

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY (CONT'D) — THURSDAY, APRIL 6, 1989

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 110).

Present — Mr. Speaker; Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Hudson, S.

The invocation was offered by Representative Glossbrenner.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

A. Hill on motion of Guerrero.

Smithee on motion of Crawford.

Stiles on motion of Lucio.

Campbell on motion of Lucio.

Marchant on motion of B. Hunter.

The following member was granted leave of absence for today because of personal business:

Jackson on motion of Arnold.

MESSAGE FROM THE SENATE

Austin, Texas, April 6, 1989

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 2 by Santiesteban, et al., relating to the authorization, administration, and funding of the financial assistance programs to provide water supply and sewer services in economically distressed areas.

SB 557 by McFarland, et al., relating to the calculation of sentence time credit for persons sentenced to terms of confinement in the Texas Department of Corrections.

SB 657 by Parker, relating to the personal civil liability of a member of the emergency management council.

SB 993 by Lyon, relating to the creation, administration, and powers, including the power of eminent domain, and to the duties of Collin County Water Authority.

SB 1399 by Uribe and Brown, relating to the time within which an action to recover damages resulting from the presence of asbestos-containing materials in a building or facility may be brought.

Respectfully,
Betty King
Secretary of the Senate

BILL SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bill:

HB 425

HR 548 - ADOPTED

Representative Laney moved that all necessary rules be suspended to take up and consider at this time, **HR 548**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Laney:

HR 548, In memory of former representative Jesse Osborn.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Harrison, the names of all the members of the house were added to **HR 548** as signers thereof.

HR 427 - ADOPTED

Representative Goolsby moved that all necessary rules be suspended to take up and consider at this time, **HR 427**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Goolsby:

HR 427, Congratulating the Pearce Pacesetters drill team.

The resolution was read and was adopted without objection.

On motion of Representative F. Hill, the names of all the members of the house were added to **HR 427** as signers thereof.

HR 539 - ADOPTED

Representative Shelley moved that all necessary rules be suspended to take up and consider at this time, **HR 539**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Shelley:

HR 539, Commending Jack Fields, Sr.

The resolution was read and was adopted without objection.

On motion of Representative Polumbo, the names of all the members of the house were added to **HR 539** as signers thereof.

HR 549 - ADOPTED

Representative T. Hunter moved that all necessary rules be suspended to take up and consider at this time, **HR 549**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By T. Hunter:

HR 549, Commending Lori Johns.

The resolution was read and was adopted without objection.

On motion of Representative Lucio, the names of all the members of the house were added to **HR 549** as signers thereof.

HCR 193 - ADOPTED

Representative D. Hudson moved that all necessary rules be suspended to take up and consider at this time, **HCR 193**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By D. Hudson:

HCR 193, Commending the East Texas Crisis Center.

The resolution was adopted without objection.

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

The speaker laid before the house the following congratulatory and memorial resolutions:

By Williamson, et al.:

HCR 61, Designating the Guadalupe bass as the state fish.

The resolution was adopted without objection.

SCR 63 (Yost - House Sponsor), Congratulating the Kilgore Rangerettes.

The resolution was adopted without objection.

SCR 87 (McDonald - House Sponsor), Honoring the 75th Anniversary of The University of Texas at El Paso.

The resolution was adopted without objection.

By Hilbert:

HCR 154, Commending the Westfield High School band.

The resolution was adopted without objection.

By Hilbert, et al.:

HCR 155, Congratulating the members and coaches of the Northwest 45 All Star baseball team.

The resolution was adopted without objection.

By Holzheuser:

HCR 177, Recognizing Victoria County Water Appreciation Day.

The resolution was adopted without objection.

By Holzheuser:

HR 254, Commending Kenneth Allan Rosenquest.

The resolution was read and was adopted without objection.

On motion of Representative Willy, the names of all the members of the house were added to **HR 254** as signers thereof.

By Chisum, et al.:

HR 262, Commending R. H. "Rufe" Jordan.

The resolution was adopted without objection.

By Speaker Lewis:

HR 269, Commending Robert P. Steele.

The resolution was adopted without objection.

By Speaker Lewis:

HR 270, Commending Roy Stewart.

The resolution was adopted without objection.

By Speaker Lewis:

HR 271, Commending Darrell Davis.

The resolution was adopted without objection.

By Speaker Lewis:

HR 272, Commending James B. "Jim" Dudley and Clara Frances Nelson Dudley.

The resolution was adopted without objection.

By McCollough:

HR 320, Commending Rueben Kimball.

The resolution was adopted without objection.

By Turner:

HR 344, Welcoming Texas Bicyclist to the state.

The resolution was read and was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 344** as signers thereof.

By Rudd:

HR 345, Congratulating the Plains High School band.

The resolution was adopted without objection.

(Speaker pro tempore in the chair)

By Edwards:

HR 346, Commending Billie Carr.

The resolution was adopted without objection.

By Edwards:

HR 347, Commending Herbert Joseph Provost.

The resolution was adopted without objection.

By Edwards:

HR 359, Commending Tamala Monique Edwards.

The resolution was adopted without objection.

By Counts:

HR 388, Congratulating Tim Fambrough.

The resolution was adopted without objection.

By Counts:

HR 389, Congratulating Ann Allen.

The resolution was adopted without objection.

By Counts:

HR 390, Congratulating Ken Becker.

The resolution was adopted without objection.

By H. Cuellar:

HR 394, Commending the Laredo Junior College Women's Center and Women Challenging New Horizons.

The resolution was adopted without objection.

By H. Cuellar:

HR 395, Commending Blas Castaneda.

The resolution was adopted without objection.

By H. Cuellar:

HR 396, Commending Peter H. Vargas.

The resolution was adopted without objection.

By Wilson:

HR 406, In memory of Delbert H. Pearson and Joseph Thomas Crews.

The resolution was unanimously adopted by a rising vote.

On motion of Representative R. Lewis, the names of all the members of the house were added to **HR 406** as signers thereof.

By B. Hunter:

HR 408, Commending Cooper High School Cougars baseball team of Abilene and coach Andy Malone.

The resolution was adopted without objection.

By Denton:

HR 418, Honoring the 1989 Special Olympics.

The resolution was adopted without objection.

On motion of Representative Finnell, the names of all the members of the house were added to **HR 418** as signers thereof.

By Denton:

HR 428, Commending the China Spring High School boys' basketball team.

The resolution was adopted without objection.

By Denton:

HR 429, Commending the China Spring High School girls' basketball team.

