

S.R. 546 - By Zaffirini: Expressing gratitude to Dr. Miguel Vazquez, Capitol Physician for the Day.

S.R. 547 - By Zaffirini: Extending congratulations to the United High School Symphonic Band of Laredo.

S.R. 548 - By Zaffirini: Extending warmest wishes to Joshua De Luna.

S.R. 551 - By Glasgow, Parmer, McFarland: Extending congratulations to Edgar Keltner.

S.R. 553 - By Glasgow: Extending congratulations to Mr. and Mrs. Russell Darnell Wilson.

S.R. 555 - By Glasgow: Extending congratulations to Stacy Calvin.

S.R. 556 - By Glasgow: Commending John and Katherine Jackson.

S.R. 558 - By Glasgow: Extending congratulations to Jim Isbell.

S.R. 560 - By Glasgow: Commending Hugh Lynch.

S.R. 561 - By Glasgow: Commending Judge Buddy Cole.

S.R. 562 - By Glasgow: Extending congratulations to Dr. David Melville.

S.R. 565 - By Glasgow, Farabee: Commending Fred McCain.

RECESS

On motion of Senator Brooks, the Senate at 12:08 p.m. took recess until 8:30 a.m. tomorrow.

FIFTY-NINTH DAY (Continued) (Tuesday, May 19, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Blake.

SENATOR ANNOUNCED PRESENT

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

MESSAGE FROM THE HOUSE

House Chamber
May 19, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

S.B. 776, Relating to a center for the support of a comprehensive database network to further the State's goal of economic diversification; authorizing appropriations. (Amended)

S.B. 244, Relating to the continuation, composition, powers, and duties of the Texas Diabetes Council and to the powers and duties of agencies represented on that council.

S.B. 341, Relating to the operations and continuation of the Board of Pardons and Paroles, to contracts with local probation offices, to the establishment of tentative parole dates for certain prisoners and to the establishment of guidelines and additional sanctions on prisoners violating terms of parole or release on mandatory supervision. (Substituted and amended)

H.B. 83, Relating to the operations and continuation of the Texas Adult Probation Commission, the continuation of the State's participation in the Uniform Act for Out-of-State Parolee Supervision, and to alternative forms of probation and probation revocation available to courts.

H.B. 550, Relating to the continuation, composition, powers, and duties of the Texas Commission for the Deaf and to the evaluation of interpreters for the deaf.

H.J.R. 46, Proposing a constitutional amendment to allow for the creation and establishment, by law, of Emergency Services Districts.

S.B. 1108, Relating to a defendant's right to be represented by counsel in certain criminal proceedings and to the duties and compensation of appointed counsel. (Amended)

S.B. 481, Relating to the repair or removal of substandard buildings in a home-rule municipality; providing a civil penalty. (Amended)

S.B. 344, Relating to a gas utility not maintaining the capacity to serve a customer who has chosen to purchase from a competitor.

S.B. 786, Relating to the power of an electric cooperative corporation to indemnify and to purchase indemnity insurance.

S.B. 339, Relating to the design, development, adoption, implementation, and administration of cafeteria plans of insurance benefits for State employees and for Texas college and university employees and defining the compensation of members of the Employees Retirement System of Texas.

S.B. 261, Relating to discharges of officers and employees of the Department of Public Safety and to political activities and campaigns.

S.B. 697, Relating to election dates for bonds and taxes for road districts.

S.B. 1248, Relating to the payment of dairy farmers by milk processors who purchase raw milk. (Amended)

H.B. 1076, Relating to various offenses involving the wearing of masks or disguises; providing penalties.

H.B. 2320, Relating to assumption of the risk by certain plaintiffs in civil actions.

H.B. 1150, Relating to duties and powers of district clerks.

H.B. 1596, Relating to the authority of the State Purchasing and General Services Commission to bill directly for services provided to other agencies.

H.B. 1622, Relating to certain restrictions on the use of polygraph examinations by the Department of Public Safety.

H.B. 1514, Relating to the types of newspapers in which municipalities, special districts, and other political subdivisions publish notice.

H.B. 913, Relating to administrative and judicial proceedings concerning suspension, revocation, cancellation, or denial of a license, permit, or privilege to operate a motor vehicle.

H.B. 2060, Relating to an official State coin.

H.B. 2079, Relating to the establishment of the Texas Academy of Mathematics and Science for advanced high school students as a division of North Texas State University.

H.B. 1762, Relating to the validity of certain settlement agreements.

H.B. 574, Relating to the waiver of a jury trial for a person charged with a capital offense and to the punishment, sentencing, and availability of parole or mandatory supervision for a person convicted of a capital offense or convicted of certain repeat felony offenses.

H.B. 2449, Relating to the continuance of a court proceeding in a court action that takes place on a religious holy day.

H.B. 2571, Relating to the designation and taxation of certain areas and property of municipal utility districts.

S.B. 488, Relating to the redesignation of County Court at Law No. 4 of Travis County as Probate Court No. 1 of Travis County. (Amended)

S.B. 489, Relating to the salaries and qualifications of certain county court at law judges in Travis County and to the creation of three additional county courts at law in that county. (Amended)

H.B. 2190, Relating to the creation of municipal courts of record in Addison.

H.B. 2530, Relating to the creation, administration, powers, duties, operation, and financing of the Wilmer Utility District.

H.B. 2543, Relating to the jurisdiction of the County Court at Law of Wise County and to the compensation of the judge of that court.

H.B. 2558, Relating to the jurisdiction of the Anderson County Court at Law.

H.B. 2565, Relating to the creation, administration, powers, duties, operation, financing and dissolution of the Harris County Improvement District No. 1 and the power of certain entities to contract with the district.

H.B. 2566, Relating to the creation, administration, powers, duties, operations, financing, authority to issue bonds and levy taxes, eminent domain authority and organization of the Roberts County Water District.

H.B. 2568, Relating to the terms of office and compensation of the commissioners of the Calhoun County Drainage District No. 11 and to the validation of certain actions of the district.

S.B. 64, Relating to masters to serve the juvenile courts of Harris County. (Amended)

S.B. 203, Relating to the regulation of the practice of dentistry.

S.B. 258, Relating to the acceptance of certain donations of money and other property by the Department of Public Safety.

S.B. 327, Relating to designation of the Texas Veterinary Medical Diagnostic Laboratory as an agency of higher education and to employees' eligibility to participate in retirement systems and personnel benefits.

- S.B. 385**, Relating to birth and death records.
- S.B. 395**, Relating to the power of certain general-law cities to annex certain portions of water or sewer districts unilaterally. (Amended)
- S.B. 455**, Relating to substitution of certain fiduciaries.
- S.B. 561**, Relating to the administration and operation of the Gulf Coast Waste Disposal Authority.
- S.B. 564**, Relating to the regulation by municipalities of certain private for-hire vehicles, however propelled, providing passenger taxicab transportation services; authorizing the regulation by municipalities of such services. (Substituted)
- S.B. 585**, Relating to the water financing programs of the Texas Water Development Board and granting authority to issue bonds or notes, to use of proceeds, and to authorized investments. (Substituted)
- S.B. 616**, Relating to the use of cigarette tax revenue for administration of the cigarette stamp program. (Substituted)
- S.B. 619**, Relating to the authority of the Texas Commission on Law Enforcement Officer Standards and Education to require annual weapons proficiency tests of peace officers, and to establish standards and procedures for testing weapons proficiency of peace officers. (Amended)
- S.B. 648**, Relating to the qualifications of the hospital administrators for the South Texas Hospital and San Antonio State Chest Hospital.
- S.B. 652**, Relating to the execution of a waiver of interest in a child.
- S.B. 658**, Relating to the designation of Laredo State University as an upper-level educational institution and to the removal of the coordinating board's authority to discontinue the institution. (Amended)
- S.B. 748**, Relating to district and county attorneys conducting a private practice of law in county or district offices.
- S.B. 791**, Relating to student center fees at Lamar University.
- S.B. 800**, Relating to the creation of a Law Enforcement Management Institute under the direction of the Commission on Law Enforcement Standards and Education.
- S.B. 826**, Relating to use of State-owned buildings for child day care.
- S.B. 827**, Relating to authorization for the Texas Employment Commission to provide information and technical assistance regarding child day care for public and private employees.
- S.B. 840**, Relating to the term of office of elected public weighers.
- S.B. 864**, Relating to the discontinuance or reduction of interest on deposits.
- S.B. 914**, Relating to the election of a county auditor by the district judges in a county with a population of 2,000,000 or more.
- S.B. 939**, Relating to the registration and regulation of all-terrain vehicles; providing criminal penalties.
- S.B. 957**, Relating to the authority of commissioners courts in certain counties to provide child-care services to benefit the employees and jurors of the counties and to set fees for the services.

