

FORTY-FIFTH DAY
(Continued)
(Tuesday, April 13, 1993)

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by Senator Haley.

SENATORS ANNOUNCED PRESENT

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

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

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer 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):

S.B. 420 (Carriker) Relating to the requirement of a refund by gas utilities of illegal or unlawful rates collected by gas utilities. (31-0) (31-0)

C.S.S.B. 421 (Carriker) Relating to the requirement of notice of requests by gas utilities for rate increases and to the statutory procedures for approval and refund of temporary rates in gas utility rate cases. (31-0) (31-0)

C.S.S.B. 508 (Wentworth) Relating to county purchase of road construction material. (31-0) (31-0)

S.B. 546 (Whitmire) Relating to administration of retirement systems for municipal employees in certain cities. (31-0) (31-0)

C.S.S.B. 549 (Sims) Relating to the use and the charge and control of the comptroller's training center located in Kerrville. (31-0) (31-0)

C.S.S.B. 556 (Armbrister) Relating to regulating the taking of crab, molluscan shellfish, and other aquatic life; providing civil and criminal penalties. (31-0) (31-0)

S.B. 567 (Brown) Relating to enforcement by a disabled person of a law relating to parking by or for disabled persons. (31-0) (31-0)

S.B. 678 (Luna) Relating to the conditions imposed on a person receiving deferred adjudication. (31-0) (31-0)

S.B. 866 (Whitmire) Relating to the use of abandoned motor vehicles by police departments in certain counties. (31-0) (31-0)

S.B. 1071 (Parker) Relating to the requirement that school districts use buses that run on natural gas. (31-0) (31-0)

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Truan, the Senate at 10:40 a.m. adjourned until 11:00 a.m. today.

**FORTY-SIXTH DAY
(Tuesday, April 13, 1993)**

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, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Our Father, this morning we offer our thanks that we are free to assemble and to make choices, and, in any choice, we seek Thy direction. Bless these who assemble and who choose and decide the issues today and remind us often what is right, what is good, and what is true. In Your name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 7, 1993, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Harris of Dallas, Senator Sims was granted leave of absence for today on account of illness in the family.

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Zaffirini and by unanimous consent, Senators Shelley, Madla, and Ratliff will be shown as Co-authors of S.B. 1.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Brown and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 325.

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CO-AUTHOR OF SENATE BILL 479

On motion of Senator Shelley and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 479.

CO-AUTHOR OF SENATE BILL 1145

On motion of Senator Ellis and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 1145.

MESSAGE FROM THE HOUSE

House Chamber
April 13, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 830, Relating to runoff election dates for certain political subdivisions. (As amended)

S.B. 1313, Relating to the regulation of motor carriers; providing penalties.

S.C.R. 59, Expressing sincere appreciation to Leslie M. Reid for his 28 years of service to the people of the State of Texas.

H.C.R. 39, Designating April 10-17, 1993, as Because I Care—Bone Marrow Donor Awareness Week in Texas.

H.B. 15, Relating to the prosecution of the offense of engaging in organized criminal activity.

H.B. 16, Relating to the punishment for the offense of retaliation.

H.B. 36, Relating to the compensation of certain statutory county court judges and to certain fees and costs collected by district and county clerks for deposit in the judicial fund.

H.B. 181, Relating to the registration of certain persons convicted of obscenity offenses under the sexual offenders registration program.

H.B. 183, Relating to developing and promoting educational technology through pilot, model, or demonstration projects.

H.B. 293, Relating to the deferral of adjudication and dismissal of a case on completion of an alternative commitment program by certain juvenile offenders.

H.B. 334, Relating to certain devices used to protect nursery stock and the registration and inspection of those devices when used for commercial purposes.

H.B. 360, Relating to persons who may bring an original suit affecting the parent-child relationship.

H.B. 395, Relating to regulating certain slaughterers; providing penalties

The House has concurred in Senate amendments to **H.B. 424** by a non-record vote.

