

HOUSE JOURNAL

SEVENTY-SECOND LEGISLATURE, FOURTH CALLED SESSION

PROCEEDINGS

SIXTH DAY — WEDNESDAY, NOVEMBER 18, 1992

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 6).

Present — Mr. Speaker; Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Eckels; Edwards; Erickson; Finnell; Fraser; Gallego; Gallegos; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCall; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Ramsay; Rangel; Repp; Robnett; Rodriguez; Rudd; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shelley; Smith, A.; Smith, D.; Smithee; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Delisi; Fleuriet; Shea.

Absent — Vowell.

The invocation was offered by Marvin Griffin, pastor, Ebenezer Baptist Church, Austin, Texas, as follows:

Lord God, for the challenge of this day, we thank you. We seek quality and equality in the education of the children and youth of Texas. Grant wisdom, courage, and success to the house of representatives in their efforts to achieve this goal. For thine is the kingdom, and the power, and the glory. Amen.

The house observed a moment of silence in memory of Representative Delisi's husband, James T. Cockrell.

LEAVE OF ABSENCE GRANTED

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

Fleuriet on motion of Mowery.

The following member was granted leave of absence for today because of a death in the family:

Delisi on motion of Black.

MESSAGE FROM THE SENATE

Austin, Texas, November 18, 1992

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:

SCR 3 by Brown, establishing the Stephen F. Austin Bicentennial Commission.

SCR 5 by Brooks, in memory of Joseph Schwartz of Galveston.

SCR 6 by Brooks, in memory of Ambassador Edward A. Clark.

SCR 7 by Brooks, in memory of Ballinger Mills, Jr.

Respectfully,
Betty King
Secretary of the Senate

REGULAR ORDER OF BUSINESS SUSPENDED

By unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**CONGRATULATORY AND MEMORIAL
RESOLUTIONS CALENDAR**

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

SCR 1 (Speaker Lewis - House Sponsor), Paying tribute to the life of the Honorable Dorsey B. Hardeman.

By Martin:
HCR 3, In memory of Lucy Sparks.

By Martin:
HCR 4, In memory of Luther Morgan.

By Martin:
HCR 5, In memory of Kermit Courville.

By Craddick:
HCR 6, In memory of B. J. "Joe" Pevehouse.

By Thomas:
HR 5, Honoring the memory of former State Representative Robert Edgar Hutchins, Jr.

By Van de Putte:
HR 8, Honoring the memory of Senator Frank J. Lombardino.

By McCall:
HR 9, Honoring the memory of John J. Edwards.

By Willis:

HR 10, Honoring the memory of C. Aubrey Stewart.

(Vowell now present)

By Willis:

HR 11, Paying tribute to the life of Exa Johnston.

By Willis:

HR 12, Paying tribute to the life of Richard E. "Dick" Salinas.

By Willis:

HR 13, Paying tribute to the life of Gloria DePoyster Lupton Tennison.

By De La Garza:

HR 16, Paying tribute to the life of Cesar "Cito" Luna.

By De La Garza:

HR 17, Paying tribute to the life of Aminta Lane Garza.

By De La Garza:

HR 18, Paying tribute to the life of M. Jean Curtright Stewart.

By De La Garza:

HR 19, Paying tribute to the life of Alexander Nicholas Paraskevas.

By De La Garza:

HR 20, Honoring the memory of Mr. Alejandro Moreno.

HR 22 was withdrawn.

By Von Dohlen:

HR 23, Honoring the memory of Arnold Fred Koop.

By Von Dohlen:

HR 24, Paying tribute to the life of M. Gene Ellis.

By Von Dohlen:

HR 25, Paying tribute to the life of Trooper Bill Davidson.

By Von Dohlen:

HR 26, Paying tribute to the life of Jack O. Miller, Sr.

By Von Dohlen:

HR 27, Honoring the memory of Dr. Melba McNeil Moore.

By Von Dohlen:

HR 29, In memory of the Honorable William George Richards.

By Danburg:

HR 36, Paying tribute to the life of Melvin Charles Hamilton.

By Kamel:

HR 40, Paying tribute to the life of Harris Oswalt.

By Kamel:

HR 41, Paying tribute to the life of Isadore Roosth.

By B. Hunter, et al.:

HR 42, Paying tribute to the life of Elbert E. Hall.

By Luna:

HR 47, Paying tribute to the life of Senator Robert "Bob" Vale.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Willis, the names of all the members of the house were added to all memorial resolutions adopted today as signers thereof.

By Danburg:

HCR 8, Commemorating the 15th anniversary of the first National Women's Conference.

By Speaker Lewis:

HR 2, Commending the Honorable Bruce Gibson for his many significant contributions to the state as a member of this legislative chamber.

By Speaker Lewis:

HR 3, Commending the Honorable Sam Russell for his many years of outstanding legislative service and extending best wishes to him for his continued success and happiness.

By Craddick:

HR 4, Congratulating Hazel Somerville on being named Garden Club Woman of the Year.

By Thomas:

HR 6, Congratulating Coach Susan Morton and the Celeste High School Lady Blue Devils on winning the 1992 UIL Class A state basketball championship.

By Thomas:

HR 7, Commending Dr. Augustine Arize on his receipt of the Distinguished Faculty Award.

By Von Dohlen:

HR 28, Honoring Judge Joe E. Kelly on the occasion of receiving the Distinguished Citizen's Award.

By Von Dohlen:

HR 30, Honoring the Edna Rotary Club on the occasion of its 60th anniversary.

By Von Dohlen:

HR 31, Congratulating the Mount Olive Baptist Church on the occasion of its 116th anniversary and commending the Reverend C. W. Roberts and his congregation.

By Von Dohlen:

HR 32, Commending Harold Cade for his many years of dedicated service as a teacher and educational administrator, and extending to him best wishes for a rewarding retirement.

By Von Dohlen:

HR 33, Honoring Charles Kvinta, Sr., for his many years of outstanding service as a civic leader and humanitarian.

By Von Dohlen:

HR 34, Honoring Dr. McHenry Lee for the exceptional contributions he has made to the field of dentistry in Texas.

By B. Hunter:

HR 43, Congratulating Kari Jean Leong on the occasion of her selection by the Association of Texas Professional Educators as the organization's Elementary Educator of the Year for 1992.