The resolution was adopted without objection.

By McWilliams, et al.:

HR 421, Commending William Charles Wooldridge.

The resolution was adopted without objection.

By Repp:

HR 451, Congratulating Bruce and Beulah Wade.

The resolution was adopted without objection.

By Morales:

HR 433, Commending James L. Carson.

The resolution was adopted without objection.

By Lucio:

HR 434, Commending Carlos and Elma Rodriguez.

The resolution was adopted without objection.

By Lucio:

HR 435, Commending Jaime Garcia, Jr.

The resolution was adopted without objection.

By Lucio:

HR 436, Congratulating Judge Reynaldo G. Garza.

The resolution was adopted without objection.

By Lucio:

HR 437, Commending Jim Estrada.

The resolution was adopted without objection.

On motion of Representative R. Cuellar, the names of all the members of the house were added to **HR 437** as signers thereof.

By Hightower:

HR 446, Commending Dr. Elliott T. Bowers.

The resolution was adopted without objection.

On motion of Representative Eckels, the names of all the members of the house were added to **HR 446** as signers thereof.

By Hightower:

HR 447, Commending Judge Erwin Goree Ernst.

The resolution was adopted without objection.

By Finnell:

HR 453, Congratulating the Vernon High School Lions combined tennis teams.

The resolution was adopted without objection.

On motion of Representative Eckels, the names of all the members of the house were added to **HR 453** as signers thereof.

By Kubiak:

HCR 171, Recognizing Caldwell as the Kolache Capital of Texas.

The resolution was adopted without objection.

By Kubiak:

HR 466, Commending Ulma Diemer Stewart.

The resolution was adopted without objection.

By Kubiak:

HR 467, Commending Judge Harry Lesser.

The resolution was adopted without objection.

By McKinney:

HR 474, Congratulating the members and the coaching staff of the Grapeland High School girls' basketball team.

The resolution was adopted without objection.

By Polumbo:

HR 348, Congratulating the Chiquapin School.

The resolution was adopted without objection.

By Polumbo:

HR 448, Commending the San Jacinto North College Chorale and the San Jacinto North Studio Band.

The resolution was adopted without objection.

By Polumbo:

HR 378, In memory of Marion Johnson.

The resolution was unanimously adopted by a rising vote.

By Willy:

HR 392, In memory of Samuel James Lee.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Holzheuser, the names of all the members of the house were added to **HR 392** as signers thereof.

By B. Hunter:

HR 407, In memory of Dr. Rupert Norval Richardson.

The resolution was unanimously adopted by a rising vote.

By Denton:

HR 419, In memory of Wallace R. Silva.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Eckels, the names of all the members of the house were added to **HR 419** as signers thereof.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

Representative Finnell moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for Thursday, April 13, at 9 a.m.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 6, 1989

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

Local and Uncontested Calendar

SCR 57 by Uribe, granting the Lorenzo de Zavala Youth Legislative Session permission to use the house and senate chambers on August 2-4, 1989.

SCR 70 by Henderson, directing the State Department of Highways and Public Transportation to issue "U.S. Judge" plates to federal bankruptcy judges residing in Texas.

SB 382 by Brown, relating to the maintenance and disposition of certain county records.

SB 529 by Henderson, relating to the continuation, name change, and operation of the Natural Fibers and Food Protein Commission.

SB 713 by Caperton, relating to the creation, administration, powers, duties, operation, and financing of the Rice Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

SB 722 by Parker, relating to the jurisdiction of the County Court at Law of Liberty County.

SB 723 by Glasgow, relating to the right of fresh water supply districts to participate in certain procedures for the disposition of surplus and salvage state property.

SB 800 by Barrientos, relating to membership and credit in, contributions to, benefits from, and administration of fire fighters' retirement systems in certain municipalities.

SB 829 by Haley, relating to the regulation of credit life and credit accident and health insurance for certain loans and credit transactions.

SB 847 by Sims, relating to grants from the Texas Water Development Board for the purchase of equipment for water quality testing.

SB 886 by Whitmire, relating to exempting certain driver education vehicles from the Certificate of Title Act.

SB 938 by Parker, relating to the jurisdiction of the 344th District Court.

SB 954 by Bivins, relating to the composition, operation, and dissolution of the Deaf Smith County Hospital District.

SB 960 by Sims, relating to the appointment of bailiffs for certain courts in Tom Green County.

SB 1032 by Henderson, relating to the dissolution of the Harris County Regional District No. 2.

SB 1115 by Montford, relating to well-servicing units and self-powered drilling rigs.

SB 1122 by Brown, relating to the continuing education requirements for a county treasurer.

SB 1136 by Sims, relating to notes issued by a conservation district.

SB 1186 by Washington, relating to the adoption and utilization by a home-rule municipality of administrative procedures for the destruction of animals.

SB 1249 by Johnson, relating to the interment of paupers.

SB 1308 by Montford, relating to appeals from administrative agencies pursuant to the Administrative Procedure and Texas Register Act.

HB 387 by Patterson, relating to the powers of the Hopkins County Hospital District.

HB 393 by Chisum, relating to the tax rate of the Hall County Hospital District.

Respectfully,
Betty King
Secretary of the Senate

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading: (Members registering votes are shown following the caption)

SB 51 (Connelly - House Sponsor), A bill to be entitled An Act relating to the authority of a municipality to annex certain political subdivisions and to the authority of the subdivisions' governing bodies to continue in existence after the annexation.

SB 139 (Horn - House Sponsor), A bill to be entitled An Act relating to the filing of a financing statement under a trade name or assumed name.

SB 236 (Rudd - House Sponsor), A bill to be entitled An Act relating to the addition of independent ginning services to other ginning services eligible to hold an agricultural permit.

SB 264 was withdrawn by the sponsor.

SB 289 (Willy - House Sponsor), A bill to be entitled An Act relating to the designation of areas within a county jail where certain fire safety devices are unsuitable for use.

SB 436 (Cavazos - House Sponsor), A bill to be entitled An Act relating to the application of the Texas Unemployment Compensation Act to real estate licensees and instructors.

Representative Tallas offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1:

Amend **SB 436** on page 9 as follows:

- (1) on line 1 add the word "and" following "Commission;";
- (2) delete lines 7 and 8;
- (3) on line 6 delete "; and" and insert ";

Committee Amendment No. 1 was adopted without objection.

SB 491 (Danburg - House Sponsor), A bill to be entitled An Act relating to a program to develop, restore, and preserve central business districts of certain cities.

