

# HOUSE JOURNAL

SEVENTY-THIRD LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

TWENTIETH DAY (CONTINUED) — THURSDAY, FEBRUARY 18, 1993

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 49).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bomer; Bosse; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Delco; Delisi; Denton; Duncan; Dutton; Earley; Eckels; Edwards; Erickson; Finnell; Flores; Gallego; Gallegos; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Hudson; Hunter, B.; Hunter, T.; Jackson; James; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis; Linebarger; Longoria; Madden; Martin; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Park; Parra; Patterson; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rodriguez; Romo; Sadler; Saunders; Schechter; Seidlits; Shields; Siebert; Solis; Stiles; Swinford; Tallas; Talton; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Vowell; West; Williamson; Willis; Wilson; Wolens; Yarbrough; Yost; Zbranek.

Absent, Excused — Blackwood; Culberson; Driver; Marchant; Rudd; Smith, A.; Smithee; Uher.

Absent — Cain; Cavazos; Granoff; Smith, D.

The invocation was offered by Scott Stodghill, minister of outreach, Riverbend Baptist Church, Austin, Texas, as follows:

Dear Lord God, help us to see and hear who we are . . . and to be grateful always for who you are. Amen.

### LEAVES OF ABSENCE GRANTED

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

Culberson on motion of Finnell.

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

Marchant on motion of B. Hunter.

Driver on motion of Mowery.

Smithee on motion of Swinford.

Uher on motion of Chisum.

Blackwood on motion of Horn.

The following members were granted leaves of absence for today because of a death in the family:

A. Smith on motion of B. Hunter.

Rudd on motion of Black.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 18, 1993

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:

**HCR 46** by Ramsay, congratulating Dr. John Ellis.

**SCR 27** by Sims, recognizing Dr. Thomas K. Kim.

**SCR 29** by Barrientos, commending the Junior Helping Hand for Children. . . .

**SB 22** by Moncrief and Ellis, relating to performance bonds. . . .

**SB 25** by Moncrief, et al., relating to the offense of harrassment. . . .

**SB 137** by Armbrister, relating to the continuing education of plumbers.

**SB 242** by Ellis, et al., relating to the transfer of Texas Turnpike Authority projects. . . .

Respectfully,  
Betty King  
Secretary of the Senate

#### SIGNED BY SPEAKER

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

**SCR 13**

#### HCR 18 - ADOPTED

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HCR 18**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HCR 18**, Congratulating Central Texas College on the occasion of its 25th anniversary.

The resolution was adopted without objection.

**HR 89 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 89**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 89**, Congratulating Mr. and Mrs. Olen Kemp on the joyous occasion of their 60th wedding anniversary.

The resolution was adopted without objection.

**HR 90 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 90**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 90**, Commending Department of Public Safety Trooper Richard Williams for his exceptional community service.

The resolution was adopted without objection.

**HR 91 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 91**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 91**, Congratulating Colonel Chester L. Burdett on his exceptional career with the Parks and Wildlife Department.

The resolution was adopted without objection.

**HR 92 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 92**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 92**, Honoring Margaret Bonner, Dorothy Frei, Linda Johnson, and Kathy Leyden for a decade of distinguished service as educators with the Academy Independent School District.

The resolution was adopted without objection.

**HR 93 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 93**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 93**, Honoring Nelda Harmon, Jim Holland, and Sherry Moore for their 15 years of distinguished service as educators with the Academy Independent School District.

The resolution was adopted without objection.

**HR 94 - ADOPTED**

Representative Black moved to suspend all necessary rules to take up and consider at this time, **HR 94**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Black:

**HR 94**, Honoring Jean Daniel on her 25 years of distinguished service as an educator with the Academy Independent School District.

The resolution was adopted without objection.

**SCR 3 - ADOPTED  
(Yarbrough - House Sponsor)**

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

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 3**, Granting the Texas DeMolay Association permission to use the Senate Finance Committee Room in the Capitol Extension and the chamber of the house of representatives in the State Capitol on February 20 and 21, 1993, and February 26 and 27, 1994, for its legislative seminar.

The resolution was adopted without objection.