S.B. 998, Relating to affidavits certifying certain convictions under the Parks and Wildlife Code and other information provided to the Texas Parks and Wildlife Department by a justice court.

S.B. 999, Relating to recovery by the State for the value of certain fish, shellfish, reptiles, amphibians, birds, or animals.

S.B. 1001, Relating to the designation of certain chemicals as volatile chemicals. (Amended)

S.B. 1062, Relating to the coordinated clinical education of medical and dental students, interns, residents, and fellows.

S.B. 1097, Relating to the contents and indexing of the Texas Administrative Code.

S.B. 1125, Relating to the County Court at Law of Victoria County. (Amended)

S.B. 1161, Relating to the regulation of pharmacists, pharmacies, and dangerous drugs.

S.B. 1183, Relating to publication of notice relating to certain real property transactions by political subdivisions.

S.B. 1249, Relating to a symbol to be attached to vehicles driven by hearing impaired persons.

S.B. 1292, Relating to exempting certain items purchased with food stamps from sales and use taxes. (Amended)

S.B. 1362, Relating to the creation of municipal courts of records in Amarillo. (Amended)

S.B. 1374, Relating to the jurisdiction of the County Court at Law of Parker County.

S.B. 595, Relating to regulation of distributors who transport donated USDA commodities under contract with a State agency. (Substituted and amended)

S.B. 618, Relating to the administration of certain property tax matters, including the times provided for filing a rendition or property report, delivering an appraisal notice, or filing a notice of protest.

S.B. 912, Relating to the regulation of vessels operating in the fishery conservation zone that land fish in this State.

S.B. 1138, Relating to technical corrections and clarifications in suits brought under Titles 1 and 2, Family Code.

S.B. 1206, Relating to a foreign trade zone adjacent to the U.S. Customs Port of Entry at El Paso.

S.B. 1216, Relating to the availability and amount of insurance required of an herbicide or pesticide applicator.

S.B. 1312, Relating to the frequency of meetings of the Texas Board of Health.

S.B. 1322, Relating to the requirements for issuance of a marriage license.

S.B. 1375, Relating to microfilm records of county clerks.

S.B. 1403, Relating to the requirement that a hospital make an itemized statement of billed services available to a patient.

H.B. 273, Relating to the revocation of a person's drivers license because the person is addicted to the use of alcohol or a controlled substance.

H.B. 530, Relating to the purchase of office supplies by counties.

H.B. 629, Relating to the establishment of a student union fee at The University of Texas at El Paso.

H.B. 874, Relating to the establishment of cemeteries within or near cities.

H.B. 1038, Relating to certain time requirements regarding claims for unemployment compensation benefits.

H.B. 1069, Relating to the exemption of State military personnel from driver's license requirements.

H.B. 1217, Relating to the certification of teachers from other states.

H.B. 1226, Relating to the creation and establishment of Emergency Services Districts.

H.B. 1269, Relating to the institutions of higher education that may offer degree programs and courses on military installations.

H.B. 1299, Relating to the minimum staffing requirements of county jails.

H.B. 1300, Relating to the suspension of drivers' licenses of persons convicted of the offense of driving while intoxicated and educational programs for those persons.

H.B. 1432, Relating to the construction of certain concrete plants.

H.B. 1561, Relating to the powers and duties of the Board of Regents, Texas State University System.

H.B. 1608, Relating to reports filed by specific purpose political committees organized in support of unopposed candidates.

H.B. 1615, Relating to the appraisal of property for purposes of property taxation.

H.B. 1616, Relating to eligibility of certain persons for coverage under certain accident and sickness insurance coverage.

H.B. 1647, Relating to the regulation of greywater.

H.B. 1688, Relating to the jurisdiction of the county courts at law in El Paso County.

H.B. 1709, Relating to the creation, organization, boundaries, purposes, powers, duties, functions, authority, and financing of the Williamson County Water, Sewer, Irrigation and Drainage District No. 1.

H.B. 1710, Relating to the creation, organization, boundaries, purposes, powers, duties, functions, authority, financing and annexation of the Williamson County Water, Sewer, Irrigation, Drainage and Road District No. 2.

H.B. 1818, Relating to prohibiting corporations or labor organizations from making contributions or expenditures in connection with a recall election.

H.B. 1837, Relating to the identification of city and county-owned vehicles and heavy equipment.

H.B. 1851, Relating to the use of voting booths.

H.B. 1852, Relating to the placement on the ballot of the names of the nominees of a political party making nominations by convention.

H.B. 1854, Relating to the processing of the results of an election in which a voting system is used.

H.B. 1855, Relating to the qualifications of central counting station personnel in elections using electronic voting systems.

H.B. 1857, Relating to the identification of persons who print ballots and other election supplies for certain elections.

H.B. 1861, Relating to the time for canvassing a special election for the legislature.

H.B. 1904, Relating to the creation of the offense of employment harmful to minors.

H.B. 1906, Relating to the prosecution of minors for certain traffic violations.

H.B. 1956, Relating to the requirements for a petition filed in connection with a candidate's application for a place on the ballot.

H.B. 1961, Relating to the regulation of certain mechanical contractors by the Texas Department of Labor and Standards; providing a penalty.

H.B. 2011, Relating to the geographical area in which a city may establish a public improvement district and in which a city may undertake a project benefiting the district.

H.B. 2045, Relating to exemptions to financial responsibility requirements for certain herbicide applicators.

H.B. 2064, Relating to the exemption from tuition and fees for peace officers enrolled in certain degree programs at an institution of higher education.

H.B. 2083, Relating to certain reporting requirements regarding the installation of manufactured homes.

H.B. 2098, Relating to the requirements governing advertising for bids by cities.

H.B. 2235, To establish a job start program to provide self-employment opportunities for rural displaced farmers, workers, and others.

H.B. 2241, Relating to certain fees paid to the Secretary of State.

H.B. 2273, Relating to regulation of distributors who transport donated USDA commodities under contract with a State agency.

H.B. 2297, Relating to amending the annual reporting date in the Tax Increment Financing Act to 90 days after the fiscal year end.

H.B. 2351, Validating all school districts, including all types of junior and regional college districts.

H.B. 2370, Relating to the disposition of the precinct convention records of a political party.

H.B. 2400, Defining light rail mass transit systems, relating to conflict of interest of authority members, authorizing regional transportation authorities in a subregion having a principle city with a population in excess of 800,000 to adopt a program to increase participation by minority business enterprises.

H.B. 2417, Relating to the delivery of a copy of each precinct list of registered voters to the county chairman after a primary election.

