

HOUSE JOURNAL

SEVENTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY (CONTINUED) — WEDNESDAY, APRIL 3, 1991

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 148).

Present — Mr. Speaker; Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; 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; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Vowell.

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

Our Father, we're willing to trust in your mercy and to keep the commandments you've taught. But deliver us, Lord, from the judgment of saints who've never been caught. Amen.

LEAVE OF ABSENCE GRANTED

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

Vowell on motion of Barton.

MESSAGE FROM THE SENATE

Austin, Texas, April 3, 1991

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 64 by Green and Lucio, relating to the offense of failure to identify oneself

SB 346 by Zaffirini, et al., relating to the practice of midwifery.

Respectfully,
Betty King
Secretary of the Senate

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 435, HB 484, HCR 140, HCR 171

INTRODUCTION OF GUEST

The speaker introduced cosmonaut Valentin Lebedev of the Soviet Union.

The speaker presented Mr. Lebedev with a certificate declaring him an honorary Texan.

Mr. Lebedev addressed the house with the aid of an interpreter, speaking as follows:

Honored Speaker and honored deputies, first of all I want to thank you for the honor that you have given me by receiving me and allowing me to speak before you. This is my third visit to America, and during my visits I have had wonderful impressions of your country, but most importantly, of your people and their friendliness and attitudes, which are the most important things between our two countries. I brought with me my wife so that she also could see with her own eyes the friendliness and warmth with which you greet me.

Before we arrived in Texas, we were in Seattle, where the Soviet space exhibit is just finishing its stay, which has been done here in Houston by the space corporation firm in cooperation with the Soviet organization. It's a successful exhibit, and the one thing that you see that the people that visit it take away is that people come with their children—and many, many children. Parents want to show them the equipment that's used in outer space because these are not only the achievements of the Soviet space program—I consider them the achievements of humanity. Because the successes of the American space program and the Soviet space program are going to be looked at by historians and by the human race, not as our respective successes, but as human successes. And I will tell you one more thing that for me was a surprise, and a most pleasant surprise—how many people were involved in the exhibits on a volunteer basis, using their own free time and energy. They do that out of a desire and with an open heart. And to me, that tells me what you have accomplished in your own society.

Of course, I understand that you too have your own problems; otherwise you wouldn't be here in such intense and difficult circumstances. And that's understandable because you're using your energy, both physical and mental, for the good of the people.

Two days ago I received a very great honor. I was made an honorary citizen of the city of Fort Worth and given a key to the city and I'm very proud of that. I understand that such an event is only possible because a great barrier that separated

our two countries on earth has been destroyed. We're living in a time when I might say that the political climate has become clear. But we have to understand that weather is weather, and that goes for political weather even more. And I think that we have to seize the opportunity of a period of "good weather" and exploit that opportunity of mutual understanding to its fullest extent in science, in economics, in business, in culture.

I consider that our goal should be that our cooperation in the world and the way it affects the rest of the world should not be dependent on political situations, but rather that the politics should have to depend on the strong economic and cultural associations that we make. And, most important, that cooperation has to take place in space. We've destroyed the barrier that separated us on earth; by no means do we want to recreate it out in space.

Reason demands that we study outer space together, because that's the future. That's the future of our children, that's the future of our life together on earth. I would like to say, and I say this personally—but I think that other Soviet cosmonauts and cosmonauts from all countries and the world agree with me—that when we leave the earth on a spaceship, on a rocket, we leave as patriots of our own countries. But when we return back into space and land again, whether it be on water or on earth, we return as patriots of a single planet Earth. And that's the feeling that I would like to leave with you. Thank you.

REMARKS ORDERED PRINTED

Representative Kubiak moved that the remarks of Mr. Lebedev be printed in the journal.

The motion prevailed without objection.

HR 480 - ADOPTED

Representative Repp moved that all necessary rules be suspended to take up and consider at this time, **HR 480**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Repp:

HR 480, Honoring the congregation of the Duncanville Trinity Church of the Nazarene and the Reverend Robert B. Williams.

The resolution was adopted without objection.

HR 481 - ADOPTED

Representative Yost moved that all necessary rules be suspended to take up and consider at this time, **HR 481**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Yost:

HR 481, Recognizing April 3, 1991, as Longview Day at the Capitol.

The resolution was adopted without objection.

HR 433 - ADOPTED

Representative Bomer moved that all necessary rules be suspended to take up and consider at this time, **HR 433**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bomer:

HR 433, Congratulating the young men and women of the 1991 senior class of Elkhart High School.

The resolution was read and was adopted without objection.

On motion of Representative Danburg, the names of all the members of the house were added to **HR 433** as signers thereof.

**SCR 89 - ADOPTED
(Ogden - House Sponsor)**

Representative Ogden moved that all necessary rules be suspended to take up and consider at this time, **SCR 89**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 89, Designating April 6, 1991, as Student-Athlete Day in the State of Texas.

The resolution was adopted without objection.

HR 184 - ADOPTED

Representative Smithee moved that all necessary rules be suspended to take up and consider at this time, **HR 184**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Smithee:

HR 184, Granting the Texas Junior College Student Government Association permission to use the house chamber on Sunday, April 7, 1991.

The resolution was adopted without objection.

LOCAL BILLS CALENDAR ON SECOND READING

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

SB 124, (Goodman - House Sponsor), A bill to be entitled An Act relating to the jurisdiction of the Tarrant County courts at law.

SB 169, (Rangel - House Sponsor), A bill to be entitled An Act relating to the private practice of law by the judge of the Starr County Court at Law and to the prosecutors serving that court.

CONSENT BILLS CALENDAR ON SECOND READING

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

SB 206, (Martin - House Sponsor), A bill to be entitled An Act relating to the qualifications of certain special judges.

