

HOUSE JOURNAL

SEVENTY-SECOND LEGISLATURE, FOURTH CALLED SESSION

PROCEEDINGS

FOURTEENTH DAY (CONT.) — THURSDAY, DECEMBER 3, 1992

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

The roll of the house was called and a quorum was announced present (Record 29).

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; Delisi; 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; Martin; Martinez; Maxey; McCall; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Perez; Pierce; Place; Price; Puente; Rabuck; Ramsay; Rangel; Repp; Robnett; Rodriguez; Rudd; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; 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; Vowell; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Fleuriet.

Absent — Marchant; Pennington.

The invocation was offered by Dr. Gerald Mann, chaplain, as follows:

Our Father, after all of the debate and discussion of this session, it looks like we've come down to prayer—so, God, help us! Amen.

LEAVE OF ABSENCE GRANTED

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

Fleuriet on motion of Mowery.

MESSAGE FROM THE SENATE

Austin, Texas, December 3, 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 12** by Ratliff, in memory of Thomas B. Steely.
HCR 6 by Craddick, in memory of Joe Pevehouse.
HCR 9 by Van de Putte, honoring designers of the Lone Star flag
HCR 11 by Seidlits, in memory of former U.S. Representative Herbert Ray Roberts.
HCR 14 by Brady, commemorating the tricentennial of the Old San Antonio Road.
HCR 15 by Martin, in memory of Isaac D. "Speedy" Kaplan.
HCR 19 by Greenberg, in memory of former Supreme Court Justice Zollie C. Steakley.
HCR 20 by Craddick, in memory of Dorothy Walker Bush.
HCR 22 by McCollough, commending the Honorable William S. Lott
HCR 23 by B. Hunter, commemorating the 125th anniversary of the Chisholm Trail.
HCR 24 by Maxey, in memory of Senator James Manley Head.
HCR 25 by Speaker Lewis and Willis, congratulating Claudia Taylor Johnson on her birthday.

Respectfully,
 Betty King
 Secretary of the Senate

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

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

By T. Hunter:

HR 22, Paying tribute to the life of Jackson S. "Jack" Ryan.

HR 84 was withdrawn.

By Uher:

HR 89, Paying tribute to the life of William Joseph Hlavinka.

By Erickson:

HR 90, Paying tribute to the life of Roy Acuff.

By Von Dohlen:

HR 92, Paying tribute to the life of Louie Edward Mayberry.

By Brady:

HR 94, Paying tribute to the life of Jubal Richard "J. R." Parten.

By Von Dohlen:

HR 97, Honoring the memory of Mrs. Jo Reuter.

By Finnell:

HR 147, Paying tribute to the life of Leigh McGee.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Glossbrenner, the names of all the members of the house were added to **HR 147** as signers thereof.

By Greenberg:

HR 87, Congratulating head coach Dana Hatch and the Stephen F. Austin High School girls' volleyball team on their outstanding achievement in winning the 1992 UIL Class 5A state volleyball championship.

By Speaker Lewis:

HR 95, Congratulating Jose and Maria Elena Turrieta on the occasion of their 40th wedding anniversary.

HR 102 was read after the congratulatory resolutions portion of the calendar.

By Linebarger:

HR 105, Complimenting Kerry Allison Jackson on her exemplary dedication during her internship in the State Capitol.

By Linebarger:

HR 106, Commending Lila Stillson and Golda Foster as recipients of the John Ben Shepperd Leadership Award.

By Jones and Laney:

HR 107, Commending Sandra Lewis on her unprecedented tenure as the "First Lady of The Texas House of Representatives" and extending to her warmest best wishes for continued happiness and success in her future endeavors.

By Von Dohlen:

HR 109, Recognizing the many achievements of Chuck Simonds and Comat, Inc.

By Von Dohlen:

HR 110, Commending Walter Hailey for his numerous achievements throughout his career.

