texas.

S.C.R. 82, Acknowledging the significant contributions of the women of Texas to the military of this state and nation.

S.C.R. 84, Commending the courage and service of the men and women of the Texas State Guard and extending best wishes for a successful 50th Muster.

S.C.R. 86, In memory of Janet Trumble.

S.C.R. 87, Extending best wishes to Cheri Ann Morgan as she competes in the Miss Texas USA Pageant.

S.C.R. 88, Commending all those who devoted time and energy to creating the Enhanced 9-1-1 service for Galveston County.

Pursuant to Rule 14, Section 13, I move that the house not adopt the Conference Committee report on S.B. 351, request the appointment by the Senate of a new Conference Committee, and empower the Speaker to name new conferees for the House.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

S.B. 916
S.B. 609
S.B. 445
S.B. 142
S.B. 572
S.B. 1232
S.B. 1287
S.B. 480 (Amended)
S.B. 1152 (Amended)
C.S.S.B. 532
C.S.S.B. 732
C.S.S.B. 608

Senator Sims submitted the following report for the Committee on Natural Resources:

S.B. 1120
S.B. 1424
S.B. 1266
S.B. 832
S.B. 833
S.B. 1058
C.S.S.B. 1197
C.S.S.B. 1390

Senator Lyon submitted the following report for the Committee on Criminal Justice:

S.B. 414
C.S.S.B. 314

BILLS AND RESOLUTION SIGNED

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

S.C.R. 89
S.B. 59
S.B. 107
S.B. 121
S.B. 124

S.B. 126
 S.B. 127
 S.B. 169
 S.B. 254
 S.B. 310
 S.B. 448

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1463	S.B. 1472
S.B. 1464	S.B. 1473
S.B. 1465	S.B. 1474
S.B. 1466	S.B. 1475
S.B. 1467	S.B. 1476
S.B. 1468	S.B. 1477
S.B. 1469	S.B. 1478
S.B. 1470	S.B. 1479
S.B. 1471	

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

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Police Lieutenant C. E. "Tate" Jordan, Sr.

Mr. Jordan is retiring after more than 37 years of exemplary service to the Austin Police Department.

An enrolled copy of **S.R. 412**, previously adopted by the Senate on Tuesday, March 26, 1991, was presented to Mr. Jordan, who was accompanied by his wife, Billie, and son, Jim.

(Senator Brooks in Chair)

GUESTS PRESENTED

Senator Brooks introduced a group of students from the Friendswood Junior High journalism class and their teacher, Suzette Gibson, of Galveston.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Moncrief was recognized and introduced students from Texas Christian University and The University of Texas at Arlington, and Dr. Richard Millsap, seated in the gallery.

The Senate welcomed these guests.

(President in Chair)

SENATE RESOLUTION 440

Senator Dickson offered the following resolution:

WHEREAS, The Senate of the State of Texas is genuinely pleased to pay tribute to one of the state's most respected citizens, Mrs. Sue Mayborn of Temple; and
 WHEREAS, Her love for Texas and its citizens has been manifested throughout the years in her philanthropic endeavors on behalf of those in need; and

WHEREAS, Countless individuals have benefitted from her benevolent aid; and

WHEREAS, Born in Anadarko, Oklahoma, to Eula and Jack White, Mrs. Mayborn received an associate in art degree from Temple Junior College and furthered her studies at Baylor University and Mary Hardin-Baylor University; and

WHEREAS, Her ardent appreciation of education and art has been displayed in her support of the Central Texas Art Museum, The Art Center of Waco, and the Central Texas Orchestral Society; and

WHEREAS, She is a member of the Board of Directors of the Ronald McDonald House, Students at Risk (Junior League), Peaceable Kingdom Retreat for Children, Texas A&M Medical School, and numerous other worthwhile associations; and

WHEREAS, This gracious gentlewoman has continued the charitable work to which she and her late husband, Frank Mayborn, were so deeply committed; and

WHEREAS, In addition to providing able leadership as president of Frank Mayborn Enterprises, Channel Six, the Killeen Daily Herald, Frank W. Mayborn Foundation, Mayborn Company, and County Developers, she is the editor and publisher of the Temple Daily Telegram; and

WHEREAS, Well known for her integrity, Mrs. Mayborn is a vital member of the Texas Daily Newspaper Association, the American Newspaper Publishers Association, the American Society of Newspaper Editors, the Society of Professional Journalists, the Southern Newspaper Publishers Association, and the National Association of Broadcasters; and

WHEREAS, She is the recipient of the Woman of the Year Award from the Temple Jaycees, the Fort Hood Commander's Award for Public Service, the AUSA Roy J. Smith Award, and the Citizen of the Quarter award of the Temple Rotary Club; and

WHEREAS, With rare understanding and compassion for the less fortunate in society, Mrs. Mayborn has contributed greatly to the well-being and happiness of her fellowman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend warm appreciation to Mrs. Sue Mayborn for the inestimable good she has done for so many in the Lone Star State; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mrs. Mayborn as an expression of deep gratitude and respect of the Texas Senate.