By Jackson:

HR 44, Commending the employees of Solvay Interrox for their numerous contributions to the Deer Park community and congratulating the company on being named 1992 Industry of the Year by the Deer Park Chamber of Commerce.

By Rudd:

HR 45, Commending Gene Stanley by recognizing his exemplary service in radio broadcasting.

By Kubiak:

HR 48, Honoring William Mills for his remarkable achievements in the field of clock making.

By Ovard:

HR 49, Commending Wednesday's Child Benefit Corporation for its dedication in serving needy children in North Central Texas.

By Saunders:

HR 50, Commending Colonel Chester L. Burdett on his outstanding career with the Parks and Wildlife Department and extending best wishes for a happy and rewarding retirement.

By Alexander:

HR 51, Congratulating James F. and Jim Ann Scott on the occasion of their 50th wedding anniversary.

By Hirschi:

HR 52, Honoring Otis Polk for his many years of dedicated service to the schools and community of Wichita Falls.

The resolutions were adopted without objection.

HR 55 - ADOPTED

Representative Saunders moved to suspend all necessary rules to take up and consider at this time, **HR 55**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Saunders:

HR 55, Commending Dorothy Sanders for her many years of exceptional service as a legislative employee.

The resolution was read and was adopted without objection.

On motion of Representative Glossbrenner, the names of all the members of the house were added to **HR 55** as signers thereof.

HR 1 - ADOPTED

Representative McCall moved to suspend all necessary rules to take up and consider at this time, **HR 1**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McCall:

HR 1, Paying tribute to the life of James M. Donley.

The resolution was unanimously adopted by a rising vote.

HR 58 - ADOPTED

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time, **HR 58**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Greenberg:

HR 58, Congratulating head coach Dana Hatch and the Stephen F. Austin High School girls volleyball team on their outstanding achievements during the 1992 volleyball season.

The resolution was adopted without objection.

(Berlanga in the chair)

(Speaker in the chair)

SJR 1 ON SECOND READING

(Speaker Lewis, Delco, Glossbrenner, and Danburg - House Sponsors)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for **SJR 1**.

CSSJR 1, A joint resolution proposing a constitutional amendment providing an equity standard for public school finance, authorizing the redistribution of certain ad valorem taxes levied and collected by certain school districts, authorizing certain tax rate limitations in certain school districts, providing certain state funds to the support of public education, and authorizing state general obligation bonds to assist school districts in financing facilities.

CSSJR 1 was read second time.

Representative Culberson offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

Strike all below the resolving clause and substitute the following:

SECTION 1. The constitutional amendment proposed by this resolution shall be submitted to the voters at an election to be held January 16, 1993.

The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment:

- (1) providing for equal educational opportunity;
- (2) providing property tax relief;
- (3) providing for local control by all school districts of local taxes levied for the support of public schools;
- (4) providing for legislative control of the methods by which state funds are distributed to school districts and by which school districts are formed; and
- (5) restricting the power of the courts to overturn a legislative decision regarding the system of or support for public education by adopting federal constitutional law which also preserves equal access to the courts."

SECTION 2. Article VII, Section 1, of the Texas Constitution is amended to read as follows:

Sec. 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools so that every school district will have substantially equal access to similar revenues per pupil at similar levels of tax effort. A statute enacted by the Legislature to provide for an efficient system or to provide for its support and maintenance is presumed to meet the requirements of this constitution if the statute rationally furthers a legitimate State purpose or interest such as efficiency or local control.

SECTION 3. Article VII, Section 3, of the Texas Constitution is amended to read as follows:

Sec. 3. (a) ~~One-fourth of the revenue derived from the State occupation taxes [and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years,] shall be set apart annually for the benefit of the public free schools; [and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year,] and it shall be the duty of the State Board of Education to set aside a sufficient amount [out] of revenue [the said tax] to provide free text books for the use of children attending the public free schools of this State. The Legislature shall make appropriations[; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation] from the general funds of the State for the support of the public free schools, and a statute enacted by the Legislature setting the amount of those appropriations or the method by which they are distributed is presumed to meet the requirements of this constitution if the statute rationally furthers a legitimate State purpose or interest such as efficiency or local control.~~

~~(b) The [and the] Legislature shall [may] also provide for the formation of school districts [district] by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws [for the assessment and collection of taxes in all said districts and] for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a~~

county or in parts of two or more counties. Except for State educational mandates imposed in compliance with this constitution or federal law, the Legislature may not require a school district to comply with a State educational mandate which is not funded by the State and which is enacted by less than two-thirds of the members elected to each House. The[; and the] Legislature by general law shall [may] authorize each school district to levy, assess, and collect an [additional] ad valorem local tax [to be levied and collected within all school districts heretofore formed or hereafter formed;] for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one (\$1.00) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law. The Legislature may not, by consolidation or otherwise, establish a school district for the purpose of assessing and collecting ad valorem taxes for the support of other school districts within its boundaries.

(c) A law authorized by this section providing for the formation of school districts or for the levy, assessment, or collection of local taxes by school districts is presumed to meet the requirements of this constitution if the law rationally furthers a legitimate State purpose or interest such as efficiency or local control.

Representative Berlanga moved to table the Culberson amendment.

A record vote was requested.

The motion to table prevailed by (Record 7): 87 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Cain; Cate; Cavazos; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Crawford; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Hunter, T.; Johnson; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCall; McCollough; McDonald; Moreno; Naishtat; Oakley; Ogden; Oliveira; Patterson; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Sadler; Saunders; Schechter; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Willis; Wolens; Yarbrough.

Nays — Blackwood; Brady; Brimer; Campbell; Carona; Carter; Chisum; Craddick; Culberson; Eckels; Erickson; Finnell; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Jackson; Jones; Junell; Kamel; Kubiak; Kuempel; Marchant; Mowery; Ovard; Park; Pierce; Rabuck; Repp;

Robnett; Rudd; Schoolcraft; Shelley; Smith, A.; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Wentworth; Williamson; Willy; Wilson; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Fleuriet; Shea.

Absent — Pennington.

Representative Carona offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** by striking all below the resolving clause and substituting the following:

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

Sec. 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools. A statute enacted by the Legislature determining the adequacy of the system of public free schools is presumed to meet the requirements of this constitution if the statute rationally furthers a legitimate State purpose or interest.