HR 114 through **HR 146** were read after the memorial resolutions portion of the calendar.

By Finnell:

HR 148, Congratulating the members of the First United Methodist Church of Holliday on the occasion of their church's centennial.

By Johnson:

HR 149, Honoring the Texas A&M University and The University of Texas at Austin marching bands on the occasion of their spectacular collaboration at Memorial Stadium, November 26, 1992.

The resolutions were adopted without objection.

By R. Lewis:

HR 102, Honoring M. Reginald "Reg" Arnold II for the many significant contributions he has made to the betterment of this state.

The resolution was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker introduced M. Reginald "Reg" Arnold II and his family.

By Speaker Lewis:

HR 114, Commending the Honorable Gregory Luna on his remarkable tenure as a member of the house of representatives.

By Speaker Lewis:

HR 115, Commending the Honorable Frank L. Madla, Jr., for his exemplary record of legislative achievement.

By Speaker Lewis:

HR 116, Commending the Honorable Dan Shelley on his distinguished record of accomplishment as a state representative and congratulating him on his election to the Texas Senate.

By Speaker Lewis:

HR 117, Commending Jeff Wentworth for his outstanding record of legislative service.

By Speaker Lewis:

HR 118, Saluting the Honorable Fred Blair for his outstanding public service to the citizens of District 110 and the State of Texas.

By Speaker Lewis:

HR 119, Commending the Honorable Frank Collazo, Jr., for his outstanding record of legislative service to the people of Texas.

By Speaker Lewis:

HR 120, Commending the Honorable Kenneth Fleuriet on his many remarkable achievements as a state legislator.

By Speaker Lewis:

HR 121, Commending Ernestine V. Glossbrenner for her outstanding record of public service.

By Speaker Lewis:

HR 122, Commending the Honorable Anita Hill for her outstanding record of public service.

By Speaker Lewis:

HR 123, Commending Jerald H. Larry for his outstanding record of public service.

By Speaker Lewis:

HR 124, Honoring Parker McCollough for his remarkable legislative service.

By Speaker Lewis:

HR 125, Honoring A. R. "Augie" Ovard for his outstanding legislative service.

By Speaker Lewis:

HR 126, Commending the Honorable George B. Pierce for his long and distinguished service on behalf of his fellow Texans.

By Speaker Lewis:

HR 127, Honoring Nolan J. "Buzz" Robnett for his outstanding legislative service.

By Speaker Lewis:

HR 128, Commending the Honorable Alan Schoolcraft for his outstanding record of legislative accomplishment.

By Speaker Lewis:

HR 129, Commending the Honorable Gwyn Clarkston Shea for her many years of superior legislative service.

By Speaker Lewis:

HR 130, Commending the Honorable Curtis L. Soileau for his many significant contributions to the state.

By Speaker Lewis:

HR 131, Commending the Honorable Bill Thomas for his many years of outstanding service to the people of Texas.

By Speaker Lewis:

HR 132, Honoring Tim Von Dohlen for his outstanding legislative service.

By Speaker Lewis:

HR 133, Commending the Honorable Ralph R. Wallace III for his many years of outstanding legislative service.

By Speaker Lewis:

HR 134, Commending the Honorable Gary L. Watkins for his significant work as a member of the legislature.

By Speaker Lewis:

HR 135, Commending the Honorable Bill Arnold for his many years of outstanding legislative service to the people of Texas.

By Speaker Lewis:

HR 136, Commending Richard L. "Rick" Crawford for his outstanding record of legislative service.

By Speaker Lewis:

HR 137, Commending the Honorable Paul Colbert for his many years of devoted service to the citizens of this state.

By Speaker Lewis:

HR 138, Commending the Honorable Troy Fraser for his many significant contributions to the State of Texas.

By Speaker Lewis:

HR 139, Commending Roman Martinez for his many years of outstanding legislative service.

