

# SIXTY-FIRST DAY

(CONTINUED)

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MONDAY, MAY 3, 1999

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## **PROCEEDINGS**

### **AFTER RECESS**

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

### **SENATOR ANNOUNCED PRESENT**

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

### **SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Friday, April 30, 1999.

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

**HB 165** (Bivins) Relating to peace officers from adjoining states enforcing the law in a bordering municipality in this state. (30-0) (30-0)

**CSHB 431** (Madla) Relating to the determination of the amount of proof of financial responsibility for the application of certain pesticides. (30-0) (30-0)

**HB 960** (Duncan) Relating to regulation of the Sam Wahl Recreation Area at Lake Alan Henry. (30-0) (30-0)

**CSHB 963** (Duncan) Relating to the protection of playa lakes by certain home-rule municipalities. (30-0) (30-0)

**HB 1177** (Duncan) Relating to permissible uses of courthouse security fund and municipal court building security fund. (30-0) (30-0)

**CSHB 1189** (Madla) Relating to the petition for creation of a civic center authority. (30-0) (30-0)

**HB 1314** (Ellis) Relating to authorizing The University of Texas M. D. Anderson Cancer Center to offer certain professional degree programs. (30-0) (30-0)

**HB 1433** (Lucio) Relating to expanding the TexShare library consortium. (30-0) (30-0)

**CSHB 1488** (Lucio) Relating to the student union building fee at The University of Texas at Brownsville and to student union fees at public junior colleges. (30-0) (30-0)

**HB 1889** (Sibley) Relating to the dissolution of the Ranger Hospital District of Eastland County, Texas. (30-0) (30-0)

**HB 2450** (Jackson) Relating to the discipline of certain individuals authorized to sell certain alcoholic beverages. (30-0) (30-0)

**CSSB 169** (Armbrister) Relating to the listing of a business location of certain businesses in a telephone directory or database. (30-0) (30-0)

**(Senator Madla in Chair)**

**CSSB 207** (Moncrief) Relating to protecting against family violence in family law cases and in certain other cases involving alternative dispute resolution procedures. (30-0) (30-0)

**CSSB 288** (Carona) Relating to the definition under certain health benefit plans of treatment for craniofacial abnormalities of a child. (30-0) (30-0)

**CSSB 376** (Nelson) Relating to the statutory courts of Denton County. (30-0) (30-0)

**CSSB 502** (Shapleigh) Relating to the use of the term "college" by certain educational institutions. (30-0) (30-0)

**CSSB 510** (Shapleigh) Relating to notification to students of the law that grants automatic college admission to certain students. (30-0) (30-0)

**SB 534** (Ratliff) Relating to requiring citizenship as a prerequisite to obtaining a license from the Commission on Law Enforcement Officer Standards and Education. (30-0) (30-0)

**SB 621** (Gallegos) Relating to conditions of employment for peace officers employed by certain transportation authorities. (30-0) (30-0)

**CSSB 623** (Lucio) Relating to certain requirements applicable to the construction of affordable housing. (30-0) (30-0)

**CSSB 685** (Brown) Relating to the delivery of protective orders to certain affected persons. (30-0) (30-0)

**SB 748** (Shapleigh) Relating to home ownership counseling for displaced workers. (30-0) (30-0)

**SB 804** (Ellis) Relating to developing a standard format for protective orders. (30-0) (30-0)

**SB 824** (Gallegos) Relating to the powers of a municipality in relation to tax increment investment financing. (30-0) (30-0)

**SB 828** (Shapleigh) Relating to supplemental environmental projects undertaken in lieu of certain penalties. (30-0) (30-0)

**SB 833** (Cain) Relating to the authority of certain counties to regulate public nuisances. (30-0) (30-0)

**CSSB 868** (Cain) Relating to the treatment of the limitation on increases in the appraised value of a residence homestead in the determination of school district property values by the comptroller of public accounts. (30-0) (30-0)

**CSSB 869** (Cain) Relating to the treatment of property appraised by more than one appraisal district in the determination of school district property values by the comptroller of public accounts. (30-0) (30-0)

**HB 2110** (Jackson) Considered in lieu of **SB 880**.

Relating to the provision of insurance coverage for county officers and employees. (30-0) (30-0)

In accordance with Senate Rule 7.14, **SB 880** (Jackson) was laid on the President's table subject to call.