H.B. 431, Relating to the regulation of viatical settlements by the State Board of Insurance.

H.B. 458, Relating to the application for monthly survivor benefits under the Teacher Retirement System of Texas for certain persons whose remarriage disqualified them from those benefits.

H.B. 502, Relating to the printing of a statement regarding a health care directive on the reverse side of a driver's license.

H.B. 633, Relating to the commission and duties of school district peace officers.

H.B. 634, Relating to the commissioning as peace officers of armed security personnel employed by a school district.

H.B. 697, Relating to civil actions to abate certain activities of combinations or criminal street gangs.

H.B. 724, Relating to the determination of paternity and the payment of child support during a suit in which a determination of paternity is sought.

H.B. 757, Relating to the parties entitled to citation in a suit affecting the parent-child relationship.

H.B. 758, Relating to the accrual of interest on delinquent child support.

H.B. 850, Relating to permitting certain students who are graduates of the Reynaldo G. Garza School of Law to take the examination for a license to practice law in this state.

H.B. 1029, Relating to the creation of the Texas interactive multimedia communications fund; regulating interactive multimedia communications services and equipment.

H.B. 1039, Relating to the abolition of the office of elected county public weigher.

H.B. 1179, Relating to the protection of certain unmarked burials and associated human remains or burial objects and to the creation of certain offenses concerning unmarked burials; providing criminal penalties.

H.B. 1200, Relating to decedents' estates, multiple-party accounts, and trusts.

H.B. 1216, Relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district.

H.B. 1278, Relating to administration of retirement systems for municipal employees in certain cities.

H.B. 1285, Relating to a uniform single-party or multiple-party account form and to convenience accounts.

H.B. 1493, Relating to the transfer of persons serving determinate sentences from the Texas Youth Commission to the institutional division of the Texas Department of Criminal Justice.

H.B. 1581, Relating to certain employment of disability retirees of the Teacher Retirement System of Texas.

H.B. 1702, Relating to an exemption from motor fuel taxes and vehicle registration fees for certain providers of school transportation services.

The House has concurred in Senate amendments to **H.B. 343** by a non-record vote.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 266**. The House conferees are: Representatives McDonald, Chair; Berlanga, Delisi, Bomer, and Chisum.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

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

H.B. 607
S.C.R. 58
S.C.R. 60
S.B. 384

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills and resolution:

S.J.R. 48	S.B. 1353
S.B. 1347	S.B. 1354
S.B. 1349	S.B. 1355
S.B. 1350	S.B. 1356
S.B. 1351	S.B. 1357
S.B. 1352	

SENATE BILLS AND RESOLUTION ON FIRST READING

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

S.J.R. 48 by Leedom Education
Proposing a constitutional amendment permitting the legislature to authorize the transfer of certain funds from the permanent school fund to the available school fund.

S.B. 1347 by Harris of Dallas State Affairs
Relating to the regulation of parimutuel racing.

S.B. 1349 by Ellis Finance
Relating to the date by which a religious organization must file a late application for an exemption from ad valorem taxation.

- S.B. 1350** by Bivins Jurisprudence
Relating to district court bailiffs in Midland County.
- S.B. 1351** by Rosson Jurisprudence
Relating to the juvenile board of El Paso County and to the family district court in El Paso County.
- S.B. 1352** by Montford Administration
Relating to the construction of a memorial statue on the Capitol grounds to honor Texas pioneer women.
- S.B. 1353** by Truan International Relations, Trade, and Technology
Relating to the existing exemption under the state sales and use tax for tangible personal property exported outside of the United States; providing penalties.
- S.B. 1354** by Barrientos Intergovernmental Relations
Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment for fire fighters.
- S.B. 1355** by Barrientos State Affairs
Relating to special license plates for members of certain nonprofit organizations.
- S.B. 1356** by Barrientos State Affairs
Relating to the Texas Department of Housing and Community Affairs.
- S.B. 1357** by Ratliff Economic Development
Relating to the reimbursement of a local recording agent for expenses incurred by the agent in providing certain information to a client.