SB 264, (H. Cuellar - House Sponsor), A bill to be entitled An Act relating to the 49th Judicial District.

LOCAL BILLS CALENDAR ON SECOND READING

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

(Speaker pro tempore in the chair)

HB 609, A bill to be entitled An Act relating to municipal courts of record in Arlington.

Representative Goodman moved that consideration of **HB 609** be postponed until Monday, April 8, at 2 p.m.

The motion prevailed without objection.

HB 828, A bill to be entitled An Act relating to the creation of municipal courts of record in Grapevine.

CONSENT BILLS CALENDAR ON SECOND READING

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

HB 54, A bill to be entitled An Act relating to the use of revenue from the county hotel occupancy tax by certain counties.

HB 69, A bill to be entitled An Act relating to the matching fund requirement for grants from the municipal solid waste management planning fund.

HB 153, A bill to be entitled An Act relating to speed limits on certain highways.

CSHB 235, A bill to be entitled An Act relating to the administration and financing of mass transportation.

CSHB 396, A bill to be entitled An Act relating to the tax rate, board of directors, indigent health care responsibilities, and dissolution of the Sutton County Hospital District.

HB 548, A bill to be entitled An Act relating to the professional association of podiatrists and medical doctors.

HB 594, A bill to be entitled An Act relating to the enforcement of judgments for past-due child support payments.

Representative Goodman moved that consideration of **HB 594** be postponed until Monday, April 8, at 2 p.m.

The motion prevailed without objection.

HB 662, A bill to be entitled An Act relating to reporting requirements to receive funding from the Texas Commission on Alcohol and Drug Abuse.

CSHB 732, A bill to be entitled An Act relating to public hearings on the proposed budgets of certain counties.

HB 736, A bill to be entitled An Act relating to certain necessary parties in a will contest or will construction suit.

HB 873, A bill to be entitled An Act relating to the conveyance of a one (1) acre tract of land in Lee County, Texas, formerly used as a lookout tower site by the Texas Forest Service.

HB 881, A bill to be entitled An Act relating to soil and water conservation land improvement measures.

CSHB 903, A bill to be entitled An Act relating to employment contracts or terms of employment of a person appointed or hired by certain hospital districts.

HB 991, A bill to be entitled An Act relating to the delegation by Health Authority of authority to carry out statutory powers and duties; permitting a regional medical director to serve as Health Authority in certain circumstances; amending the Local Public Health Reorganization Act (Chapter 121, Health and Safety Code); and declaring an emergency.

HB 1000, A bill to be entitled An Act relating to the design and manufacture of medals, awards, and decorations for members of the state military forces.

HB 1050, A bill to be entitled An Act relating to the sealing or destruction of files and records of certain persons adjudicated as having engaged in delinquent conduct.

Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1050**, Section 1, by striking “and” on page 1, line 18, and by striking the “.” on page 2, line 2, and adding the following after page 2, line 2.:

“; and (3) the person has not been convicted of a penal law of the grade of felony after becoming age 17.”

Amend Section 1, on page 2, line 9, by inserting the following between “birthday” and the “.”; “or at any time is charged with a capital offense”.

Committee Amendment No. 1 was adopted without objection.

HB 1063, A bill to be entitled An Act relating to continuing education for county commissioners.

CSHB 1079, A bill to be entitled An Act relating to the authority of a county road district to refinance road district bonds by issuing alternative refunding bonds or certificates of assessment. (Horn - no.)

HB 1101, A bill to be entitled An Act relating to the regulation of the practice of professional nursing.

Representative Madla offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1101** as follows:

- (1) On page 5, line 22, strike "Subsections (j) and (k)" and substitute "Subsection (j)".
- (2) On page 8, strike lines 8-27.
- (3) On page 9, strike lines 1-17.

Committee Amendment No. 1 was adopted without objection.

HB 1198, A bill to be entitled An Act relating to the election and terms of the board of directors of the Fairfield Hospital District.

HB 1227, A bill to be entitled An Act relating to the authority of counties to improve certain subdivision roads and assess the cost of repairs against subdivision residents.

Representative Wentworth offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1227** as follows:

On page 3, line 3, after "September 1," strike 1987 and insert 1991 before the period.

Committee Amendment No. 1 was adopted without objection.

HB 1266, A bill to be entitled An Act relating to the terms of and election procedures relating to the board of directors of the Val Verde County Hospital District.

HB 1340, A bill to be entitled An Act relating to the authority of the Angleton-Danbury Hospital District to provide office facilities for staff physicians and granting the authority to issue bonds.

HB 1487, A bill to be entitled An Act relating to notice of change of residence of a conservator of a child.

HB 1664, A bill to be entitled An Act relating to the operation of an alternative incarceration program by the institutional division of the Texas Department of Criminal Justice. (Danburg - no.)

HB 1666, A bill to be entitled An Act relating to the housing in the institutional division of the Texas Department of Criminal Justice of persons punished for violation of probation. (Danburg - no.)

HB 135 - RULE SUSPENDED

Representative Denton moved to suspend the 48-hour subcommittee report rule to allow the Committee on Judiciary to consider **HB 135**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, Subcommittee on **HB 985**, on first adjournment today, Desk 38, to consider **HB 985**.

Judicial Affairs, Subcommittee on **HB 1049**, on first adjournment today, Desk 67, to consider **HB 1049**.

Judicial Affairs, on first adjournment today, Desk 67, to consider **SB 152**, **HB 555**, and **HB 885**.

Judicial Affairs, Subcommittee on **HB 769**, on first adjournment today, Desk 67, to consider **HB 769**.

Judicial Affairs, Subcommittee on **HB 358**, on first adjournment today, Desk 67, to consider **HB 358**.