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to engrossment: (Members registering votes are shown following the caption)

HB 79, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Medina County and to certain fees in that court.

HB 528, A bill to be entitled An Act relating to the membership and election of the Fox Crossing Water District board of directors.

HB 1446 was withdrawn from the calendar.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to engrossment: (Members registering votes are shown following the caption)

HB 14, A bill to be entitled An Act relating to the period for which a foreign exchange teacher may teach in public schools.

Representative Glossbrenner moved that consideration of **HB 14** be postponed until Thursday, April 13, at 9 a.m.

The motion prevailed without objection.

HB 1563, A bill to be entitled An Act relating to the processing of a voter registration application submitted to the wrong voter registrar.

HB 1564, A bill to be entitled An Act relating to the deadline for submission of a voter registration application before an election.

HB 137, A bill to be entitled An Act relating to registration as a classic motor vehicle and to the issuance of special license plates for certain passenger cars and light commercial motor vehicles.

HB 383, A bill to be entitled An Act relating to reconstituting the jury wheel.

HB 959, A bill to be entitled An Act relating to the procedures for the setting by district judges of the compensation of certain district or county officers or employees.

HB 1051, A bill to be entitled An Act relating to the financial operations of certain hospital districts.

HB 1441, A bill to be entitled An Act relating to the authority of the Jefferson County Navigation District to construct, maintain, improve, reconstruct, repair, and replace and issue revenue bonds for certain water projects.

HB 1442, A bill to be entitled An Act relating to the authority of the Jefferson County Drainage District No. 6 to construct, improve, reconstruct, repair, maintain, and enter into various agreements and issue revenue bonds for certain water projects.

HB 1555, A bill to be entitled An Act relating to the requirement of continuing education for county commissioners.

HB 1558, A bill to be entitled An Act relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

HB 140, A bill to be entitled An Act relating to the terms of persons appointed to fill trustee vacancies in certain school districts.

HB 228, A bill to be entitled An Act relating to the authority to sign checks for the Lavaca-Navidad River Authority.

CSHB 155, A bill to be entitled An Act relating to the adoption of the Uniform Federal Lien Registration Act, governing the filing of notes affecting federal liens.

CSHB 180, A bill to be entitled An Act relating to a reduction in registration fees for professional registered engineers who are at least 65 years of age.

CSHB 200, A bill to be entitled An Act relating to the credentials of certain persons who appraise real property.

CSHB 225, A bill to be entitled An Act relating to the authority of certain municipalities to extend ordinances into their extraterritorial jurisdiction.

HB 1577, A bill to be entitled An Act relating to the maintenance and disposition of certain county records.

Representative Campbell offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1577** as follows:

- (1) On page 3, line 12, strike "authorized by" and substitute "on the staff of".
- (2) On page 3, line 17, strike "authorized" and substitute "staff".
- (3) On page 3, line 20, strike "authorized" and substitute "staff".
- (4) On page 3, line 24, between "or" and "person", insert "a".
- (5) On page 3, line 24, strike "authorized by" and substitute "on the staff of".

Committee Amendment No. 1 was adopted.

HB 349, A bill to be entitled An Act relating to the authority of certain general-law municipalities to annex adjacent streets, highways, roads, and alleys.

HB 822, A bill to be entitled An Act relating to the effective date for certain requirements for licensure as an air conditioning and refrigeration contractor.

HB 353, A bill to be entitled An Act relating to certain requirements for state agency stationery.

Representative Parker offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 353** by striking SECTION 2 and inserting in lieu thereof the following:

SECTION 2. TELEPHONE NUMBER REQUIRED. Each state agency shall print an agency telephone number on the letterhead of the official agency stationery.

Committee Amendment No. 1 was adopted without objection.

HB 371, A bill to be entitled An Act relating to the time when a county must prepare an annual budget.

Representative Robinson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 371** as follows:

- (1) On Page 1, line 6, between "the" and "10th", insert "7th or the".
- (2) On page 1, line 7, between "year," and "the", insert "as determined by the commissioners court,".
- (3) On page 1, line 14, strike "11th".
- (4) On page 1, line 14, between "month" and "of", insert "next following the month in which the budget was prepared in accordance with Section 111.003, Local Government Code,".
- (5) On page 1, line 14, strike the words "of the fiscal year".

Committee Amendment No. 1 was adopted without objection.

HB 1192, A bill to be entitled An Act relating to the identification of certain county vehicles.

HB 395, A bill to be entitled An Act relating to the sale of wine by the holder of a winery permit.

HB 411, A bill to be entitled An Act relating to the delivery of certain interagency mail.

Representative Polumbo offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 411**, Sec. 1, line 19, by striking the period “(.)” after “County” and inserting, “provided however such state agencies subject to sub section (a) are not prohibited from using alternate delivery method.”

Committee Amendment No. 1 was adopted without objection.

HB 575, A bill to be entitled An Act relating to the financing and operation of the Parker County Hospital District and the election of directors and providing for the levy of a sales tax.

Representative Jones offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 575** as follows:

(1) On page 2, line 21, add a new sentence after “purpose.” to read as follows: “Such sales and use tax, if adopted, shall not count toward the limitation already imposed by law upon sales and use taxes levied by a city or a county in the affected region.”

(2) On page 2, line 24, add a new sentence after “percent.” to read as follows: “For purposes of this section, the term ‘taxable items’ shall include all items subject to any sales and use tax that might also be imposed by Parker County within the affected region. The term ‘taxable items’ shall not include any items which are not subject to a sales and use tax imposed by Parker County within the affected region. Any change in the taxable status of an item for purposes of a sales and use tax imposed by Parker County shall affect the same change at the same time in taxable status of the item under the tax imposed under this Act.”

(3) On page 3, line 8, insert a comma after “(d)” and “(e)”, strike “and”, and insert the following: “and Section 4, Chapter 11, Acts of the 70th Legislature, Regular Session, 1987, or any subsequent codification thereof.”

(4) On page 3, insert between lines 11 and 12 a new Subsection (d) to read as follows:

“(d) The sales and use tax for the Parker County Hospital District, if approved, may subsequently be repealed in the following manner: A petition containing signatures from registered voters in quantity not less than ten percent (10%) of the total number of all votes cast on the most recent successful proposition to establish such sales and use tax shall be submitted to the County Clerk who shall proceed to place such question of repeal on the official ballot for the consideration of all voters on the first Tuesday after the first Monday in November of any year; provided, however, that if a proper petition be presented to the County Clerk within 120 days prior to the first Tuesday after the first Monday in November, then the County Clerk shall place such question on the ballot on such date the following year. If a majority of the votes be cast in favor of repealing the sales and use tax, then such tax shall cease to be levied on the following January 1.”