H.B. 2528, Relating to the creation, organization, boundaries, purposes, powers, duties, functions, authority, financing and annexation of the Williamson County Water, Sewer, Irrigation, Drainage and Road District No. 3.

H.B. 2549, Relating to the dissolution of the Poteet Community Hospital District of Atascosa County, Texas.

H.B. 2551, Relating to the jurisdiction of the county courts at law in McLennan County.

H.B. 2575, Relating to an affirmative defense to the offense of indecency with a child.

H.B. 2576, Relating to the offense of sexual assault involving sexual contact with a child.

H.B. 2584, Relating to the codification of the laws relating to certain courts, agencies, and other entities.

H.B. 2595, Relating to the abolition of the office of inspector of hides and animals in Webb County.

H.B. 1889, Authorizing cities to enter into developer participation contracts without compliance with the competitive sealed bidding procedure required in the Bond and Warrant Law of 1931.

H.B. 717, Relating to penalties for dumping refuse on or near a Texas highway.

H.C.R. 165, Creating a select joint committee to study the administration of State health and human services.

H.C.R. 183, Expressing support for the proposed Farm Credit Relief, Reform and Local Control Act of 1987.

H.C.R. 214, Honoring Dr. William Harwood Hinton.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

H.B. 268
S.B. 1530
S.B. 1496
S.B. 1514
S.B. 1532
H.B. 133
H.B. 1694
H.B. 1745
C.S.H.B. 1866
H.B. 8
S.B. 1531 (Amended)
S.B. 1533

LOCAL AND UNCONTESTED BILLS CALENDAR

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

The regular order of business having been suspended by Senate Rule 14.1(f), 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.C.R. 91 (Sims) Authorizing the Department of Highways and Public Transportation to expend certain funds to add a visitors center at McDonald Observatory. (vv)

S.B. 831 (Green) Relating to the creation of a grievance procedure for certain civil service employees in certain municipalities. (29-1) Washington "Nay" (30-0)

S.B. 1222 (Henderson) Relating to the purchase and disposition of crafted precious metals. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1320 (Green) Relating to the classification of peace officers. (29-1) Washington "Nay" (30-0)

S.B. 1425 (Leedom) Relating to the conveyance or lease of state-owned real property and improvements in Smith County. (29-1) Washington "Nay" (30-0)

S.B. 1426 (Leedom) Relating to the exchange of certain state-owned property in Collin County. (29-1) Washington "Nay" (30-0)

S.B. 1427 (Leedom) Relating to the financing of primary elections. (29-1) Washington "Nay" (30-0)

S.B. 1441 (Harris) Relating to voter registration; providing a penalty. (29-1) Washington "Nay" (30-0)

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 1441** on page 2, lines 7 and 8, by deleting subsection (b) of Sec. 13.007 and substituting the following:

"(b) An offense under this section is a Class B misdemeanor."

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

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

S.B. 1448 (Brown) Relating to the qualifications of central counting station personnel in elections using electronic voting systems. (29-1) Washington "Nay" (30-0)

S.B. 1473 (Parker) Relating to a contract for use, acquisition, or lease of school buses. (29-1) Washington "Nay" (30-0)

S.B. 1478 (Santiesteban) Relating to abolishing a transit authority. (29-1) Washington "Nay" (30-0)

C.S.H.C.R. 99 (Brooks) Recognizing the need to provide funding so that the allowable income level for Medicaid nursing home care can be raised to the allowable level. (vv)

H.C.R. 114 (Whitmire) Urging the Federal Energy Regulatory Commission to approve the Erie Pipeline Project. (vv)

H.B. 97 (Santiesteban) Relating to the eligibility of certain persons for certification as respiratory care practitioners. (29-1) Washington "Nay" (30-0)

H.B. 190 (Henderson) Relating to the right of a person to protest a property tax determination relating to property owned by the person. (29-1) Washington "Nay" (30-0)

H.B. 377 (McFarland) Relating to the filing period for applications for a place on the ballot for school and junior college district trustee candidates. (29-1) Washington "Nay" (30-0)

H.B. 457 (Henderson) Relating to the authority of a county to charge a fee when the sheriff's office responds to a false alarm. (29-1) Washington "Nay" (30-0)

H.B. 736 (Parker) Relating to exempting certain personal property from seizure for the satisfaction of debts. (29-1) Washington "Nay" (30-0)

C.S.H.B. 768 (Glasgow) Relating to the confidentiality of birth and death records maintained by the Bureau of Vital Statistics of the Texas Department of Health or by local registration officials. (29-1) Washington "Nay" (30-0)

H.B. 828 (Henderson) Relating to the operation and territory included in rural fire prevention districts. (29-1) Washington "Nay" (30-0)

C.S.H.B. 907 (Zaffirini) Relating to the County Court at Law of Webb County. (29-1) Washington "Nay" (30-0)

H.B. 938 (Armbrister) Relating to notice by the executive director of the Texas Water Commission of groundwater contamination. (29-1) Washington "Nay" (30-0)

Senator Armbrister offered the following committee amendment to the bill:

Amend **H.B. 938** by striking lines 13 through 16, page 1, and substituting the following:

give written notice of the contamination to the following persons:

- (1) the county judge and the county health officer, if any in each county in which the contamination has occurred or is occurring;
- (2) any person under the commission's jurisdiction who is suspected of contributing to the contamination; and
- (3) any other state agency with jurisdiction over any person who is suspected of contributing to the contamination.

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

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

H.B. 954 (Leedom) Relating to the application requirements for a property tax exemption for a cemetery. (29-1) Washington "Nay" (30-0)

H.B. 1030 (Sims) Relating to the due date of a royalty payment under certain leases of Permanent University Fund land. (29-1) Washington "Nay" (30-0)

H.B. 1068 (Leedom) Relating to publications issued by the legislature or legislative agencies. (29-1) Washington "Nay" (30-0)

C.S.H.B. 1104 (Parker) Relating to qualifications, powers, and duties of a justice of the peace in regard to inquests and the creation of certain offenses concerning dead bodies; providing penalties. (29-1) Washington "Nay" (30-0)

H.B. 1138 (Blake) Relating to the use of flashing or alternating lights on tow trucks. (29-1) Washington "Nay" (30-0)

H.B. 1148 (Jones) Relating to the discharge of certain waste or pollutants into or adjacent to Salado Creek, a tributary of the Lampasas River, or bodies of water flowing into Salado Creek. (29-1) Washington “Nay” (30-0)

H.B. 1630 (Parker) Relating to the authority of the Department of Public Safety to accept donations for the missing children and missing persons information clearinghouse. (29-1) Washington “Nay” (30-0)

H.B. 1636 (Blake) Relating to the amount of per diem paid to members of certain State boards and commissions. (29-1) Washington “Nay” (30-0)

H.B. 1638 (Blake) Relating to an exemption from jury service for certain State officers and employees. (29-1) Washington “Nay” (30-0)

C.S.H.B. 1847 (Brooks) Relating to maternal and infant health care. (29-1) Washington “Nay” (30-0)

H.B. 1990 (Brown) Relating to the compensation of commissioners of the Brazoria County Conservation and Reclamation District No. 3. (29-1) Washington “Nay” (30-0)

H.B. 2091 (Brooks) Relating to the investment of funds of water control and improvement districts. (29-1) Washington “Nay” (30-0)

H.B. 2136 (Johnson) Relating to restricted access by the public to rare books, original manuscripts, personal papers, and unpublished letters held by an institution of higher education for the purposes of historical research. (29-1) Washington “Nay” (30-0)

Senator Johnson offered the following committee amendment to the bill:

Amend **H.B. 2136** by amending Sec. 51.910 (b) to read as follows:

(b) Rare books, original manuscripts, personal papers, unpublished letters, and audio and video tapes held by an institution of higher education for the purposes of historical research are confidential, and the institution may restrict access by the public to those materials to protect the actual or potential value of the materials and the privacy of the donors.