SECTION 2. Article VII of the Texas Constitution is amended by adding Section 1a to read as follows:

Sec. 1a. A system of public free schools is efficient if not later than the state fiscal biennium that begins in 1995 the total amount of state revenue and local ad valorem tax revenue per \$0.01 of school district tax effort, as defined by law, is equal for not less than 90 percent of the total amount of state revenue and local ad valorem tax revenue provided biennially to finance the public free schools.

SECTION 3. Article VII of the Texas Constitution is amended by adding Sections 3-c and 3-d to read as follows:

Sec. 3-c. The legislature may not redistribute any ad valorem taxes levied and collected by a school district to another school district.

Sec. 3-d. (a) Each county education district created by S.B. 351 (Chapter 20) and H.B. 2885 (Chapter 391), Acts of the 72nd Legislature, Regular Session, 1991, is abolished. The component school districts of an abolished county education district may collect and use or distribute taxes imposed by the county education district that are due or delinquent in the manner provided by rule of the commissioner of education. The component school districts shall pay refunds of county education district taxes to which taxpayers are entitled under state law in the manner provided by rule of the commissioner of education.

(b) A residence homestead exemption adopted by the voters of a school district before county education districts were created by S.B. 351 (Chapter 20) and H.B. 2885 (Chapter 391), Acts of the 72nd Legislature, Regular Session, 1991, and effective on the date county education districts were created is effective for that school district as if county education districts had not been created and the school district does not need to hold another election on the residence homestead exemption.

SECTION 4. This proposed constitutional amendment shall be submitted

to the voters at an election to be held January 16, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the legislature to determine the adequacy of the public free schools, providing an equity standard for public school finance, prohibiting the redistribution of certain ad valorem taxes levied and collected by certain school districts, abolishing county education districts, and reviving certain residence homestead exemptions."

(H. Cuellar in the chair)

(Speaker in the chair)

Representative Berlanga moved to table the Carona amendment.

A record vote was requested.

The motion to table prevailed by (Record 8): 88 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Cain; Cate; Cavazos; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Crawford; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Erickson; Finnell; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Hunter, T.; Johnson; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Sadler; Saunders; Schechter; Seidlits; Soileau; Stiles; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Willis; Wilson; Yarbrough.

Nays — Blackwood; Brady; Brimer; Campbell; Carona; Carter; Chisum; Craddick; Culberson; Eckels; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Jackson; Jones; Junell; Kamel; Kubiak; Kuempel; Marchant; McCall; Mowery; Ogden; Ovard; Park; Pierce; Rabuck; Repp; Robnett; Schoolcraft; Shelley; Smith, A.; Smith, D.; Smithee; Swinford; Tallas; Taylor; Uher; Wentworth; Williamson; Willy; Wolens; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Fleuriet; Shea.

Absent — Pennington; Rudd.

Representative Rabuck offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** by striking all below the resolving clause and substituting the following:

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

Sec. 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the

support and maintenance of an efficient system of public free schools so that every school district will have substantially equal access to similar revenues per pupil at similar levels of tax effort. A statute enacted by the Legislature to provide for an efficient system or to provide for its support and maintenance is presumed to meet the requirements of this constitution if the statute rationally furthers a legitimate State purpose or interest such as efficiency or local control.

SECTION 2. Article VII of the Texas Constitution is amended by adding Section 1a to read as follows:

Sec. 1a. A system of public free schools is efficient if, not later than the state fiscal biennium that begins in 1995, the total amount of state revenue and local ad valorem tax revenue per \$0.01 of school district tax effort, as defined by law, is equal for not less than 95 percent of the total amount of state revenue and local ad valorem tax revenue provided biennially to finance the public free schools.

SECTION 3. Article VII of the Texas Constitution is amended by adding Sections 3-c and 3-d to read as follows:

Sec. 3-c. A statute enacted under Section 1a of this article must provide:

(1) allotments per student that provide equal access to education regardless of physical handicap; and

(2) an adjustment to funding for the benefit of school districts that have increased costs as a result of:

(A) having relatively few students in comparison to the number of square miles in the district; or

(B) having very few students or having to transport students to another district for grade levels not offered in the district in which the students reside.

Sec. 3-d. Each county education district created by Senate Bill No. 351, Chapter 20, and House Bill No. 2885, Chapter 391, Acts of the 72nd Legislature, Regular Session, 1991, is abolished. The component school districts of an abolished county education district may collect and use or distribute taxes imposed by the county education district that are due or delinquent in the manner provided by rule of the commissioner of education. The component school districts shall pay refunds of county education district taxes to which taxpayers are entitled under state law in the manner provided by rule of the commissioner of education.

SECTION 5. Article VII, Section 5, Subsection (b), of the Texas Constitution is amended to read as follows:

(b) The legislature by law may provide for using the permanent school fund and the income from the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans or grants to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the

legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled. In lieu of the guarantee of state bonds authorized by this subsection, the legislature may provide by law for the issuance of the bonds as general obligations of the state. The amount of general obligation bonds issued and outstanding under this subsection may not exceed \$750 million. General obligation bonds issued under this subsection are subject to the same limits on use as state bonds guaranteed by the permanent school fund under this subsection. While any of the general obligation bonds issued under this subsection or any of the interest on those bonds is outstanding and unpaid, there is appropriated out of the first money coming into the state treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on those bonds that mature or become due during that year.

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held January 16, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment abolishing county education districts, providing for funding adjustments to certain school districts to achieve an equitable school system for all public schools, and authorizing not more than \$750 million in general obligation bonds to assist school districts in financing facilities."

Representative Thomas offered the following amendment to the Rabuck amendment:

Amend CSSJR 1 as follows:

(1) In Article VII, Section 5(b), (page 3, line 23), strike "or grants".

(2) In Article VII, Section 5(b), between "thereto." and "If", insert the following:

The state, pursuant to general law, may forgive the payment of principal and interest on all or part of a loan made to a school district to finance a facility under this section.

The Thomas amendment was adopted without objection.

(Fleuriet now present)

Representative Berlanga moved to table the Rabuck amendment, as amended.

A record vote was requested.

The motion to table prevailed by (Record 9): 82 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Cain; Cate; Cavazos; Colbert; Coleman; Collazo; Conley; Counts; Crawford; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Johnson; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez;

Place; Price; Puente; Ramsay; Rangel; Rodriguez; Rudd; Sadler; Schechter; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Willis; Wilson; Wolens; Yarbrough.