**CSSB 893** (Lucio) Relating to the components and facilities of the regional academic health center of The University of Texas System in the Lower Rio Grande Valley region. (30-0) (30-0)

**CSSB 911** (Shapleigh) Relating to sanctions imposed on low-performing public school campuses. (30-0) (30-0)

**SB 935** (Lucio) Relating to the purposes for which certain municipalities may use revenue from the municipal hotel occupancy tax. (30-0) (30-0)

**SB 962** (Barrientos) Relating to the elements of and punishment for the offense of stalking. (30-0) (30-0)

Senator Barrientos offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 962** as follows:

On page 1, line 3, delete the word "stalking" and insert in its place "harassment"

On page 2, line 7, between the words "(7)" and "sends" insert the word "knowingly"

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

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

**CSSB 1079** (Shapleigh) Relating to the duties of the office of the attorney general with regard to the public information law. (30-0) (30-0)

**SB 1086** (Lindsay) Relating to allowing the creation of a new class of pharmacy. (30-0) (30-0)

Senator Lindsay offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1086** as follows:

(1) On page 2, delete lines 15 through 18 and insert "(6) for any class of pharmacy established by the board under this section, the board by rule shall require the continuous on-site supervision of a pharmacist during the time it is open for pharmacy services"; and

(2) Insert a new subsection (i) on page 2, between lines 26 and 27, to read as follows: "(i) nothing in this act shall require any pharmacy to obtain an additional class of license for services the pharmacy is currently providing."

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

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

**SB 1118** (Armbrister) Relating to the date by which the governing body of a taxing unit must adopt an ad valorem tax rate for that taxing unit. (30-0) (30-0)

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1118** to read as follows:

SECTION 1. Sections 26.05(a), page 1, line 8 after the word "before" strike: "the 31st day after the date the chief appraiser certifies the appraisal role to the taxing unit"

and add:

"September 1 or within 60 days after the certified appraisal role is received by the taxing unit"

The committee amendment was read and was adopted by a 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.

**SB 1210** (Cain) Relating to the limitation of school district ad valorem taxes on the residence homestead of an elderly person. (30-0) (30-0)

**SB 1268** (Ellis) Relating to the notice requirements for violations of certain health and safety statutes and ordinances. (30-0) (30-0)

**CSSB 1301** (Brown) Relating to water conservation measures required in a county during a declared drought disaster. (30-0) (30-0)

**CSSB 1330** (Shapiro) Relating to limiting the assignment of a student to a particular class under certain circumstances. (30-0) (30-0)

**SB 1358** (Barrientos) Relating to the issuance of special license plates for emergency medical services personnel. (30-0) (30-0)

**SB 1394** (Brown) Relating to the possessory conservator's access to a child on the telephone. (30-0) (30-0)

Senator Brown offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1394** on page 1, line 7 strike the word "the" and replace with "a joint managing conservator or"

On line 9, strike the word "possessory."

On line 18, strike the word "unless" and replace with "In addition to the access provided for in subsection (a), unless"

On line 18, after the word conservator add "providing for the primary residence for the child"

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

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

**CSSB 1428** (Duncan) Relating to the legal description of land in the Lubbock Reese Redevelopment Authority. (30-0) (30-0)

**SB 1563** (Armbrister) Relating to establishing customer service standards and performance measures for state agencies. (30-0) (30-0)

**(Senator Harris in Chair)**

**CSSB 1586** (Zaffirini) Relating to the establishment of a program in which vouchers are used for payment of certain services provided to persons with disabilities. (30-0) (30-0)

**CSSB 1718** (Ellis) Relating to alternative dispute resolution systems established by counties. (30-0) (30-0)

**CSSB 1719** (Ellis) Relating to the salary of a retired or former judge or justice assigned to a district court. (30-0) (30-0)

**SB 1726** (Ellis) Relating to the filing of certain judicial office campaign treasurer appointments and campaign finance reports. (30-0) (30-0)

**SB 1745** (Jackson) Relating to garnishment of an account. (30-0) (30-0)

Senator Jackson offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1745**, as introduced, by adding the following language to line 9. Between the words "account" and "together" insert "on the date of service."

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

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

**SB 1747** (Jackson) Relating to the funding of the Seaborne Conservation Corps or a similar program at Texas A&M University at Galveston. (30-0) (30-0)

**CSSB 1770** (Shapiro) Relating to the powers, administration, financing, and validation of certain actions of the Dallas County Utility and Reclamation District. (30-0) (30-0)

**CSSB 1771** (Shapiro) Relating to Dallas County Utility and Reclamation District tax abatement agreements. (30-0) (30-0)

**CSSB 1841** (Ratliff) Relating to the abolition of the Texas eminent scholars program. (30-0) (30-0)

**CSSB 1842** (Cain) Relating to the regulation of pari-mutuel racing. (30-0) (30-0)

**SB 1853** (Bivins) Relating to reports on the degree, certificate, or other enrollment status of public junior college students. (30-0) (30-0)

**CSSB 1866** (Lindsay) Relating to the creation of the Harris County Municipal Management District No. 1; providing authority to impose a tax and issue bonds. (30-0) (30-0)

Senate bills authored by Senator Wentworth will be read on three several days. They will be laid before the Senate, read second time, amended where applicable, and passed to engrossment. At the next Local and Uncontested Calendar Session they will be read third time and passed. The vote on passage to engrossment or final passage is indicated after each caption.

