

# FIFTY - SEVENTH DAY

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MONDAY, APRIL 26, 1999

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## PROCEEDINGS

The Senate met at 1:30 p.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, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna, Nelson.

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

The Reverend Jack Smith, Christian Church (Disciples of Christ), Hillsboro, offered the invocation as follows:

Father God, we are aware that this is a moment in life that You have created especially for us. And as You have created it, You have invited us to walk in it with You. And as we walk with You, You remind us that You walk with all people and not just some. And, so, at this moment in time, we are reminded that we are as strong as the total number that we represent, not just a few but everyone. So, remind us often, God, as we do Your work this day, that we work for all. In Your name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 23, 1999, was dispensed with and the Journal was approved.

## LEAVES OF ABSENCE

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of illness.

On motion of Senator Shapiro, Senator Nelson was granted leave of absence for today on account of important business.

## CO-AUTHOR OF SENATE BILL 13

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 13**.

## CO-AUTHOR OF SENATE BILL 120

On motion of Senator Barrientos and by unanimous consent, Senator Nixon will be shown as Co-author of **SB 120**.

**CO-AUTHOR OF SENATE BILL 158**

On motion of Senator Luna and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 158**.

**CO-AUTHOR OF SENATE BILL 437**

On motion of Senator Nixon and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 437**.

**CO-AUTHOR OF SENATE BILL 977**

On motion of Senator Ratliff and by unanimous consent, Senator Nixon will be shown as Co-author of **SB 977**.

**CO-AUTHOR OF SENATE BILL 1515**

On motion of Senator Ogden and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 1515**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 27**

On motion of Senator Wentworth and by unanimous consent, Senator Moncrief will be shown as Co-author of **SJR 27**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 34**

On motion of Senator Lucio and by unanimous consent, Senators Truan and Zaffirini will be shown as Co-authors of **SJR 34**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 35**

On motion of Senator Lucio and by unanimous consent, Senator Truan will be shown as Co-author of **SJR 35**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 40**

On motion of Senator Ogden and by unanimous consent, Senator Duncan will be shown as Co-author of **SJR 40**.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

- HB 23** to Committee on Economic Development.
- HB 64** to Committee on Border Affairs - Special.
- HB 213** to Committee on Economic Development.
- HB 313** to Committee on Intergovernmental Relations.
- HB 504** to Committee on Economic Development.
- HB 713** to Committee on Education.
- HB 729** to Committee on Economic Development.
- HB 1112** to Committee on Criminal Justice.
- HB 1161** to Committee on Finance.
- HB 1171** to Committee on Natural Resources.
- HB 1172** to Committee on Natural Resources.

**HB 1188** to Committee on Criminal Justice.  
**HB 1217** to Committee on Economic Development.  
**HB 1219** to Committee on Intergovernmental Relations.  
**HB 1285** to Committee on Human Services.  
**HB 1311** to Committee on Health Services.  
**HB 1425** to Subcommittee on Infrastructure.  
**HB 1432** to Committee on Criminal Justice.  
**HB 1479** to Committee on Natural Resources.  
**HB 1491** to Committee on Health Services.  
**HB 1511** to Committee on Economic Development.  
**HB 1520** to Committee on Finance.  
**HB 1522** to Committee on Economic Development.  
**HB 1533** to Subcommittee on Technology and Business Growth.  
**HB 1538** to Committee on State Affairs.  
**HB 1618** to Committee on Education.  
**HB 1676** to Committee on Finance.  
**HB 1703** to Committee on Intergovernmental Relations.  
**HB 1749** to Committee on Criminal Justice.  
**HB 1837** to Committee on Finance.  
**HB 1878** to Committee on Economic Development.  
**HB 1945** to Committee on Finance.  
**HB 1952** to Committee on Education.  
**HB 2000** to Subcommittee on Agriculture.  
**HB 2035** to Committee on Economic Development.  
**HB 2061** to Committee on Economic Development.  
**HB 2107** to Committee on Finance.  
**HB 2180** to Committee on Economic Development.  
**HB 2320** to Committee on Economic Development.  
**HB 2453** to Committee on Health Services.  
**HB 2509** to Committee on State Affairs.  
**HB 2510** to Committee on State Affairs.  
**HB 2512** to Committee on Economic Development.  
**HB 2513** to Committee on Economic Development.  
**HB 2555** to Committee on Education.  
**HB 2599** to Committee on Natural Resources.  
**HB 2626** to Committee on Intergovernmental Relations.  
**HB 2816** to Committee on Natural Resources.  
**HB 2846** to Committee on Jurisprudence.  
**HB 2867** to Committee on Education.  
**HB 3023** to Committee on Economic Development.  
**HB 3092** to Subcommittee on Infrastructure.  
**HB 3328** to Committee on State Affairs.  
**HB 3802** to Committee on Natural Resources.  
**HCR 102** to Committee on Veteran Affairs and Military Installations.  
**HCR 133** to Committee on Veteran Affairs and Military Installations.  
**HCR 134** to Committee on Veteran Affairs and Military Installations.  
**HJR 29** to Committee on State Affairs.

**MESSAGE FROM THE GOVERNOR**

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

Austin, Texas  
April 23, 1999

**TO THE SENATE OF THE SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION:**

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

**TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR PROFESSIONAL MEDICAL PHYSICISTS** for a term to expire February 1, 2005:

Kumar Krishen, Ph.D.  
4127 Long Grove Drive  
Seabrook, Texas 77586  
(reappointment)

**TO BE MEMBERS OF THE TEXAS BOARD OF ORTHOTICS AND PROSTHETICS** for terms to expire February 1, 2005:

Wanda Furgason  
2400 Bonita  
Brownwood, Texas 76801-7902  
(replacing Dale Sheen of  
Houston whose term expired)

Lupe M. Young  
7710 Mary Carolyn  
San Antonio, Texas 78240  
(reappointment)

**TO BE MEMBERS OF THE BOARD OF PROTECTIVE AND REGULATORY SERVICES** for terms to expire February 1, 2005:

Naomi W. Ledé, Ed.D.  
187 FM 1791  
Huntsville, Texas 77340-2006  
(replacing Jean P. Beaumont of  
College Station whose term expired)

Edward Lee Wagner, Ph.D.  
504 End-O-Trail  
Harker Heights, Texas 76548  
(replacing Judge William H. Sheehan  
of Dumas whose term expired)

**TO BE MEMBERS OF THE TEXAS COMMISSION ON FIRE PROTECTION** for terms to expire February 1, 2005:

Michael D. Jolly  
116 River Road  
Georgetown, Texas 78628  
(replacing Gilbert D. Jalomo  
of Richmond whose term expired)

Alonzo Lopez, Jr.  
725 South 18th  
Kingsville, Texas 78363  
(reappointment)

Ricardo Saldana  
City of Mission Fire Department  
500 East Tom Landry  
Mission, Texas 78572  
(reappointment)

Carl Dewayne Wren  
3507 Cattleman Drive  
Manchaca, Texas 78652  
(reappointment)

TO BE MEMBERS OF THE TEXAS BOARD OF TAX PROFESSIONAL EXAMINERS for terms to expire March 1, 2005:

Michael A. Amezquita  
2198 North Shadowbrook Circle  
Harlingen, Texas 78550  
(replacing Darla Doss of Crosbyton  
whose term expired)

Deborah M. Hunt  
10303 Mourning Dove Circle  
Austin, Texas 78750  
(replacing Cora B. Viescas of  
El Paso whose term expired)

TO BE A MEMBER OF THE TEXAS STATE BOARD OF MEDICAL EXAMINERS for a term to expire April 13, 2005:

Ann Forehand Sibley  
1701 Lakeland Park Drive  
Garland, Texas 75043  
(reappointment)

Respectfully submitted,

/s/George W. Bush  
Governor

#### CAPITOL PHYSICIAN

The President recognized Senator Lindsay, who presented Dr. Stephen Fischer of Spring as the "Doctor for the Day."