**HR 165 - ADOPTED**

Representative Hill 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 Hill:

**HR 165**, Congratulating the North Garland High School varsity coed

cheerleading team on achieving top honors at the National Cheerleading Association Championship.

The resolution was adopted without objection.

**HR 166 - ADOPTED**

Representative Hill 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 Hill:

**HR 166**, Commending the members of the North Garland High School junior varsity cheerleading squad for their exceptional placement in the National Cheerleading Association Championship.

The resolution was adopted without objection.

**HR 167 - ADOPTED**

Representative Hill 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 Hill:

**HR 167**, Congratulating the members of the Pearce High School tennis team on winning the UIL Class 5A state team tennis championship.

The resolution was adopted without objection.

**HR 274 - ADOPTED**

Representative Hill moved to suspend all necessary rules to take up and consider at this time, **HR 274**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Hill, et al.:

**HR 274**, Commending the freshman class of The University of Texas at Dallas on its outstanding record of academic achievement.

The resolution was adopted without objection.

**HR 285 - ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time, **HR 285**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton:

**HR 285**, Commending Mary E. Dawson for her outstanding community service efforts in the fight against cancer.

The resolution was adopted without objection.

**HR 286 - ADOPTED**

Representative Davila moved to suspend all necessary rules to take up and consider at this time, **HR 286**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Davila:

**HR 286**, Honoring the members of the Houston Hispanic Forum for their outstanding efforts to help young people through the annual Career and Education Day.

The resolution was adopted without objection.

On motion of Representative Gallegos, the names of all the members of the house were added to **HR 286** as signers thereof.

**SCR 10 - ADOPTED**  
**(D. Jones - House Sponsor)**

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time, **SCR 10**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 10**, Paying tribute to the life of Senator Kilmer B. Corbin, Sr.

The resolution was unanimously adopted by a rising vote.

**HCR 41 - ADOPTED**

Representative Telford moved to suspend all necessary rules to take up and consider at this time, **HCR 41**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Telford:

**HCR 41**, Honoring Gladys Fulton Bailey Sneed on her 100th birthday.

The resolution was adopted without objection.

**CSSB 88 ON SECOND READING**  
**(Edwards - House Sponsor)**

The speaker laid before the house, as postponed business, on its second reading and passage to third reading, the complete committee substitute for **SB 88**.

**CSSB 88**, A bill to be entitled An Act relating to the validation of governmental acts and proceedings by municipalities.

**CSSB 88** was read second time on February 17, and was postponed until 10 a.m. today.

Representative Pitts offered the following amendment to **CSSB 88**:

Amend **CSSB 88** by inserting immediately before the emergency section the following section, appropriately numbered, to read as follows:

SECTION \_. Title 28, Revised Statutes, is amended by adding Article 974d-47 to read as follows:

Art. 974d-47

Sec. 1. APPLICATION. This article applies to a municipality operating under a home-rule charter that is not a member of a regional transportation authority and that is located wholly or partly in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes).

Sec. 2. PROCEEDINGS VALIDATED. (a) A municipal sales and use tax adopted at an election held before January 18, 1993, that had the result of raising the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality to two percent or more in the municipality is validated as of the date of the election.

(b) The acts or proceedings performed as authorized by the municipality in ordering the election or since the passage of the sales and use tax are validated and may not be held invalid because they were not performed in accordance with the requirements of Chapter 321, Tax Code, or other law.

Sec. 3. EFFECT ON LITIGATION. This article does not apply to any matter that on the effective date of this article:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

The Pitts amendment was adopted without objection.

Representative S. Turner offered the following amendment to **CSSB 88**:

Amend **CSSB 88** on page 4, between lines 16 and 17, by adding a new Section 5 to the added Article 974d-41 to read as follows:

Sec. 5. CONDITIONS AFFECTING EXPENDITURE OF BOND PROCEEDS. (a) Expenditures of the bond proceeds by the municipality shall:

(1) be made in accordance with the covenants of all ordinances enacted by the municipality before the bond election approving the bonds;

(2) benefit the residents of the municipality so that the benefits or expenditures, if feasible, reflect the demographic makeup of the municipality; and

(3) to the extent the proceeds are designated for housing in the municipality's bond proposition, be made for construction and rehabilitation of

housing and all matters incidental to housing construction and rehabilitation on-site.