ADJOURNMENT

Representative Stiles moved that the house adjourn until 11:30 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:23 a.m., adjourned until 11:30 a.m. today.

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SEVENTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SIXTH DAY — WEDNESDAY, APRIL 3, 1991

The house met at 11:30 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 149).

Present — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; 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; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Mr. Speaker; Vowell.

LEAVES OF ABSENCE GRANTED

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

Speaker Lewis on motion of Stiles.

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

RULES SUSPENDED

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

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING

The following bills which were considered on second reading on the previous

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

HB 69 - POSTPONED

Representative Junell moved that consideration of **HB 69** be postponed until Thursday, April 4, at 9 a.m.

The motion prevailed without objection.

HB 548 - POSTPONED

Representative Evans moved that consideration of **HB 548** be postponed until Thursday, April 4, at 9 a.m.

The motion prevailed without objection.

SB 124

SB 169

HB 828

HB 54

HB 153

HB 235

HB 396

HB 732

HB 736

HB 881 (Heflin - no)

HB 903

HB 991

HB 1000

HB 1050

HB 1063

HB 1101

HB 1227

HB 1266

HB 1487

HB 1664 (Danburg - no)

HB 1666 (Danburg - no)

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 150): (Members registering votes and the results of the vote are shown following bill number) 145 Yeas, 0 Nays, 0 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco(C); Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; 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; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Absent, Excused — Mr. Speaker; Vowell.

Absent — Brady; Gallego; Perez.

SB 206 (145-0-0)

SB 264 (145-0-0)

HB 662 (145-0-0)

HB 873 (145-0-0)

HB 1079 (Finnell and Horn - no) (143-2-0)

HB 1198 (145-0-0)

HB 1340 (145-0-0)

REGULAR ORDER OF BUSINESS SUSPENDED

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

HB 2791 - PERMISSION TO INTRODUCE

Representative Laney moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 2791**.

The motion prevailed by (Record 151): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez;

Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; 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; Wallace; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Present, not voting — Delco(C).

Absent, Excused — Mr. Speaker; Vowell.

Absent — Johnson, S.

SB 34 ON THIRD READING
(Harris - House Sponsor)

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

SB 34, A bill to be entitled An Act relating to the name of a portion of State Highway 288.

A record vote was requested.

The bill was read third time and was passed by (Record 152): 140 Yeas, 1 Nay, 3 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; 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; Wallace; Wentworth; Williamson; Willy; Wilson; Wolens; Yost.

Nay — Willis.

Present, not voting — Delco(C); Maxey; Watkins.

Absent, Excused — Mr. Speaker; Vowell.

Absent — Cook; Hudson; Park; Yarbrough.

SB 352 ON THIRD READING
(Cain - House Sponsor)

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

SB 352, A bill to be entitled An Act relating to the continuation and functions of the State Department of Highways and Public Transportation.

The bill was read third time.

Representative Junell offered the following amendment to the bill:

Amend **SB 352**, 2nd Reading Engrossment, as follows:

(1) After SECTION 25 add a new section, appropriately numbered, to read as follows:

SECTION _____. Section 5, Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, Vernon's Texas Civil Statutes), is amended by adding Subsections (n) and (o) to read as follows:

(n) A county in a district is not liable for an act or a failure to act by the district.

(o) A commissioners court by order may withdraw the county from the district. A withdrawal by a county does not dissolve the district or remove from the district any portion of the district's rail line that is in the county withdrawing from the district.

(2) Renumber the remaining sections accordingly.

The amendment was adopted without objection.

Representative Denton offered the following amendment to the bill:

Amend **SB 352** on third reading by adding an appropriately numbered section to read as follows and by renumbering the existing sections of the bill accordingly:

SECTION _____. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6673j-2 to read as follows:

"Art. 6673j-2. PROHIBITED BIDDERS. The department may not accept a bid from a person, either as an individual or as a corporate entity, if the commission determines that the person has committed a violation of:

(1) Subchapter A, Chapter 15, Business and Commerce Code; or

(2) a federal law that is substantially similar to Subchapter A, Chapter 15."

The amendment was adopted without objection.

SB 352, as amended, was passed. (Hartnett recorded voting no.)

Reason for Vote

I believe that it is wrong for the legislature to order the highway department to hire non-Texans.

Hartnett

HB 765 ON SECOND READING

The chair laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 765, A bill to be entitled An Act relating to the right to counsel of a witness before a grand jury.

The bill was read second time on March 13 and was postponed until March 20. On March 20 the bill was postponed until 10 a.m. today.

Representative Shelley offered the following amendment to the bill:

Amend **HB 765** by striking all below the enacting clause and substituting the following:

SECTION 1 . Chapter 20, Code of Criminal Procedure, is amended by adding Articles 20.011 and 20.012 to read as follows:

Art. 20.011. WHO MAY BE PRESENT IN GRAND JURY ROOM. Only the following persons may be present in a grand jury room while the grand jury is conducting proceedings:

- (1) grand jurors;
- (2) bailiffs;
- (3) the attorney representing the state;
- (4) witnesses while being examined;
- (5) interpreters, if necessary; and
- (6) a stenographer or person operating an electronic recording device, as provided by Article 20.012 of this code.

Art. 20.012. RECORDING OF CERTAIN TESTIMONY. (a) Questions propounded by the grand jury or the state's attorney to a person accused or suspected and the testimony of that person to the grand jury shall be recorded either by a stenographer or by use of an electronic device capable of recording sound.

(b) The validity of a grand jury proceeding is not affected by an unintentional failure to record all or part of questions propounded or testimony made under Subsection (a) of this article.

(c) The attorney representing the state shall maintain possession of all records made under this article and any typewritten transcription of those records, except as provided by Article 20.02 of this code.

