

SEVENTEENTH DAY

THURSDAY, FEBRUARY 8, 2001

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini, Mr. President.

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

The Reverend Dick Marcear, Westside Church of Christ, Amarillo, offered the invocation as follows:

Lord, unto Thee, our creator and sustainer, we bring this prayer. We thank You for loving us in spite of our sinfulness and giving us good things even when we are undeserving. Today, we ask Your spirit to rest upon this gathering of Texas lawmakers. We ask special wisdom to fill the hearts of our Governor, Lieutenant Governor, and the Texas Senate. May their judgment reflect Your influence in their hearts. We pray that the welfare of the state will be more important to them than personal gain. Lord, we ask for a conciliatory spirit to prevail in today's meetings. And in all things may You be glorified in what is said and done here today. In Your name. Amen.

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

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Duncan and by unanimous consent, Senators Barrientos, Bernsen, Haywood, Lucio, and Nelson will be shown as Co-authors of **SB 3**.

CO-AUTHORS OF SENATE BILL 328

On motion of Senator Jackson and by unanimous consent, Senators Lucio and West will be shown as Co-authors of **SB 328**.

CO-AUTHOR OF SENATE BILL 573

On motion of Senator Bivins and by unanimous consent, Senator Truan will be shown as Co-author of **SB 573**.

SENATE BILLS ON FIRST READING

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

SB 6 by Shapiro, Cain, Van de Putte, Shapleigh, Ellis, Haywood, Moncrief, Nelson, Wentworth, West

Relating to the fair conduct of elections and election campaigns; providing penalties.
To Committee on State Affairs.

SB 301 by Zaffirini

Relating to the continuation of the Office for the Prevention of Developmental Disabilities.

To Committee on Health and Human Services.

SB 302 by Zaffirini

Relating to the continuation of the State Pension Review Board, to functions performed by the board, and to the funding of the board.

To Committee on State Affairs.

SB 567 by Carona

Relating to certain agreements under a retail installment contract for the purchase of a motor vehicle.

To Committee on Business and Commerce.

SB 568 by Shapleigh

Relating to the authority of certain municipalities to create an industrial development district.

To Committee on Intergovernmental Relations.

SB 569 by Cain, Moncrief

Relating to the allocation of increased revenues between certain municipalities jointly involved in operating an airport.

To Committee on Intergovernmental Relations.

SB 570 by Cain

Relating to the powers of certain transportation authorities and to the exercise of those powers.

To Committee on Intergovernmental Relations.

SB 571 by Lucio, Bernsen

Relating to the "Go Texan" partner program and other programs and measures to promote Texas agriculture and agricultural products.

To Committee on Natural Resources.

SB 572 by Moncrief, Bernsen, West, Zaffirini, Barrientos, Lindsay, Lucio, Nelson, Van de Putte, Madla, Truan

Relating to the reduction of the shortage of registered nurses by establishing a program to increase enrollments in nursing education programs, increasing nursing faculty, and creating a nursing workforce data center.

To Committee on Health and Human Services.

SB 573 by Bivins, Truan, Zaffirini, West

Relating to a public awareness campaign to promote the value and availability of higher education.

To Committee on Education.

SB 574 by Barrientos

Relating to the amount of tuition that a public junior college may set aside for Texas Public Education Grants.

To Committee on Education.

SB 575 by Staples

Relating to applicability of the Texas Youth Camp Safety and Health Act to a private or independent institution of higher education.

To Committee on Education.

SB 576 by West, Armbrister, Barrientos, Bernsen, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Staples, Truan, Van de Putte, Wentworth, Whitmire, Zaffirini
Relating to the University of North Texas System and the component institutions of that system.

To Committee on Education.

SB 577 by Bivins, Ogden, West

Relating to graduated driver licensing.

To Committee on Criminal Justice.

SB 578 by Madla

Relating to the provision of emergency communication services.

To Committee on State Affairs.

SB 579 by Van de Putte

Relating to procedures and standards for providing health care services in public schools.

To Committee on Education.

SB 580 by Van de Putte

Relating to local school health education advisory councils and to health education instruction in public schools.

To Committee on Education.

SB 581 by Duncan

Relating to document preparation costs in connection with mental health proceedings.

To Committee on Intergovernmental Relations.

SB 582 by Duncan, Ellis

Relating to the discovery of certain information in criminal cases and the manner in which defendants receive that information.

To Committee on Criminal Justice.

SB 583 by Duncan

Relating to liens for certain services provided by physicians.