By Speaker Lewis:

HR 140, Commending the Honorable Randy Pennington for his outstanding record of legislative accomplishment.

By Speaker Lewis:

HR 141, Commending the Honorable Nicolas Perez for his many years of dedicated service to the state.

By Speaker Lewis:

HR 142, Commending the Honorable Glenn Repp for his many years of outstanding legislative service to the people of Texas.

By Speaker Lewis:

HR 143, Commending the Honorable M. A. Taylor on his illustrious career in the Texas Legislature.

By Speaker Lewis:

HR 144, Commending the Honorable John G. Willy on his long and distinguished tenure as a legislator.

By Speaker Lewis:

HR 145, Commending the Honorable Erwin W. Barton for his outstanding record of legislative accomplishment.

By Speaker Lewis:

HR 146, Commending the Honorable Tom Cate on his distinguished tenure as a legislator.

The resolutions were adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 114** through **HR 146** as signers thereof.

SCR 12 - ADOPTED
(Pennington - House Sponsor)

Representative Patterson moved to suspend all necessary rules to take up and consider at this time, **SCR 12**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 12, In memory of Thomas Brazelton Steely.

The resolution was unanimously adopted by a rising vote.

HCR 28 - ADOPTED

Representative Eckels moved to suspend all necessary rules to take up and consider at this time, **HCR 28**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Eckels:

HCR 28, Honoring Mr. Felton West for his many years of service to the people of Texas and expressing best wishes on the occasion of his retirement.

The resolution was read and was adopted without objection.

On motion of Representative Colbert, the names of all the members of the house were added to **HCR 28** as signers thereof.

INTRODUCTION OF GUESTS

The speaker introduced Judge William S. Lott and his family.

HCR 22, Honoring Judge William S. Lott, having been previously adopted, was read.

HR 173 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 173**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By S. Thompson:

HR 173, Paying tribute to the life of S. W. "Woody" Gaylord.

The resolution was unanimously adopted by a rising vote.

HR 167 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 167**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Blair:

HR 167, Paying tribute to the life of Marietta Bell.

The resolution was unanimously adopted by a rising vote.

HR 157 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 157**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

HR 157, Paying tribute to the life of Raymond Lopez.

The resolution was unanimously adopted by a rising vote.

HR 156 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 156**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

HR 156, Paying tribute to the life of Joseph Cotten.

The resolution was unanimously adopted by a rising vote.

HR 153 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 153**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Von Dohlen:

HR 153, Paying tribute to the life of Tom E. Fite.

The resolution was unanimously adopted by a rising vote.

HR 172 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 172**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Rabuck:

HR 172, Honoring Hulon Jesse and Bessie Adelene White and extending best wishes for many years of continued happiness and success.

The resolution was adopted without objection.

HR 171 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 171**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Denton:

HR 171, Honoring Grant Teaff on the outstanding record of achievement he enjoyed during his 21-year tenure as the head football coach at Baylor University.

The resolution was adopted without objection.

HR 170 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 170**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Price:

HR 170, Commending Margaret Baird on her exemplary service to the State of Texas and extending best wishes to her on the occasion of her forthcoming retirement.

The resolution was adopted without objection.

HR 169 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 169**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bomer:

HR 169, Commending Texas Ranger Sergeant Ronnie Brownlow for his 25 years of faithful service to the citizens of Texas as an officer of the Texas Department of Public Safety.

The resolution was adopted without objection.

HR 166 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 166**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Naishtat:

HR 166, Commending Troy Kimmel, Bob Rose, Mark Murray, Bob Cole, Tom Allen, and Billie Ibenthal, as well as the staffs and employees of KVUE-24, KVET Country K-98, KASE-101, Jack Brown Cleaners, and Goodwill Industries, for their dedicated efforts in behalf of the "Coats for Kids" drive.

The resolution was adopted without objection.