The resolution was read.

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

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

(Senator Brooks in Chair)

GUESTS PRESENTED

Upon recognition, Senator Dickson introduced to the Senate Mrs. Sue Mayborn, accompanied by Dorothy Aldrich, Ann Clements, Nancy Aiken, Shirley Courtney and Sharon Childers.

The Senate welcomed these guests.

An enrolled copy of S.R. 440 was presented by the President to Mrs. Mayborn.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 4, 1991

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

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

TO BE A MEMBER OF THE FIRE DEPARTMENT EMERGENCY BOARD, for a term to expire February 1, 1993:

MELODY BETH CHATELLE
4315 Guadalupe
Suite 300
Austin, Texas 78751

Ms. Chatelle will be replacing Don Comedy of Haskell, whose term expired.

TO BE MEMBERS OF THE TEXAS AGRICULTURAL FINANCE
AUTHORITY BOARD OF DIRECTORS, for terms to expire January 1, 1993:

MARY ESTHER WEBB
Route 2, Box 144C
Cisco, Texas 76437

Ms. Webb will be replacing Jerry Harris of Lamesa, whose term expired.

R. DAVID GUERRERO
823 Grace Street
Alice, Texas 78332

Mr. Guerrero will be replacing Edward Paul Comer of Evant, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Director of the Office of State-Federal Relations: MS. JANE HICKIE, Travis County.

Member, Texas Guaranteed Student Loan Corporation: MS. LEE ELLIOTT BROWN, Harris County.

Members, Board of Regents, Texas Tech University: JOHN C. SIMS, Lubbock County; MS. ELIZABETH CLARK WARD, Harris County.

Member, Board of Pardons and Paroles: MS. WINONA WILSON MILES, Travis County.

Members, Educational Excellence Committee: MS. YVONNE A. EWELL, Dallas County; MS. IRENE M. GARCIA, Hidalgo County; MS. JACQUELINE R. GOETTSCHE, Gillespie County.

Members, Texas Historical Commission: MS. WILLIE LEE GAY, Harris County; DR. DAN ALVIN WILLIS, Tarrant County.

Member, Texas Commission on Jail Standards: SHERIFF ALEX F. PEREZ, Cameron County.

**COMMITTEE SUBSTITUTE
SENATE BILL 587 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:

C.S.S.B. 587, Relating to performance standards for certain plumbing fixtures and related labeling requirements for certain plumbing fixtures and appliances; providing criminal, civil, and administrative penalties.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 587**, Section 421.002(a)(2), Health and Safety Code (Committee Printing page 1, line 57), by deleting "the manufacturer or importer of".

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

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 587**, Section 421.002 by deleting subsection (f) in its entirety and substituting in lieu thereof a new subsection (f) to read as follows:

(f) This section does not apply to:

(1) a plumbing fixture that has been ordered by or is in the inventory of a building contractor or a wholesaler or retailer of plumbing fixtures on January 1, 1992;

(2) a fixture, such as a safety shower or aspirator faucet, that, because of the fixture's specialized function, cannot meet the standards provided by this section;

(3) a fixture originally installed before January 1, 1992, that is removed and reinstalled in the same building on or after that date; or

(4) a fixture imported only for use at the importer's domicile.

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 587 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 587 be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 643 ON SECOND READING**

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

C.S.S.B. 643, Relating to processing election results in a voting system without centralized counting.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 643 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 643 be placed on its third reading and final passage.

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

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

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Kurt Frederick of Austin.

Dr. Frederick, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**COMMITTEE SUBSTITUTE
SENATE BILL 717 ON SECOND READING**

On motion of Senator Lyon 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:

C.S.S.B. 717, Relating to the licensing and training of peace officers, jailers, and reserve law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend C.S.S.B. 717 by adding subsection (d) to Section 8, page 4, after line 11.

(d) a person licensed by the Commission shall be a citizen of the United States or shall have served as a Peace Officer or its equivalent for five (5) consecutive years in the country of citizenship and shall meet all other licensing requirements of this

Chapter and shall become a citizen of the United States within six (6) years from licensing date, and shall not have been convicted of a crime which if committed in this state would have been a felony.