Nays — Blackwood; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Cook; Craddick; Culberson; Eckels; Finnell; Fleuriet; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Jones; Junell; Kamel; Kubiak; Kuempel; Marchant; McCall; Mowery; Ogden; Ovard; Park; Pierce; Rabuck; Repp; Robnett; Saunders; Schoolcraft; Shelley; Smith, A.; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Turner, B.; Uher; Wentworth; Williamson; Willy; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea.

Absent — Erickson; Pennington.

HOUSE BILLS ON FIRST READING

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

By McCollough:

HB 15, A bill to be entitled An Act relating to the failure of a person to perform an act that the person has a duty to perform.

To Committee on Criminal Jurisprudence.

By A. Smith:

HB 16, A bill to be entitled An Act relating to the participation of the Central Education Agency in state telecommunications management and coordination.

To Committee on Science and Technology.

By Craddick:

HB 17, A bill to be entitled An Act relating to the composition of certain districts of the Texas House of Representatives.

To Committee on Redistricting.

HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Carona:

HJR 6, A joint resolution proposing a constitutional amendment authorizing the legislature to determine the adequacy of the public free schools, providing an equity standard for public school finance, prohibiting the redistribution of certain ad valorem taxes levied and collected by certain school districts, abolishing county education districts, and reviving certain homestead exemptions.

To Committee on Public Education.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Willis:

HR 59, Paying tribute to the life of Jack P. Smith, Jr.
To Committee on Rules and Resolutions.

By Counts:

HR 60, Honoring Tot Bryant Jamison on the occasion of her 97th birthday.
To Committee on Rules and Resolutions.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, on recess today, Desk 76, to consider **HB 14**.

Redistricting, on recess today, Desk 117, to consider **HB 17**.

RECESS

Representative Colbert moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:32 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

MESSAGE FROM THE SENATE

Austin, Texas, November 18, 1992

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:

SCR 8 by Barrientos, honoring the International Business Machines Corporation

Respectfully,
Betty King
Secretary of the Senate

CSSJR 1 - (pending business)

CSSJR 1 on second reading was before the house.

Representative Delco offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 3, strike lines 2 and 3, and substitute the following:

“SECTION 2. Article VII, Section 5(b), of the Texas Constitution is amended to read as follows:”.

- (2) On page 3, strike lines 4-19.
 (3) On page 4, strike lines 25-27.
 (4) On page 5, lines 5-6, strike "providing certain funds to reward quality and improvement in education,".

The Delco amendment was adopted without objection.

Representative Von Dohlen offered the following amendment to CSSJR 1:

Amend CSSJR 1 as follows:

- (1) On page 1, between lines 8 and 9, insert the following and renumber the following sections appropriately:

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

Sec. 1. (a) A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

(b) In any formula for the distribution of funds to provide for the system of public free schools to school districts in which the value of property in a school district is an element in the distribution formula, land appraised on the basis of its productive capacity under Article VIII, Section 1-d or 1-d-1, of this constitution may not be treated as having a taxable value in excess of the value on which the land is actually taxed, subject to any adjustment of that taxable value made under general law to account for disparities among local appraisals of that land.

- (2) On page 5, line 10, between the comma and "and", insert "requiring the use of certain property values in distributing state funds,".

Representative Berlanga moved to table the Von Dohlen amendment.

A record vote was requested.

The motion to table was lost by (Record 10): 65 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Bailey; Barton; Berlanga; Blackwood; Blair; Bosse; Brady; Brimer; Cain; Carona; Carter; Coleman; Collazo; Conley; Danburg; Delco; Dutton; Eckels; Edwards; Gallegos; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Hartnett; Heflin; Hernandez; Hill, A.; Hill, F.; Hirschi; Horn; Hudson; Jackson; Kamel; Larry; Luna; Marchant; Martinez; Maxey; McCall; McDonald; Moreno; Mowery; Naishtat; Oliveira; Ovard; Park; Perez; Price; Rangel; Repp; Rodriguez; Schechter; Shelley; Smith, A.; Smith, D.; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; Vowell; Wallace; Wentworth; Wolens.

Nays — Alexander; Arnold; Black; Bomer; Campbell; Cate; Cavazos; Chisum; Clemons; Colbert; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Denton; Earley; Erickson; Finnell; Fraser; Gallego; Glaze; Glossbrenner; Gray; Gutierrez; Hamric; Harris; Hightower; Hilderbran; Holzheuser; Hunter, B.; Hunter, T.; Johnson; Jones; Junell; Kubiak; Kuempel; Laney; Lewis, R.; Linebarger; Madla; Martin; McCollough; Oakley; Ogden; Patterson; Pierce; Place; Puente; Rabuck; Ramsay; Rudd; Sadler; Saunders; Schoolcraft; Seidlits; Smithee; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Turner, B.; Uher; Von Dohlen; Williamson; Willis; Willy; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea.

Absent — Fleuriet; Haggerty; Hilbert; Pennington; Robnett; Watkins; Wilson.

STATEMENT BY REPRESENTATIVE BRADY

I was shown voting yes on Record No. 10. I intended to vote no.

Brady

STATEMENT BY REPRESENTATIVE HAMRIC

I was shown voting no on Record No. 10. I intended to vote yes.

Hamric

The Von Dohlen amendment was adopted without objection.

Representative Sadler offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 1, line 10, strike “Sections 3-c, 3-d, and 3-e” and substitute “Sections 3-c and 3-d”.

(2) On page 2, strike lines 19-27.

(3) On page 3, strike line 1.

(4) On page 5, lines 4 and 5, strike “abolishing county education districts.”.

Representative Stiles moved to table the Sadler amendment.

A record vote was requested.

The motion to table was lost by (Record 11): 57 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Arnold; Barton; Berlanga; Black; Blair; Bosse; Colbert; Coleman; Collazo; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Dutton; Earley; Edwards; Gallego; Glaze; Glossbrenner; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hudson; Larry; Linebarger; Luna; Madla; Martin; Martinez; McCollough; Moreno; Naishtat; Oliveira; Patterson; Perez; Puente; Ramsay; Rangel; Rodriguez; Saunders; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Von Dohlen; Wallace; Willis; Yarbrough.