HR 165 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 165**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By B. Hunter and Counts:

HR 165, Commending Irvin Elwood Clever, Jr., Christopher James Lee, and Joseph Allen Palmour for the exceptional bravery they displayed in their heroic rescue of six of their fellow human beings.

The resolution was adopted without objection.

HR 164 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 164**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 164, Honoring Dr. Bennat Mullen for his outstanding service and extending best wishes for continued success and happiness.

The resolution was adopted without objection.

HR 163 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 163**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 163, Honoring Dr. Laurence C. Walker on the many significant contributions he has made to forestry research, education, and conservation, as well as to the State of Texas.

The resolution was adopted without objection.

HR 161 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 161**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 161, Congratulating the Texas A&M football team on the success of their 1992 regular season and extending best wishes for a resounding victory at the Cotton Bowl on New Year's Day.

The resolution was adopted without objection.

HR 160 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 160**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 160, Congratulating the Nacogdoches High School Golden Dragons and their coaches and trainers on their outstanding 1992 football season.

The resolution was adopted without objection.

HR 159 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 159**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 159, Congratulating the UIL Class 4A Region III finalist Jasper High School Bulldogs and their coaches and trainers on the outstanding 1992 football season.

The resolution was adopted without objection.

HR 158 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 158**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Johnson:

HR 158, Congratulating the Center High School Roughriders, their coaches, and their faithful supporters on the outstanding season in 1992.

The resolution was adopted without objection.

HR 155 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 155**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Von Dohlen:

HR 155, Commending Gene Laughhunn for his excellent record of community service.

The resolution was adopted without objection.

HR 154 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 154**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Swinford:

HR 154, Honoring the Diamond Shamrock "Hooray for Excellence" academic awareness program for its efforts in highlighting the many positive educational innovations taking place among the state's public schools.

The resolution was adopted without objection.

HR 152 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 152**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

HR 152, Congratulating Dr. Rosalinda Sosa-Bonilla on the occasion of her 43rd birthday.

The resolution was adopted without objection.

HR 151 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 151**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 151, Honoring St. Mary's Catholic Church in Jacksboro on the memorable occasion of its 100th anniversary.

The resolution was adopted without objection.

HR 150 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 150**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 150, Congratulating St. Mary's Catholic Church on the 100th anniversary of its founding.

The resolution was adopted without objection.

HR 174 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 174**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 174, Congratulating the First United Methodist Church of Electra on the 100th anniversary of its founding.

The resolution was adopted without objection.

HR 175 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 175**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 175, Congratulating the Chillicothe Church of Christ on the occasion of its 100th anniversary.

The resolution was adopted without objection.

HR 176 - ADOPTED

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HR 176**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 176, Congratulating the Windthorst High School Trojanettes and their coaches on winning the UIL Class A state volleyball championship.

The resolution was adopted without objection.

HCR 29 - ADOPTED

Representative Von Dohlen moved to suspend all necessary rules to take up and consider at this time, **HCR 29**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Von Dohlen:

HCR 29, Commending Zac Lentz for the numerous contributions he has made throughout his life to the betterment of his community.

The resolution was adopted without objection.

HR 168 - ADOPTED

Representative Brady moved to suspend all necessary rules to take up and consider at this time, **HR 168**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Brady:

HR 168, Congratulating Representative and Mrs. Bill Carter on the occasion of their marriage.

The resolution was adopted without objection.

On motion of Representative Berlanga, the names of all the members of the house were added to **HR 168** as signers thereof.

SJR1 ON THIRD READING

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

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

SJR1, 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.

The bill was read third time on November 25 and was postponed until November 30.

Representative Craddick et al. offered the following amendment to the bill:

Amend SJR 1 on Third Reading 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 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 1993:

(1) 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; or

(2) the total amount of state revenue and local ad valorem tax revenue per student for maintenance and operation of the public free schools equals or exceeds \$4,000 a year for school districts that are imposing local ad valorem taxes at or above the statewide average tax rate for maintenance and operations.