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 717 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 717 be placed on its third reading and final passage.

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

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

SENATE BILL 744 ON SECOND READING

On motion of Senator Sims 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:

S.B. 744, Relating to a nonresidency licensing requirement for hunting turkeys during the spring turkey hunting season.

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

SENATE BILL 744 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 744 be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1062 ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1062, Relating to a stamp requirement to hunt turkeys; providing a penalty.

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

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

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

RECORD OF VOTE

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1062 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1062 be placed on its third reading and final passage.

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

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

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

RECORD OF VOTES

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

**COMMITTEE SUBSTITUTE
SENATE BILL 257 ON SECOND READING**

On motion of Senator Zaffirini 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:

C.S.S.B. 257, Relating to law enforcement files and records, including fingerprints and photographs, of certain children.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 257 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 257 be placed on its third reading and final passage.

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

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

SENATE BILL 213 ON SECOND READING

On motion of Senator Tejada 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:

S.B. 213, Relating to authorizing community supervision and corrections departments to employ probation field unit officers.

The bill was read second time.

Senator Tejada offered the following amendment to the bill:

Amend S.B. 213 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Sections 4 and 5, Article 42.131, Code of Criminal Procedure, are amended to read as follows:

Sec. 4. DEPARTMENT DIRECTOR. (a) The judge or judges shall appoint a department director. The department director shall employ a sufficient number of officers and other employees to perform the professional and clerical work of the department.

(b) The department director, with the concurrence of the judge or judges, may employ and commission probation field unit officers as peace officers. The duties of a field unit officer shall be to observe the activities of probationers and report these observations to an officer who supervises probationers in order to verify the probationer's compliance with conditions of probation. A probation field unit officer may accompany probation officers on their field visits or while conducting investigations of probationers. A field unit officer shall not serve or execute a warrant except as authorized by the department director, in concurrence with the judge or judges. A probation field unit officer may carry a weapon and may pay unannounced visits at any time to a probationer's home.

(c) A probation field unit officer is subject to all requirements for licensing and training of a peace officer under the provisions of Chapter 415, Government Code. The Texas Commission on Law Enforcement Officer Standards and Education may charge a fee to a department to cover the administrative costs of licensing and training probation field unit officers commissioned by the department. Such administrative costs include but are not limited to the cost of developing and administering examinations and offering training courses.

(d) In a department with fewer than twenty probation officers, the department director, with the concurrence of the judge or judges, may allow a caseload probation officer to perform the duties of a probation field unit officer, provided that the officer is a licensed peace officer.

Sec. 5. (a) Officers appointed by the department director must comply with a code of ethics developed by the division.

(b) To be eligible for appointment on or after the effective date of this Act as an officer who supervises probationers or accepts employment as a probation field unit officer a person:

(1) must have acquired a bachelor's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and

(2) unless the bachelor's degree is in criminology, corrections, counseling, law, social work, psychology, sociology, or a related field that has been approved by the division, must have:

(A) one year of graduate study in one of those fields; or

(B) one year of experience in full-time casework, counseling, or community or group work that has been approved by the division.

(c) A person employed as a peace officer is not eligible for appointment as an officer, except as a probation field unit officer, under this section.

(d) The division may establish a waiver procedure for departments unable to hire persons meeting the requirements under Subsection (b)(2) of the section.

SECTION 2. Article 2.12, Code of Criminal Procedure, as amended by Chapters 277, 794, and 1104, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs and their deputies;
 (2) constables and deputy constables;
 (3) marshals or police officers of an incorporated city, town, or village;
 (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
 (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
 (6) law enforcement agents of the Alcoholic Beverage Commission;
 (7) each member of an arson investigating unit of a city, county, or the state;
 (8) any private person specially appointed to execute criminal process;
 (9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;
 (10) officers commissioned by the State Purchasing and General Services Commission;
 (11) law enforcement officers commissioned by the Parks and Wildlife Commission;
 (12) airport police officers commissioned by a city with a population of more than 900,000, according to the most recent federal census, that operates an airport that serves commercial air carriers;
 (13) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (12), that operates an airport that serves commercial air carriers;
 (14) municipal park and recreational patrolmen and security officers;
 (15) security officers commissioned as peace officers by the State Treasurer;
 (16) officers commissioned by a water control and improvement district under Section 51.132, Water Code;
 (17) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (article 1187f, Vernon's Texas Civil Statutes);
 (18) investigators commissioned by the Texas State Board of Medical Examiners;
 (19) officers commissioned by the board of managers of the Dallas County Hospital District under Section 16, Chapter 266, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4494n, Vernon's Texas Civil Statutes);
 (20) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
 (21) stewards and judges employed by the Texas Racing Commission;
 (22) officers commissioned by the Texas State Board of Pharmacy;and
 (23) officers commissioned by the governing board of a metropolitan transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 118y, Vernon's Texas Civil Statutes);[:]
 (24) [(23)] officers commissioned by the Texas High-Speed Rail Authority; and
 (25) probation field unit officers employed by community supervision and corrections departments under Section 4(b), Article 42.131, Code of Criminal Procedure.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