Dr. Fischer, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

#### HOUSE BILL 2208 REREFERRED

Senator Lindsay submitted a Motion In Writing requesting that **HB 2208** be withdrawn from the Committee on Human Services and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

**SENATE RESOLUTION 685**

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas recognizes that the schoolchildren of Texas are the state's greatest asset for the future; and

WHEREAS, Over 800,000 children disappear each year in the United States and the problem of missing, kidnapped, and runaway children potentially affects every community in Texas; and

WHEREAS, The State of Texas is committed to the protection of its children as an important resource to continue the strong and vital growth of the state; and

WHEREAS, The American Football Coaches Association, the credit unions of Texas, the Texas Association of School Superintendents, the Boy Scouts of America, Roger Staubach, Troy Aikman, Nolan Ryan, and tens of thousands of Texas contributors have joined together to make Texas the leader in the protection of its children by providing child identification kits for use by parents to keep current photographs, vital information, and fingerprints readily accessible to provide to law enforcement agencies across the state in the event of an emergency; and

WHEREAS, These partners, in conjunction with the leadership of Governor George Bush, Lieutenant Governor Rick Perry, and Speaker Pete Laney have made a commitment to supply every one of the over four million children attending public school in Texas with a free inkless identification kit paid for by voluntary contributions to help parents provide current detailed information about their children; and

WHEREAS, Texas played a leadership role in starting this child protection program that through the work of the American Football Coaches Association, credit unions across the United States and volunteer civic and athletic leaders will be a vital link in providing the best chance to protect missing, kidnapped, and runaway children in the United States; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend all those involved in this child protection program and request the Governor of the State of Texas to declare the month of March 2000 as Child ID Protection Month in the State of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the American Football Coaches Association, the Texas Credit Union League on behalf of Texas credit unions and their members and owners, the Texas Association of School Superintendents, Boy Scouts of America, Roger Staubach, Troy Aikman, and Nolan Ryan as an expression of esteem from the Texas Senate.

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 Sibley, the resolution was adopted by a viva voce vote.

**GUESTS PRESENTED**

Senator Sibley was recognized and introduced to the Senate Grant Teaff, Executive Director, American Football Coaches Association, and his wife, Donell; Terry McCormick, first Vice-chair, Texas Credit Union League; Quentin S. Burnett, President, Texas Association of School Superintendents; and Kenny Hansmire,

President, Inkless Image, and National Program Director, National Child Identification Program.

The Senate welcomed its guests.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 26, 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 79**, Relating to the eligibility of a person to serve on an appraisal review board.

**HB 152**, Relating to the punishment for the offense of graffiti.

**HB 234**, Relating to making certain affidavits required for the issuance of search warrants available for public inspection.

**HB 247**, Relating to the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.

**HB 302**, Relating to mandatory restitution in offenses involving the abduction of or interference with the custody of children.

**HB 340**, Relating to the exemption from permitting requirements for certain wells in a groundwater conservation district.

**HB 352**, Relating to the limit on fines collected by municipalities for traffic violations.

**HB 385**, Relating to speed limits for school buses.

**HB 424**, Relating to the distribution of money to certain counties for the payment of extraordinary costs of prosecution.

**HB 434**, Relating to extending speed restrictions to private roads in certain subdivisions.

**HB 469**, Relating to certain proceedings under the Texas Code of Military Justice.

**HB 508**, Relating to certain interlocal contracts for the construction, improvement, or repair of streets and alleys in municipalities.

**HB 516**, Relating to allowing certain cities to adjudicate and impose civil penalties for vehicle parking and stopping offenses.

**HB 571**, Relating to information collected and used in connection with a driver's license or identification certificate; providing a penalty.

- HB 579**, Relating to the collection of taxes on sales of boats and boat motors.
- HB 676**, Relating to prima facie speed limits for vehicles on highways.
- HB 719**, Relating to the efficient use of police service animals.
- HB 722**, Relating to the number of certified peace officers employed by the Texas Forest Service.
- HB 829**, Relating to the location where the court of appeals for the Sixth Court of Appeals District transacts business.
- HB 855**, Relating to the use of proceeds from criminal asset forfeiture to provide financial assistance to a person pursuing certain law enforcement studies.
- HB 871**, Relating to exempting animals sold by certain animal shelters from the sales tax.
- HB 889**, Relating to establishing an institute for the preservation of history and culture at Prairie View A&M University.
- HB 912**, Relating to access to criminal history record information by a domestic relations office for a social study or a commissioners court for a county child welfare board member.
- HB 932**, Relating to the use of towing safety chains.
- HB 953**, Relating to the conducting of a driver education course by the student's grandparent or stepparent.
- HB 958**, Relating to the additional tax imposed if the use of land appraised for ad valorem tax purposes as timberland changes.
- HB 1001**, Relating to the creation of the criminal offense of unlawful installation of a tracking device on a motor vehicle.
- HB 1014**, Relating to use of state and municipal hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.
- HB 1041**, Relating to the registration period for a truck-tractor or commercial motor vehicle transporting seasonal agricultural products; providing a penalty.
- HB 1043**, Relating to the prosecution of the offense of harboring a runaway child.
- HB 1053**, Relating to requiring a voting system to be accessible by persons with physical disabilities.
- HB 1075**, Relating to raising the speed limit for vehicles towing certain trailers.
- HB 1137**, Relating to the penalty imposed on certain persons who fail to timely pay or deliver abandoned property.
- HB 1147**, Relating to lighting and red flag requirements for certain vehicles with extended loads.
- HB 1159**, Relating to county regulation of public nuisances.
- HB 1162**, Relating to the authority of a judge to require certain public notice as a condition of community supervision.

**HB 1237**, Relating to suits for retaliation against volunteers and employees of nursing homes.

**HB 1324**, Relating to termination of an employee who performs jury duty; providing a criminal penalty.

**HB 1354**, Relating to requiring notice of certain appeal rights to a person insured or applying for medical liability insurance provided through a joint underwriting association.

**HB 1359**, Relating to the use of golf carts on public roadways.

**HB 1431**, Relating to payment of an administering insurer or third party administrator by the Texas Health Insurance Risk Pool.

**HB 1513**, Relating to powers and duties of the Texas Health Care Information Council; providing a criminal penalty.

**HB 1581**, Relating to park passes for volunteer youth groups.

**HB 1642**, Relating to the treatment of property in certain reinvestment zones for purposes of school finance.

**HB 1681**, Relating to the construction and rehabilitation of bridges.

**HB 1715**, Relating to the phone number or address of a person making a report of abuse or neglect or a report of other conduct or conditions in a convalescent or nursing home.