(5) On page 3, renumber the existing SECTION 5 as SECTION 6 and then insert a new SECTION 5 between lines 20 and 21 to read as follows:

"SECTION 5. The tax adopted under Section 13A shall not be imposed prior to January 1, 1991."

(6) Amend the newly designated SECTION 6 by placing a period after the word "suspended" the second time it appears and then strike all remaining language in the sentence.

Committee Amendment No. 1 was adopted without objection.

HB 423, A bill to be entitled An Act relating to audit report exemptions and financial dormancy affidavits of certain water districts.

HB 539, A bill to be entitled An Act relating to payment of member contributions to the Judicial Retirement System of Texas Plan Two.

CSHB 568, A bill to be entitled An Act relating to a requirement that a judgment in a felony case contain information necessary to ensure the payment of restitution to a victim of the offense.

HB 571, A bill to be entitled An Act relating to the date on which the attendance of students for the first semester of the regular public school term begins.

HB 603, A bill to be entitled An Act relating to the procedures for collecting a small amount of property taxes.

CSHB 625, A bill to be entitled An Act relating to the effect of citing volume and page numbers or film code numbers in referring to real property records in instruments relating to real property transactions.

HB 660, A bill to be entitled An Act relating to requirements for the recording of documents relating to real or personal property.

HB 769, A bill to be entitled An Act relating to filling a vacancy on the board of trustees of an independent school district.

HB 820, A bill to be entitled An Act relating to the method of filing certain political funds reports immediately before an election.

CSHB 946, A bill to be entitled An Act relating to the creation of a promotion and development fund by the Galveston County Navigation District No. 1.

HB 980, A bill to be entitled An Act relating to the deadline for filing an application for a place on the ballot in a water control and improvement district election.

Representative Shelley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 980**, Section 1, line 12 by substituting "and must be filed at least 45" [20] days with "no later than the 45th day"

Committee Amendment No. 1 was adopted without objection.

HB 1010, A bill to be entitled An Act relating to the membership of the Dental Hygiene Advisory Committee and to the per diem and reimbursement to which committee members are entitled.

HB 1035, A bill to be entitled An Act relating to the requirement that a water district file its annual audit report with the state auditor.

SB 577 (Jones - House Sponsor), in lieu of **HB 1046**, A bill to be entitled An Act relating to criminal law magistrates in Lubbock County.

HB 1046 - LAID ON THE TABLE SUBJECT TO CALL

Representative Jones moved that **HB 1046** be laid on the table subject to call.

The motion prevailed without objection.

HB 1154, A bill to be entitled An Act relating to the regulation of the practice of dentistry.

Representative Early moved that consideration of **HB 1154** be postponed until Thursday, April 13, at 9 a.m..

The motion prevailed without objection.

CSHB 1168, A bill to be entitled An Act relating to the Teague Hospital District.

HB 1171, A bill to be entitled An Act relating to a change fund for county and district officials.

HB 1243, A bill to be entitled An Act relating to the provision of services by dentists under the Indigent Health Care and Treatment Act.

HB 1297, A bill to be entitled An Act relating to investments by navigation districts.

HB 1332, A bill to be entitled An Act relating to the issuance, amendment, and renewal of waste discharge permits by the Texas Water Commission.

Representative Culberson moved that consideration of **HB 1332** be postponed until Monday, April 10, at 2 p.m.

The motion prevailed without objection.

HB 1350, A bill to be entitled An Act relating to the appointment of bailiffs for certain courts in Grayson County.

HB 1416, A bill to be entitled An Act relating to criminal mischief involving services subject to regulation by the Texas Water Commission.

SB 331 (Hilbert - House Sponsor), in lieu of **HB 1479**, A bill to be entitled An Act relating to the designation of certain county toll roads as controlled access toll roads.

HB 1479 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilbert moved that **HB 1479** be laid on the table subject to call.

The motion prevailed without objection.

HB 1487, A bill to be entitled An Act relating to membership and credit in, and benefits and administration of, certain retirement systems for volunteer or paid fire fighters.

Representative Laney moved that consideration of **HB 1487** be postponed until Monday, April 17, at 2 p.m.

The motion prevailed without objection.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Finnell:

HR 74, Expressing support for the continuation and expansion of programs that provide health care and personal care services for elderly and disabled Texans.

The resolution was adopted without objection.

By Robinson, et al.:

HCR 13, Requesting the Congress of the United States to propose legislation designed to increase the level of Medicare compensation to rural hospitals.

The resolution was adopted without objection.

By Yost:

HCR 17, Supporting the Interstate Oil Compact Commission; recognizing that domestically-produced natural gas should play a role in Texas' national energy supply; recommending that certain goals be made part of our national energy policy.

Representative Yost offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Please amend lines 10 to 13 of **HCR 17** to read as follows:

WHEREAS, Natural gas can enhance our capacity of preserving a domestic core supply of energy and could replace imported crude oil for many of our nation's fossil fuel needs, thus reducing our balance of payments deficit and increasing our domestic energy security; and

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Edwards:

HCR 19, Memorializing the Congress of the United States not to implement further reductions in federal assistance to Amtrak that will curtail passenger train service in Texas and the nation.

The resolution was adopted without objection.

By H. Cuellar:

HCR 117, Inviting the people of Canada to join Texas in international understanding and goodwill.

The resolution was adopted without objection.

By H. Cuellar:

HCR 118, Inviting the people of Mexico to join Texas in international understanding and goodwill.

The resolution was adopted without objection.

HR 534 - RULE SUSPENDED

Representative Laney moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HR 534**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, Subcommittees on **HB 18** and **HB 791**, first adjournment today, Desk 34, to consider **HB 18** and **HB 791**.

Natural Resources, first adjournment today, Desk 90, to consider **HB 1862** and **HB 1329**.

Transportation, Subcommittee on **HB 755**, first adjournment today, Desk 34, to consider **HB 755**.

Judiciary, Subcommittee on **HB 1439**, first adjournment today, to consider **HB 1439**.

Public Education, first adjournment today, speakers committee room, to consider **SB 623**.

Local and Consent Calendars, first adjournment today, Desk 85, to consider **HB 1446** and **SB 264**.

ADJOURNMENT

Representative Hinojosa moved that the house adjourn until 11:20 a.m.