**SB 1278** (Wentworth) Relating to the use of leave by a state employee who is a reserve peace officer to attend peace officer training. (final passage 30-0)

**SB 1796** (Wentworth) Relating to an exception to distribution of publications by state agencies. (final passage 30-0)

**SB 1277** (Wentworth) Relating to the uses of impact fees charged by municipal utility districts. (engrossment viva voce vote)

### MESSAGE FROM THE HOUSE

#### HOUSE CHAMBER

Austin, Texas

May 3, 1999

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

#### THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 82**, Relating to the method by which a county reconstitutes the jury wheel and to the selection and service of jurors in certain counties.

**HB 548**, Relating to unauthorized charges on a bill for telecommunications services.

**HB 1051**, Relating to the regulation of the practice of therapeutic optometry.

**HB 1368**, Relating to the site of the Emancipation Juneteenth memorial monument.

**HB 1475**, Relating to management and investment of trust assets.

**HB 1655**, Relating to the rate and allocation of the hotel occupancy tax in certain municipalities.

**HB 1697**, Relating to eligibility and benefits under public retirement systems for employees of certain municipalities.

**HB 1733**, Relating to a continuing advisory panel to provide policy guidance concerning special education and related services.

**HB 1752**, Relating to the compensation of certain private investigators and witnesses who are retained by appointed counsel.

**HB 1797**, Relating to the transportation of certain individuals who may have a mental illness and are admitted to a county mental health facility for emergency detention.

**HB 1854**, Relating to indigent care provided by the Harris County Hospital District.

**HB 1861**, Relating to increasing private investments in transportation infrastructure in the border region.

**HB 1907**, Relating to the limited law enforcement authority of certain agents or officers of the government of the United States.

**HB 1924**, Relating to health insurance provided through the Texas Health Insurance Risk Pool.

**HB 2013**, Relating to the regulation of bottled or vended water.

**HB 2034**, Relating to the authority of certain counties to delegate traffic regulation functions.

**HB 2220**, Relating to refunds of overpayments or erroneous payments of ad valorem taxes.

**HB 2265**, Relating to the Harris County Road Law; providing a civil penalty.

**HB 2359**, Relating to the investment capital fund administered by the Texas Education Agency.

**HB 2538**, Relating to compulsory inspection of certain vehicles to be registered and titled outside this state.

**HB 2594**, Relating to the collection of child support payments made after termination of the child support order.

**HB 2711**, Relating to restrictions on the deposit and investment of funds of a domestic insurance company.

**HB 2800**, Relating to requiring a financial institution to maintain certain information from a business account holder.

**HB 2835**, Relating to information that certain state agencies must post on the Internet.

**HB 2856**, Relating to the quantity of alcoholic beverages which may be sold by package store and wine only package store permittees in a single transaction.

**HB 2891**, Relating to the creation of the Aldine Community Improvement District; authorizing the issuance of bonds and the imposition of taxes.

**HB 2969**, Relating to small and large employer health plan certification, discontinuance, and dependent participation requirements.

**HB 3020**, Relating to the withdrawal from operations by a health maintenance organization.

**HB 3034**, Relating to property tax abatement agreements.

**HB 3081**, Relating to the seizure of a work of fine art.

**HB 3083**, Relating to medical services ordered by physicians in certain other states for residents of this state.

**HB 3093**, Relating to general standing to file a suit affecting the parent-child relationship.

**HB 3161**, Relating to disposition of public property in a readjustment zone.

**HB 3185**, Relating to the assistance a county may provide another governmental entity for a construction project.

**HB 3197**, Relating to the appraisal and ad valorem taxation of retail manufactured housing inventory.

**HB 3207**, Relating to the requirement for insurance coverage for district clerks.

**HB 3211**, Relating to state fiscal matters, including the printing and cancellation of certain warrants, consulting services, payroll deductions for savings bond purchases, advance payments, the collection of debts to the state, the collection of delinquent taxes, and the methods used by state agencies to make and receive payments.

**HB 3263**, Relating to the election of the governing board of certain junior college districts.

**HB 3333**, Relating to certain duties of local workforce development boards in connection with the provision of child care.

**HB 3463**, Relating to the dissolution of the Cedar Creek Hospital District.

**HB 3477**, Relating to the qualification of a foreign personal representative of an estate involved in a wrongful death or survival action.

**HB 3481**, Relating to the board of directors and the validation of certain acts of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

**HB 3499**, Relating to associate judges appointed by the district courts of Bexar County.

**HB 3531**, Relating to membership and credit in and benefits and administration of retirement systems for officers and employees of certain municipalities.