**HB 1767**, Relating to the legal representation of county officials and employees by district and county attorneys.

**HB 1828**, Relating to the enforcement of certain poaching laws by a justice court.

**HB 1838**, Relating to the regulation of the practice of professional sanitarians; providing a penalty.

**HB 1865**, Relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission.

**HB 1895**, Relating to the management of software and software licenses by state agencies.

**HB 1933**, Relating to allowing a county clerk to impose a fee for certain background checks.

**HB 1978**, Relating to exempting property owned by organizations that provide support to elderly persons from ad valorem taxation.

**HB 1982**, Relating to the effect of a municipal annexation on a colonia's continued eligibility for certain assistance.

**HB 2068**, Relating to conversion of savings and loan associations to savings banks and the powers, duties, and name of the Savings and Loan Department.

**HB 2104**, Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.

**HB 2136**, Relating to the creation of the County Court at Law of Kendall County.

**HB 2147**, Relating to the identification of real property owned by the state that is suitable for the development of affordable housing.

**HB 2170**, Relating to investigations and protective services for elderly and disabled persons.

**HB 2171**, Relating to the establishment and operation of a medical committee or medical peer review committee by certain public and private entities.

**HB 2196**, Relating to the duties of the district attorney for the 9th Judicial District.

**HB 2205**, Relating to the possession and transport of anhydrous ammonia and to the use of anhydrous ammonia equipment; providing penalties.

**HB 2219**, Relating to an exemption from investment training for officers and employees of emergency services and rural fire prevention districts.

**HB 2223**, Relating to reporting requirements of a license holder under The Sale of Checks Act.

**HB 2238**, Relating to exempting certain persons from requirements related to the sale, exchange, or lease-purchase of a manufactured home.

**HB 2248**, Relating to the establishment of a statewide transit expenditure database.

**HB 2299**, Relating to naming the former life skills building at the Texas School for the Blind and Visually Impaired in honor of Ann Silverrain.

**HB 2304**, Relating to certain providers of family counseling services under the medical assistance program.

**HB 2310**, Relating to certain notice provisions for violations of certain municipal ordinances.

**HB 2313**, Relating to the appointment of bailiffs in Angelina County.

**HB 2315**, Relating to the investigation and prosecution of fraud in certain benefit programs operated by the state; providing administrative penalties.

**HB 2397**, Relating to the Crime Stoppers Advisory Council.

**HB 2455**, Relating to access for certain persons to the medical records of a child.

**HB 2461**, Relating to the issuance of certain specially designed license plates by the Texas Department of Transportation.

**HB 2490**, Relating to the Houston Downtown Management District.

**HB 2532**, Relating to the City of Laredo Port of Entry Authority; granting the power of eminent domain.

**HB 2539**, Relating to the issuance of temporary license plates for vehicle converters.

**HB 2541**, Relating to traffic offenses occurring in a construction or maintenance work zone.

**HB 2559**, Relating to increasing the policy limit on stipulated insurance company policies.

**HB 2568**, Relating to the Texas Guaranteed Student Loan Corporation and its programs.

**HB 2572**, Relating to the reservation of riparian rights associated with land sold by certain municipalities.

**HB 2580**, Relating to the transfer of certain proceedings to a statutory probate court.

**HB 2591**, Relating to skills assessment and placement testing of undergraduate students entering public institutions of higher education.

**HB 2603**, Relating to appropriations to historical foundations by certain counties.

**HB 2662**, Relating to the functions of certain county purchasing agents.

**HB 2684**, Relating to reinvestment zones and tax increment financing under the Tax Increment Financing Act, tax abatement agreements within those zones, and the administration of certain local government corporations.

**HB 2769**, Relating to the disposition of the personal property and security deposit of a deceased residential tenant.

**HB 2794**, Relating to the automation of the compulsory motor vehicle inspection system.

**HB 2802**, Relating to the denial of the renewal of the driver's license of a person who fails to appear to pay a fine involving an offense within justice or municipal court jurisdiction.

**HB 2809**, Relating to requiring a grain transportation study.

**HB 2827**, Relating to the validity of an authorization to disclose health care information.

**HB 2853**, Relating to the provision of insurance for mutual indemnity obligations in certain mineral agreements.

**HB 2894**, Relating to the creation of the Midtown Management District; providing authority to impose a tax and issue bonds.

**HB 2925**, Relating to access to criminal history record information by a municipality for certain background checks.

**HB 2941**, Relating to certain home protection insurance.

**HB 2980**, Relating to rural fire prevention districts.

**HB 2990**, Relating to the enforcement of an order for possession of or access to a child.

**HB 3033**, Relating to the ad valorem taxation of an inventory consisting of motor vehicles held for sale.

**HB 3155**, Relating to the adoption of a nonsubstantive revision of statutes relating to the licensing and regulation of certain professions and business practices including conforming amendments, repeals, and penalties.

**HB 3157**, Relating to the adoption of a nonsubstantive revision of statutes relating to public securities, including conforming amendments, repeals, and penalties.

- HB 3174**, Relating to the application of the professional prosecutors law to the criminal district attorney of Dallas County.
- HB 3226**, Relating to the disposition of surplus and salvage property of certain institutions of higher education.
- HB 3277**, Relating to research in agriculture production and its effect on water use and availability and wildlife habitats.
- HB 3288**, Relating to the exclusion of certain sewage sludge from solid waste disposal fees.
- HB 3294**, Relating to the sale of flags flown over the Capitol and similar items.
- HB 3299**, Relating to the authority of certain hospital districts to enter into credit agreements.
- HB 3337**, Relating to guardianships for missing persons.
- HB 3338**, Relating to a waiver of the bond requirement for certain guardians of children.
- HB 3366**, Relating to lighting equipment on tow trucks.
- HB 3401**, Relating to the creation, administration, powers, duties, operation, and financing of the Wilbarger County Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain.
- HB 3448**, Relating to the Moore County Hospital District.
- HB 3521**, Relating to motor vehicle title services; providing a criminal penalty.
- HB 3532**, Relating to participation in, administration of, and benefits from certain public retirement systems for municipal employees.
- HB 3561**, Relating to grant-making authority of the Texas Natural Resource Conservation Commission.
- HB 3568**, Relating to the establishment of the Office of District Treasurer of Brazos River Harbor Navigation District.
- HB 3619**, Relating to developer participation contracts.
- HB 3657**, Relating to the continuation, funding, and operation of certain workforce development programs.
- HB 3684**, Relating to gates on certain third-class and neighborhood roads.
- HB 3763**, Relating to the regulation of certain water wells by the Jeff Davis County Underground Water Conservation District.
- HB 3771**, Relating to the name, powers, duties, and operations of the Maverick County Hospital District.
- HB 3772**, Relating to the Big Bend Regional Hospital District.
- HB 3793**, Relating to the authority of the Brazos River Authority to contract with certain persons, to manage property of the authority, and to issue bonds for and otherwise finance services, facilities, or works of the authority.

**HB 3799**, Relating to the creation of the East Downtown Management District; providing authority to impose a tax and issue bonds.

**SB 43**, Relating to reports of overdoses of certain controlled substances to the Texas Department of Health; creating an offense.

**SB 70**, Relating to the statute of limitations for the purpose of prosecuting certain offenses under the Tax Code.

**SB 118**, Relating to the payment or transfer of certain restitution or other money to a local registry or the Title IV-D agency.