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

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

H.B. 2404 (Blake) Relating to stray livestock in Newton County on Recreation Road Number 255 between State Highway Number 87 and the Jasper County boundary line. (29-1) Washington “Nay” (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

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

ADJOURNMENT

Senator Blake announced at 8:47 a.m. that the Senate would adjourn in loving memory of and deep appreciation for the life of Dr. Wilbur Cohen, distinguished former Secretary of the U.S. Department of Health, Education and Welfare, until 11:00 a.m. today in accordance with a motion previously adopted by the Senate.

SIXTIETH DAY
(Tuesday, May 19, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by Senator Brooks.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

Sister Paul O'Reilly, Vice Principal, Nolan High School, Fort Worth, offered the invocation as follows:

Father of all nations, we give You thanks for all the blessings which You have poured out on this great State and its peoples. Help us to live in unity and harmony, by becoming perfectly dutiful servants of all, generous in our giving, and strong and moral in our character. Bless this gathering here and be present as the decisions of government are made. Direct the hearts and minds of these Senators as they serve the members of this State. Bless us, Father, this day, in the name of Jesus Your Son and our Brother. Amen.

On motion of Senator Harris 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

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Zaffirini.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

C.S.S.B. 1497
C.S.H.B. 1370
C.S.H.B. 1637
H.B. 2252
H.J.R. 65
H.B. 1364
H.B. 2144
H.B. 556
H.B. 1984
H.B. 979
C.S.H.B. 1190
S.B. 1215
H.B. 557
H.B. 1823
H.B. 58
C.S.S.B. 1158

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

S.B. 681
 H.B. 1347
 H.B. 2564
 H.B. 2563
 H.B. 2555
 C.S.H.B. 2517
 H.B. 2409
 H.B. 1783
 H.B. 1746 (Amended)
 H.B. 1613
 H.B. 1328
 H.B. 792
 S.B. 1512
 S.B. 1481
 C.S.H.B. 1896

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 1408

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

H.C.R. 106
 H.B. 2183
 H.B. 2182 (Amended)
 C.S.H.B. 2181

MESSAGE FROM THE HOUSE

House Chamber
 May 19, 1987

HONORABLE W. P. HOBBY
 PRESIDENT OF THE SENATE

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

The House has concurred in Senate amendments to H.B. 423 by a non-record vote.

The House has concurred in Senate amendments to H.B. 855 by a record vote of 130 ayes, 7 noes, 2 present-not voting.

The House has concurred in Senate amendments to H.B. 514 by a record vote of 135 ayes, 0 noes, 1 present-not voting.

The House has concurred in Senate amendments to H.B. 1002 by a non-record vote.

The House has concurred in Senate amendments to H.B. 646 by a non-record vote.

The House has concurred in Senate amendments to H.B. 2220 by a non-record vote.

The House has concurred in Senate amendments to H.B. 1775 by a non-record vote.

S.B. 1422, Relating to suspension of sentences and deferral of final disposition in justice courts.

S.B. 33, Relating to the continuation, board membership, powers and duties, operation, administration, and financing of the Texas Youth Commission; support of children committed and effect of commitment; the rehabilitation of children adjudicated to have engaged in delinquent conduct; and the reduction of juvenile delinquency; authorizing appropriations. (Substituted and amended)

H.B. 2438, Relating to the allocation and use of certain local transportation sales and use tax revenues.

H.B. 614, Relating to the appointment of a parent as managing conservator.

H.B. 1488, Relating to the investment of public funds.

H.B. 647, Relating to the punishment for the operation of certain overweight vehicles.

H.B. 1303, Relating to the filing requirements for issuance of certain life, health, and accident insurance policies, contracts, certificates, and forms, and certain annuity contracts and forms.

H.B. 1955, Relating to the authority of a commissioners court in certain counties to call an election regarding the dissolution of the county civil service system.

H.B. 2143, Relating to the rights, duties, and obligations of surface owners who act as the leasing agents for certain State minerals and to the issuance of State prospecting permits for certain minerals.

H.B. 2012, Relating to the operation of the catastrophe property insurance pool.

H.B. 612, Relating to the filing periods for and the withdrawal or ineligibility of candidates in elections other than the general election for State and county officers or a primary election.

H.B. 1957, Relating to firefighters' and police officers' civil service in cities over 10,000 population.

The House has refused to concur in Senate amendments to **H.B. 81** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees: Kubiak, Chairman; Moreno, R. Cuellar, Parker and Denton.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 576

Senator Henderson offered the following resolution:

WHEREAS, The State of Texas can take great pride in Dr. Paul Ching-Wu Chu of the University of Houston; and

WHEREAS, Dr. Chu, a member of the physics faculty at the University of Houston since 1979, has achieved a revolutionary breakthrough in superconductivity research that will have a major impact on our society and the way we live; and

WHEREAS, The ultra-cold temperatures that were formerly required for superconductivity could only be reached by using liquid helium, a rare and

expensive material; Dr. Chu's momentous discovery of an alloy that becomes superconductive at much higher temperatures means that liquid nitrogen, which is common and inexpensive, can be used for cooling; and

WHEREAS, The implications of this revolutionary finding are far-reaching in nature; trains that can travel at 300 miles per hour, the transmission of electricity with no loss of power, faster and more compact computers, and extremely powerful magnets may all be possible using this new technology; and

WHEREAS, This esteemed physicist has been nominated for the prestigious Japan Prize as a result of his pioneering research and has been mentioned as a possible candidate for the Nobel Prize in physics; now, therefore, be it

RESOLVED, That the Senate of the 70th Legislature of the State of Texas hereby honor Dr. Paul Ching-Wu Chu for his dramatic advance in the field of superconductivity; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Dr. Chu as an expression of the highest regard from the Texas Senate.

The resolution was read.

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

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

GUEST PRESENTED

Senator Henderson introduced Dr. Chu to the Members of the Senate.

The Senate expressed appreciation to Dr. Chu for his achievements and welcomed him as a guest for the day.

GUEST PRESENTED

Senator Armbrister was recognized and introduced Dr. Barbara Conner of Flatonia, the Capitol Physician for the Day.

Dr. Conner was welcomed and received the appreciation of the Senate for again serving as Capitol Physician for the Day.

SENATE RESOLUTION 573

S.R. 573, In memory of Judge Leon Douglas.

GUESTS PRESENTED

Senator Farabee escorted Judge Douglas' family to the President's Rostrum: his wife, Mrs. Marybelle Douglas; daughter, Mrs. Tom (Nancy) Moore; son and daughter-in-law, David and Scarlett Douglas; and grandchildren, Amy Moore, Claire Moore, Daniel Moore, Marian Moore, Lesley Douglas, Allison Douglas and Michael Douglas.

The Presiding Officer, Senator Brooks, presented an enrolled copy of S.R. 573 to Mrs. Douglas.