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

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

SENATE BILL 213 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 213 be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Moncrief.

COMMITTEE SUBSTITUTE SENATE BILL 406 ON SECOND READING

On motion of Senator Barrientos 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:

C.S.S.B. 406, Relating to legislative leave for peace officers and fire fighters.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend C.S.S.B. 406 as follows:

On page 1, line 43, add the following after the words "in order" to serve in, or.

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

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

The bill as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Glasgow, Ratliff, Sibley.

COMMITTEE SUBSTITUTE SENATE BILL 406 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 406 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Glasgow, Henderson, Ratliff, Sibley.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Krier, Lucio, Lyon, Moncrief, Parker, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Montford, Ratliff, Sibley.

SENATE BILL 823 ON SECOND READING

On motion of Senator Johnson 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:

S.B. 823, Relating to the determination of death by a registered nurse in accordance with written policies of a licensed health care facility, institution, or entity.

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

SENATE BILL 823 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 823** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1037 ON SECOND READING

On motion of Senator Green 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:

C.S.S.B. 1037, Relating to the jurisdiction of a justice court over a child who engages in certain conduct indicating a need for supervision.

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

(Senator Truan in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1037 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1037** be placed on its third reading and final passage.

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

The bill was read third time.

Senator Green offered the following amendment to the bill:

Amend C.S.S.B. 1037 as follows:

In the sentence contained in Section 54.021(d), Family Code, as added by Section 1 of the bill, strike the words "the court may enter an order that:" and substitute:
the court may enter an order that includes one or more of the following provisions requiring that:

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 589 ON SECOND READING**

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

C.S.S.B. 589, Relating to tampering with or altering identification numbers on motor vehicles, equipment, or other property and to forging or tampering with governmental records; providing a penalty.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 589 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 589 be placed on its third reading and final passage.

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

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

GUEST PRESENTED

Senator Harris of Tarrant was recognized and introduced Tarrant County Commissioner Marti Van Ravenwaay.

The Senate welcomed this guest.

(President in Chair)

SENATE BILL 1331 ON SECOND READING

On motion of Senator Glasgow 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:

S.B. 1331, Relating to credit in, and benefits and administration of, programs administered by the Employees Retirement System of Texas for officers and employees of the state.

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

SENATE BILL 1331 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1331** be placed on its third reading and final passage.

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

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

MEMORIAL RESOLUTION

S.C.R. 95 - By Brooks: In memory of Judy Calvin of Pasadena.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 96 - By Brooks: Expressing gratitude to Dr. Robert M. Barr for his leadership and generosity and extending best wishes for a most enjoyable and rewarding retirement.

S.R. 459 - By Henderson: Extending congratulations to Gordon Hansen of Spring for achieving the rank of Eagle Scout.

S.R. 460 - By Henderson: Extending congratulations to Atman Madhukar Trivedi of Houston for achieving the rank of Eagle Scout.

S.R. 462 - By Brooks: Recognizing Hilda Garza Torres of Galveston on the joyful occasion of her 40th birthday.

S.R. 463 - By Moncrief: Recognizing Bob Bolen, Mayor of the City of Fort Worth on the occasion of his birthday.

S.R. 464 - By Brooks: Welcoming Friendswood Junior High School journalism students and their teacher and sponsor, Ms. Suzette Gibson.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:22 p.m. adjourned until 11:00 a.m. Monday, April 8, 1991.

FORTY-FIRST DAY
(Monday, April 8, 1991)

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, Brooks, Brown, Carriker, Dickson, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Tejada, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Ellis, Green, Sims.

A quorum was announced present.

The Reverend Paul M. Thompson, Hope Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, remind us of Your presence today. Remind us in the voices that call; those clamoring for justice, those crying in pain, those after our hides, and the voices, that in the midst of it all, offer tenderness and understanding. Remind us of Your presence in the meaningful work You have given us. Let us not forget, amid