**HB 3543**, Relating to competitive bidding by certain mass transit authorities.

**HB 3779**, Relating to the powers and duties of the district attorney for the 105th Judicial District.

**HB 3780**, Relating to the creation of a county court at law in Nueces County and to the probate jurisdiction of the county courts at law in Nueces County.

**HB 3807**, Relating to the creation of a statutory county court in Matagorda County.

**HB 3822**, Relating to the creation of the County Court at Law of Bowie County.

**HCR 159**, Commending the Atlanta Independent School District on the occasion of its 125th anniversary.

**HCR 191**, Honoring Carter Metropolitan CME Church's "Men of Quality."

**HCR 203**, Congratulating Kimberly Dennis on being named an Outstanding Teacher.

**HCR 209**, Congratulating Denise O'Dell on being named an Outstanding Teacher.

**HCR 210**, Congratulating Donna Driver on being named an Outstanding Teacher.



**HCR 211**, Congratulating LaTreace Bailey on being named an Outstanding Teacher.

**HCR 212**, Congratulating Deborah Allen-White on being named an Outstanding Teacher.

**HCR 213**, Congratulating Ann Elwood on being named an Outstanding Teacher.

**HCR 214**, Congratulating Wesley Dismuke on being named an Outstanding Teacher.

**HCR 215**, Congratulating Patrick Oliver on being named an Outstanding Teacher.

**HCR 216**, Congratulating Gloria Horton on being named an Outstanding Teacher.

**HCR 217**, Congratulating Sarah Weeks on being named an Outstanding Teacher.

**HCR 218**, Congratulating Glory Griggs on being named an Outstanding Teacher.

**HCR 219**, Congratulating Virginia Nichols on being named an Outstanding Teacher.

**HCR 220**, Congratulating Birdie White on being named an Outstanding Teacher.

**HCR 221**, Congratulating Nikitra K. Hamilton on being named an Outstanding Teacher.

**HCR 222**, Congratulating Joye Franklin on being named an Outstanding Teacher.

**HCR 223**, Congratulating Gwendolyn Davis on being named an Outstanding Teacher.

**HCR 224**, Congratulating Patrick Oliver on being named an Outstanding Teacher.

**HCR 225**, Congratulating Jacqueline Whitfield on being named an Outstanding Teacher.

**HCR 226**, Congratulating Howardine Smith on being named an Outstanding Teacher.

**HCR 227**, Congratulating Mae Pearl Johnson on being named an Outstanding Teacher.

**HCR 228**, Congratulating Phyllis McAnally on being named an Outstanding Teacher.

**HCR 235**, In memory of Jose E. Morales of Midland.

**HCR 236**, In memory of Dr. Jim Richerson.

**HCR 237**, Honoring Larry Henderson for his 37 years of service to the National Park Service.

**HCR 241**, Honoring the prisoners of war currently being held in Yugoslavia.

**HCR 245**, Celebrating the birth of Jacob Jeffrey Gonzalez on September 15, 1998.

**HCR 253**, Commemorating the grand opening of the Child and Adolescent Wellness Center in El Paso.

**HCR 255**, Designating May 17-22, 1999, as United Kingdom Trade Mission to Clear Lake Week in Texas.

**SB 254**, Relating to the authority of the director of the Texas Department of Public Safety to permit the use of triplicate or single prescription forms under the Texas Controlled Substances Act.

(Committee Substitute)

**SB 401**, Relating to the requirements for the registration of certain motor vehicles in certain counties.

**SB 445**, Relating to a child health plan for certain low-income children.

(Committee Substitute/Amended)

**SB 448**, Relating to the boll weevil eradication program.

(Committee Substitute)

**SB 494**, Relating to preserving the history and heritage of the state by establishing the Bob Bullock Texas State History Museum and by prescribing certain operations, powers, and duties of the State Preservation Board.

(Amended)

**SB 598**, Relating to actions regarding certain computer date failures.

(Amended)

**SB 691**, Relating to the financing and administration of a program for public library development.

(Amended)

**SB 801**, Relating to electronic access to certain state agency information.

(Committee Substitute)

**SB 1252**, Relating to broadcasting public meetings over the Internet.

**SB 1545**, Relating to burials in the State Cemetery.

**SB 1585**, Relating to the use of competitive bidding for certain functions and components of the Medicaid vendor drug program.

**SB 1594**, Relating to assistance to small businesses regulated by the Texas Natural Resource Conservation Commission through its regulatory flexibility programs.

**SB 1746**, Relating to the creation and administration of the Texas Environmental Education Partnership Fund and the Texas Environmental Education Partnership trust fund.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator West, author of the bill, requested in writing that **SB 1575** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

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

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 11:24 a.m. adjourned until 1:30 p.m. today.