MESSAGE FROM THE HOUSE

House Chamber
May 19, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

S.B. 372, Relating to purchase of supplies, materials, services, or equipment from State funds appropriated for research projects.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(President in Chair)

SENATE RESOLUTION 570

Senator Blake offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor one of its most beloved employees, Joe Helen Belle, who is retiring after almost 18 years of outstanding state service; and

WHEREAS, Employed in the Governor's Office in 1969, she began working in the Lieutenant Governor's Office on September 5, 1973, as administrative secretary; and

WHEREAS, Cheerful and pleasant, she is respected and admired by her fellow workers for her hard work and devotion to duty; and

WHEREAS, Never ruffled, she is well known for being calm in the midst of chaotic and hectic circumstances; and

WHEREAS, With the tact of a born diplomat, Mrs. Belle has contributed enormously to the smooth efficiency of the Lieutenant Governor's Office; and

WHEREAS, She leaves behind a legacy of the pursuit of excellence in all her endeavors and she will be sorely missed; and

WHEREAS, Mrs. Belle is a quiet woman but her strength of character and purpose has been readily apparent to all who know her; and

WHEREAS, A devoted wife, she has been strengthened throughout her career by the love and support of her husband, John O. Belle; and

WHEREAS, The State of Texas has benefitted enormously from the wisdom and expertise of this outstanding public servant who has conscientiously discharged her duties in an exemplary manner; and

WHEREAS, It is appropriate that the Texas Senate honor Joe Helen Belle on the momentous occasion of her retirement on May 31, 1987; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud Joe Helen Belle for her dedication and devotion to her work; and express sincere appreciation for her many years of loyal service to the people of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of highest esteem, respect, and friendship from the Texas Senate.

The resolution was read.

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

On motion of Senator Blake, the resolution was adopted viva voce vote.

GUEST PRESENTED

The President presented an enrolled copy of S.R. 570 to Mrs. Belle, expressing his appreciation for her years of service in the office of Lieutenant Governor.

SENATE RESOLUTION 567

Senator Blake offered the following resolution:

WHEREAS, The Senate of the State of Texas wishes to recognize Marie E. Black, a longtime citizen of Austin, Texas, who is retiring on May 31, 1987, after

17 years, three months, and 16 days of faithful service as Ladies Lounge Attendant for the Senate at the State Capitol; and

WHEREAS, Her infectious high spirits and warm personality have earned her the admiration and friendship of all who have known her; and

WHEREAS, The warmth, helpfulness, and cheerfulness she displays in her contacts with her fellow human beings have made her a particular favorite; and

WHEREAS, A devoted mother, her loving and attentive family are among her chief pleasures; although she has one daughter, Miriam Patrick, and two grandchildren, Chris and Shannon, "Moma Ree" has several surrogate daughters who come to her with their problems; and

WHEREAS, Other pleasures that this outstanding woman treasures are her cat, Bridget, and her flowers; clever and articulate, she has a talent for writing poetry and gives many friends happiness by writing a poem for them; and

WHEREAS, A day without seeing the twinkle in her eye and hearing the lilt in her voice is like a day without sunshine; and

WHEREAS, A deeply committed Christian, she lives her faith every day of her life; her wise counsel and good judgment will be sorely missed; and

WHEREAS, The multifarious talents of Marie Black, her dedication to her work, and the fun she brings wherever she goes are embedded in the hearts and minds of all who know her; and

WHEREAS, It is appropriate that the Texas Senate honor Mrs. Black on the momentous occasion of her retirement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud Marie E. Black for serving the people of Texas with distinction for more than 17 years; and, be it further

RESOLVED, That the Texas Senate express sincere appreciation to Marie E. Black for her many years of loyal service; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of highest esteem from the Texas Senate.

The resolution was read.

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

The resolution was adopted viva voce vote.

GUEST PRESENTED

The President presented an enrolled copy of S.R. 567 to Mrs. Black.

SENATE RESOLUTION 569

Senator Blake offered the following resolution:

WHEREAS, The Senate of the State of Texas will sorely miss Myrtle Guinn who retired September 29, 1986, after 18 years of outstanding service; and

WHEREAS, Hard working and devoted to duty, she served with great distinction as Proofreading Supervisor of the Engrossing and Enrolling Room; and

WHEREAS, A valued and esteemed employee, she worked many long, hard hours without complaint, determined to do the best job possible; and

WHEREAS, Little known outside her department, she merited praise for her excellent handling of her multiple duties; whether locating a proofreader missing in action or logging her 1,000th committee printing of the day, Myrtle never lost her cheerfulness and sense of the ridiculous; and

WHEREAS, Superb cook and baker, her offerings at E & E luncheons were always eagerly anticipated and quickly devoured; and

WHEREAS, Warm hearted and tender, she discharged her duties in a most exemplary manner; her patience and cool demeanor in the hectic waning days of a legislative session were much appreciated; and

WHEREAS, Her laughter and compassion are cherished memories in the hearts of all those who knew her and worked with her; and

WHEREAS, Sociable and outgoing, her busy weekend schedule was the envy of her younger colleagues; and

WHEREAS, A devoted wife to her husband, Woods, and loving mother to her daughters, Janice and Connie, she delighted in the accomplishments of her seven grandchildren; and

WHEREAS, It is with great regret that the Texas Senate bids farewell to Myrtle Guinn with the admonition that she never forget her many Capitol friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend Myrtle Guinn for her 18 years of exemplary and dedicated service to her state; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of highest esteem from the Texas Senate.

The resolution was read.

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

On motion of Senator Blake, the resolution was adopted viva voce vote.

GUEST PRESENTED

The President presented an enrolled copy of S.R. 569 to Mrs. Guinn.

SENATE RESOLUTION 566

Senator Blake offered the following resolution:

WHEREAS, The Senate of the State of Texas wishes to recognize Roscoe Henderson, who is retiring after almost 25 years of outstanding public service on May 31, 1987; and

WHEREAS, Beginning his service to the people of Texas on April 3, 1950, Mr. Henderson began his illustrious career working for the State Board of Insurance; after almost six years, he left state employment until December 1, 1968, when he began to work for the Texas Senate, where he is presently employed; and

WHEREAS, The warmth, helpfulness, and generosity of spirit he has displayed in his contacts with his fellow Senate employees have made him a particular favorite with all those fortunate enough to know him; and

WHEREAS, His diligence and hard work in the performance of his duties have earned him the respect and admiration of his co-workers, as well as those for whom he has worked; and

WHEREAS, A devoted family man, he has been strengthened throughout the years by the love and support of his wife, Bennie; and

WHEREAS, During the years he has served the Senate with dedication and honor, he has established a permanent place for himself in the hearts of those who lived and worked with him; and

WHEREAS, It is appropriate that the Texas Senate honor Roscoe Henderson on the momentous occasion of his retirement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud Roscoe Henderson for his years of loyal and faithful service to the people of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of sincere appreciation and friendship from the Texas Senate with best wishes for many happy retirement years.

The resolution was read.

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

On motion of Senator Blake, the resolution was adopted viva voce vote.

GUEST PRESENTED

The President presented an enrolled copy of S.R. 566 to Mr. Henderson.

SENATE RESOLUTION 568

Senator Blake offered the following resolution:

WHEREAS, Fellow Senate employees will sorely miss Billie Leach, Chief of Purchasing and Supply Services, who will retire on May 31, 1987, after more than 25 years of distinguished service with the State of Texas; and

WHEREAS, Beginning her illustrious public service career with the Railroad Commission on July 31, 1946, she also worked for the Supreme Court before joining the Senate Purchasing and Supply Department as a Purchaser I; and

WHEREAS, Her talent and ability were soon recognized and she was promoted to Chief of Purchasing and Supplies on September 1, 1980; and

WHEREAS, Noted for her sweet smile and gentle demeanor, Mrs. Leach has earned the respect and friendship of all who know her; and

WHEREAS, At all times the epitome of a lady, her graciousness helped brighten the day for all Senate employees; and

WHEREAS, Respected for her hard work and devotion to duty, she is an exemplary employee; and

WHEREAS, Her ability to inspire the loyalty and confidence of all around her enabled her to make an outstanding contribution to the smooth efficiency of Senate operations; and

WHEREAS, A devoted wife to Robert E. Leach, she is proud of the accomplishments of her lovely daughters, Charlotte Safi, Carol O'Brien, and Laurie Griffin who have gifted her with grandchildren Robert, Bryan, and Caroline Safi; Jay and Preston O'Brien; and Courtney and Chandler Griffin; and

WHEREAS, Although her many Senate friends regret the loss of her cheerful presence, one and all wish her a happy and fulfilling retirement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby express sincere appreciation to Mrs. Billie Leach for her years of loyal service to the State of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of deepest friendship, affection, and admiration from the Texas Senate.