Nays — Alexander; Bailey; Blackwood; Bomer; Brady; Brimer; Campbell; Carona; Carter; Cate; Chisum; Clemons; Cook; Craddick; Crawford; Culberson; Denton; Eckels; Erickson; Finnell; Fleuriet; Fraser; Gallegos; Goodman; Goolsby; Granoff; Grusendorf; Hamric; Harris; Hartnett; Heflin; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Lewis, R.; Marchant; Maxey; McCall; Mowery; Oakley; Ogden; Ovard; Pierce; Place; Price; Rabuck; Repp; Robnett; Sadler; Schechter; Schoolcraft; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Van de Putte; Vowell; Wentworth; Williamson; Willy; Wolens; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea.

Absent — Cain; Cavazos; Haggerty; Hilbert; McDonald; Park; Pennington; Rudd; Smith, A.; Watkins; Wilson.

The Sadler amendment was adopted without objection.

REASON FOR VOTE

I voted to table and against the amendment because the public has a right to know that the CED's (County Education Districts), another level of bureaucracy, are being eliminated.

Von Dohlen

Representative Kubiak offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 1, lines 11-24, strike Sec. 3-c in SECTION 1 and substitute the following:

Sec. 3-c. (a) For the suitable support and maintenance of an efficient system of public free schools, the legislature shall establish the Public School Education Equalization Fund composed of ad valorem taxes levied and collected by public school districts at a rate set by law but not exceeding \$0.80 per \$100 of equalized property valuation.

(b) The legislature shall provide for the distribution of the fund each year in a manner designed to equalize per pupil funding throughout the public schools of the state.

(2) On page 5, strike lines 6-9 and substitute the following: "improvement in education, establishing the Public School Education Equalization Fund composed of ad valorem tax revenue to achieve an equitable funding system for all".

Representative Linebarger moved to table the Kubiak amendment.

The motion to table prevailed.

Representative A. Smith offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1**, in Article VII, Section 3-c(b), of the Texas Constitution (Committee Report Printing page 1, line 19), by striking "2.75" and substituting "2.50".

Representative Linebarger moved to table the A. Smith amendment.

A record vote was requested.

The motion to table was lost by (Record 12): 67 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Arnold; Bailey; Barton; Berlanga; Blair; Cain; Cavazos; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Gallego; Gallegos; Glaze; Glossbrenner; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Johnson; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin;

Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oliveira; Perez; Place; Price; Puente; Rangel; Rodriguez; Saunders; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Willis.

Nays — Alexander; Black; Blackwood; Bomer; Bosse; Brady; Brimer; Campbell; Carona; Carter; Cate; Chisum; Craddick; Crawford; Culberson; Eckels; Edwards; Erickson; Finnell; Fleuriet; Fraser; Goodman; Goolsby; Granoff; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Marchant; McCall; Mowery; Oakley; Ogden; Ovard; Park; Patterson; Pierce; Rabuck; Ramsay; Repp; Robnett; Rudd; Sadler; Schechter; Schoolcraft; Shelley; Smith, A.; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Watkins; Wentworth; Williamson; Willy; Wolens; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea.

Absent — Pennington; Wilson.

The A. Smith amendment was adopted without objection.

STATEMENT BY REPRESENTATIVE GREENBERG

I was shown voting yes on Record No. 12. I intended to vote no.

Greenberg

STATEMENT BY REPRESENTATIVE CAIN

I was shown voting yes on Record No. 12. I intended to vote no.

Cain

REASON FOR VOTE

On the Smith amendment to reduce the recapture from 2.75% to 2.50% I voted yes for the amendment and would have so voted if it had been a record vote.

Von Dohlen

Representative Grusendorf, et al. offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 2, line 1, strike "(a) The legislature by general law may provide".

(2) On page 2, strike lines 2-9.

(3) On page 2, line 10, strike "(b)".

The Grusendorf, et al. amendment was adopted without objection.

Representative Craddick offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 3, between lines 1 and 2, insert the following:

SECTION ____. Article VII, Section 5, is amended by adding Section 3-d to read as follows:

Sec. 3-d. Before a district may impose an ad valorem tax on property for the maintenance and operation of its schools at a rate that is higher than the rate at which the tax was imposed for the preceding year, the school district must obtain the approval of a majority of the voters in the district who pay ad valorem taxes on property located in the district at an election held for that purpose.

(2) On page 5, line 10, between the comma and "and", insert "requiring certain voter approval of an increase in the tax rate of a school district,".

Representative Berlanga moved to table the Craddick amendment.

The motion to table was withdrawn.

The amendment was withdrawn.

Representative Craddick offered the following amendment to CSSJR 1:

Amend CSSJR 1 as follows:

(1) On page 3, between lines 1 and 2, insert the following:

SECTION _____. Article VII, Section 5, is amended by adding Section 3-d to read as follows:

Sec. 3-d. Before a district may impose an ad valorem tax on property for the maintenance and operation of its schools at a rate that is higher than the rate at which the tax was imposed for the preceding year, the school district must obtain the approval of a majority of the voters in the district voting at an election held for that purpose.

(2) On page 5, line 10, between the comma and "and", insert "requiring certain voter approval of an increase in the tax rate of a school district,".

Representative Perez offered the following amendment to the Craddick amendment:

Amend the Craddick amendment on line 10 between purpose and the period insert "except to maximize state funding".

Representative Craddick moved to table the Perez amendment to the Craddick amendment.

A record vote was requested.

The motion to table was lost by (Record 13): 65 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Blackwood; Bomer; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Chisum; Clemons; Craddick; Crawford; Culberson; Eckels; Finnell; Fleuriet; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Jackson; Jones; Kamel; Kubiak; Kuempel; Marchant; McCall; Mowery; Oakley; Ogden; Ovard; Park; Pierce; Rabuck; Repp; Robnett; Schoolcraft; Shelley; Smith, A.; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Vowell; Wentworth; Williamson; Willy; Wolens; Yost.

Nays — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bosse; Cavazos; Colbert; Coleman; Collazo; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards;

Erickson; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hudson; Hunter, B.; Hunter, T.; Johnson; Junell; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oliveira; Patterson; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Rudd; Sadler; Saunders; Schechter; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Wallace; Watkins; Willis; Wilson; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea.

Absent — Pennington.

The Perez amendment to the Craddick amendment was withdrawn.

The Craddick amendment was withdrawn.