HOUSE BILLS ON FIRST READING

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

- H.B. 30** to Committee on Criminal Justice.
- H.B. 218** to Committee on Economic Development.
- H.B. 346** to Committee on Natural Resources.
- H.B. 372** to Committee on Intergovernmental Relations.
- H.B. 452** to Committee on Jurisprudence.
- H.B. 521** to Committee on Criminal Justice.
- H.B. 635** to Committee on Intergovernmental Relations.
- H.B. 740** to Committee on State Affairs.
- H.B. 791** to Committee on Jurisprudence.
- H.B. 1166** to Committee on Jurisprudence.
- H.B. 1233** to Committee on Intergovernmental Relations.
- H.B. 1275** to Committee on Criminal Justice.
- H.B. 1314** to Committee on Criminal Justice.
- H.B. 1828** to Committee on Jurisprudence.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
April 13, 1993

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

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

TO BE MEMBERS OF THE TEXAS COMMISSION OF LICENSING
AND REGULATION for terms to expire February 1, 1999:

RONALD LYNN RASPBERRY
26422 Hillside Drive
Spring, Texas 77386

Mr. Raspberry will be replacing Marjorie Arsht of Bellaire, whose term expired.

CLARA CALDWELL
7100 Bluff Springs Road #704
Austin, Texas 78744

Ms. Caldwell will be replacing Paul J. Corkery of Fort Worth, whose term expired.

TO BE MEMBERS OF THE TEXAS SURPLUS PROPERTY AGENCY
BOARD OF DIRECTORS for terms to expire March 19, 1995:

COLONEL MERVIN E. PERRY
2402 Lancaster Drive
Austin, Texas 78748

Colonel Perry will be filling the unexpired term of Trevor Rees-Jones of Dallas, who resigned.

STUART WHITLOW
6509 Hart Lane
Austin, Texas 78731

Mr. Whitlow will be filling the unexpired term of Robert Lansford of Austin, who resigned.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

SENATE RESOLUTION 321

Senator Patterson offered the following resolution:

WHEREAS, On Tuesday, April 13, 1993, Pasadena Day will be celebrated by the proud citizens of Pasadena in recognition of the centennial year of their illustrious city and its contributions to the State of Texas; and

WHEREAS, Situated along Vince's Bayou, Pasadena is today largely a residential community associated with the petrochemical and shipping industries along the Houston Ship Channel; and

WHEREAS, Pasadena is Spanish for Land of Flowers and legend tells us that the town was settled in its present site because of its blooming meadows along Vince's Bayou; and

WHEREAS, The citizens of Pasadena are to be commended for their industriousness and their gracious hospitality to those who visit this friendly town; and

WHEREAS, The community spirit in Pasadena is understandable, and the residents have made it one of the outstanding cities in the state; and

WHEREAS, The manifold contributions of the citizens of Pasadena to the State of Texas are truly worthy of legislative recognition and praise; and

WHEREAS, It is indeed a pleasure and a privilege for the Texas Senate to honor this outstanding Texas town and its fine citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere congratulations to the citizens of Pasadena, Texas, on the 100th anniversary of its founding with best wishes for a most memorable and joyous celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Pasadena as a memento of this grand event.

The resolution was previously read and adopted on Thursday, February 25, 1993.

SENATE RESOLUTION 215

Senator Zaffirini offered the following resolution:

S.R. 215, Congratulating the Texas Prefreshman Engineering Program (TexPREP) on its record of success in preparing thousands of young Texans for careers in science and engineering.