The motion prevailed without objection.

The house accordingly, at 11:07 a.m., adjourned until 11:20 a.m.

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-EIGHTH DAY — THURSDAY, APRIL 6, 1989

The house met at 11:20 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 111).

Present — Mr. Speaker; Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, T.; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Hudson, S.; Smith, R.

LEAVES OF ABSENCE GRANTED

On motion of Representative Hinojosa, and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Hinojosa moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent calendars which were considered on the previous legislative day.

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by a voice vote: (Members registering votes are shown following bill number)

SB 51

SB 139

SB 236
HB 1563
HB 1564
HB 137
HB 1555
HB 140
HB 155
HB 180
HB 200
HB 1577
HB 822
HB 353
HB 371
HB 411
HB 423
HB 568
HB 603
HB 660
HB 769
HB 820
HB 980
HB 1010
SB 577
HB 1171
HB 1243
HB 1350

(R. Smith now present)

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 112): (Members registering votes and the results of the vote are shown following bill number) 139 Yeas, 0 Nays, 0 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga(C); Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hinojosa; Hollowell;

Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Mr. Speaker; Hudson, S.

SB 289 (139-0-0)

SB 436 (139-0-0)

SB 491 (139-0-0)

HB 79 (139-0-0)

HB 528 (139-0-0)

HB 383 (139-0-0)

HB 959 (139-0-0)

HB 1051 (139-0-0)

HB 1441 (139-0-0)

HB 1442 (139-0-0)

HB 1558 (139-0-0)

HB 228 (139-0-0)

HB 225 (139-0-0)

HB 349 (139-0-0)

HB 1192 (139-0-0)

HB 395 (139-0-0)

HB 575 (139-0-0)

HB 539 (139-0-0)

HB 571 (139-0-0)

HB 625 (139-0-0)

HB 946 (139-0-0)

HB 1035 (139-0-0)

HB 1168 (139-0-0)

HB 1297 (139-0-0)

HB 1416 (139-0-0)

SB 331 (139-0-0)

On motion of Representative Hinojosa, and by unanimous consent, the captions of all senate bills passed on the local and consent calendars were ordered amended to conform to the body of the bills.

SB 41 ON THIRD READING
(McKinney - House Sponsor)

The chair laid before the house on its third reading and final passage,

SB 41, A bill to be entitled An Act relating to the required wearing of protective headgear by motorcycle riders.

The bill was read third time.

Representative Waterfield offered the following amendment to the bill:

Amend **SB 41**, on third reading, as follows:

(1) On page 1, line 8, strike "A" and substitute "(a) Except as provided by Subsection (b) of this section, a".

(2) On page 1, between lines 18 and 19, insert the following:

(b) It is a defense to prosecution under Subsection (a) of this section that, at the time the offense was committed, the person required by Subsection (a) of this section to wear protective headgear:

(1) was 18 years of age or older; and

(2) presented to the arresting peace officer a medical exemption that conforms to the requirements of Subsections (c) and (d) of this section.

(c) A medical exemption may only be issued by a practicing physician licensed to practice medicine by the Texas State Board of Medical Examiners to a person who has sustained an acute head or facial injury that would be worsened if the person wore protective headgear.

(d) A medical exemption:

(1) must be on a form prescribed by the Department of Public Safety; and

(2) expires on the 10th day after the date it is issued.

The amendment was adopted without objection.

SB 41, as amended, was passed. (Patterson, Heflin, McWilliams, Willy, Russell, Valigura, R. Cuellar, H. Cuellar, J. Harris, and Telford recorded voting no.)

On motion of Representative McKinney and by unanimous consent, the caption of **SB 41** was ordered amended to conform to the body of the bill.

SB 590 ON THIRD READING
(C. Harris - House Sponsor)

The chair laid before the house on its third reading and final passage,

SB 590, A bill to be entitled An Act relating to validation of governmental acts and proceedings by municipalities.

The bill was read third time and was passed.

On motion of Representative C. Harris and by unanimous consent, the caption of **SB 590** was ordered amended to conform to the body of the bill.

HB 580 ON THIRD READING

The chair laid before the house on its third reading and final passage,

HB 580, A bill to be entitled An Act relating to acquisition of real property by community mental health and community mental retardation centers.

The bill was read third time.

Representative Kubiak offered the following amendment to the bill:

HB 580 is amended by adding on page 1 between lines 18 and 19 to read as follows:

(h) If requested, a public meeting must be held concerning a proposed community center. Without this public meeting, approval of this section shall not be given.

(i) The department shall hold the meeting in the closest available public building to the site of the proposed community center.

(j) The Department must give public notice of an opportunity for a hearing on an application for a community center at least once each week for two consecutive weeks beginning no later than the 14th day from the last day allowed to request such a hearing. The notice must be published in the newspaper having the largest general circulation that is published in the county in which the proposed community center will be located, unless no newspaper is published in the county, in which case the notice must be published in a newspaper of general circulation in the county.

(k) Notice shall be posted at the location of the site of the proposed center that is visible from a regularly traveled thoroughfare, before the 30th day before the date of the meeting.

Representative Madla moved to table the Kubiak amendment.

A record vote was requested.

The motion to table was lost by (Record 113): 54 Yeas, 76 Nays, 0 Present, not voting.

Yeas — Alexander; Barton; Beauchamp; Berlanga(C); Blair; Brimer; Carter; Cavazos; Colbert; Collazo; Conley; Cuellar, H.; Danburg; Delco; Earley; Edge; Garcia; Gavin; Gibson; Glossbrenner; Guerrero; Harris, J.; Hightower; Hinojosa; Hunter, B.; Hunter, T.; Junell; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; Melton; Pennington; Perez; Perry; Price; Rodriguez; Schlueter; Smith, T.; Soileau; Swift; Turner; Uher; Wallace; Williamson; Willy.

Nays — Arnold; Blackwood; Cain; Chisum; Clemons; Connelly; Counts; Craddick; Crawford; Cuellar, R.; Culberson; Denton; Eckels; Edwards; Finnell; Fraser; Goolsby; Granoff; Grusendorf; Haggerty; Hammond; Harris, C.; Harrison; Heflin; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hollowell; Holzheuser; Hudson, D.; Johnson, J.; Johnson, S.; Jones; Kubiak; Kuempel; Moreno, P.; Mowery; Oakley; Ovard; Park; Patterson; Pierce; Polumbo; Rangel; Repp; Richardson; Robinson; Robnett; Rudd; Russell; Saunders; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Valigura; VanderVoort; Warner; Waterfield; Watkins; Wentworth; Wilson; Wolens; Wright; Yost.