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

Sec. 3-c. The legislature may not establish a local share of the cost of funding support and maintenance of the public free schools that requires a school district, in order to raise its total local share, to impose ad valorem taxes at a rate that exceeds two-thirds of the statewide average rate for maintenance and operations. This section does not prohibit the legislature from providing a guaranteed yield for ad valorem taxes imposed by a school district at a rate above that necessary to raise the local share.

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 at an election held for that purpose.

Sec. 3-e. Subject to limitations imposed by law, on the request of a parent or a person standing in parental relation to a student, a school district shall issue a voucher to the parent or guardian to be used for the expenses of educating the student at a participating school district or private or parochial

school. The legislature by general law shall provide for the implementation of this section.

Sec. 3-f. To the extent that the legislature provides by general law a formula for allocation of state funds for school districts, the legislature may not appropriate less money for those allocations than is required to fully fund the allocations.

SECTION 4. 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. 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.

SECTION 5. 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 shall be used to reduce ad valorem taxes levied and collected for primary and secondary education.

(b) The rate of a tax imposed under this section may not exceed six percent of net income.

(c) The legislature may not 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.

(d) 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.

(e) 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.

SECTION 6. 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.

SECTION 7. This proposed constitutional amendment shall be submitted to the voters at an election to be held May 1, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing a standard for judicial review of laws governing school finance; providing an equity standard for the funding of public schools; limiting the local share of the cost of the basic educational program; requiring voter approval to increase local ad valorem taxes; providing for vouchers to be used at a school of the parents' choice; eliminating proration of state funds for public schools; requiring that any state income tax be limited to six percent, approved by the voters, and dedicated in part to reduction of school property taxes; and nullifying laws that impose unfunded state mandates on school districts."

A record vote was requested.

The Craddick, et al. amendment failed of adoption by (Record 30): 57 Yeas, 89 Nays, 1 Present, not voting.

Yeas — Blackwood; Bomer; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Craddick; Culberson; Delisi; Eckels; Erickson; Finnell; Fraser; Goodman; Goolsby; Grusendorf; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Holzheuser; Horn; Hunter, B.; Jackson; Jones; Junell; Kamel; Kubiak; Kuempel; McCall; Mowery; Ogden; Ovard; Park; Pierce; Repp; Robnett; Sadler; Schoolcraft; Shea; Shelley; Smith, A.; Smith, D.; Smithee; Tallas; Taylor; Wentworth; Williamson; Willy; Yost.

Nays — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bosse; Cain; Cate; Cavazos; 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; Haggerty; 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; Rabuck; Ramsay; Rangel; Rodriguez; Rudd; Saunders; Schechter; Seidlits; Soileau; Stiles; Swinford; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Wallace; Watkins; Willis; Wilson; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fleuriet.

Absent — Marchant; Pennington.

Representative Holzheuser offered the following amendment to the resolution:

Amend **SJR 1** on third reading in proposed Article VIII, Section 24, of the Texas Constitution (added by the Stiles amendment to the Grusendorf amendment) as follows:

(1) In Subsection (a)(2), strike "in the first year that the tax is imposed and during the first year of any tax rate increase".

(2) In Subsection (b), insert "not" between "may" and "amend".

(3) Strike Subsection (c) and redesignate Subsection (d) as Subsection (c).

The Holzheuser amendment was adopted without objection.

A record vote was requested.

SJR 1, as amended, failed of adoption (not receiving the necessary two-thirds vote) by (Record 31): 90 Yeas, 57 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; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Finnell; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Hunter, T.; Johnson; Kubiak; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Puente; Ramsay; Rangel; Robnett; 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; Williamson; Willis; Wilson; Wolens; Yarbrough.

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

Absent, Excused — Fleuriet.

Absent — Marchant; Pennington.

STATEMENT BY REPRESENTATIVE SADLER

I was shown voting yes on Record No. 31. I intended to vote no.