SECTION 2 . Article 20.02, Code of Criminal Procedure, is amended to read as follows:

Art. 20.02. PROCEEDINGS [DELIBERATIONS] SECRET. (a) The deliberations of the grand jury shall be secret.

(b) Except as provided by Subsections (c) and (d) of this article, a [Any] grand juror, [or] bailiff, attorney representing the state, interpreter, stenographer or person operating an electronic recording device, or person preparing a typewritten transcription of a stenographic or electronic recording who discloses [divulges] anything transpiring before the grand jury [them] in the course of the [their] official duties of the grand jury shall be liable to a fine as for contempt of the court, not exceeding five hundred dollars, and to imprisonment not exceeding thirty days.

(c) A record made under Article 20.012 of this code, a typewritten transcription of that record, or a disclosure otherwise prohibited by Subsection (b) of this article or by Article 20.16 of this code may be made to the attorney representing the state for use by the attorney in performing the attorney's duties or to another grand jury or law enforcement agency of the state or political subdivision of the state, as permitted by the attorney representing the state and determined by the attorney as necessary to assist the attorney in the performance of the attorney's duties. The attorney representing the state shall warn any person the attorney authorizes to receive information under this subsection of the person's duty to maintain the

secrecy of the information and shall promptly provide the court with the name and title of the person. Any person who receives information under this subsection and discloses the information for purposes other than those permitted by this subsection is subject to punishment for contempt in the same manner as persons who violate Subsection (b) of this article.

(d) On the petition of the defendant or the attorney representing the state, a court may order the disclosure of information otherwise made secret by this article or the disclosure of a recording or typewritten transcription under Article 20.012 of this code under the following circumstances:

(1) as a matter preliminary to or in connection with a judicial proceeding;

(2) at the request of the defendant, on a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury; or

(3) to a law enforcement agency of the state or a political subdivision of the state, on a showing by the attorney representing the state that the disclosure is necessary to enforce the law.

(e) A petition for disclosure under Subsection (d)(1) of this article must be filed in the district court in which the grand jury was impaneled. If the defendant files the petition, the defendant must also file a copy of the petition with the attorney representing the state, the parties to the judicial proceeding, and any other persons required by the court to receive a copy of the petition. All persons receiving a petition under this subsection are entitled to appear before the court. If the petition is filed by the attorney representing the state, the court may hold an ex parte hearing on the matter. If the judicial proceeding occurs in a district court other than the court in which the grand jury was impaneled, the court in which the grand jury was impaneled shall transfer the matter to the other court unless the court in which the grand jury was impaneled can reasonably obtain sufficient information to determine whether disclosure of the information sought is proper. If the court in which the grand jury was impaneled transfers the matter to another court, the transferring court shall provide the other court with a written evaluation as to any need for continued secrecy. A court to which a matter is transferred under this subsection shall provide interested parties with an opportunity to appear and present arguments for the continuation of or end to the requirement of secrecy.

SECTION 3 . Article 20.22, Code of Criminal Procedure, is amended to read as follows:

Art. 20.22. SEALED INDICTMENTS AND RECORDS: CLOSED HEARINGS [~~PRESENTMENT ENTERED OF RECORD~~]. (a) A court to which an indictment is returned may order the indictment kept secret until the defendant is in custody or has been released pending trial. On the order of the court, the clerk shall seal the indictment, and the return of the indictment may be disclosed only as necessary for the issuance and execution of a warrant or summons.

(b) The court shall order records, orders, and subpoenas related to grand jury proceedings sealed to the extent and for the time necessary to prevent disclosure of matters before the grand jury.

(c) The court shall order all hearings on matters before a grand jury to be closed, except for contempt hearings for which a person cited for contempt is entitled to an open hearing [~~The fact of a presentment of indictment by a grand jury shall be entered upon the minutes of the court, noting briefly the style of the criminal~~

action and the file number of the indictment, but omitting the name of the defendant, unless he is in custody or under bond].

SECTION 4. (a) The changes in law made by this Act apply only to grand jury proceedings occurring on or after the effective date of this Act.

(b) Grand jury proceedings occurring before the effective date of this Act are covered by the law in effect when the proceedings occurred, and the former law is continued in effect for this purpose.

SECTION 5. this Act takes effect September 1, 1991.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Moreno raised a point of order against further consideration of the Shelley amendment on the grounds that the amendment violates Rule 12, Section 2, of the House Rules.

The chair overruled the point of order.

(Speaker now present)

(Speaker in the chair)

Representative Dutton offered the following amendment to the Shelley amendment:

Amend the proposed floor substitute to **HB 765** by adding an appropriately numbered Section to read as follows:

"SECTION ____ Chapter 19, Code of Criminal Procedure, is amended by adding Article 19.341 to read as follows:

Art. 19.341. CONFLICT OF INTEREST; PENALTY. (a) A grand juror who has an interest in a matter before the grand jury that a reasonable person would conclude would prevent the grand juror from faithfully performing the duties of a grand juror shall:

- (1) disclose the conflict to the other members of the grand jury; and
- (2) refrain from grand jury deliberations or votes on the matter.

(b) A grand juror commits an offense if the grand juror violates Subsection (a) of this article.

(c) An offense under this article is a Class A misdemeanor.

The amendment was adopted without objection.

The Shelley amendment, as amended, was adopted. (Heflin and Repp recorded voting yes; Danburg and S. Johnson, no.)

HB 765, as amended, was passed to engrossment. (Dانبург recorded voting yes; Heflin, S. Johnson, and Repp, no.)

Reason for Vote

My vote reflects opposition to a change in the grand jury procedure currently in effect as it pertains to defense attorneys being present in the grand jury room.