Representative Stiles offered the following amendment to **CSSJR 1**:

Section _____. Article VII of the Texas Constitution is amended by adding Section 3-C to read as follows:

Sec. 3-C. If taxes for the maintenance and operation of public free schools are increased in any independent school district by a rate in excess of \$0.07 per \$100 of valuation in any year, qualified voters may initiate an election to limit the increase to an increase of \$0.07 per \$100 valuation. The election shall be ordered upon the petition of ten percent of the qualified voters voting in the last General Election within the district at the time of the vote of the governing board of the district to increase the taxes. The legislature shall provide by law for the conduct for elections held under authority of this section.

The Stiles amendment was adopted without objection. (Colbert recorded voting yes.)

Representative Grusendorf offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 3, between lines 1 and 2, insert the following:

SECTION _____. Article VII, Section 5, is amended by adding Section 3-e to read as follows:

Sec. 3-e. A school district may not levy ad valorem taxes, excluding taxes pledged to the payment of principal of and interest on bonds, at a rate that exceeds \$1.50 per \$100 of taxable value of property.

(2) On page 5, line 10, between the comma and “and”, insert “imposing a limit on maintenance and operation taxes levied by school districts.”.

Representative Stiles moved to table the Grusendorf amendment.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

A. Smith on motion of Goolsby.

CSSJR 1 - (consideration continued)

Representatives Kubiak and Colbert offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) Add the following section appropriately numbered to read as follows:

SECTION . Article VII of the Texas Constitution is amended by adding Section 3-f to read as follows:

3-f. A residence homestead exemption adopted by the voters of a school district prior to the adoption of this constitutional amendment is effective for that school district and the school district does not need to hold another election on the residence homestead.

(2) On page 10, line 5, between the comma and "and" insert "validating residence homestead exemptions,".

The Kubiak and Colbert amendment was adopted without objection.

Representative Price offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 4, after line 27, add the following:

(e) The available school fund may not be distributed to school districts with more than \$400,000 of taxable property value per student in average daily attendance, as determined by the Comptroller of Public Accounts.

(2) On page 5, line 6, between "education," and "authorizing" insert "prohibiting the distribution of certain state funds to certain wealthy school districts,".

(3) On page 3, strike lines 2-3 and substitute the following:

SECTION 2. Article VII, Section 5, is amended by amending Subsection

(b) and adding Subsection (e) to read as follows:

Representative Delco moved to table the Price amendment.

The motion to table prevailed.

Representative Price offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 4, after line 27, add the following:

(e) The available school fund may not be appropriated for the purchase of textbooks that are distributed without charge to school districts with more than \$400,000 of taxable property value per student in average daily attendance, as determined by the Comptroller of Public Accounts.

(2) On page 5, line 6, between "education," and "authorizing" insert "prohibiting the purchase of textbooks for certain wealthy school districts with certain funds,".

(3) On page 3, strike lines 2-3 and substitute the following:

SECTION 2. Article VII, Section 5, is amended by amending Subsection

(b) and adding Subsection (e) to read as follows:

Representative Delco moved to table the Price amendment.

The motion to table prevailed.

Representative Hilderbran offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

- (1) On page 3, line 2, strike “Subsections (a), (b), and” and substitute “Subsections (a) and”.
- (2) On page 3, strike lines 20-27.
- (3) On page 4, strike lines 1-24.
- (4) On page 5, line 6, between the comma and “authorizing” insert “and”.
- (5) On page 5, strike line 10, and substitute “public schools.”.
- (6) On page 5, strike lines 11 and 12.

Representative Gallego moved to table the Hilderbran amendment.

The motion to table prevailed.

Representative Grusendorf offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

- (1) On page 4, after line 27, add a new Section 3 to read as follows:
SECTION 3. Article VIII, Section 1(c), of the Texas Constitution is amended to read as follows:
(c) The Legislature may provide for the taxation of intangible property and may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that the legislature may not impose a tax on net income to fund the public schools and persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax. Public education is considered to be funded from a tax on net income if the legislature appropriates funds for public education from the general revenue fund or another fund into which the revenue from a tax on net income is deposited.
- (2) On page 5, line 1, renumber Section 3 as Section 4.
- (3) On page 5, line 6, between “education” and the comma, insert “and limiting the use of other sources of state funding”.

Representative Stiles offered the following amendment to the Grusendorf amendment:

Amend the Grusendorf amendment as follows:

- (1) Strike lines 9 through 17 and substitute the following:
any business in this State. Subject to the restrictions of Section 24 of this article, it [It] may also tax incomes of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax.
- (2) After line 17, insert the following:
SECTION 4. Article VIII of the Texas Constitution is amended by adding Section 24 to read as follows:
Sec. 24. (a) A general law enacted by the legislature that imposes a tax on the net incomes of corporations or of natural persons, including a person's share of partnership and unincorporated association income, must provide that:

(1) the portion of the law imposing the tax not take effect until approved by a majority of the registered voters voting in a statewide referendum held on the question of imposing the tax; and

(2) not less than one-half of the revenue received from the imposition of an income tax in the first year that the tax is imposed and during the first year of any tax rate increase be used to reduce ad valorem taxes levied and collected for primary and secondary education.

(b) The legislature may amend or repeal a tax approved by the voters under this section without submitting the amendment or the repeal to the voters as provided by Subsection (a) of this section.

(c) If the legislature repeals a tax approved by the voters under this section, the legislature may reenact the tax without submitting the reenactment to the voters as provided by Subsection (a) of this section only if the effective date of the reenactment of the tax is before the first anniversary of the effective date of the repeal.

(d) This section does not apply to a tax computed wholly or partly according to net income and that is in effect on January 1, 1993.

(3) On line 18, strike "Section 4" and substitute "Section 5".

(4) Strike lines 19 and 20 and substitute the following:

(3) On page 5, line 6, between the comma and "authorizing", insert "providing for a referendum for certain tax impositions, dedicating the use of certain state funds to lower ad valorem taxes,".

(5) On line 2, after "Section 3", add "and a new Section 4".

A record vote was requested.

The Stiles amendment to the Grusendorf amendment was adopted by (Record 14): 103 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Brady; Cain; Campbell; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Crawford; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Erickson; Finnell; Fraser; Gallego; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Gray; Greenberg; Gutierrez; Heflin; Hernandez; Hightower; Hilderbran; Hirschi; Hudson; Hunter, B.; Hunter, T.; Jackson; Johnson; Junell; Kubiak; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Rudd; Sadler; Saunders; Schechter; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Wentworth; Willis; Wilson; Wolens; Yarbrough.