To Committee on Health and Human Services.

SB 584 by Carona

Relating to the regulation of the practice of professional land surveying.
To Committee on Business and Commerce.

SB 585 by Carona

Relating to exemption of certain persons from the license requirements imposed under the Mortgage Broker License Act.
To Committee on Business and Commerce.

SB 586 by Ogden

Relating to the creation of the Center for Transportation Safety as part of the Texas Transportation Institute.
To Committee on State Affairs.

SB 587 by Duncan

Relating to the analysis of, and certain measures that address, the staffing needs of state agencies.
To Committee on State Affairs.

SB 588 by Lindsay

Relating to the functions of a municipal or county cultural education facilities finance corporation.
To Committee on Intergovernmental Relations.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 8, 2001

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-SEVENTH TEXAS LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Rick Perry, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the Seventy-Seventh Texas Legislature, now convened:

The subject as contained in **SB 3** relating to establishing procedures for the preservation of evidence containing DNA and post-conviction DNA testing.

Respectfully submitted,
/s/Rick Perry
Governor

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

SCR 11, HCR 43, HCR 48, HCR 49, HCR 91, HCR 97, HCR 107.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation from Leadership Keller.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 8, 2001

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 93, Extending to Governor Patricio Martinez Garcia of Chihuahua, Mexico, best wishes for a speedy recovery.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Van de Putte was recognized and presented Dr. Stephen Nowicki of San Antonio as the Physician of the Day.

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

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate the 2000 University Interscholastic League Class 2A state championship volleyball team, the Lady Cougars of Leon High School in Jewett, their coaches, and their principal: Lindsey Thomas, Lindsey Jones, Faith Payne, Courtney Foley, Melanie Howard, Jessica Watson, Jordan Helmcamp, Nikki Robinson, Lauri Engleman, Lauren Jones, Christine Neyland, Ashley Donahue, Stacie Irwin, Brandy Hickman, Shay Coe, Lisa White; coaches Billy Evans, Teresa Sitton, Malynda Watson, and Mia Lowry; and Principal Wayne Lincecum.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate eleventh- and twelfth-grade students from New Braunfels Christian Academy, accompanied by their sponsor and parents.

The Senate welcomed its guests.

SENATE RESOLUTION 189

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the City of Edinburg, which has been named a 2000 winner of the All-America City award, the oldest and most prestigious prize accorded communities in the United States; and

WHEREAS, Located in one of the fastest-growing areas in the country, Edinburg is the seat of Hidalgo County and has a burgeoning economy; twice before, this charming town has won the designation of All-America City; and

WHEREAS, Among the city's progressive efforts are the Beautification Matching Loan Program, founded to assist in revitalizing downtown and east Edinburg, the South Texas Youth Initiative, in which workshops and community service groups are used to teach elementary and secondary students leadership skills, and a collaboration with Hagggar Clothing Company that generated more than 1,300 jobs; and

WHEREAS, An excellent place in which to live, work, and raise a family, the City of Edinburg has shown itself to be a community where concerned citizens can come together to accomplish many different goals; and

WHEREAS, Edinburg has been the winner of two previous All-America City awards; and

WHEREAS, Communities receiving the award have benefitted by increased tourism, civic pride, and economic development; certainly the City of Edinburg is especially worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend and applaud the City of Edinburg for its success in achieving All-America City designation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the city as an expression of highest regard from the Texas Senate.

The resolution was read.

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

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation of citizens from the City of Edinburg.

The Senate welcomed its guests.

SENATE RESOLUTION 210

Senator Sibley offered the following resolution:

WHEREAS, On February 8, 2001, many proud residents from West will gather in Austin to celebrate West Day at the State Capitol; and

WHEREAS, Established in 1881, this charming town in McLennan County was named for prominent businessman, landowner, and postmaster Thomas West; originally a farming community, West has grown through the years and now has a diverse economy that includes varied manufacturing; and

WHEREAS, Many citizens of West are of Czechoslovakian descent, and the city recognizes this part of its unique heritage with an annual Westfest celebration that

draws visitors from across the Lone Star State and features music, arts and crafts, and traditional foods, such as sausage, homemade dumplings, apple strudel, and luscious fruit and meat kolaches; in addition, the city earned the notable honors of being designated as the Czech Heritage Capital of the State of Texas and home of the official kolache by the 75th Legislature of the State of Texas; and

WHEREAS, This thriving small Texas town is also home to more than 90 businesses, a hospital, a library, and the Katy Depot Museum; residents and visitors can keep up with all the news and events in West and the rest of the state in the *West News*, a weekly newspaper that was established in 1889 and holds the distinction of being the oldest business in the city; and

WHEREAS, Located a scant 80 miles south of Dallas, West provides its citizens with a splendid combination of small-town virtues and access to big-city life; and

WHEREAS, Today, West has a population of more than 2,800 people and remains one of the Lone Star State's great assets; it is an outstanding place in which to live, work, and raise a family, and it is most appropriate to pay tribute to it at this time; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature hereby recognize February 8, 2001, as West Day at the State Capitol and extend to its citizens sincere best wishes for future success and happiness.