F. Hill

RESOLUTION SIGNED BY THE SPEAKER

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

SCR 92**HB 480 ON SECOND READING**

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

HB 480, A bill to be entitled An Act relating to the authority of a court to order the turnover of wages for personal services.

The bill was read second time on March 27 and was postponed until 10 a.m. today.

The bill was passed to engrossment.

HB 902 ON THIRD READING

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

HB 902, A bill to be entitled An Act relating to adoption of a nonsubstantive revision of the statutes relating to mental health and mental retardation, including conforming amendments.

The bill was read third time and was passed.

HB 750 ON THIRD READING

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

HB 750, A bill to be entitled An Act relating to the transfer to a receiver of property not in compliance with municipal ordinances.

A record vote was requested.

The bill was read third time and was passed by (Record 153): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Ogden; Oliveira; Ovard; Park; Patterson; Pennington; Perez; Pierce; Place; Price; Puente; Rabuck; Rangel; Repp; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shea; Shelley; Smith, A.; Smith, D.; Smithee; Soileau; Stiles; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Vowell.

Absent — Bomer; Gibson; Larry; Swinford;

HB 338 ON THIRD READING

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

HB 338, A bill to be entitled An Act relating to programs to increase the participation of minority businesses in contract awards of certain home-rule municipalities.

The bill was read third time.

Representative Moreno offered the following amendment to the bill:

Amend **HB 338** on Third Reading as follows:

In amended Section 106.001(c)(2), Civil Practice and Remedies Code, strike “that does not border the state of New Mexico and”.

(Vowell now present)

The amendment was adopted.

A record vote was requested.

HB 338, as amended, was passed by (Record 154): 126 Yeas, 11 Nays, 5 Present, not voting.

Yeas — Alexander; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bosse; Brady; Brimer; Cain; Campbell; Carona; Carter; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Glaze; Glossbrenner; Goodman; Goolsby; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Harris; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Jones; Junell; Kamel; Kubiak; Kuempel; Laney; Larry; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Moreno; Mowery; Naishtat; Oakley; Oliveira; Park; Patterson; Pennington; Perez; Pierce; Place; Puente; Rabuck; Rangel; Robnett; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Smith, A.; Soileau; Stiles; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Wallace; Wentworth; Willis; Wolens; Yarbrough.

Nays — Hamric; Heflin; Ogden; Ovard; Repp; Shea; Smith, D.; Smithee; Thomas; Willy; Yost.

Present, not voting — Mr. Speaker(C); Hartnett; Lewis, R.; Watkins; Williamson.

Absent — Arnold; Bomer; Gibson; Johnson, S.; Price; Shelley; Swinford; Wilson.

HB 416 ON THIRD READING

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

HB 416, A bill to be entitled An Act relating to the offenses of aggravated assault and deadly assault on a municipal officer or employee who is authorized to issue citations or serve process.

The bill was read third time and was passed.

HB 622 ON SECOND READING

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

HB 622, A bill to be entitled An Act relating to proof of insurance for certain lenders.

The bill was read second time.

Representative Cavazos offered the following amendment to the bill:

Amend **HB 622** by striking all below the enacting clause and by substituting the following:

SECTION 1. Section 1, Article 21.48A, Insurance Code, is amended by adding Subdivision (3) to read as follows:

(3) "Insurance binder" means a contract that provides insurance coverage pending the issuance of an original insurance policy which will be issued within 30 days of the issuance of the insurance binder.

SECTION 2. Section 2, Article 21.48-A, Insurance Code, is amended by adding subsection (e) to read as follows:

(e) A lender that requires a borrower to secure insurance coverage before the lender will provide a residential mortgage loan insurance shall accept an insurance binder as evidence of the required insurance if:

(1) the insurance binder is issued by a licensed local recording agent as that term is defined by Article 21.14 of this Code and, if requested to do so, the agent shall furnish appropriate evidence to the lender

(2) the local recording agent is appointed to represent the insurance company whose name appears on the binder and is authorized to issue binders and, if requested to do so, the agent shall furnish appropriate evidence to the lender.

(3) the insurance binder is accompanied by evidence of payment of the required premium; and

(4) the insurance binder will be replaced by an original insurance policy for the required coverage within 30 days of the date of the issuance of the insurance binder.

If the foregoing conditions are met, a lender may not require a borrower to provide an original insurance policy in lieu of the insurance binder.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 622, as amended, was passed to engrossment.

HB 841 ON SECOND READING

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

HB 841, A bill to be entitled An Act relating to the types of inmates housed in a county jail or a correctional facility financed, designed, constructed, leased, operated, purchased, maintained, or managed by a private vendor for a county.

The bill was read second time.

Representative Stiles moved that consideration of **HB 841** be postponed until Tuesday, April 9, at 10 a.m.

The motion prevailed without objection.

HB 1879 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 1879**.

CSHB 1879, A bill to be entitled An Act relating to improving relations with the United Mexican States and other foreign countries and rural economic development.

CSHB 1879 was read second time.

Representative Von Dohlen offered the following amendment to **CSHB 1879**:

Amend **CSHB 1879** as follows:

On page 22, between lines 25 and 26, insert a new Section 13 and renumber the existing Section 13 as Section 14:

“SECTION 13. Notwithstanding the authority granted by this Act, no additional general revenue may be appropriated for costs related to the implementation of this Act during the fiscal biennium beginning September 1, 1991.”

The amendment was adopted without objection.

Representative Junell offered the following amendment to **CSHB 1879**:

Amend **CSHB 1879** as follows:

(1) on page 3, lines 4-5, strike “coordinating board” has the meaning assigned by Section 141.001 of this code” and substitute “department” means the Texas Department of Commerce.”

(2) On page 3, line 6, strike “coordinating board” and substitute “department”.