Nays — Blackwood; Brimer; Carona; Craddick; Culberson; Eckels; Fleuriet; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hilbert; Hill, A.; Hill, F.; Holzheuser; Horn; Jones; Kamel; Kuempel; Marchant; McCall; Mowery; Ogden; Ovard; Park; Pierce; Rabuck; Repp; Schoolcraft; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Williamson; Willy; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea; Smith, A.

Absent — Pennington; Robnett.

The Grusendorf amendment, as amended, was adopted without objection. (Eckels recorded voting yes.)

REASON FOR VOTES

I voted no on Record Vote 14 because I do not support a State Income Tax under any circumstances.

F. Hill
Carona
Swinford

Representative Grusendorf offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 4, after line 27, add a new Section 3 to read as follows:

SECTION 3. Article VIII, Section 1(c), of the Texas Constitution is amended to read as follows:

(c) The Legislature may provide for the taxation of intangible property and may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that the legislature may not impose, to fund public schools, a tax on net income at a rate that exceeds six percent, and persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax. Public education is considered to be funded from a tax on net income if the legislature appropriates funds for public education from the general revenue fund or another fund into which the revenue from a tax on net income is deposited.

(2) On page 5, line 1, renumber Section 3 as Section 4.

(3) On page 5, line 6, between "education" and the comma, insert "and limiting the use of other sources of state funding".

Representative Stiles moved to table the Grusendorf amendment.

A record vote was requested.

The motion to table prevailed by (Record 15): 79 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Arnold; Bailey; Barton; Berlanga; Blair; Bosse; Cain; Carter; Cavazos; Colbert; Coleman; Collazo; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Eckels; Edwards; Erickson; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hilderbran; Hirschi; Hudson; Johnson; Kamel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martinez; Maxey; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Rudd; Sadler; Saunders; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; Vowell; Wallace; Watkins; Willis; Wilson; Wolens; Yarbrough.

Nays — Alexander; Black; Blackwood; Bomer; Brady; Brimer; Campbell; Carona; Cate; Chisum; Clemons; Cook; Craddick; Crawford; Culberson; Finnell; Fleuriet; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Jones; Junell; Kubiak; Kuempel; Martin; McCall; McCollough; Mowery; Ogden; Ovard; Park; Pierce; Rabuck; Repp; Robnett; Schechter; Schoolcraft; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Turner, B.; Uher; Von Dohlen; Wentworth; Williamson; Willy; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea; Smith, A.

Absent — Marchant; Pennington.

REASON FOR VOTES

I voted to table the cap of 6% income tax rate because I am totally opposed to an income tax. I cannot vote for a cap on anything when I am not for it to begin with.

Kamel
Hilderbran
F. Hill
A. Hill

Representative Denton offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 5, line 1, insert a new Section 3 to read as follows:

SECTION 3. Article VIII, Section 1-b, Subsection (c), of the Texas Constitution is amended to read as follows:

(c) Five Thousand Dollars (\$5,000) of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. In addition to this exemption, the legislature by general law shall ~~may~~ exempt an amount not ~~less than~~ ~~[to exceed]~~ Ten Thousand Dollars (\$10,000) of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person sixty-five (65) years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons sixty-five (65) years of age or older on economic need. An eligible disabled person who is sixty-five (65) years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled or elderly person may receive both the additional exemption for the elderly and disabled ~~required~~ ~~[authorized]~~ by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem

tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of Article VIII, Sections 1-b(c), 1-b(d), and 1-d-1, of this constitution. The legislature by general law may define residence homestead for purposes of this section.

(2) Renumber the subsequent section appropriately.

(3) On page 5, line 10, strike “and”.

(4) On page 5, line 12, insert the following after “facilities” and before the period: “, and requiring an exemption from ad valorem taxation for school purposes on the residence homesteads of persons who are 65 years of age or older or who are disabled”.

The Denton amendment was adopted without objection.

Representative Cavazos offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) Add a new section, appropriately numbered, to read as follows:

SECTION ____. Article III, Section 47, of the Texas Constitution is amended by adding Subsection (f) to read as follows:

(f) All money received by the state on or after January 1, 1993, and before January 1, 2003, from the operation of lotteries authorized by Subsection (e) of this section, other than the amount paid during that period by the state for lottery prizes and lottery administrative costs, may be spent only for the enrichment of the primary and secondary educational programs of school districts having a tax rate of at least \$1 on \$100 of taxable value of property. This subsection expires January 1, 2005.

(2) On page 5, line 10, between the comma and “and”, insert “dedicating lottery revenue to enrichment of education for the next 10 years,”.

Representative Linebarger moved to table the Cavazos amendment.

The motion to table prevailed. (Erickson, Gallego, and T. Hunter recorded voting no.)

Representative Smithee offered the following amendment to **CSSJR 1**:

Amend **CSSJR 1** as follows:

(1) On page 4, after line 27, insert the following and renumber the following section appropriately:

SECTION 3. Article VII of the Texas Constitution is amended by adding Section 8a to read as follows:

Sec. 8a. (a) Except for state educational mandates imposed in compliance with this constitution or federal law, or unless enacted by a vote of at least two-thirds of the members elected to each House, a law that imposes on a school district an obligation requiring the expenditure of funds is null and void unless state funds have been appropriated to equitably finance the execution of the obligation.

(b) At the request of the board of trustees of a school district the comptroller of public accounts shall determine whether or not an obligation is null and void under Subsection (a) of this section.

(2) On page 5, line 10, between the comma and "and", insert "nullifying laws that impose unfunded state mandates on school districts,".

(Edwards in the chair)

(Speaker in the chair)

Representative Delco moved to table the Smithee amendment.

A record vote was requested.

The motion to table was lost by (Record 16): 64 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Bailey; Barton; Berlanga; Blair; Bosse; Cain; Cavazos; Colbert; Coleman; Collazo; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Dutton; Earley; Edwards; Erickson; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Greenberg; Hernandez; Hightower; Hirschi; Hunter, B.; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McDonald; Moreno; Naishtat; Oliveira; Perez; Place; Price; Puente; Rangel; Rodriguez; Rudd; Saunders; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; Von Dohlen; Wallace; Willis; Wilson; Wolens; Yarbrough.