Sadler

REASON FOR VOTE

The public school finance issue is much too important to the children of Texas and the people of my district for us to end this special session without at least allowing a conference committee to develop a compromise. In that spirit, I am willing to vote "aye" on **SJR 1** on Third Reading with the understanding that the measure will then go to a conference committee for further revisions. Because of the negative impact **SJR 1** has on the school districts in my legislative district, I did not support it on Second Reading. I have notified amendment supporters that unless changes are made to **SJR 1**, I could not support it when it comes out of conference committee.

T. Hunter

Representative Junell moved to reconsider the vote by which **SJR 1** failed of adoption.

The motion to reconsider prevailed.

SJR1 ON THIRD READING

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

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

SJR1, 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.

Representative Kubiak offered the following amendment to the resolution:

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

SECTION 1. Article VII of the Texas Constitution is amended by adding Section 3-C to read as follows:

Sec. 3-C. 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, may levy, collect, and distribute ad valorem taxes authorized by law. A tax imposed by a county education district may not exceed \$0.90 per \$100 of valuation, as determined by law.

SECTION 2. 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 county education districts to levy, collect, and distribute revenue from a property tax not exceeding \$0.90 per \$100 valuation."

Representative Uher offered the following amendment to the Kubiak amendment:

Amend the Kubiak amendment to **SJR 1** by adding the following after the "period" on line 10:

The legislature by general law may reduce or increase the number of counties in a multiple county education district described by Senate Bill No. 351, Chapter 20, and House Bill No. 2885, Chapter 391, Acts of the 72nd Legislature, Regular Session, 1991.

Representative Schoolcraft raised a point of order against further consideration of the Kubiak amendment on the grounds that the amendment violates Article III, Section 30, of the Texas Constitution and Rule 12, Section 3, of the House Rules.

The speaker sustained the point of order.

LEAVE OF ABSENCE GRANTED

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

Marchant on motion of Goolsby.

SJR 1 - (consideration continued)

A record vote was requested.

SJR 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 32): 90 Yeas, 57 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; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Edwards; Finnell; Gallego; Gallegos; Glaze; Glossbrenner; Granoff; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hudson; Hunter, T.; Johnson; Kubiak; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Perez; Place; Puente; Ramsay; Rangel; Robnett; 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; Williamson; Willis; Wilson; Wolens; Yarbrough.

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

Absent, Excused — Fleuriot; Marchant.

Absent — Pennington.

REASON FOR VOTE

I voted favorably on the resolution to move the process to conference. I continue my belief that the resolution does not provide alternatives to the state or local school districts to reach our goal of providing a quality education for our children nor does it, in my opinion, under the present language, satisfy the mandate of the court.

Cook

SIGNED BY SPEAKER

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

SCR 10

LEAVE OF ABSENCE GRANTED

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

Rabuck on motion of Swinford.

SB 7 ON SECOND READING
(Edwards, Eckels, and Gallegos - House Sponsors)

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

SB 7, A bill to be entitled An Act relating to the validation of government acts and proceedings regarding certain bond elections in municipalities with a population of more than 1.5 million.

The bill was read second time.

Representative Turner offered the following amendment to the bill:

Amend **SB 7** on page 1, between lines 22 and 23, by adding the following and by renumbering the subsequent sections appropriately.

SECTION 3. USE OF BOND PROCEEDS. (a) A municipality's expenditure of the bond proceeds of a bond issue affected by this Act must be in accordance with the covenants of all applicable ordinances enacted by the municipality before the bond election approving the bonds.

(b) Goals relating to minority and women business enterprises set out in the municipality's ordinances are applicable to the expenditure of the bond proceeds.

(c) The municipality shall make a good faith effort to assure that the bond proceeds are used so that the residents who benefit from the expenditure of the proceeds reflect the demographic makeup of the municipality.