The resolution was read.

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

On motion of Senator Blake, the resolution was adopted viva voce vote.

GUEST PRESENTED

The President presented an enrolled copy of S.R. 568 to Mrs. Leach.

BILLS AND RESOLUTIONS SIGNED

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

S.C.R. 101
 S.C.R. 121
 S.B. 190
 S.B. 349
 S.B. 370
 S.B. 478
 S.B. 617
 S.B. 748
 S.B. 789
 S.B. 1142

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
 May 19, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
 REGULAR SESSION:

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

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS TECH
 UNIVERSITY:

For a term to expire January 31, 1993:

CLAUDE CAREY HOBBS
 21 Carriage Square
 Waco, Texas 76708

Mr. Hobbs will be replacing Jean McLaughlin Kahle of Fort Worth whose term expired.

Respectfully submitted,
 /s/W. P. Clements, Jr.
 William P. Clements, Jr.
 Governor of Texas

SENATE RESOLUTIONS ON FIRST READING

On motion of Senator Farabee and by unanimous consent, the following resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 124 by Truan Administration
 Establishing the Interim Study Committee on the Regulation of Wastes with Radioactive Components.

S.C.R. 129 by Farabee Administration
 Establishing a special interim study committee to be named the Joint Special Committee on Workers' Compensation Insurance.

S.C.R. 130 by Zaffirini, Brooks Education
 Directing the State Board of Education and the Texas Commission on Alcohol and Drug Abuse to study the problem of substance abuse by public school students.

S.R. 571 by Sarpalius Administration
Establishing a special interim study committee to be named the Senate Select Committee on High-Level Nuclear Waste.

S.R. 572 by Sarpalius Administration
Establishing a special interim study committee to be named the Senate Select Committee on the Juvenile Justice System.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

- H.C.R. 165, To Committee on Administration.
- H.C.R. 183, To Committee on Natural Resources.
- H.J.R. 46, To Committee on Finance.
- H.B. 83, To Committee on Criminal Justice.
- H.B. 273, To Committee on State Affairs.
- H.B. 530, To Committee on Intergovernmental Relations.
- H.B. 550, To Committee on Health and Human Services.
- H.B. 574, To Committee on Criminal Justice.
- H.B. 612, To Committee on State Affairs.
- H.B. 614, To Committee on Jurisprudence.
- H.B. 629, To Committee on Education.
- H.B. 647, To Committee on State Affairs.
- H.B. 717, To Committee on Criminal Justice.
- H.B. 874, To Committee on Intergovernmental Relations.
- H.B. 913, To Committee on Criminal Justice.
- H.B. 1038, To Committee on State Affairs.
- H.B. 1069, To Committee on State Affairs.
- H.B. 1076, To Committee on Criminal Justice.
- H.B. 1150, To Committee on Jurisprudence.
- H.B. 1217, To Committee on Education.
- H.B. 1226, To Committee on Finance.
- H.B. 1269, To Committee on Education.
- H.B. 1299, To Committee on Criminal Justice.
- H.B. 1300, To Committee on Criminal Justice.
- H.B. 1303, To Committee on Economic Development.
- H.B. 1432, To Committee on Natural Resources.
- H.B. 1488, To Committee on Finance.
- H.B. 1514, To Committee on Intergovernmental Relations.
- H.B. 1561, To Committee on Education.
- H.B. 1596, To Committee on State Affairs.
- H.B. 1608, To Committee on State Affairs.
- H.B. 1615, To Committee on Finance.
- H.B. 1616, To Committee on Economic Development.
- H.B. 1622, To Committee on Criminal Justice.
- H.B. 1647, To Committee on Natural Resources.
- H.B. 1688, To Committee on Intergovernmental Relations.
- H.B. 1709, To Committee on Natural Resources.
- H.B. 1710, To Committee on Natural Resources.
- H.B. 1762, To Committee on Jurisprudence.
- H.B. 1818, To Committee on Education.

H.B. 1837, To Committee on State Affairs.

H.B. 1851, To Committee on State Affairs.

H.B. 1852, To Committee on State Affairs.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Services might consider H.B. 1154 at 2:00 p.m. today.

CO-AUTHOR OF SENATE BILL 425

On motion of Senator Uribe and by unanimous consent, Senator Anderson will be shown as Co-author of S.B. 425.

SENATE RULE 74a SUSPENDED

On motion of Senator Johnson and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendments to S.B. 481.

SENATE BILL 481 WITH HOUSE AMENDMENTS

Senator Johnson called S.B. 481 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Blair

Amend S.B. 481 as follows:

On page 2, line 6, after the word "with," strike "10" and substitute "2".

Floor Amendment No. 1 - Blair

Amend S.B. 481 by striking Section 1 of the bill and substituting a new Section 1 to read as follows:

SECTION 1. Article 1175, Revised Statutes, is amended by adding Subdivision 37 to read as follows:

37. (a) This subdivision applies only to a home-rule city that has a population of 700,000 or more, according to the most recent federal census, and has adopted an ordinance under Subdivision 36 of this article.

(b) In addition to the authority granted under Subdivision 36 of this article, after the expiration of the time allotted under Subdivision 36 of this article for the repair or removal of a building the city may:

(i) repair the building at the expense of the city and assess the expenses on the land on which the building stands or to which it is attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the repair expenses; or

(ii) assess a civil penalty against the property owner for failure to repair or remove the building and provide for that assessment, the mode and manner of giving notice, and the means of recovering the assessment.

(c) The city may repair a building under Paragraph (b) of this subdivision only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with one or two dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(d) The city may impose a lien against the land on which the building stands or stood to secure the payment of the repair or removal expenses or the civil penalty.

(e) The city's lien to secure the payment of a civil penalty or the costs of repairs or removal is inferior to any previously recorded bona fide mortgage lien.

attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the county clerk of the county in which the real property is located before the date the civil penalty is assessed or the repair or removal is begun by the city. The city's lien is superior to all other previously recorded judgment liens.

(f) Any civil penalty or other assessment imposed under this subdivision accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full.

(g) The city's right to the assessment lien may not be transferred to third parties.

(h) In any judicial proceeding regarding enforcement of city rights under this subdivision, the prevailing party is entitled to recover reasonable attorney's fees from the nonprevailing party.

Floor Amendment No. 2 - Russell

Amend S.B. 481 as follows:

(1) Add a new Section 3 to read as follows:

Sec. 3. A lien acquired hereunder by any city or town, including a home-rule city, for repair expenses incurred by such city or town may not be foreclosed if the property upon which such repairs were effected is the residential homestead of a person 65 years of age or older and is being occupied as such by such person.

(2) Renumber Section 3 as Section 4.

Floor Amendment No. 3 - Russell

Amend S.B. 481 on third reading by adding two sections, to be numbered appropriately, to read as follows:

SECTION ____ Section 1, Chapter 566, Acts of the 65th Legislature, Regular Session, 1977 (Article 1015n, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) Any incorporated [A] city or town, other than a home-rule city, [incorporated or operating under Chapters 1-10, Title 28, Revised Civil Statutes of Texas, 1925, as amended,] may adopt an ordinance that requires the removal, demolition, or repair of a building that is dilapidated, substandard, or unfit for human habitation[;] or is a hazard to the health, safety, and welfare of the citizens.