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

The S. Turner amendment was adopted without objection.

Representative Culberson offered the following amendment to **CSSB 88**:

Amend **CSSB 88** on page 4, line 16, by adding after the period: "A cause of action may not be maintained to enforce this section or to recover damages based on the failure of the municipality to follow the recommendation of this section."

The Culberson amendment was adopted without objection.

**CSSB 88**, as amended, was passed to third reading.

**SB 146 ON SECOND READING  
(Puente - House Sponsor)**

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

**SB 146**, A bill to be entitled An Act relating to the criminal responsibility of a person for failure to perform an act that the person has a duty to perform.

The bill was read second time and was passed to third reading.

**LEAVE OF ABSENCE GRANTED**

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

Cain on motion of Naishtat.

**SJR 4 ON SECOND READING  
(Swinford, Hernandez, and Linebarger - House Sponsors)**

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

**SJR 4**, A joint resolution Proposing a constitutional amendment authorizing the issuance of \$750 million in state general obligation bonds to assist school districts in financing facilities and repealing the authorization for \$750 million in state revenue bonds guaranteed by the permanent school fund.

(Alexander in the chair)

The resolution was read second time.

Representative Rabuck offered the following amendment to the resolution:

Amend **SJR 4** as follows:

(1) In Article VII, Section 5(b) (House Committee Report page 1, lines 16-19), strike "The state, pursuant to general law, may forgive the payment of principal and interest on all or part of a loan made to a school district under this section to finance an instructional facility".



(2) In Article VII, Section 5(b) (House Committee Report page 2, line 1), strike "paid]." and substitute "paid.]"

Representative Brady moved to table the Rabuck amendment.

A record vote was requested.

The motion to table prevailed by (Record 50): 78 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Alexander (C); Alonzo; Alvarado; Averitt; Bailey; Black; Brady; Brimer; Coleman; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Delco; Delisi; Denton; Duncan; Dutton; Earley; Edwards; Flores; Gallego; Gallegos; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; Junell; Linebarger; Longoria; Martin; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Parra; Place; Puente; Ramsay; Rangel; Raymond; Rodriguez; Seidlits; Solis; Stiles; Swinford; Telford; Thompson, G.; Thompson, S.; Turner, S.; Van de Putte; West; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Allen; Bomer; Campbell; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Crabb; Craddick; Eckels; Erickson; Finnell; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Hunter, B.; Jackson; James; Kamel; Krusee; Kubiak; Kuempel; Lewis; Madden; McCall; Moffat; Mowery; Park; Patterson; Pitts; Price; Rabuck; Sadler; Saunders; Schechter; Shields; Siebert; Tallas; Talton; Turner, B.; Vowell; Williamson; Yost.

Present, not voting — Mr. Speaker.

Absent, Excused — Blackwood; Cain; Culberson; Driver; Marchant; Rudd; Smith, A.; Smithce; Uher.

Absent — Berlanga; Bosse; Cavazos; Goodman; Granoff; Romo; Smith, D.

Representative Brady offered the following amendment to the resolution:

Amend **SJR 4** as follows:

(1) In Article VII, Section 5(b) between "to" and "finance" (House Committee Report page 1, line 18), insert "partially".

(2) In Section 2 of the joint resolution between "in" and "financing" (House Committee Report page 2, line 19), insert "partially".

The Brady amendment was adopted without objection.

(Speaker in the chair)

Representative Grusendorf offered the following amendment to the resolution:

Amend **SJR 4** in Article VII, Section 5(b), by striking "~~If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled]~~" and substituting "]" If the proceeds of bonds issued by the

state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled".

The Grusendorf amendment was adopted without objection.