(3) On page 3, line 8, strike “coordinating board” and substitute “department”.

(4) On page 3, line 14, strike “coordinating board” and substitute “department”.

(5) On page 3, line 15, strike “coordinating board” and substitute “department”.

(6) On page 3, line 25, strike “coordinating board” and substitute “department”.

(7) On page 3, line 27, strike “the commissioner of higher education” and substitute “the executive director of the department”.

(8) On page 4, line 2-3 strike “coordinating board” and substitute “department”.

(9) On page 4, line 3, strike “board’s” and substitute “department’s”.

(10) On page 4, line 9, strike “coordinating board” and substitute “department”.

(11) On page 4, line 18, strike “coordinating board” and substitute “department”.

(12) On page 4, line 21, strike "coordinating board" and substitute "department".

(13) On page 4, line 26, strike "coordinating board" and substitute "department".

The amendment was adopted without objection.

Representative Junell et al. offered the following amendment to **CSHB 1879**:

Amend **CSHB 1879** as follows:

(1) On page 13, line 4, strike "and".

(2) On page 13, between lines 4 and 5, insert the following:

"(7) a representative from Laredo State University, appointed by the president of the university;

(8) a representative from the Texas Tech University, appointed by the president of the university;

(9) a representative from the University of Houston, appointed by the president of the university; and"

(3) On page 13, line 5, strike "(7)" and substitute "(10)".

The amendment was adopted without objection.

CSHB 1879, as amended, was passed to engrossment. (Hartnett, Heflin, Horn, and Repp recorded voting no.)

Reason for Vote

I do not believe that the State of Texas should subsidize the education of Mexican citizens at a cost to Texan citizens.

Hartnett

HB 550 ON SECOND READING

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

HB 550, A bill to be entitled An Act relating to the exclusion from coverage under the Texas Unemployment Compensation Act of delivery or cartage services performed by certain individuals within a commercial zone.

The bill was read second time.

Representative Soileau offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 550** on page 9, lines 13, 14, by replacing "delivery or cartage service" with "public for-hire delivery or courier service."

Committee Amendment No. 1 was adopted without objection.

Representative Soileau offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend **HB 550** on page 9, line 17, by replacing "carrier" with "public for-hire delivery or courier service."

Committee Amendment No. 2 was adopted without objection.

Representative Soileau offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend **HB 550** on page 10, line 17, by replacing “delivery or cartage service” with “public for-hire delivery or courier service.”

Committee Amendment No. 3 was adopted without objection.

Representative Soileau offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 4

Amend **HB 550** on page 10, lines 13, 14, by replacing “the service is authorized to be performed exclusively within a commercial zone” with “the public for hire delivery or courier service operates exclusively within a commercial zone.”

Committee Amendment No. 4 was adopted without objection.

Representative Williamson offered the following amendment to the bill:

(1) Amend **HB 550** by inserting a new SECTION 3 thereto to read as follows:

“SECTION 3. (a) If the past practices of the private for-profit delivery or courier service reveal that the individual was treated as an employee, under the Texas Unemployment Compensation Act, prior to the enactment of this Act, a presumption is created that the individual is an employee following enactment of this Act.

“(b) Only the criteria provided in Paragraphs (i) and (88) of Subsection (AA) of this Act, shall be considered in determinations by the Texas Employment Commission regarding any private for-profit delivery or courier service, provided that the determination was initiated by the Commission on or after January 1, 1990.”

The amendment was adopted without objection.

HB 550, as amended, was passed to engrossment.

HB 712 ON SECOND READING

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

HB 712, A bill to be entitled An Act relating to State Board of Insurance authority to prohibit collection of information concerning the credit worthiness of insurance applicants or insureds.

The bill was read second time.

Representative Bomer offered the following amendment to the bill:

(1) On page 1, amend (b) on line 19 by adding the following: that is to be paid in not more than one installment.

The amendment was adopted without objection.

HB 712, as amended, was passed to engrossment. (Carter, Kubiak, and Telford recorded voting no.)

HB 407 ON SECOND READING

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

HB 407, A bill to be entitled An Act relating to increasing the fine for certain misdemeanors and to the jurisdiction of county, justice, and municipal courts.

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

HB 676 ON SECOND READING

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

HB 676, A bill to be entitled An Act relating to notice requirements for regular meetings of a water control and improvement district.

The bill was read second time.

Representative Greenberg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 676** as follows:

On page 1, line 18, change the word "may" to "shall".

Committee Amendment No. 1 was adopted without objection.

HB 676, as amended, was passed to engrossment.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Kuempel moved to suspend all necessary rules to allow all committees and subcommittees to meet while the house is in session.

The motion prevailed without objection.

HB 2798 - RULE SUSPENDED

Representative Chisum moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **HB 2798**.

A record vote was requested.

The motion prevailed by (Record 155): 121 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blackwood; Blair; Bomer; Bosse; Brady; Brimer; Cain; Campbell; Cate; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Cook; Counts; Crawford; Cuellar, H.; Cuellar, R.; Danburg; De La Garza; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Evans; Finnell; Gallego; Gallegos; Gibson; Glaze; Glossbrenner; Goodman; Granoff; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hernandez; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hirschi; Holzheuser; Hudson; Hunter, B.; Hunter, T.; Hury; Johnson, J.; Johnson, S.; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCollough; McDonald; Naishtat; Oakley; Ovard; Patterson; Perez; Place; Puente; Rabuck; Rangel; Repp; Rodriguez; Rudd; Russell; Sadler; Saunders; Schechter; Seidlits; Shea; Smith, A.; Smithee; Soileau; Stiles; Tallas; Taylor; Telford; Thomas; Thompson, G.; Turner, B.; Turner, S.; Uher; Van de

Putte; Von Dohlen; Vowell; Wallace; Watkins; Williamson; Willis; Willy; Wilson; Wolens; Yarbrough; Yost.