The resolution was previously read and adopted on Thursday, February 11, 1993.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate the founder of the Texas Prefreshman Engineering Program (TexPREP) of The University of Texas at San Antonio, Dr. Manuel P. Berriozabal, and representatives of the TexPREP program: Maria Antonietta Berriozabal, General Marshall, Eyra Perez, Mario Macias, Greg Cortez, Stacy Singleton, Cissy Thorpe, Juan Alaniz, Lyssa Garza, Laura Campa, and Mario Castilleja.

The Senate welcomed its guests.

(Senator Shelley in Chair)

(Senator Truan in Chair)

COMMITTEE OF THE WHOLE SENATE

The Presiding Officer laid before the Senate the previous motion by Senator Carriker for the Senate to resolve into the Committee of the Whole Senate on Redistricting, Ethics and Elections. Consideration of the motion was postponed on Monday, April 5, 1993, until Tuesday, April 13, 1993.

There was no objection.

The Senate at 11:26 a.m. resolved into the Committee of the Whole Senate on Redistricting, Ethics and Elections with Senator Carriker presiding.

IN LEGISLATIVE SESSION

The President called the Senate to order at 12:27 p.m. as In Legislative Session.

REPORT OF COMMITTEE OF THE WHOLE SENATE

Senator Carriker reported that the Committee of the Whole Senate on Redistricting, Ethics and Elections had met and had conducted business.

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Charles Mason von Henner of San Marcos as the "Doctor for the Day."

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

SENATE BILL 1130 REREFERRED

On motion of Senator Zaffirini and by unanimous consent, **S.B. 1130** was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Health and Human Services.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Haley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider **S.B. 1352** upon adjournment today.

SENATE BILL 583 RECOMMITTED

On motion of Senator Barrientos and by unanimous consent, **S.B. 583** was recommitted to the Committee on International Relations, Trade, and Technology.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Truan and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on International Relations, Trade, and Technology might consider **S.B. 583** tomorrow.

MEMORIAL RESOLUTIONS

S.R. 591 - By Truan: In memory of Gregory C. Salinas of Corpus Christi.

S.R. 592 - By Brown: In memory of Emma G. McMillan of Angleton.

S.R. 593 - By Barrientos: In memory of Robin Louise Stanley of Dallas.

S.R. 603 - By Bivins: In memory of Nancy Vann Rea of Midland.

CONGRATULATORY RESOLUTIONS

H.C.R. 82 - (Henderson): Recognizing Tyler Marie Nathan as an honorary citizen of Texas and congratulating Robert and Tambra Nathan on the birth of their daughter.

S.C.R. 71 - By Nelson, Carriker: Recognizing the City of Denton as the Redbud Capital of Texas.

S.R. 594 - By Sims: Congratulating Mr. and Mrs. Wendell Smith of Admiral on the occasion of their 50th wedding anniversary.

S.R. 595 - By Sims: Congratulating Judy Berry, who was named 1993 Teacher of the Year by the Texas Association of Literacy and Adult Education.

S.R. 596 - By Sims: Congratulating Raymond Kieffer of San Angelo on achieving the rank of Eagle Scout.

S.R. 597 - By Sims: Congratulating Paul D. Lack of Abilene, who was recently selected as a recipient of the 1992 T. R. Fehrenbach Book Award by the Texas Historical Commission.

S.R. 598 - By Sims: Congratulating Billy Stephen Trowbridge of Brownwood on achieving the rank of Eagle Scout.

S.R. 599 - By Sims: Congratulating Amy Ballard on achieving the Girl Scout Gold Award.

S.R. 600 - By Sims: Congratulating Edward T. Vail on achieving the rank of Eagle Scout.

S.R. 601 - By Sims: Congratulating Jennifer Trietsch on achieving the Girl Scout Gold Award.

S.R. 602 - By Ellis: Congratulating Mr. and Mrs. Charles Frederick Epperson on the occasion of their 50th wedding anniversary.

S.R. 604 - By Nelson: Declaring April 14, 1993, as Hood County Day in Austin.