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithe; Stiles; Willis.

Absent — Mr. Speaker; Criss; Dutton; Evans; Horn; Hudson, S.; Hury; McWilliams; Moreno, A.; Parker; Vowell.

A record vote was requested.

The Kubiak amendment failed of adoption (not receiving the necessary two-thirds vote) by (Record 114): 81 Yeas, 53 Nays, 0 Present, not voting.

Yeas — Alexander; Arnold; Blackwood; Blair; Brimer; Carter; Chisum; Clemons; Connelly; Counts; Craddick; Crawford; Culberson; Denton; Dutton; Eckels; Edwards; Evans; Finnell; Fraser; Goolsby; Grusendorf; Haggerty; Hammond; Harris, C.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Johnson, J.; Johnson, S.; Jones; Kubiak; Kuempel; Luna, A.; McWilliams; Mowery; Oakley; Ovard; Park; Patterson; Pennington; Polumbo; Repp; Richardson; Robinson; Robnett; Rudd; Russell; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Turner; Valigura; VanderVoort; Wallace; Waterfield; Wentworth; Wolens; Wright; Yost.

Nays — Barton; Beauchamp; Berlanga(C); Cavazos; Colbert; Collazo; Conley; Criss; Cuellar, H.; Cuellar, R.; Danburg; Delco; Earley; Edge; Garcia; Gavin; Gibson; Glossbrenner; Guerrero; Harris, J.; Hinojosa; Hury; Junell; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; Melton; Moreno, A.; Moreno, P.; Perez; Perry; Pierce; Price; Rangel; Rodriguez; Saunders; Schlueter; Smith, T.; Thompson, G.; Thompson, S.; Uher; Vowell; Warner; Williamson; Willy.

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Mr. Speaker; Cain; Granoff; Hudson, S.; Parker; Watkins; Wilson.

HB 580 was passed.

(Speaker in the chair)

STATEMENT BY REPRESENTATIVE LUCIO

I was shown voting no on Record No. 114. I intended to vote yes.

Lucio

RESOLUTION SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

SCR 105

HB 1314 ON THIRD READING

The speaker laid before the house on its third reading and final passage,

HB 1314, A bill to be entitled An Act relating to the investment of county funds.

A record vote was requested.

The bill was read third time and was passed by (Record 115): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley;

Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Hammond; Hudson, S.

HB 1212 ON THIRD READING

The speaker laid before the house on its third reading and final passage,

HB 1212, A bill to be entitled An Act relating to the regulation of real estate brokers, salesmen, and inspectors; providing civil penalties.

The bill was read third time and was passed.

HB 1474 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment,

HB 1474, A bill to be entitled An Act relating to the creation of the constitutional office of criminal district attorney of San Jacinto County and the abolition of the office of county attorney in that county.

The bill was read second time.

Representative Soileau offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1474**, SECTION 6, by striking the current effective date: "September 1, 1989" and substituting the following: "January 1, 1990."

Committee Amendment No. 1 was adopted without objection.

HB 1474, as amended, was passed to engrossment.

HB 204 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment,

HB 204, A bill to be entitled An Act relating to certain criminal penalties imposed for violations of the state laws regulating plumbing.

The bill was read second time and was passed to engrossment.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

By Collazo:

HCR 52, Reauthorizing the State Preservation Board to erect on the capitol grounds, a memorial honoring Texans who fought and died in the Korean War and in the war in Vietnam and in Southeast Asia.

The resolution was adopted.

By Berlanga:

HCR 90, Granting permission to the National Hispanic Institute to use the house and senate chambers on August 2-4, 1989.

The resolution was adopted.

By Finnell:

CSHCR 12, Creating a special committee to designate Texas State Artists for 1989-1990 and 1990-1991.

The resolution was adopted.

By Kuempel:

HCR 142, Authorizing the lieutenant governor and the speaker of the house to create joint select committees as they consider necessary during the term of this legislature.

Representative Kuempel offered the following amendment to the resolution:

Amend **HCR 142** as follows:

(1) in the 16th resolving clause, page 4, line 12, insert "uniform notice posting," after "recording,";

(2) insert on page 4, after the resolving clause that ends on line 14, the following:

"RESOLVED, That citizen members of joint select committees created by proclamation under this resolution, citizen members of select committees created by other resolutions of the 71st Legislature, citizen members of senate select committees created by the lieutenant governor, and citizen members appointed by the speaker of the house of representatives to house committees expanded or created under House Rule 4, Sections 25, 60, and 61, receive no compensation but be entitled, when engaged in travel on official committee business, to reimbursement for (1) transportation expenses at the same rates as authorized for state employees by the General Appropriations Act and to (2) actual expenses for meals, lodging, and incidentals, subject to any maximum reimbursement limitations for meals and lodging set by the Senate Administration Committee for senate select committees, by the Committee on House Administration for house select committees, or by the chair and vice-chair of the Texas Legislative Council for joint select committees; and, be it further".

The amendment was adopted without objection.

HCR 142, as amended, was adopted.

By Barton:

HCR 114, Encouraging state agencies, etc., to maximize their participation in the State Use Program.

The resolution was adopted.

By Grusendorf, et al.:

HR 66, Requesting the Texas delegation to the United States Congress to introduce and seek passage of legislation that would reinstate the itemized deduction for state and local sales taxes for citizens of those states without a personal and corporate income tax.

Representative Grusendorf moved that consideration of **HR 66** be postponed until Monday, April 10, at 2 p.m.

The motion prevailed without objection.

By Wright:

HR 128, Commending the American Legion Auxiliary, Department of Texas. The resolution was adopted.

By R. Cuellar:

HR 295, Granting permission to the U.T. Austin government class of Dr. Janice C. May to use the house chamber.

The resolution was adopted.

By Smithee:

HR 290, Granting permission to the Texas Junior College Student Government Association to use the house chamber.

The resolution was adopted.

HB 3101 - PERMISSION TO INTRODUCE

Representative G. Thompson moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3101**.

The motion prevailed by (Record 116): 128 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddock; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Soileau; Swift; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wolens; Wright; Yost.

Nays — Smith, D.; Taylor.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Glossbrenner; Hill, P.; Hinojosa; Hudson, S.; Melton; Pennington; Rudd; Tallas; Vowell; Wilson.

HB 3102 - PERMISSION TO INTRODUCE

Representative Arnold moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3102**.