(b) The ordinance must:

(1) establish minimum standards for continued use and occupancy that apply to all buildings regardless of date of construction;

(2) provide for proper notice to the owner; and

(3) provide for a public hearing.

(c) Before the 40th day before the date of the hearing regarding a building, the city or town must send the owner a notice of the hearing. The notice must include in boldfaced type:

(1) a statement that the owner is required, before the 30th day before the date of the hearing, to file with the city or town a written statement of the name and address of each mortgagee, lienholder, or other person having an interest in the property; and

(2) a statement that if the owner fails to timely file the statement the city or town will not be liable to the persons having interests in the property, if those interests are not recorded in the county in which the property is located, for the destruction of those interests because of the removal or destruction of the building under the city ordinance.

(d) The city or town shall identify, from the records recorded in the office of the county clerk of the county in which the property is located, each mortgagee,

lienholder, and other person who, according to those records, has an interest in the property.

(e) The city or town must send a notice to each person identified in the owner's statement filed under Subsection (c) of this section, if the statement is timely filed, and to each person identified by the city or town under Subsection (d) of this section. The notice must be sent before the 14th day before the date of the hearing and must include in boldfaced type a statement that the city or town will not be liable to the person for the destruction of the person's interest in the property because of the removal or destruction of the building under the ordinance if before the hearing the person does not take action reasonably designed to remedy the dilapidated, substandard, uninhabitable, or hazardous condition of the building.

(f) After the [a] hearing, if the building is found to be in violation of the standards set out in the ordinance, the city or town may direct that the building be repaired, [or] removed, or demolished within a reasonable time.

(g) [(d)] After the expiration of the allotted time, the city or town may remove or demolish the building at its own expense. After the completion of the removal or demolition, the city or town must give proper notice to the owner that the owner has 30 days in which to reimburse the city or town for the removal or demolition expenses incurred by the city or town. If the owner fails to reimburse the city or town within the permitted time, on filing with the county clerk of the county in which the city or town is situated a statement by the mayor or health officer of the city or town of the expenses incurred and a legal description of the property affected, the city or town has a privileged lien on the property. The lien is second only to tax liens and liens for street improvements, except that for the purpose of determining the status of liens under a title insurance policy delivered or issued for delivery in this state, the lien shall be considered to be inferior to the mortgagee's lien or similar kinds of liens insured by the title insurance company. The lien secures the payment of the removal or demolition expenses and 10 percent interest a year on that amount from the date the 30-day period expires. The city or town may enforce the lien by instituting a suit in the name of the city or town to foreclose the lien. In the suit, the statement filed with the county clerk, or a certified copy of it, is prima facie proof of the amount expended in the removal or demolition. [If a city incurs removal expenses under this Act, it has a lien against the property to which the building was attached. The lien is extinguished if the property owner reimburses the city for the removal expenses. The lien may not be enforced by forced sale.]

SECTION ____ Subdivision 36, Article 1175, Revised Statutes, is amended to read as follows:

36. (a) A home-rule city may adopt an ordinance which requires the removal, demolition, or repair of a building that is [~~buildings which are~~] dilapidated, substandard, or unfit for human habitation and is [~~which constitute~~] a hazard to the health, safety, and welfare of the citizens.

(b) The ordinance must:

(1) establish minimum standards for continued use and occupancy ~~that [of structures, and these standards shall]~~ apply to all buildings regardless of date of construction;

(2) [~~when they were constructed. The ordinance must]~~ provide for proper notice to the owner; and

(3) provide for a public hearing.

(c) Before the 40th day before the date of the hearing regarding a building, the city must send the owner a notice of the hearing. The notice must include in boldfaced type:

(1) a statement that the owner is required, before the 30th day before the date of the hearing, to file with the city a written statement of the name and address of each mortgagee, lienholder, or other person having an interest in the property; and

(2) a statement that if the owner fails to timely file the statement the city will not be liable to the persons having interests in the property, if those interests are not recorded in the county in which the property is located, for the destruction of those interests because of the removal or destruction of the building under the city ordinance.

(d) The city shall identify, from the records recorded in the office of the county clerk of the county in which the property is located, each mortgagee, lienholder, and other person who, according to those records, has an interest in the property.

(e) The city must send a notice to each person identified in the owner's statement filed under Paragraph (c) of this subdivision, if the statement is timely filed, and to each person identified by the city under Paragraph (d) of this subdivision. The notice must be sent before the 14th day before the date of the hearing and must include in boldfaced type a statement that the city will not be liable to the person for the destruction of the person's interest in the property because of the removal or destruction of the building under the ordinance if before the hearing the person does not take action reasonably designed to remedy the dilapidated, substandard, or uninhabitable condition and the hazardous condition of the building.

(f) After the hearing, if the building is found to be in violation of the standards set out in the ordinance [substandard], the city may direct that the building be repaired, [or] removed, or demolished within a reasonable time. If the owner does not take the required action within [After the expiration of] the allotted time, the city has the power to remove or demolish the building at the expense of the city and assess the expenses on the land on which the building stood or to which it was attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the removal or demolition expenses.

(g) After the completion of the removal or demolition, the city must give proper notice to the owner that the owner has 30 days in which to reimburse the city for the expenses incurred by the city. If the owner fails to reimburse the city for the expenses within the permitted time, on filing with the county clerk of the county in which the city is situated a statement by the mayor or health officer of the city of the expenses incurred and a legal description of the property affected, the city has a lien on the property. To the extent that Subdivision 37 of this article provides for a lien for removal expenses for certain cities, that subdivision supersedes the lien provisions prescribed by this subdivision.

(h) A lien for the payment of removal or demolition expenses is a privileged lien second only to tax liens and liens for street improvements, except that for the purpose of determining the status of liens under a title insurance policy delivered or issued for delivery in this state, the lien shall be considered to be inferior to the mortgagee's lien or similar kinds of liens insured by the title insurance company.

(i) The lien secures the payment of the expenses and 10 percent interest a year on that amount from the date the 30-day period prescribed by Paragraph (g) of this subdivision expires.

(j) The city may enforce the lien by instituting a suit in the name of the city to foreclose the lien, and the city may not transfer the lien to a third party. In the suit, the statement filed under Paragraph (g) of this subdivision with the county clerk, or a certified copy of it, is prima facie proof of the amount expended in the removal or demolition.

The amendments were read.

Senator Johnson moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 481** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Johnson, Chairman; Parmer, Barrientos, Harris and Parker.

CONFERENCE COMMITTEE ON HOUSE BILL 81

Senator Farabee called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 81** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 81** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Farabee, Chairman; Edwards, Uribe, Jones and Brooks.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 95 ADOPTED

Senator Blake called from the President's table the Conference Committee Report on **S.B. 95**. (The Conference Committee Report having been filed with the Senate and read on Friday, May 15, 1987.)

On motion of Senator Blake, the Conference Committee Report was adopted viva voce vote.

SENATE RULE 74a SUSPENDED

On motion of Senator Armbrister and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendments to **S.B. 1125**.

SENATE BILL 1125 WITH HOUSE AMENDMENTS

Senator Armbrister called **S.B. 1125** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Hury

Amend **S.B. 1125** on page 1 by striking lines 14-16 and substituting the following:

"the district court in:

- (1) eminent domain cases; [~~and in~~]
- (2) civil cases when the matter in controversy exceeds \$500 and does not exceed \$50,000 [~~\$5,000~~], exclusive of interest;
- (3) appeals of final rulings and decisions of the Industrial Accident Board; and
- (4) cases and proceedings involving adoptions, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; paternity; termination of parental rights; divorce and marriage annulment.

including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support, custody of minors, and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses.”.

Floor Amendment - Hammond

Amend Committee Amendment No. 1 to S.B. 1125 on page 5, line 9 of the committee report, after “Board” and before the semicolon, by inserting the following:

“, regardless of the amount in controversy”.