**SB 124**, Relating to the election of the members of the board of directors of the Booker Hospital District.  
(Amended)

**SB 136**, Relating to donations of juror reimbursements.

**SB 158**, Relating to the creation and organization of certain courts in Bexar County.

**SB 160**, Relating to the modification of certain child support orders.

**SB 163**, Relating to the fee paid by a defendant for the execution or processing of an arrest warrant or capias.

**SB 181**, Relating to the creation of a county court at law in Collin County.

**SB 221**, Relating to the assessment of costs or fees by a county or municipality related to the seizure, acceptance, impoundment, or destruction of a dangerous dog.  
(Committee Substitute)

**SB 283**, Relating to the requirement that a juvenile board adopt guidelines for the informal disposition of a child.

**SB 284**, Relating to the fee collected by a prosecutor for collecting and processing a dishonored or forged check or similar sight order.

**SB 397**, Relating to information included in the Texas Information and Referral Network.

**SB 454**, Relating to a retirement health care plan for firefighters and police officers in certain municipalities.

**SB 455**, Relating to the retirement system for firefighters and police officers in certain municipalities.

**SB 533**, Relating to annual and special meetings and elections for water supply and sewer service corporations.

**SB 612**, Relating to the creation of a county court at law in Williamson County.

**SB 660**, Relating to conditions of community supervision, parole, and mandatory supervision for certain violent offenders.

**SB 780**, Relating to the establishment of pharmacy peer review committees.  
(Amended)

**SB 952**, Relating to the referral of cases to certain magistrates.

**SB 968**, Relating to access to criminal history record information for certain hospitals and hospital districts.

**SB 991**, Relating to the operations of the Texas Water Bank.

**SB 1368**, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 75th Legislature to other Acts of that legislature.

**SB 1467**, Relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.  
(Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

(Senator Truan in Chair)

### SENATE RESOLUTION 720

Senator Bernsen offered the following resolution:

WHEREAS, On April 26, 1999, Liberty County Day at the Capitol will be celebrated by its proud citizens in recognition of their illustrious county and the contributions it has made to the State of Texas; and

WHEREAS, From the earliest days, citizens of the area have been major participants in the history of Texas; originally established in 1756 as a Spanish outpost, Atascosito survived occupation by the French in 1818, and it was here, in 1831, that the new municipality of Villa de la Santisima Trinidad de la Libertad was colonized; and

WHEREAS, As one of the original 23 counties of the Republic of Texas, Atascosito District encompassed all or part of 10 modern-day counties in southeast Texas; and

WHEREAS, Liberty County has not only a proud history, it has proud ties to Texas government: Price Daniel, the 38th Governor of Texas, hailed from Dayton; financial interests in the area were held by the 31st Governor of Texas, Ross S. Sterling; Colonel Edward Bradford Pickett of Liberty, presided over the 1875 Texas Constitutional Convention; and

WHEREAS, Today the residents are here to celebrate the present and the future of this great county in the heart of the Golden Triangle; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby congratulate the citizens of Ames, Cleveland, Daisetta, Dayton, Dayton Lakes, Devers, Eastgate, Hardin, Hull, Kenefick, Liberty, Moss Bluff, Moss Hill, North Cleveland, Plum Grove, Raywood, Romayor, Rye, and Tarkington; and, be it further

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

The resolution was read.

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

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

**GUESTS PRESENTED**

Senator Bernsen was recognized and introduced to the Senate Liberty County Judge Lloyd Kirkham; Timothy Houston Daniel, grandson of Governor Price Daniel and Jean Houston Baldwin Daniel and great-great-great-great grandson of Sam Houston; and Liberty County Commissioners, Toby Wilburn and Melvin Hunt; accompanied by a delegation of citizens from Liberty County.

The Senate welcomed its guests.

**SENATE RESOLUTION 737**

Senator Lindsay offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in congratulating Jim Reno of Kerrville on the honor of his being named the Texas State Artist for 1997-1998 in three-dimensional media; and

WHEREAS, Mr. Reno is renowned for his expertise as a cutting horse trainer and competitor and world renowned for his bronze statues of horses and historic Texans; he lives his art, and as a result, his art is imbued with a unique spark of life and authenticity; and

WHEREAS, During his 50 years of sculpting, Jim Reno has created 15 monumental statues, which include figures of Charles Goodnight, Robert Justus Kleberg, Jr., and Quanah Parker; and

WHEREAS, He has, in addition, created numerous smaller limited edition pieces, which include bronzes of Indians, cowboys, longhorns, horses, and rodeo and ranch depictions; and

WHEREAS, Jim Reno's passion for Texas history and the western culture as it is reflected in his art has brought joy to a generation of Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby extend congratulations to Jim Reno for being named the Texas State Artist for 1997-1998 in three-dimensional media; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mr. Reno as an expression of the gratitude and high regard of the Texas Senate.

The resolution was read.

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

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

**GUESTS PRESENTED**

Senator Lindsay was recognized and introduced to the Senate Jim Reno, accompanied by his wife, Mary Jo.

The Senate welcomed Mr. and Mrs. Reno.

**(President in Chair)**

**SENATE CONCURRENT RESOLUTION 67**

The President laid before the Senate the following resolution:

**SCR 67**, Congratulating the National Intercollegiate Rodeo Association on the occasion of the group's 50th anniversary.

MADLA

The resolution was again 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.

The resolution was previously adopted on Tuesday, April 20, 1999.

### **GUESTS PRESENTED**

Senator Madla was recognized and introduced to the Senate Charlie Rankin; his daughter, Judge Susan Rankin of Dallas; Ed Hiler, Dean of Agriculture, Texas A&M University; Bob Coffin; Dr. Al Wagner; Evelyn Wagner; and Jack Kingsbury; accompanied by Billie Rankin, wife of Charlie Rankin; their granddaughter, Amanda Rankin; Dorothy Coffin; and Mollie McColpin.

The Senate welcomed its guests.

**(Senator Brown in Chair)**

### **GUESTS PRESENTED**

Senator Cain was recognized and introduced to the Senate a group of fifth-grade students from Heritage Christian Academy in Rockwall, accompanied by their teacher, Kirte Kinsler.

The Senate welcomed its guests.