Nays — Alexander; Arnold; Black; Blackwood; Bomer; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Cook; Craddick; Crawford; Culberson; Denton; Eckels; Finnell; Fleuriet; Fraser; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, T.; Jackson; Johnson; Jones; Junell; Kamel; Kubiak; Kuempel; McCall; McCollough; Mowery; Oakley; Ogden; Ovard; Park; Patterson; Pierce; Rabuck; Ramsay; Repp; Robnett; Sadler; Schechter; Schoolcraft; Seidlits; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Turner, B.; Uher; Vowell; Watkins; Wentworth; Williamson; Willy; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delisi; Shea; Smith, A.

Absent — Cate; Conley; Hudson; Marchant; Pennington.

STATEMENT BY REPRESENTATIVE COUNTS

I was shown voting yes on Record No. 16. I intended to vote no.

Counts

STATEMENT BY REPRESENTATIVE B. HUNTER

I was shown voting yes on Record No. 16. I intended to vote no.

B. Hunter

Representative Linebarger offered the following amendment to the Smithee amendment:

Amend **CSSJR 1** as follows:

(1) On page 4, after line 27, insert the following and renumber the following section appropriately:

SECTION 3. Article VII of the Texas Constitution is amended by adding Section 8a to read as follows:

Sec. 8a. (a) Except for state educational mandates imposed in compliance with this constitution or federal law, or unless enacted by a vote of at least two-thirds of the members elected to each House, a law that imposes on a school district an obligation requiring the expenditure of funds is null and void unless it is funded through the equalized state system.

(b) At the request of the board of trustees of a school district the comptroller of public accounts shall determine whether or not an obligation is null and void under Subsection (a) of this section.

(2) On page 5, line 10, between the comma and "and", insert "nullifying laws that impose unfunded state mandates on school districts,".

The Linebarger amendment to the Smithee amendment was adopted without objection.

A record vote was requested.

The Smithee amendment, as amended, was adopted by (Record 17): 77 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Alexander; Arnold; Black; Blackwood; Bomer; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Colbert; Cook; Craddick; Crawford; Cuellar, H.; Culberson; Denton; Eckels; Erickson; Finnell; Fleuriot; Fraser; Goodman; Goolsby; Grusendorf; Hamric; Harris; Hartnett; Heflin; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones; Junell; Kamel; Kubiak; Kuempel; Marchant; McCall; McCollough; Mowery; Oakley; Ogden; Ovard; Park; Patterson; Pierce; Rabuck; Repp; Robnett; Sadler; Schechter; Schoolcraft; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Turner, B.; Uher; Vowell; Watkins; Wentworth; Williamson; Willy; Yost.

Nays — Bailey; Barton; Berlanga; Blair; Bosse; Cain; Cate; Cavazos; Coleman; Collazo; Conley; Counts; Cuellar, R.; De La Garza; Delco; Dutton; Earley; Edwards; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McDonald; Moreno; Naishtat; Oliveira; Perez; Place; Price; Puente; Ramsay; Rangel; Rodriguez; Rudd; Saunders; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; Von Dohlen; Wallace; Willis; Wilson; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C); Danburg.

Absent, Excused — Delisi; Shea; Smith, A.

Absent — Haggerty; Hilbert; Hudson; Pennington.

STATEMENT BY REPRESENTATIVE COUNTS

I was shown voting no on Record No. 17. I intended to vote yes.

Counts

A record vote was requested.

CSSJR 1, as amended, was passed to third reading by (Record 18): 86 Yeas, 59 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Cain; Cavazos; Chisum; Clemons; Colbert; Coleman; Collazo; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Finnell; Fleuriet; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Johnson; Kubiak; Laney; Larry; Lewis, R.; Linebarger; Luna; Madia; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Puente; Ramsay; Rangel; Rodriguez; Rudd; Saunders; Schechter; Seidlits; Soileau; Stiles; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Williamson; Willis; Wilson; Yarbrough.

Nays — Blackwood; Brady; Brimer; Campbell; Carona; Carter; Cate; Cook; Craddick; Crawford; Culberson; Eckels; Erickson; Fraser; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Jones; Junell; Kamel; Kuempel; Marchant; McCall; Mowery; Ogden; Ovard; Park; Pierce; Price; Rabuck; Repp; Robnett; Sadler; Schoolcraft; Shelley; Smith, D.; Smithee; Swinford; Tallas; Taylor; Thomas; Uher; Wentworth; Willy; Wolens; Yost.

Absent, Excused — Delisi; Shea; Smith, A.

Absent — Hilbert; Pennington.

REASON FOR VOTES

In reference to Record Vote 14 on 11/18/92, Fourth Called Session of the 72nd Legislature:

I am opposed to a state income tax. The Stiles amendment to Grusendorf's amendment establishes a constitutional mechanism to implement a state income tax. Additionally, the Stiles amendment gives the legislature the sole authority, without voter approval, to set the percentage or rate of a state income tax. Therefore I voted against the Stiles amendment to the Grusendorf amendment.

Holzheuser
Shelley

SCR 3 - ADOPTED (Uher - House Sponsor)

Representative Uher moved to suspend all necessary rules to take up and consider at this time, **SCR 3**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 3, Establishing the Stephen F. Austin Bicentennial Commission.

The resolution was adopted without objection.

SCR 6 - ADOPTED
(Naishtat - House Sponsor)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time, **SCR 6**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 6, Paying tribute to the life of Ambassador Edward A. Clark.

The resolution was unanimously adopted by a rising vote.

SCR 8 - ADOPTED
(Naishtat - House Sponsor)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time, **SCR 8**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 8, Congratulating IBM Austin for its significant distinction in the area of environmental programs.

The resolution was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, on adjournment today, Desk 35, to consider **HB 15**.

ADJOURNMENT

Representative Black moved that the house adjourn until 10 a.m. tomorrow, in memory of James T. Cockrell, husband of Representative Delisi.

The motion prevailed without objection.

The house accordingly, at 4:53 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Rules and Resolutions - **HCR 3, HCR 4, HCR 5, HCR 6, HCR 8, SCR 1, HR 2, HR 3, HR 4, HR 5, HR 6, HR 7, HR 8, HR 9, HR 10, HR 11, HR 12, HR 13, HR 16, HR 17, HR 18, HR 19, HR 20, HR 22, HR 23, HR 24, HR 25, HR 26, HR 27, HR 28, HR 29, HR 30, HR 31, HR 32, HR 33, HR 34, HR 36, HR 40, HR 41, HR 42, HR 43, HR 44, HR 45, HR 47, HR 48, HR 49, HR 50, HR 51, HR 52.**