The amendments were read.

Senator Armbrister moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 1125 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Armbrister, Chairman; Farabee, Brown, McFarland and Anderson.

SENATE JOINT RESOLUTION 34 ON SECOND READING

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

S.J.R. 34, Proposing a constitutional amendment giving the state a limited right to appeal in criminal cases.

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

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Parker, Santiesteban, Washington.

Absent-excused: Truan.

The resolution was read second time.

Senator Washington offered the following amendment to the resolution:

Amend S.J.R. 34 by striking Section 1 and substituting the following:

SECTION 1. Article V, Section 26, of the Texas Constitution is amended to read as follows:

Sec. 26. The State shall have no right of appeal in criminal cases, except as provided by this section. In addition to the rights of appeal provided to an accused by law and subject to the guarantees of the Bill of Rights of this constitution, both the State and the accused shall have the right, in a criminal case, to appeal as provided by law, from a pretrial ruling of the trial court as to the constitutionality

of a particular statute or from a pretrial ruling of the trial court on a motion to quash, dismiss, or set aside an indictment or a motion to suppress evidence.

The amendment was read.

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Anderson, Armbrister, Blake, Brown, Edwards, Farabee, Green, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Sarpalius, Sims, Tejada, Whitmire, Zaffirini.

Nays: Barrientos, Brooks, Caperton, Glasgow, Johnson, Lyon, Parker, Parmer, Santiesteban, Uribe, Washington.

Absent-excused: Truan.

The resolution was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 34 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 34 be placed on its third reading and final passage.

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

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Parker, Santiesteban, Washington.

Absent-excused: Truan.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

SENATE BILL 762 ON SECOND READING

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

S.B. 762, Relating to the right of the state to appeal in certain criminal cases.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Santiesteban, Washington.

Absent-excused: Truan.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 762 by adding a new Subsection (g) as follows:

(g) If the State appeals pursuant to this Article and the defendant is on bail, he shall be permitted to remain at large on the existing bail. If the defendant is in custody, he is entitled to reasonable bail, as provided by law, unless the appeal is from an order which would terminate the prosecution, in which event the defendant is entitled to release on personal bond.

The amendment was read and was adopted viva voce vote.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 762, Section 1, by adding a new subsection as follows:

(J) Nothing in this article is to interfere with the defendant's right to appeal under the procedures of Article 44.02 of this code. The defendant's right to appeal under ARTICLE 44.02 may be prosecuted by the defendant where the punishment assessed is in accordance with Section 3d(a), Article 42.12 of this Code, as well as any other punishment assessed in compliance with ARTICLE 44.02 of this code.

The amendment was read and was adopted 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.

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

RECORD OF VOTES

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

SENATE BILL 762 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 762 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Santiesteban, Washington.

Absent-excused: Truan.

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

RECORD OF VOTES

Senators Washington and Santiesteban asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following resolutions at 8:30 a.m. tomorrow:

S.C.R. 114

S.C.R. 130

MEMORIAL RESOLUTIONS

S.R. 538 - By Farabee, Montford: Memorial resolution for the Honorable George Mahon, former member of the United States Congress.

S.R. 575 - By Brooks: Memorial resolution for Jesse Carmona.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 214 - (Brown): Honoring Dr. William Harwood Hinton.

S.C.R. 125 - By Armbrister: Commending Faith Bybee.

S.C.R. 126 - By Zaffirini: Recognizing the Trees of Life Project to honor Vietnam war heroes.

S.C.R. 128 - By Jones: Extending congratulations to Felix and Martha Jay Winn McDonald.

S.R. 574 - By Leedom: Commending Gordon A. Rose.

S.R. 577 - By Glasgow: Extending welcome to the eighth grade students from Nolan High School, Fort Worth.

S.R. 578 - By Glasgow: Extending welcome to Sister Paul O'Reilly.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:27 p.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(May 19, 1987)

S.C.R. 101

S.C.R. 121

S.B. 190

S.B. 349

S.B. 370

S.B. 478

S.B. 617

S.B. 748

S.B. 789

S.B. 1142

Signed by Governor
(May 18, 1987)

S.B. 267 (Effective September 1, 1987)

S.B. 213 (Effective August 31, 1987)

H.B. 1732 (Effective immediately)

H.B. 597 (Effective immediately)

H.B. 526 (Effective January 1, 1988)

H.B. 850 (Effective August 31, 1987)

S.C.R. 118

S.C.R. 23

S.C.R. 57

Filed Without Signature of Governor
(May 19, 1987)

S.C.R. 121

**In Memory
of
The Honorable Leon Douglas**

Senator Farabee offered the following resolution:

(Senate Resolution 573)

WHEREAS, With the death of the Honorable Leon Douglas on November 27, 1986, the State of Texas lost an illustrious public servant and preeminent jurist who exemplified honor, integrity, and compassion throughout his distinguished career; and

WHEREAS, A native Texan, Judge Douglas was born in Chillicothe on February 29, 1916; a 1934 graduate of Chillicothe High School, he attended The University of Texas before receiving his law degree in 1941; and

WHEREAS, Imbued with a deeply ingrained love of country, he gallantly and courageously served with the United States Navy during World War II; and

WHEREAS, After briefly practicing law with the firm of Warlick, Bunnenberg & Douglas and the firm of Douglas & Hightower, his outstanding public service career that would span more than three decades began as a Vernon city judge; elected district attorney of the 46th District in 1951, he loyally and capably represented the interests of the citizens of Foard, Hardeman, and Wilbarger counties; and

WHEREAS, Appointed State Prosecuting Attorney before the Texas Court of Criminal Appeals in 1955, he ably represented the State of Texas in thousands of cases on appeal before that court, and in cases in the federal courts, including the United States Supreme Court; and

WHEREAS, Elected to the Texas Court of Criminal Appeals in 1968, he firmly upheld the principles of the American judicial system; possessing a broad and thorough knowledge of the criminal law, his decisions reflected a regard for the rights of both the State and the accused to receive a fair trial; and

WHEREAS, Appointed special assistant to Attorney General Mark White in 1980 and later named special assistant in the Governor's criminal justice division, Judge Douglas conscientiously discharged his duties in an exemplary manner; and

WHEREAS, Dedicated to his profession and determined to uphold its high standards, he donated his time and talents to the State Bar Association; former Vice-Chairman of the Criminal Law Section, his wisdom and expertise also benefitted the Judicial Section and the Appellate Judges Section; and

WHEREAS, Recipient of the 17th Annual Rosewood Gavel Award from St. Mary's University School of Law for his exceptional contributions to the legal system of Texas, he was also named an Honorary Life member of the Texas District and County Attorneys Association; and

WHEREAS, A sincere and dedicated Christian layman, he lived his Christian beliefs every day of his life in thought, word, and action; he was an active member of University United Methodist Church and the Hickman Men's Fellowship Class; and

WHEREAS, A devoted husband, father, and grandfather, he leaves behind a cherished legacy of love and commitment to his fellowman; and

WHEREAS, The life of service of this distinguished jurist and legal scholar will remain forever cherished in the annals of Texas history; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby honor the memory of Judge Leon Douglas and extend heartfelt condolences to the members of his family on their profound loss: his wife, Marybelle Grace Douglas; his daughter, Nancy Moore; his son, David M. Douglas; his sister, Marie Bell; his brothers, J. L. Oswalt and R. E. Douglas; and his grandchildren, Amy Moore, Claire Moore, Daniel Moore, Marian Moore, Lesley Douglas, Allison Douglas, and Michael Douglas; and, be it further

RESOLVED, That copies 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 the Honorable Leon Douglas.

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 Farabee and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.