**(President in Chair)**

### **SENATE RESOLUTION 749**

Senator Ratliff offered the following resolution:

WHEREAS, The Senate of the State of Texas would like to pause in its deliberations today to recognize the significant contributions of the 51st Legislature during the 50th anniversary year of one of the most productive sessions in Texas history; and

WHEREAS, The men who made up that legislature were men of great vision and foresight, and their efforts and hard work resulted in the passage of vital legislation which still benefits all Texans today; and

WHEREAS, Among the most outstanding accomplishments of the 51st Legislature were the creation of the Legislative Budget Board and the Texas Legislative Council, the passage of the Gilmer-Aikin Law, and the funding and enabling legislation for farm-to-market roads; and

WHEREAS, One of the most important bills that legislature passed was Senate Bill 387, the bill which created the Legislative Budget Board, sponsored by Senators Hardeman, Taylor, Hazelwood, Harris, and Hudson; and

WHEREAS, In creating the Legislative Budget Board, the State of Texas set up an independent and impartial agency which oversees the budget estimates for appropriations by departments, institutions, and agencies of the state; and

WHEREAS, Since the youth of Texas are our greatest resource for tomorrow, Senate Bill 115, popularly known as the Gilmer-Aikin Law in honor of Representative Claud H. Gilmer and Senator A. M. Aikin, Jr., probably has had the most far-reaching effects on our state; and

WHEREAS, During the 51st Legislature, Senate Bill 115 was passed to increase the authority of a State Board of Education, to found the Texas Education Agency, to

create funding for the public schools in Texas, and to create more efficient administration of Texas public schools; and

WHEREAS, One of the more far-reaching bills passed during this historical session was Senate Bill 287, which provided for more farm-to-market roads in Texas for better travel and flood control; and

WHEREAS, The bill which was finally passed increased funding for farm-to-market roads in order to assist Texas in its economic expansion and population growth; and

WHEREAS, Another of the most influential bills passed during the session was Senate Bill 316, sponsored by Senators Proffer and Jones, which created the Texas Legislative Council; and

WHEREAS, Senate Bill 316 provided for the appointment of its members, prescribed its powers and duties, and directed other state agencies to render advice and assistance to the council; and

WHEREAS, The duties of the council include gathering information for the use of the legislature, investigating departments, agencies, and officers of the state and studying their functions and problems, and making studies for the use of the legislative branch of the state government; and

WHEREAS, The citizens of Texas were well served by their senators and representatives during the 51st Legislature, and the entire state has profited; and

WHEREAS, The actions of the 51st Legislature have had a positive impact on the lives of countless Texans, and the dedication and devotion of these keenly perceptive men in their complicated endeavors will continue to inspire lawmakers for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend and applaud the superlative work of the 51st Legislature, and express appreciation for the excellent legislation produced; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a tribute to the 51st Texas Legislature.

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

### **BILLS AND RESOLUTIONS SIGNED**

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

**HB 797, HB 952, HB 1033, HB 1611, HCR 145, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 238, SB 204, SB 276, SB 413, SB 812, SB 888, SCR 15.**

### **CONCLUSION OF MORNING CALL**

The President at 2:44 p.m. announced the conclusion of morning call.

### **SENATE BILL 1419 ON SECOND READING**

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

**SB 1419**, Relating to the referral and reporting of delinquent obligations to the attorney general.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1419** on page 1, line 10, after the word "delinquent", insert the words or past due or the 30th day after the comptroller determines that its efforts to collect an obligation owed the agency have failed

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

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

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

**SENATE BILL 1419 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Nelson.

**SB 1419** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1011 ON SECOND READING**

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 1011**, Relating to contracting by court reporters or firms that provide court reporting services; providing a criminal penalty.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **CSSB 1011** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Lindsay, Lucio, Moncrief, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Truan, Wentworth, West.

Nays: Armbrister, Barrientos, Gallegos, Madla, Sibley, Zaffirini.

Absent: Jackson, Whitmire.

Absent-excused: Luna, Nelson.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1011** as follows:

(1) On page \_\_, line \_\_ between "matter" and the comma, insert the following: "and an agreement to be paid a fee for said services".

The 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.

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

**RECORD OF VOTES**

Senators Armbrister, Barrientos, Gallegos, Sibley, and Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1011 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1011** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire.

Nays: Barrientos, Gallegos, Wentworth, Zaffirini.

Absent-excused: Luna, Nelson.

**CSSB 1011** was read third time and was passed by a viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Barrientos, Gallegos, Sibley, and Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 1446 ON SECOND READING**

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

**SB 1446**, Relating to authorizing the General Services Commission to convey certain state-owned property to the City of Austin.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1446** in SECTION 1, Subsection (a), (Committee Printing page 1, line 11) after "General Services Commission" and before "may", add ", subject to the approval of the Legislative Budget Board,"

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

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 1446** as follows:

On page 1, line 31, strike the word "east" and insert the word "west" in its place.

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

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

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

**SENATE BILL 1446 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1446** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Nelson.

**SB 1446** was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Nelson.

**SENATOR ANNOUNCED PRESENT**

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

**(Senator Brown in Chair)**

**SENATE BILL 1461 ON SECOND READING**

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

**SB 1461**, Relating to the calculation of a residence homestead exemption from ad valorem taxation and the limitation of school taxes on the homestead of an elderly person if the owner of the homestead qualifies for the exemption or limitation after the beginning of a tax year.

The bill was read second time.

Senator Cain offered the following committee amendment to the bill:

### **Committee Amendment No. 1**

Amend **SB 1461** as follows:

(1) In SECTION 3 of the bill, in amended Section 11.42, Tax Code (introduced version, page 4, lines 3-9), strike added Subsection (d) and redesignate Subsection (e) as Subsection (d).

(2) In SECTION 4 of the bill, in amended Section 11.43(d), Tax Code (introduced version, page 4, lines 20-24), strike the second sentence of the subsection.

(3) In SECTION 4 of the bill, in amended Section 11.43(d), Tax Code (introduced version, page 4, line 26), strike "11.42(e)" and substitute "11.42(d)".

(4) In SECTION 6 of the bill, in amended Section 26.112, Tax Code, in the heading to the section (introduced version, page 5, line 16), between "HOMESTEAD" and "[EXEMPTION]", insert "OF ELDERLY PERSON".

(5) In SECTION 6 of the bill, in amended Section 26.112(a), Tax Code (introduced version, page 5, lines 18-20), strike "11.13 with respect to the property [11.13(c) or (d) for an individual 65 years of age or older after the beginning of a tax year]" and substitute "11.13(c) or (d) for an individual 65 years of age or older [after the beginning of a tax year]".

(6) In SECTION 6 of the bill, in amended Section 26.112(b), Tax Code (introduced version, page 5, line 27), between "(d)" and "with", insert "for an individual 65 years of age or older".

(7) In SECTION 6 of the bill, in amended Section 26.112(c), Tax Code (introduced version, page 6, line 5), strike "11.13" and substitute "11.13(c) or (d) for an individual 65 years of age or older".

(8) In SECTION 7 of the bill, in amended Section 26.113(a), Tax Code (introduced version, page 7, line 7), strike "11.42(e)" and substitute "11.42(d)".

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

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

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

### **SENATE BILL 1461 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1461** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**SB 1461** was read third time and was passed by a viva voce vote.

### **COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 41 ON SECOND READING**

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

**CSSJR 41**, Proposing a constitutional amendment to permit a public school teacher or faculty member of a public institution of higher education to serve as a member of the legislature.

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

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 41 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 41** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**CSSJR 41** was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

**COMMITTEE SUBSTITUTE  
SENATE BILL 418 ON SECOND READING**

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

**CSSB 418**, Relating to procedures for and access to reports of political contributions and expenditures; providing a civil penalty.

The bill was read second time.

On motion of Senator Moncrief and by unanimous consent, further consideration of **CSSB 418** was postponed to a time certain of 10:00 a.m. tomorrow.

Question—Shall **CSSB 418** be passed to engrossment?

**COMMITTEE SUBSTITUTE  
SENATE BILL 890 ON SECOND READING**

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

**CSSB 890**, Relating to the delegation of certain functions by health maintenance organizations.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 890** as follows:

Strike SECTION 4 in its entirety and renumber the subsequent sections accordingly.