The resolution was read.

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

On motion of Senator Sibley, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a delegation of citizens from the City of West, accompanied by Mayor Russell Willsey, Rachel Kostecka, Rachel Franke, Chad Neckar, and Chris Kubacak.

The Senate welcomed its guests.

SENATE RESOLUTION 209

Senator Truan offered the following resolution:

WHEREAS, The Senior Service Corps is a network of 35,000 active Senior Volunteers who bring a wealth of invaluable experience, skills, talents, interests, and creativity to bear on community problems facing the Lone Star State; and

WHEREAS, These Senior Service Corps programs have mobilized older Texans to provide positive solutions to community challenges in such vital areas as education, public safety, health and human services, and the environment; and

WHEREAS, In 2000 alone, Senior Volunteers donated more than seven million hours of service to assist 1.8 million Texans through the three components of the Senior Service Corps—the Retired and Senior Volunteer Program (RSVP), the Foster Grandparent Program, and the Senior Companion Program; and

WHEREAS, The Retired and Senior Volunteer Program provides opportunities for people 55 years and older to serve their communities as volunteers, by offering opportunities to serve 32,000 children through tutoring, mentoring, and literacy programs; over 33,000 RSVP volunteers serve from a few to over 40 hours a week, providing over 13,000,000 hours of service in public and nonprofit organizations that range from education centers to police departments to hospitals; and

WHEREAS, The Foster Grandparent Program offers low-income seniors age 60 and older opportunities to serve as mentors, tutors, and caregivers for 17,000 Texas children and youth with special needs; Foster Grandparents offer emotional support to children who have been abused and neglected, mentor troubled teens and young mothers, and care for premature infants and children with physical disabilities; and

WHEREAS, The Senior Companion Program provides low-income seniors age 60 and older meaningful opportunities to provide caregiver support to frail and homebound elderly who need person-to-person support because of loneliness, illness, and disabilities; by taking care of simple chores, providing transportation to medical appointments, and offering contact to the outside world, Senior Companions provide the essential services that enable 1,723 frail older Texans to continue to live in their own homes; and

WHEREAS, The Senior Service Corps represents one of our state's most precious natural resources—the collective wisdom and the ability of older citizens to make a difference in our communities; the combined value of the service provided by these programs is \$204,986,696 to the State of Texas; it is most appropriate that the members of this exemplary organization be recognized for their service to the citizens of the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby express its deepest gratitude to the volunteers of the Senior Service Corps for their dedication to bettering the quality of life for citizens of all ages in the Lone Star State.

The resolution was read.

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

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a delegation of the Senior Service Corps.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:28 a.m. announced the conclusion of morning call.

SENATE BILL 328 ON SECOND READING

Senator Jackson moved that Senate Rule 7.13, Section 5, Article III of the Texas Constitution, and the regular order of business be suspended and that **SB 328** be taken up for consideration at this time:

SB 328, Relating to the statute of limitations for purposes of prosecuting certain offenses involving injury to a child, elderly individual, or disabled individual.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

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

SENATE BILL 328 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

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

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 208 by Armbrister, Congratulating Amy E. Hodges of Victoria.

SR 211 by Jackson, Commending the *South Belt-Ellington Leader* on its 25th anniversary.

SR 212 by Ellis, Congratulating Dr. Thomas F. Freeman of Houston.

SR 213 by Ellis, Congratulating Veva L. Wynn.

ADJOURNMENT

On motion of Senator Truan, the Senate at 11:35 a.m. adjourned until 1:00 p.m. Monday, February 12, 2001.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

February 8, 2001

HEALTH AND HUMAN SERVICES — **SB 338, SB 439**

EDUCATION — **SB 71, SB 72, SB 73, SB 74, SB 77, SB 82, SB 149, SB 208, SB 209, SB 387, SB 210, SJR 2**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 179, SB 175, SCR 6**