**MESSAGE FROM THE SENATE**

Austin, Texas, February 18, 1993

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:

**HCR 18** by Black, honoring Central Texas College. . . .

**HCR 25** by Delco, congratulating Marie Browan Green.

**HCR 40** by Kamel, et al., recognizing February 17, 1993, as Longview-Tyler Day. . . .

**HCR 48** by Wilson, in memory of Arthur Ashe.

Respectfully,  
Betty King  
Secretary of the Senate

**SJR 4 - (consideration continued)**

Representative Eckels offered the following amendment to the resolution:

Amend **SJR 4** as follows:

On page 2, line 19 after "facilities" insert:

, authorizing the state to forgive payment of loans made to a school district for partially financing facilities.

The Eckels amendment was adopted without objection.

**SIGNED BY SPEAKER**

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

**SCR 25, SCR 26**

**SJR 4 - (consideration continued)**

**SJR 4**, as amended, was passed to third reading by (Record 51): 93 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bomer; Bosse; Brady; Brimer; Campbell; Carter; Clemons; Coleman; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Davila; Davis; De La Garza; Dear; Delco; Delisi; Denton; Dutton; Earley; Eckels; Edwards; Finnell; Flores; Gallego; Gallegos; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez;

Hernandez; Hightower; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; Junell; Kubiak; Linebarger; Longoria; Martin; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Park; Parra; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Rodriguez; Romo; Sadler; Seidlits; Shields; Solis; Stiles; Swinford; Tallas; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Vowell; Willis; Wilson; Wolens; Yarbrough.

Nays — Carona; Chisum; Combs; Corte; Crabb; Craddick; Duncan; Erickson; Goolsby; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Hunter, B.; Jackson; James; Kamel; Krusee; Kuempel; Lewis; Madden; McCall; Moffat; Mowery; Patterson; Price; Rabuck; Saunders; Schechter; Siebert; Talton; West; Williamson; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Cain; Culberson; Driver; Marchant; Rudd; Smith, A.; Smithee; Uher.

Absent — Berlanga; Cavazos; Danburg; Goodman; Granoff; Harris; Smith, D.

#### **RULES SUSPENDED**

Representative Junell moved to suspend the 5-day posting rule to allow the Committee on Appropriations, Subcommittee on Environmental and General Government, to consider the Preservation Board, the Air Craft Pooling Board, and the Texas Incentive and Productivity Commission.

The motion prevailed without objection.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

House Administration, on second adjournment today, Room E1.026, Capitol Extension, to consider caucus policies.

Human Services will not meet today.

Criminal Jurisprudence, Subcommittee on Stalking, on first adjournment today, Desk 124, to consider **HB 51**.

Appropriations, Subcommittee on Regulatory Matters, on second adjournment today, Reagan Building, to consider agency requests.

Appropriations, Subcommittee on Environmental and General Government, on second adjournment today, Reagan Building.

#### **ADJOURNMENT**

Representative Alexander moved that the house adjourn until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:03 p.m., adjourned until 1:30 p.m. today.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Judicial Affairs - **HB 49**

Natural Resources - **HB 383**

# HOUSE JOURNAL

SEVENTY-THIRD LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

TWENTY-FIRST DAY — THURSDAY, FEBRUARY 18, 1993

The house met at 1:30 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 52).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bomer; Bosse; Brady; Brimer; Campbell; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Delco; Delisi; Denton; Duncan; Dutton; Earley; Eckels; Edwards; Erickson; Finnell; Flores; Gallego; Gallegos; Giddings; Glaze; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Hunter, B.; Hunter, T.; Jackson; James; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusec; Kubiak; Kuempel; Lewis; Linebarger; Longoria; Madden; Maxey; McCall; McCoulskey; Moreno; Mowery; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Park; Parra; Patterson; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rodriguez; Romo; Sadler; Saunders; Schechter; Scidlits; Shields; Siebert; Solis; Stiles; Swinford; Talton; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Vowell; West; Williamson; Willis; Wilson; Wolens; Yost; Zbranek.

Absent, Excused — Berlanga; Blackwood; Cain; Craddick; Culberson; Driver; Horn; Marchant; Rudd; Smith, A.; Smithee; Uher.

Absent — Cavazos; Goodman; Granoff; Harris; Hudson; Martin; McDonald; Moffat; Smith, D.; Tallas; Yarbrough.