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

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 890** on page 5, line 8, by inserting new subsections (n) and (o) to read as follows:

"(n) The commissioner may adopt rules as necessary to interpret, implement, and enforce this section and augmentations thereof.

(o) The commissioner shall adopt rules requiring delegated networks to establish a process, including disclosure to enrollees, for allowing enrollees, upon request, to access physicians or health care providers who are not in the delegated network but who are in the health maintenance organization network for:

(A) enrollees who have a prior relationship with a provider who is in the health maintenance organization delivery network but not in the delegated network, and

(B) enrollees who are past the 24th week of pregnancy or who have life threatening, serious, chronic, acute, or disabling conditions, diseases or illnesses.

(p) The commissioner shall maintain enrollee and provider complaints in a manner that identifies complaints made about delegated networks."

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

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 890** on page 3, line 11 by inserting a new subsection (10) to read as follows:

"(10) a provision relating to enrollee complaints that requires the delegated network to report a complaint, as defined in this act, to the health maintenance organization within two business days of the receipt of the complaint, except in the case of a complaint involving emergency care as defined in this act. In the case of a complaint involving emergency care the delegated network shall forward the complaint to the health maintenance organization immediately. Nothing herein prohibits the delegated network from attempting to resolve the complaint.

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

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 890** on page 4, line 52, by striking subsection (k) and substituting the following:

"(k) Reports and corrective plans required under Subsections (i) or (j) of this section shall be treated as public documents, except that any information regarding prices, costs of care, or other information not relevant to the monitoring plan and any information that is confidential by other law included in those reports and corrective plans shall be considered confidential.

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

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **CSSB 890** on page 1, lines 25-30, by striking the last sentence in subsection (ee).

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

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 890 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 890** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**CSSB 890** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE CONCURRENT RESOLUTION 56  
ON SECOND READING**

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

**CSSCR 56**, Encouraging the Texas Natural Resource Conservation Commission to eliminate duplication between its Section 401 water quality certification program and the review conducted by the United States Army Corps of Engineers.

The resolution was read second time and was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Gallegos and Truan asked to be recorded as voting "Nay" on the adoption of the resolution.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 274 ON SECOND READING**

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

**CSSB 274**, Relating to class actions.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 274** as follows:

Strike SECTION 4 of the bill in its entirety, substituting a new SECTION 4 to read as follows:

SECTION 4 This Act takes effect on September 1, 1999 and applies to:

- (a) all actions commenced on or after September 1, 1999;
- (b) all actions pending on September 1, 1999 in which an order granting or denying class certification has not been issued; and
- (c) all actions pending on September 1, 1999 in which an order granting or denying class certification has been issued but the time for appeal has not yet elapsed.

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

Senator Bernsen offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 274**, as follows:

- 1) Strike SECTION 1 in its entirety, substituting a new SECTION 1 to read as follows:  
SECTION 1. Section 22.001, Government Code, is amended by adding a new Subsection (e) to read as follows:

(e)(1) Review of an order of a trial court that certifies or refuses to certify a class pursuant to Rule 42, Texas Rules of Civil Procedure, or that rule's successor, may be had exclusively by an interlocutory appeal taken directly to the supreme court by petition for review.

(2) The supreme court may decline to review an order certifying or refusing to certify a class if the court determines that the case is not of such importance to the jurisprudence of the state that a review should be allowed.

(3) The supreme court and the courts of appeals shall not have mandamus jurisdiction from an order certifying or refusing to certify a class.

(4) An appeal filed under subsection (e)(1) shall be given precedence by the supreme court over other petitions for review and pending matters.

(5) Notice of appeal brought pursuant to subsection (e)(1) shall be filed with the supreme court on or before the twentieth day after the date the order certifying or refusing to certify the class is signed. Failure to file within the time allowed by this subsection shall constitute a waiver of the right granted by subsection (e)(1).

(6) A petition for review under subsection (e)(1) shall be deemed denied unless the supreme court grants the petition on or before the sixtieth day after a response to the petition is filed or if a party files a waiver of response, no later than the sixtieth day after the waiver is filed.

(7) If review is granted, the supreme court shall render judgment on an appeal filed under subsection (e)(1) on or before the ninetieth day after the respondent's brief is due, or the appeal shall be deemed denied.

(8) A motion for rehearing shall be filed within fifteen days from the date when the Court renders judgment or makes an order disposing of a petition for review. The supreme court shall rule on a motion for rehearing within thirty days or it shall be deemed denied.

(9) If notice of class certification is directed to members of the class during the pendency of an interlocutory appeal, Class Counsel shall provide notice to members of the class of a final judgment of the supreme court that reverses the order granting class certification.

(10) Section 22.004, Government Code, does not apply to this subsection.

(11) To the extent of any conflict between this subsection and the Texas Rules of Appellate Procedure, this subsection controls.

2) Strike SECTION 2 in its entirety, substituting a new SECTION 2 to read as follows:

SECTION 2. Subchapter D, Chapter 16, Civil Practice and Remedies Code, is amended by adding a new Section 16.073 to read as follows:

Sec. 16.073. The applicable limitations period is suspended for members of a putative class on the filing of a class action petition or complaint and shall remain suspended until the request for class certification is finally denied or the class is finally decertified.

3) Amend SECTION 3 by also amending Section 51.014(a), by inserting the following language into Section 51.014(a) as follows:

Sec. 51.014(a) A person may appeal from an interlocutory order of a district court, county court at law, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) ~~[certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;~~

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(4) [(5)] denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(5) [(6)] denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article 1, Section 8, of the Texas Constitution, or Chapter 73;

(6) [(7)] grants or denies the special appearance of a defendant under Rule 120a, Texas Rules of Civil Procedure, except in a suit brought under the Family Code; or

(7) [(8)] grants or denies a plea to the jurisdiction by a governmental unit as that term is defined in Section 101.001.

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

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

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

### **RECORD OF VOTES**

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

### **COMMITTEE SUBSTITUTE SENATE BILL 274 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 274** be placed on its third reading and final passage.

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

Yeas: Armbrister, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, West, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos, Truan, Wentworth.

Absent-excused: Luna.

**CSSB 274** was read third time and was passed by a viva voce vote.

### **RECORD OF VOTES**

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

**(Senator Bivins in Chair)**

### **COMMITTEE SUBSTITUTE SENATE BILL 956 ON SECOND READING**

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

**CSSB 956**, Relating to the regulation of certain insurance agents and to the consolidation of insurance agent licenses; providing penalties.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 956** as follows:

(1) In Section 1A(9), Article 21.07, Insurance Code, as amended by SECTION 1.10 of the bill (page 12, line 56, senate committee printing), strike "licenses" and substitute "licenses. However, the sub-agent must be properly licensed to write each type of insurance that the sub-agent is employed to write"

(2) Strike Section 2(g)(1), Article 21.07, Insurance Code, as amended by SECTION 1.11 of the bill (page 14, lines 6-14, senate committee printing), and substitute the following:

(1) an errors and omissions policy insuring the individual agent against errors and omissions in at least the sum of \$250,000 with a deductible of not more than 10 percent of the face amount of the policy issued by an insurance company licensed to do business in this state, or, if a policy cannot be obtained from a company licensed to do business in this state, through a properly obtained surplus lines policy; or

(3) Strike Section 4(b), Article 21.07-1, Insurance Code, as added by SECTION 2.01 of the bill (page 23, line 62, through page 24, line 12, senate committee printing), and substitute the following:

(b) This section applies to:

(1) a funeral prearrangement life insurance agent;

(2) an agent for an insurance company that writes only job protection insurance;

(3) an agent for a stipulated premium company who writes life insurance not to exceed \$15,000 on any one life, except that a license is not required under this section for an agent for a stipulated premium company who wrote policies that generated, in the aggregate, less than \$20,000 in direct premium for the preceding calendar year;

(4) an agent for a local mutual aid association, a local mutual burial association, or a statewide mutual aid association;

(5) an agent writing policies or riders to policies that provide only:

(A) lump-sum cash benefits in the event of accidental death, death by accidental means, or dismemberment; or

(B) ambulance expense benefits in the event of accident or sickness;

(6) an agent writing prepaid legal services contracts under Article 5.13-1 or Chapter 23 of this code;

(7) the marketing, offering for sale, or delivery of credit insurance products for use by a person, regardless of whether the person holds a specialty license issued by the department under this code, who is:

(A) a retail distributor of goods;

(B) an automobile dealer;

(C) a bank, state or federal savings and loan, or state or federal credit union;

(D) a finance company;

(E) a production credit association; or

(F) a retailer of manufactured housing, including mobile homes; and

(8) an agent writing any other type of insurance required by the commissioner to be licensed for the protection of the insurance consumers of this state.

(4) Strike Section 6(a), Article 21.14, Insurance Code, as added by SECTION 3.01 of the bill (page 25, lines 29-57, senate committee printing), and substitute the following:

(a) Notwithstanding any other law, a limited property and casualty license is required for each person who desires to act as an agent writing:

(1) insurance only on growing crops under Article 21.14-2 of this code;

(2) any form of insurance authorized under Chapter 16 of this code for a farm mutual insurance company, except that a license is not required under this subsection for a person who wrote policies that generated, in the aggregate, less than \$50,000 in direct premium for the preceding calendar year;

(3) exclusively all forms of insurance authorized to be solicited and written in this state that cover the ownership, operation, maintenance, or use of a motor vehicle that is designed for use on the public highways, including a trailer or semitrailer, and the motor vehicles' accessories or equipment;

(4) prepaid legal services contracts under Article 5.13-1 or Chapter 23 of this code;

(5) only industrial fire insurance policies covering dwellings, household goods, and wearing apparel on a weekly, monthly, or quarterly basis on a continuous premium payment plan written for an insurance company whose business is devoted exclusively to that business as described by Article 17.02 of this code, except that a license is not required under this subsection for a person who wrote industrial fire insurance policies that generated, in the aggregate, less than \$20,000 in direct premium for the preceding calendar year;

(6) the marketing, offering for sale, or delivery of credit insurance products for use by a person, regardless of whether the person holds a specialty license issued by the department under this code, who is:

(A) a retail distributor of goods;

(B) an automobile dealer;

(C) a bank, state or federal savings and loan, or state or federal credit union;

(D) a finance company;

(E) a production credit association; or

(F) a retailer of manufactured housing, including mobile homes; and

(7) any other type of insurance as required by the commissioner for the protection of the insurance consumers of this state.

(5) Strike SECTION 8.02(a) of the bill (page 50, lines 57-62, senate committee printing), and substitute the following:

(a) A person who, immediately before the effective date of this Act, holds an agent license issued by the Texas Department of Insurance and who obtained that license by passing a written examination, whether administered by the insurance carrier, company, or state testing contractor, is entitled to the appropriate license as provided by Subchapter A, Chapter 21, Insurance Code, as amended by this Act, without further examination.

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

Senator Brown offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 956** as follows:

On page 7 between lines 25 and 26, insert "(h) Section 2A of this section does not apply to a person who is licensed under, or holds a certificate of authority issued under, Chapter 9 of this code."

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

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 956 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 956** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**CSSB 956** was read third time and was passed by a viva voce vote.

**(Senator Carona in Chair)**

**SENATE BILL 1345 ON SECOND READING**

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SB 1345**, Relating to the definition of a nonconforming sign and the attachment of the nonconforming, off-premise sign status to the original nonconforming, off-premise sign.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **SB 1345** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Ratliff, Shapiro, Wentworth, West, Whitmire, Zaffirini.

Nays: Armbrister, Barrientos, Bernsen, Gallegos, Harris, Jackson, Moncrief, Shapleigh, Sibley, Truan.

Absent-excused: Luna.

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

**RECORD OF VOTES**

Senators Armbrister, Barrientos, Bernsen, Gallegos, Harris, Jackson, Moncrief, Shapleigh, Sibley, and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 601 ON SECOND READING**

Senator Moncrief asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 601**, Relating to the creation of a municipal court technology fund.

There was objection.

Senator Moncrief then moved to suspend the regular order of business and take up **CSSB 601** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, Zaffirini.

Nays: West, Whitmire.

Absent-excused: Luna.

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

### **RECORD OF VOTES**

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

### **COMMITTEE SUBSTITUTE SENATE BILL 601 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 601** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Zaffirini.

Nays: Wentworth, West, Whitmire.

Absent-excused: Luna.

**CSSB 601** was read third time and was passed by a viva voce vote.

### **RECORD OF VOTES**

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

### **SENATE BILL 961 ON SECOND READING**

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

**SB 961**, Relating to conditions of employment for peace officers and detention officers employed by certain sheriff's departments.

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

### RECORD OF VOTES

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

### SENATE BILL 961 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 961** be placed on its third reading and final passage.

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

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Fraser, Ogden, Wentworth.

Absent-excused: Luna.

**SB 961** was read third time and was passed by a viva voce vote.

### RECORD OF VOTES

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

### COMMITTEE SUBSTITUTE SENATE BILL 1073 ON SECOND READING

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

**CSSB 1073**, Relating to restrictions on and notice of the location of a shelter for the homeless in certain municipalities.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend the committee printing to **CSSB 1073** as follows:

(1) In the heading to proposed Subchapter B (page 1, line 26), after "HOMELESS", add "INDIVIDUALS".

(2) In proposed Subchapter B (page 1, between lines 26 and 27), insert the following section:

Sec. 244.021. DEFINITION. In this subchapter, "shelter for homeless individuals" means a supervised private facility that provides temporary living accommodations for homeless individuals.

(3) In proposed Section 244.021 (page 1, line 27), strike "244.021" and substitute "244.022".

(4) In proposed Section 244.022 (page 1, line 32), strike "244.022" and substitute "244.023".

(5) In proposed Section 244.022 (page 1, line 33), strike "244.024" and substitute "244.025".

(6) In proposed Section 244.023 (page 1, line 37), strike "244.023" and substitute "244.024".

(7) In proposed Section 244.023 (page 1, line 39), strike "244.022" and substitute "244.023".

(8) In proposed Section 244.023 (page 1, line 47), strike "homeless shelter" and substitute "shelter for homeless individuals".

(9) In proposed Section 244.024 (page 1, line 49), strike "244.024" and substitute "244.025".

(10) In proposed Section 244.024 (page 1, line 51), strike "244.022" and substitute "244.023".

(11) In proposed Section 244.024 (page 1, line 53), strike "244.023(a)(2)" and substitute "244.024(a)(2)".

(12) In proposed Section 244.025 (page 1, line 59), strike "244.025" and substitute "244.026".