The motion prevailed by (Record 117): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Soileau; Swift; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Hinojosa; Hudson, S.; Melton; Pennington; Rudd; Tallas; Vowell; Wilson.

HB 3103 - PERMISSION TO INTRODUCE

Representative Carter moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3103**.

The motion prevailed by (Record 118): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Brimer; Cain; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Granoff; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, F.; Hill, P.; Hollowell; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Moreno, A.; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Robinson; Robnett; Rodriguez; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Soileau; Swift; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Uher; Valigura; VanderVoort; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willy; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Betts; Campbell; Hill, A.; Jackson; Marchant; Morales; Smithee; Stiles; Willis.

Absent — Hinojosa; Holzheuser; Hudson, S.; Melton; Pennington; Perez; Rudd; Tallas; Turner; Vowell; Wilson.

PROVIDING FOR ADJOURNMENT

Representatives Finnell and Danburg moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday in memory of Curtis B. Fitzpatrick and Robert Deneen and that everyone's thoughts and prayers today are also with our colleague, Weldon Betts.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary, Subcommittee on **HB 835**, on adjournment today, Back Hall, to consider **HB 835**.

Judiciary, Subcommittee on **HB 1536**, on adjournment today, Back Hall, to consider **HB 1536**.

Judiciary, Subcommittee on **HB 719**, on adjournment today, Desk 143, to consider **HB 719**.

State Affairs, Subcommittee on Products Liability, on adjournment today, Room 246, Reagan Building, to consider **HB 15**.

Environmental Affairs, on adjournment today, Back Hall, to consider **SB 444**.

Calendars, 8 a.m., Tuesday, April 11, Room G-14, Capitol, to set a calendar.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Williamson:

HCR 182, Authorizing the State Preservation Board to erect a memorial honoring those D.P.S. officers who have died in the line of duty.

To Committee on Cultural and Historical Resources.

By Finnell:

HCR 184, Requesting that the Congress oppose any reduction in Medicare hospital payments.

To Committee on Public Health.

By Watkins:

HCR 185, Directing the Texas Higher Education Coordinating Board to encourage all Texas institutions of higher education and their faculties to undertake and collaborate on HIV-related research efforts, etc.

To Committee on Public Health.

By Granoff:

HCR 186, Petitioning the Congress to make necessary appropriations to reimburse the millions it owes the state and thus enable the federal government to fulfill its past and present obligations and responsibilities under the Social Security Act and Public Law 96-272.

To Committee on Human Services.

By Gibson:

HCR 187, Memorializing the president, the Congress, the FDIC, and the FSLIC to continue the program begun in the Southwest Plan in order to ensure that the remaining insolvent and distressed institutions in Texas are fully resolved in a timely manner, etc.

To Committee on Financial Institutions.

By Colbert, et al.:

HCR 188, Encouraging the University System Board of Regents to develop at the University of Houston-Clear Lake those space science and engineering programs necessary for the aerospace community in the region.

To Committee on Higher Education.

By T. Smith:

HCR 189, Requesting that the City of Austin adhere to the agreement reflected previously and refund all capital recovery fees collected from The University of Texas at Austin and any other state agency and waive future payment of any water and wastewater capital recovery fees against the University or any other state agency in a state-owned building.

To Committee on State Affairs.

By Wentworth:

HCR 191, In memory of Eugene L. Ames.

To Committee on Rules and Resolutions.

By Danburg:

HCR 192, Granting permission to Harold and Mattie Griffith to sue the state.

To Committee on Judicial Affairs.

By Schlueter:

HCR 195, Commending Billy C. Hamilton.

To Committee on Rules and Resolutions.

By G. Thompson:

HR 522, Designating Motorcycle Safety and Awareness Month.

To Committee on Transportation.

By Eckels:

HR 541, Commending Alisa Marie Johnson; congratulating James and Vicki Johnson.

To Committee on Rules and Resolutions.

By Eckels:

HR 542, Commending Brittany Marie Williams; congratulating Roxanne Moore and Jeffrey Williams.

To Committee on Rules and Resolutions.

By Eckels:

HR 543, Commending Christopher James Barnes; congratulating Mr. and Mrs. Gary Barnes.

To Committee on Rules and Resolutions.

By Eckels:

HR 544, Commending Jerry Svoboda III; congratulating Jeanie V. and Jerry Svoboda, Jr.

To Committee on Rules and Resolutions.

By Perry:

HR 545, Congratulating Stacey Wayne Martin.

To Committee on Rules and Resolutions.

By Perry:

HR 546, Congratulating James M. Johnston, Jr.

To Committee on Rules and Resolutions.

By Perry:

HR 547, Congratulating Rusty Len Stocks.

To Committee on Rules and Resolutions.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Waterfield:

HB 2769, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Hutchinson County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

To Committee on County Affairs.

By Tallas:

HB 2819, A bill to be entitled An Act relating to the creation, administration, powers, duties, and operations of the Fort Bend Subsidence District; providing for civil penalties.

To Committee on Natural Resources.

By Edge:

HB 3015, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District.

To Committee on Natural Resources.

By Holzheuser:

HB 3040, A bill to be entitled An Act relating to the County Court at Law No. 1 of Calhoun County.

To Committee on Judiciary.

By Saunders:

HB 3085, A bill to be entitled An Act relating to the regulation of hunting leases, private bird hunting areas, and field trial areas.

To Committee on Environmental Affairs.

By McDonald:

HB 3086, A bill to be entitled An Act relating to the composition of the Home Health Services Advisory Council.

To Committee on Public Health.

By Marchant:

HB 3087, A bill to be entitled An Act relating to the issuance of bonds and notes by the Northwest Dallas County Flood Control District.

To Committee on Natural Resources.

By Marchant:

HB 3088, A bill to be entitled An Act relating to a change in the name of "Farmers Branch-Carrollton Flood Control District of Dallas County, Texas" to "Valwood Improvement Authority of Dallas County, Texas," a change in the terms of office of the board of directors, validation of prior elections and other actions and contracts of the district, a severability provision, and compliance with the requirements of Article XVI, Section 59(d) and (e) of the Texas Constitution.

To Committee on Natural Resources.

By T. Smith:

HB 3089, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 3.

To Committee on Natural Resources.

By T. Smith:

HB 3090, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 4.

To Committee on Natural Resources.

By T. Smith:

HB 3091, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the West Travis County Municipal Utility District No. 5.

To Committee on Natural Resources.

By Hilderbran:

HB 3092, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the West Edwards Underground Water Conservation District No. 2.