S.R. 605 - By Sims: Commending Jeff Casey on winning four science fair awards for his invention of an "ice light" that the Texas Department of Transportation will be using next winter.

S.R. 606 - By Ratliff: Honoring the members of the 601st Tank Destroyer Battalion of the United States Army who saw action in World War II.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:31 p.m. adjourned, in memory of Dr. William David Pittman, until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 13, 1993

JURISPRUDENCE — H.B. 208, H.B. 109, H.B. 753, H.B. 887, H.B. 1031, S.B. 1328, S.B. 1015

COMMITTEE OF THE WHOLE SENATE ON REDISTRICTING, ETHICS AND ELECTION — S.R. 521

CRIMINAL JUSTICE — S.B. 324, S.B. 840, S.B. 1104 (Amended), S.B. 1168, C.S.S.B. 1284

In Memory

of

Dr. William David Pittman

Senator Turner offered the following resolution:

(Senate Resolution 549)

WHEREAS, The family and many friends of Dr. William David Pittman of Mexia mourned his death on December 22, 1992; and

WHEREAS, A native son of Texas, this distinguished gentleman was born on February 9, 1929; and

WHEREAS, A true patriot, Dr. Pittman honorably served his country in the United States Army during the Korean War; and

WHEREAS, A man of great ability and unquestioned integrity, Dr. Pittman had been named Optometrist of the Year in 1984 by the Texas Optometric Association and in 1987 by the American Optometric Association; in 1989 he was the recipient of the Texas Optometric Association's highest award, the Distinguished Service Award; and

WHEREAS, Dr. Pittman generously donated his time and talents to numerous professional organizations; he was chairman of the American Optometric Association's State Legislative Affairs Committee and a member of the Executive Committee of the American Optometric Association's Member Services Center; this renowned and respected medical man further contributed to his profession as co-chairman of the Legal and Legislative Committee of the Texas Optometric Association and vice-president and state programs chairman of the Texas Society to Prevent Blindness; in addition, he was twice selected as a governor's appointee to the Texas Optometry Board of Examiners; and

WHEREAS, An affectionate and loyal friend to his colleagues, Dr. Pittman was always there to provide support and encouragement for them; a man who was comfortable with others in any circumstances, Dr. Pittman was as relaxed sitting in Speaker Gib Lewis's office discussing legislation as he was telling jokes at deer camp; his presence will be greatly missed; and

WHEREAS, Well known as an activist in his community, Dr. Pittman faithfully addressed the needs of his fellow citizens as Mayor of Mexia, Mexia City Commissioner, president of the Mexia Rotary Club, and president of the Mexia Chamber of Commerce; and

WHEREAS, A sincere and dedicated Christian layman, Dr. Pittman was a Sunday school teacher and deacon at the First Baptist Church; and

WHEREAS, His memory will remain forever in the hearts and minds of all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend heartfelt sympathy to the members of his family: his wife, Patsy Coffman Pittman; his son and daughter-in-law,

Wesley E. and Kathy Pittman; his daughter and son-in-law, Laurie and Robert Hurst; his sister, Mary Emma Montgomery; and his grandchildren, Robert Pat, Christopher Duke, Lou Ellen Hurst, and Wesley "Duke" Pittman; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Dr. William David Pittman.

The resolution was previously read and adopted on Monday, April 5, 1993.

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.

Senator Turner was recognized and introduced to the Senate the following family members of Dr. William Pittman: his wife, Mrs. Patsy Pittman; son, Dr. Wesley E. Pittman; daughter-in-law, Kathy Pittman; grandson, Wesley "Duke" Pittman; daughter, Laurie Pittman Hurst; son-in-law, Robert Hurst; grandsons, Robert Hurst and Christopher Hurst; and granddaughter, Lou Ellen Hurst.

The Senate welcomed its guests.

Senator Turner then escorted the family members to the President's rostrum to receive an enrolled copy of S.R. 549.