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

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

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

### **COMMITTEE SUBSTITUTE SENATE BILL 1073 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1073** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**CSSB 1073** was read third time and was passed by a viva voce vote.

### **COMMITTEE SUBSTITUTE SENATE BILL 1438 ON SECOND READING**

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

**CSSB 1438**, Relating to a pilot project transferring certain professional and occupational licensing boards to self-directed semi-independent status; making an appropriation.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1438 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1438** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Luna.

**CSSB 1438** was read third time and was passed by a viva voce vote.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10 and Senate Rule 11.18 were suspended in order that the Committee on State Affairs might meet and consider **HB 1704** today.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Cain and by unanimous consent, Senate Rule 11.18 was suspended in order that the Subcommittee on Infrastructure might consider **SB 923** tomorrow.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Brown and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Natural Resources might consider **HB 2719** today.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Economic Development might consider **SB 168** tomorrow.

**CONGRATULATORY RESOLUTIONS**

**SR 736** - by Armbrister: Congratulating Saint Peter Lutheran Church of Prairie Valley.

**SR 738** - by Shapiro: Congratulating Esther Cohen of Dallas.

**SR 739** - by West: Congratulating Sam and Irene Kogutt of Dallas.

**SR 740** - by West: Congratulating Thomas M. Dunning of Dallas.

**SR 741** - by Sibley: Congratulating the City of Woodway.

**SR 742** - by Barrientos: Congratulating Priscilla Jarvis of Elgin.

**SR 743** - by Barrientos: Commending Public Service Recognition Week.

**SR 746** - by Lindsay: Congratulating Edd Hayes of Humble.

**SR 747** - by Lindsay: Congratulating Carl Rice Embrey of San Antonio.

**SR 748** - by Lindsay: Congratulating Ernesto Pedregon Martinez.

**HCR 88** - (Jackson): Congratulating the Texas Audubon Society on its 100th anniversary.

### MISCELLANEOUS RESOLUTIONS

**SR 745** - by Ellis: Recognizing April 26-30, 1999, as Texas Internet Week.

**SR 750** - by Bivins: Recognizing May 1, 1999, as Amarillo College Day.

### ADJOURNMENT

On motion of Senator Truan, the Senate at 4:59 p.m. adjourned, in memory of James Moran of Dallas and former Senator Ottis E. Lock of Lufkin, until 10:00 a.m. tomorrow.

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### APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 26, 1999

**HUMAN SERVICES — CSSB 374, CSSB 465, CSSB 369**

**BORDER AFFAIRS — CSSJR 45, CSSB 966, CSSB 1287**

**NATURAL RESOURCES — CSSB 708**

**STATE AFFAIRS — CSSB 256, CSSB 1079, SB 1721 (Amended), SB 1823 (Amended), CSSB 1842**

**CRIMINAL JUSTICE — CSSB 403, CSSB 280, CSSB 739, CSSB 247, CSSB 1650, SB 430 (Amended), CSSB 326, SB 962 (Amended)**

**EDUCATION — CSSB 502, CSSB 893, CSSB 1455, CSSB 3, CSSB 510, CSSB 1575, CSSB 1330, CSSB 1213, CSSB 1115, CSSB 911, CSSB 1651, CSHB 1488, CSSB 576, CSSB 1561**

### SIGNED BY GOVERNOR

April 23, 1999

**SCR 23, SCR 55**

**In Memory**  
**of**  
**Ottis E. Lock**

Senator Truan offered the following resolution:

**(Senate Resolution 744)**

WHEREAS, The Senate of the State of Texas joins the citizens of East Texas and the entire State of Texas in celebrating the life of former State Senator and State Representative Ottis E. Lock of Lufkin, who died August 15, 1998; and

WHEREAS, Born on July 28, 1910, on a small farm in Angelina County, he attended public schools at nearby Zavalla, graduated from high school at Rusk Academy, and worked his way through college at Stephen F. Austin State Teachers College, where he received a teacher's certificate and a bachelor of science degree in history and education; and

WHEREAS, While simultaneously serving as a teacher, basketball coach, band director, principal, superintendent, and bus driver in the Laneville public schools, he educated himself in the law through independent study and summer courses at The University of Texas School of Law and became a licensed attorney by passing the State Bar exam; and

WHEREAS, Elected to the House of Representatives in 1938, he served his constituents for 10 years in the House before moving on to represent his East Texas district for 10 years in the Senate, where he served on 15 different committees, and as chair of the Senate Committee on Nominations and the Senate Committee on Finance; and

WHEREAS, During World War II, although exempt from military service as a member of the legislature, he enlisted as a buck private in the United States Army and went on to serve his country as a second lieutenant in Army counter-intelligence while continuing his service in the House, having won reelection while on active duty; and

WHEREAS, Throughout his 20 years as a member of the Texas Legislature, Senator Lock was noted for his behind-the-scenes leadership, his strong advocacy of public education, and his desire to make state government more effective and economical; and

WHEREAS, As a champion of educational opportunity for all, he personally drafted the three bills that formed the cornerstones of the Gilmer-Aikin bills and was the author of the bill establishing the Foundation School Program; he also authored the bill creating the Texas Higher Education Coordinating Board; and

WHEREAS, At the end of his 20 years in the legislature, veteran legislators and school officials said there had not been a piece of legislation passed on behalf of the schools in the past two decades that Ottis Lock had not either written or helped write; and

WHEREAS, A highly acclaimed statesman and public servant, he declined the urging of many to seek the office of governor or lieutenant governor, and instead, set forth in 1959 to devote more time to his growing family and to a 15-year career in Lufkin with Southland Paper Mills, a company that rose to international prominence as a manufacturer of newsprint; and

WHEREAS, After completion of his tenure in the Texas Legislature, he continued his civic activities through many organizations; he served as president of the Lufkin school board, as a member of the State Senior Colleges Board of Regents (the forerunner of today's Texas State University System), as a member and chairman of the Texas Public Safety Commission, and as president of the Lufkin Youth Baseball Association; and

WHEREAS, Senator Lock was quick to give others the credit and slow to accept tribute for his accomplishments, and his willingness to accept awards and honors, such as being named a distinguished alumnus of Stephen F. Austin State University in 1968, was the exception rather than the rule; and

WHEREAS, He enjoyed the greatest respect of his colleagues in his many areas of public service; his legacy of unflagging support for educational opportunities and service to others will have a lasting impact on this state; those who were privileged to share his friendship will long miss his advice and counsel; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby pay homage to the lifetime of selfless service of Senator Ottis E. Lock and extend sincere condolences to the members of his family: his wife of 52 years, Viola Williamson Lock; his sons, Jim R. Lock, Ben W. Lock, and Joe A. Lock; his sister, Margie Lock Hartson; his daughters-in-law, Marsha Lock and Robin Lock; and his granddaughters, Cate and Alison Lock; and, be it further

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

The resolution was read.

On motion of Senator Nixon 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 and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

Senator Truan was recognized and introduced to the Senate family members of Ottis E. Lock: his wife, Viola Williamson Lock; his sons, Jim, Ben, and Joe Lock; his sister, Margie Lock Hartson; his daughters-in-law, Marsha and Robin Lock; and his granddaughters, Cate and Alison Lock.

The Senate welcomed the Lock family members and extended its condolences.