(d) Bond proceeds designated for housing in the municipality's bond proposition shall be used for the construction and rehabilitation of housing and matters incidental to construction and rehabilitation of housing, including site-related street and drainage improvements and water and wastewater facilities required to serve the housing.

(e) This section applies cumulatively to an entire bond authorization, rather than to individual bond issuances or contracts for the expenditure of bond proceeds, and the governing body of the municipality is responsible for making decisions on individual bond issuances and contracts.

Representative Wilson offered the following amendment to the Turner amendment:

Amend the Turner amendment to **SB 7** as follows:

On page 1, line 9, strike "minority and".

The Wilson amendment to the Turner amendment was adopted without objection.

The Turner amendment, as amended, was adopted without objection.

Representative Wilson offered the following amendment to the bill:

Amend **SB 7** as follows:

Renumber Sections 3 and 4 as Sections 4 and 5 and insert a new Section 3 to read as follows:

SECTION 3. MINORITY REPRESENTATION. (a) The total value of all contracts for legal, financial, or other services in regard to the issuance or

sale of the aggregate face amount of bonds issued as a result of proceedings validated by this Act shall be awarded to ethnic minority contractors in the same proportion that each ethnic minority group bears to the population of the municipality issuing the bonds.

(b) The total value of all contracts for construction or other services paid for from the aggregate proceeds of bonds issued as a result of proceedings validated by this Act shall be awarded to ethnic minority contractors in the same proportion that each ethnic minority group bears to the population of the municipality issuing the bonds.

(c) In this section, "ethnic minority group" means African-Americans, Hispanic Americans, Asian Pacific Americans, and Native Americans.

The Wilson amendment was adopted without objection.

SB 7, as amended, was passed to third reading.

LEAVE OF ABSENCE GRANTED

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

Repp on motion of Swinford.

HB 10 ON SECOND READING

The speaker laid before the house, as postponed business, on its passage to engrossment, the complete committee substitute for **HB 10**.

CSHB 10, A bill to be entitled An Act relating to financing public education.

CSHB 10 was read second time on November 25 and was postponed until November 30.

Representative Ogden moved to postpone consideration of **CSHB 10** until Monday, December 7, at 2 p.m.

The motion prevailed without objection.

HB 13 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 13**.

CSHB 13, A bill to be entitled An Act relating to the creation, administration, powers, dates, operation, and financing of the West Community Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

CSHB 13 was read second time.

Representative Denton offered the following amendment to the bill:

Amend **CSHB 13** as follows:

(1) On page 14, lines 16-17, strike "Except as otherwise provided by this Act, the", and substitute "The".

(2) On page 14, line 19, strike "person" and substitute "patient or a relative".

(3) On page 15, lines 22-23, strike “report that finding to the board, and the board may”.

(4) On page 16, lines 5-6, strike “or if the administrator has any doubt concerning an individual’s ability to pay”.

(5) On page 16, strike lines 26-27.

(6) On page 17, strike lines 1-13 and substitute: “for an eligible district resident is:

(1) \$5,000 for hospital inpatient and outpatient services; or

(2) the payment of five days of covered services, or \$5,000 for all services to the patient, whichever occurs first.

“(b) The district liability for payment for a particular covered service for an eligible district resident is limited to the payment standard established under the AFDC-1 medicaid program.

“(c) The district liability under this section for hospital inpatient and outpatient services is limited to the hospital inpatient and outpatient services that the hospital regularly provides to other patients.”

CSHB 13, as amended, was passed to engrossment.

HB 15 ON SECOND READING

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

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.

The bill was read second time.

Representative McCollough moved to postpone consideration of **HB 15** until Monday, December 7, at 2 p.m.

The motion prevailed without objection.

ADJOURNMENT

Representative Jones moved that the house adjourn until 4:22 p.m. today.

The motion prevailed without objection.

The house accordingly, at 4:20 p.m., adjourned until 4:22 p.m. today.