To Committee on Natural Resources.

By Grusendorf:

HB 3093, A bill to be entitled An Act relating to the payment of certain amounts due to a county or other political subdivision.

To Committee on Ways and Means.

By Horn:

HB 3094, A bill to be entitled An Act relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of the Upper Trinity Regional Water District, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; and containing other matters related thereto.

To Committee on Natural Resources.

By Gibson:

HB 3095, A bill to be entitled An Act relating to the salary of the judge of the County Court at Law of Johnson County and to the service of that judge on the county juvenile board.

To Committee on County Affairs.

By McCollough:

HB 3096, A bill to be entitled An Act relating to the County Court at Law No. 2 of Williamson County.
To Committee on Judicial Affairs.

By Rudd:

HB 3097, A bill to be entitled An Act relating to the Hockley County Juvenile Board.
To Committee on County Affairs.

By S. Johnson, et al.:

HB 3098, A bill to be entitled An Act relating to the creation of two judicial districts composed of Collin County.
To Committee on Judicial Affairs.

SENATE JOINT RESOLUTIONS ON FIRST READING

The following senate joint resolutions were today laid before the house, read first time, and referred to committees:

SJR 4 to Committee on Criminal Jurisprudence.

SJR 44 to Committee on Natural Resources.

SJR 58 to Committee on Judicial Affairs.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 33 to Committee on State Affairs.

SB 49 to Committee on County Affairs.

SB 58 to Committee on Retirement and Aging.

SB 102 to Committee on Retirement and Aging.

SB 107 to Committee on Public Health.

SB 146 to Committee on County Affairs.

SB 179 to Committee on County Affairs.

SB 213 to Committee on Criminal Jurisprudence.

SB 389 to Committee on Transportation.

SB 390 to Committee on Urban Affairs.

SB 392 to Committee on Judicial Affairs.

SB 412 to Committee on County Affairs.

SB 424 to Committee on Public Education.

SB 452 to Committee on Judiciary.

SB 537 to Committee on Liquor Regulation.

SB 542 to Committee on State Affairs.

SB 545 to Committee on Government Organization.

(Speaker pro tempore in the chair)

SB 567 to Committee on Public Safety.

- SB 631 to Committee on Natural Resources.
- SB 643 to Committee on Agriculture and Livestock.
- SB 697 to Committee on Environmental Affairs.
- SB 716 to Committee on Judiciary.
- SB 743 to Committee on Business and Commerce.
- SB 789 to Committee on Criminal Jurisprudence.
- SB 826 to Committee on Judicial Affairs.
- SB 837 to Committee on Public Health.
- SB 846 to Committee on Judiciary.
- SB 892 to Committee on Cultural and Historical Resources.
- SB 916 to Committee on Criminal Jurisprudence.
- SB 950 to Committee on Transportation.
- SB 978 to Committee on Public Safety.
- SB 992 to Committee on Public Safety.
- SB 1044 to Committee on State Affairs.
- SB 1117 to Committee on Natural Resources.
- SB 1350 to Committee on State Affairs.

HJR 74 - CORRECTION IN REFERRAL

HJR 74, proposing a constitutional amendment authorizing the legislature to provide for the election of certain judges from single-member districts or divisions, was inadvertently referred to the Committee on Elections. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HJR 74** to the Committee on Judicial Affairs.

HJR 83 - CORRECTION IN REFERRAL

HJR 83, proposing a constitutional amendment relating to the redistricting of judicial districts in certain counties, was inadvertently referred to the Committee on Elections. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HJR 83** to the Committee on Judicial Affairs.

HJR 84 - CORRECTION IN REFERRAL

HJR 84, proposing a constitutional amendment relating to the composition of certain courts and to the election of justices and judges of those courts and certain district courts from single-member districts or divisions, was inadvertently referred to the Committee on Elections. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HJR 84** to the Committee on Judicial Affairs.

HJR 97 - CORRECTION IN REFERRAL

HJR 97, proposing a constitutional amendment relating to the composition of certain courts and to the election of justices and judges of those courts and certain district courts from single-member districts or divisions, was inadvertently referred to the Committee on Elections. The chair, after consultation with author and

chairmen of the respective committees, now corrects the referral of HJR 97 to the Committee on Judicial Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, April 6, 1989

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HB 1279 by Hury, relating to balancing of the state budget.

HB 1477 by Hightower, relating to the issuance of general obligation bonds for projects relating to corrections institutions.

Respectfully,
Betty King
Secretary of the Senate

ADJOURNMENT

In accordance with a previous motion, the house, at 12:22 p.m., adjourned until 2 p.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees on bills and resolutions, as follows:

Business and Commerce - **HB 1213, HB 1888**

Corrections - **HB 300**

County Affairs - **HB 648, HB 1738, HB 1925, HB 2231, HB 2626, SB 335, SB 526**

Criminal Jurisprudence - **HB 1774, HCR 145**

Energy - **HB 1318, HB 1745, SB 132, SCR 6**

Government Organization - **SB 505**

Higher Education - **HB 311, HCR 92**

House Administration - **HR 132, HR 358, SCR 23**

Judiciary - **HB 1013**

Liquor Regulation - **HB 1712**

Public Education - **HCR 106**

Retirement and Aging - **HB 1632, HB 1788, HB 2095**

Transportation - **HB 1892, HB 1900, HB 2079, HB 2532, HB 2551**

Urban Affairs - **HB 1390**

ENGROSSED

April 6 - **HB 79, HB 528, HB 1563, HB 1564, HB 137, HB 383, HB 959, HB 1051, HB 1441, HB 1442, HB 1555, HB 1558, HB 140, HB 228, HB 155, HB 180, HB 200, HB 225, HB 1577, HB 349, HB 822, HB 353, HB 371, HB 1192, HB 395, HB 411, HB 575, HB 423, HB 539, HB 568, HB 571, HB 603, HB 625, HB 660, HB 769, HB 820, HB 946, HB 980, HB 1010, HB 1035, HB 1168, HB 1171, HB 1243, HB 1297, HB 1350, HB 1416, HB 580, HB 1212, HB 1314, HCR 17, HCR 12, HCR 142**

ENROLLED

April 6 - **HB 393, HB 387, HB 1279, HB 1477**

SENT TO THE GOVERNOR

April 5 - **HB 753**

April 6 - **HB 425**

**BILLS TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59**

The following house bills were transmitted by the chief clerk to the governor:

April 5 - **HB 3099**

April 6 - **HB 3100**