Nays — Carona; Carter; Craddick; Culberson; Hartnett; Horn; Jackson; Jones; Moreno; Mowery; Ogden; Park; Pennington; Robnett; Shelley; Smith, D.; Thompson, S.; Wentworth.

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

Absent — Fleuriet; Goolsby; Heflin; Kamel; Oliveira; Pierce; Price; Schoolcraft; Swinford.

HB 476 - RULE SUSPENDED

Representative Haggerty moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 476**.

The motion prevailed without objection.

HB 583 AND HB 589 - RULE SUSPENDED

Representative Pennington moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **HB 583** and **HB 589**.

The motion prevailed without objection.

SB 1117 - RULE SUSPENDED

Representative Wallace moved to suspend the 5-day posting rule to allow the Committee on Cultural and Historical Resources to consider **SB 1117**.

The motion prevailed without objection.

HB 2474 - RULE SUSPENDED

Representative Watkins moved to suspend the 5-day posting rule to allow the Committee on Higher Education to consider **HB 2474**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, reconvening today at the conclusion of the Speaker's press conference, Speaker's Committee Room.

Elections, 5 p.m. today, Room 106, Reagan Building, to consider **HB 554** and **HB 1547**.

Environmental Affairs, 1:25 p.m. today, Back Hall, to consider **HB 420**.

Insurance, Subcommittee on No-fault Auto Insurance, 2 p.m. today, Room 107, Reagan Building, to consider **HB 583** and **HB 589**.

Insurance, Subcommittee on **HB 937**, 1:25 p.m. today, Back Hall, to consider **HB 937**.

Judicial Affairs, Subcommittee on **HB 358** and **SB 152**, 1:25 p.m. today, Back Hall, to consider **HB 358** and **SB 152**.

Judicial Affairs, Subcommittee on **HB 769**, 1:25 p.m. today, Back Hall, to consider **HB 769**.

Energy, 2:30 p.m. today, Room 106, Reagan Building, to consider posted bills.

Public Education, 2 p.m. today, Room 102, Reagan Building.

Government Organization, scheduled to meet at 1:30 p.m. today, will meet at 2 p.m.

Calendars, 1:25 p.m. today, Back Hall.

County Affairs, 2:30 p.m. today, Room 105, Reagan Building.

Labor and Employment Relations, 8:30 a.m., April 10, Room 104, Reagan Building.

PROVIDING FOR ADJOURNMENT

Representative Conley moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Gregory Jennings.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

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

By Kubiak:

HB 2783, A bill to be entitled An Act relating to designating Farm-to-Market Road 390 as a scenic highway.

To Committee on Transportation.

By R. Cuellar:

HB 2784, A bill to be entitled An Act relating to the eligibility of certain agricultural workers for unemployment compensation benefits.

To Committee on Labor and Employment Relations.

By Clemons, et al.:

HB 2785, A bill to be entitled An Act relating to certain offenses under the Texas Controlled Substances Act, to the offense of driving while intoxicated, and to drug and alcohol abuse counseling, prevention, diagnosis, treatment, and education; making appropriations; providing penalties.

To Committee on Criminal Jurisprudence.

By Patterson:

HB 2786, A bill to be entitled An Act relating to the creation of the County Court at Law of Hopkins County.

To Committee on Judicial Affairs.

By Gibson:

HB 2787, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Johnson County.

To Committee on Judicial Affairs.

By Colbert:

HB 2788, A bill to be entitled An Act relating to a continuance for religious holy days in a criminal or civil trial.

To Committee on Criminal Jurisprudence.

By Goolsby:

HB 2789, A bill to be entitled An Act relating to the punishment applicable to certain offenses involving theft from a retail business.

To Committee on Criminal Jurisprudence.

By Evans:

HB 2790, A bill to be entitled An Act relating to access to an employer's premises by certain charitable organizations for funds solicitation purposes; providing a penalty.

To Committee on State Affairs.

By Laney:

HB 2791, A bill to be entitled An Act relating to the application of the professional prosecutors law to the county attorney of Lamb County.

To Committee on Judiciary.

By Holzheuser:

HB 2792, A bill to be entitled An Act relating to the terms of commissioners of the Calhoun County Navigation District.

To Committee on Natural Resources.

By Conley:

HB 2794, A bill to be entitled An Act relating to members and subscribers of a cooperative association.

To Committee on Business and Commerce.

By Holzheuser:

HB 2795, A bill to be entitled An Act relating to investment of certain public funds in certain money market mutual funds.

To Committee on Financial Institutions.

By Von Dohlen:

HB 2796, A bill to be entitled An Act relating to water use fees imposed by the Barton Springs-Edwards Aquifer Conservation District and a prohibition on the issuance or sale of bonds by the district.

To Committee on Natural Resources.

By Clemons:

HB 2797, A bill to be entitled An Act relating to the disposition of certain fees collected under the Certificate of Title Act.

To Committee on Ways and Means.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Wentworth:

HCR 167, Granting Peco, Inc., permission to sue the State of Texas and The

University of Texas System.

To Committee on Judicial Affairs.

By Wilson:

HCR 169, Supporting the concept of establishing an international house to serve as a coeducational residential program center housing American and foreign scholars.

To Committee on Higher Education.

By Wilson:

HCR 170, Requesting the Dallas City Council to cease its enforcement of the local sanitation code, as applied to the selective removal of recyclable aluminum cans from the waste stream.

To Committee on Urban Affairs.

By Glaze:

HR 468, Recognizing the week of April 15-22, 1991, as "Aviation Emphasis Week" in Texas.

To Committee on Science and Technology.

By Eckels:

HR 472, Designating April 9, 1991, as Texas County Government Day.

To Committee on County Affairs.

By Dutton, et al.:

HR 483, Honoring Congressman Craig Washington.

To Committee on Rules and Resolutions.

By Kamel:

HR 484, Honoring Marine Corps Lieutenant Colonel James Walter Heidrich for his devotion to duty during Operation Desert Shield and Operation Desert Storm.

To Committee on Rules and Resolutions.

By Holzheuser:

HR 485, Honoring Chester C. Surber on his years of service to the Port Lavaca Wave.

To Committee on Rules and Resolutions.

By Telford:

HR 486, Congratulating the Clarksville High School Blue Tigers boys' basketball team.

To Committee on Rules and Resolutions.

By Moreno:

HR 487, Honoring Reggie Espinoza for his accomplishments as El Paso's most prominent wheelchair athlete.

To Committee on Rules and Resolutions.

By Seidlits:

HR 488, In memory of Fred Earl Washington, Jr.

To Committee on Rules and Resolutions.

By Haggerty:

HR 489, Honoring Representative Kim Brimer on the occasion of his 46th birthday.

To Committee on Rules and Resolutions.

By A. Smith:

HR 490, Commending B. C. Elmore Middle School for its efforts in maintaining a drug-free school.

To Committee on Rules and Resolutions.

SCR 62, Authorizing the lieutenant governor and speaker of the house of representatives to create such joint select committees as they consider necessary during the term of this legislature.

To Committee on House Administration.

SCR 91, In memory of Brigadier General John Slater Besser.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

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

SB 27 to Committee on Higher Education.

SB 76 to Committee on Transportation.

SB 85 to Committee on Judiciary.

SB 106 to Committee on County Affairs.

SB 168 to Committee on Urban Affairs.

SB 172 to Committee on Judiciary.

SB 195 to Committee on Human Services.

SB 215 to Committee on State Affairs.

SB 239 to Committee on Higher Education.

SB 261 to Committee on State Affairs.

SB 267 to Committee on Elections.

SB 279 to Committee on Elections.

SB 282 to Committee on Transportation.

SB 304 to Committee on Judiciary.

SB 324 to Committee on Insurance.

SB 336 to Committee on Criminal Jurisprudence.

SB 337 to Committee on Criminal Jurisprudence.

SB 381 to Committee on Government Organization.

SB 399 to Committee on Public Education.

SB 405 to Committee on Environmental Affairs.

- SB 411** to Committee on Public Safety.
- SB 437** to Committee on Natural Resources.
- SB 461** to Committee on Natural Resources.
- SB 477** to Committee on State Affairs.
- SB 490** to Committee on Transportation.
- SB 508** to Committee on Public Health.
- SB 516** to Committee on Public Health.
- SB 526** to Committee on County Affairs.
- SB 529** to Committee on Retirement and Aging.
- SB 559** to Committee on Retirement and Aging.
- SB 573** to Committee on State Affairs.
- SB 575** to Committee on Corrections.
- SB 584** to Committee on Retirement and Aging.
- SB 592** to Committee on Public Safety.
- SB 615** to Committee on State Affairs.
- SB 627** to Committee on State Affairs.
- SB 647** to Committee on Environmental Affairs.
- SB 651** to Committee on State Affairs.
- SB 653** to Committee on Natural Resources.
- SB 678** to Committee on Public Education.
- SB 729** to Committee on Financial Institutions.
- SB 750** to Committee on Business and Commerce.
- SB 751** to Committee on Judicial Affairs.
- SB 825** to Committee on Public Safety.
- SB 843** to Committee on Higher Education.
- SB 883** to Committee on Criminal Jurisprudence.
- SB 885** to Committee on Judicial Affairs.
- SB 1343** to Committee on Natural Resources.
- SB 1418** to Committee on State Affairs.

SENATE JOINT RESOLUTION ON FIRST READING

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

- SJR 26** to Committee on Environmental Affairs.

ADJOURNMENT

In accordance with a previous motion, the house, at 1:38 p.m., adjourned until 9 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture and Livestock - **HB 1693**
 Appropriations - **HB 10, HB 487, HB 521, HB 1184, HB 1253, HB 1357**
 Criminal Jurisprudence - **HB 268, HB 960**
 Environmental Affairs - **HB 195, HB 426, HB 478, HB 847, HB 1023, HB 1425, HB 1448, HB 1449, HB 1578, HB 1668, HB 1741, HB 1743, HB 1769, HB 1772, HB 1773, HB 1774, HB 1809**
 Financial Institutions - **HB 936, HB 1095, HB 1300**
 Government Organization - **SB 352**
 Human Services - **HCR 82, HB 1081, HB 1083, HB 1367, HB 1873**
 Judicial Affairs - **HB 148, HB 177, HB 951**
 Judiciary - **HB 58, HB 112, HB 463**
 Natural Resources - **HB 464, HB 1617**
 Public Education - **HB 667**
 Retirement and Aging - **HB 1502, HB 1564, HB 1896, HB 2118, HB 2119**
 State Affairs - **HB 270, HB 922, HB 1477**
 State, Federal, and International Relations - **HCR 1, HCR 115, HCR 116, HCR 119, HCR 121, HB 1879, HB 1953**
 Science and Technology - **HB 1359**
 Transportation - **HJR 68, HCR 12, HB 166, HB 225, HB 455, HB 734, HB 1482, HB 1506, SB 34**

ENROLLED

March 27 - **HCR 159, HCR 166**

SENT TO THE GOVERNOR

March 27 - **HCR 146, HCR 158, HCR 159**

April 2 - **HCR 166**

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

The following house bill was transmitted by the chief clerk to the governor:

April 2 - **HB 2792**