### LEAVES OF ABSENCE GRANTED

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

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

Berlanga on motion of Rangel.

Craddick on motion of Heflin.

Horn on motion of Kuempel.

### HR 287 - ADOPTED

Representatives Siebert and Kuempel moved to suspend all necessary rules to take up and consider at this time, **HR 287**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Siebert and Kuempel:

**HR 287**, Paying tribute to the life of Thomas Kellis Dibrell.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Duncan, the names of all the members of the house were added to **HR 287** as signers thereof.

#### **HCR 53 - ADOPTED**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time, **HCR 53**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Edwards:

**HCR 53**, Extending an invitation to President Bill Clinton to address a joint session of the Senate and House of Representatives of the State of Texas.

The resolution was adopted without objection.

#### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

#### **RULES SUSPENDED**

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, **SB 88** and **SB 146** which were considered on the previous legislative day.

The motion prevailed without objection.

(McDonald, Yarbrough, and Martin now present)

#### **SB 88 ON THIRD READING (Edwards - House Sponsor)**

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

**SB 88**, A bill to be entitled An Act relating to the validation of governmental acts and proceedings by municipalities.

A record vote was requested.

The bill was read third time and was passed by (Record 53): 116 Yeas, 0 Nays, 7 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bomer; Bosse; Brady; Campbell; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Corte; Counts; Crabb; Cuellar, H.; Cuellar, R.; Danburg; Davila; De La Garza; Dear; Delco; Delisi; Denton; Duncan; Dutton; Earley; Eckels; Edwards; Finnell; Flores; Gallego; Gallegos; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Holzheuser; Hunter, B.;

Hunter, T.; Jackson; James; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusec; Kubiak; Kuempel; Linebarger; Madden; Martin; Maxey; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Park; Parra; Patterson; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Rodriguez; Romo; Sadler; Schechter; Seidlits; Shields; Siebert; Solis; Stiles; Swinford; Talton; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Vowell; West; Willis; Wilson; Wolens; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Hartnett; Hilderbran; Lewis; McCall; Rabuck; Williamson.

Absent, Excused — Berlanga; Blackwood; Cain; Craddick; Culberson; Driver; Horn; Marchant; Rudd; Smith, A.; Smithee; Uher.

Absent — Brimer; Cavazos; Cook; Davis; Erickson; Goodman; Goolsby; Granoff; Harris; Hudson; Longoria; Moffat; Saunders; Smith, D.; Tallas.

On motion of Representative Edwards and by unanimous consent, the caption of **SB 88** was ordered amended to conform to the body of the bill.

**SB 146 ON THIRD READING**  
**(Puente - House Sponsor)**

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

**SB 146**, A bill to be entitled An Act relating to the criminal responsibility of a person for failure to perform an act that the person has a duty to perform.

A record vote was requested.

The bill was read third time and was passed by (Record 54): 123 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bomer; Bosse; Brady; Campbell; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Corte; Counts; Crabb; Cuellar, H.; Cuellar, R.; Davila; Davis; De La Garza; Dear; Delco; Delisi; Denton; Duncan; Dutton; Earley; Eckels; Edwards; Erickson; Finnell; Flores; Gallego; Gallegos; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Hunter, B.; Hunter, T.; Jackson; James; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusec; Kubiak; Kuempel; Lewis; Linebarger; Longoria; Madden; Martin; Maxey; McCall; McCoulskey; Moreno; Mowery; Munoz; Naishtat; Nieto; Oakley; Ogden; Oliveira; Park; Parra; Patterson; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rodriguez; Romo; Sadler; Saunders; Schechter; Seidlits; Shields; Siebert; Solis; Stiles; Swinford; Talton; Telford; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Van de Putte; Vowell; West; Williamson; Willis; Wilson; Wolens; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Berlanga; Blackwood; Cain; Craddick; Culberson; Driver; Horn; Marchant; Rudd; Smith, A.; Smithee; Uher.

Absent — Brimer; Cavazos; Cook; Danburg; Goodman; Goolsby; Granoff; Haggerty; Harris; Hudson; McDonald; Moffat; Smith, D.; Tallas.

#### PROVIDING FOR ADJOURNMENT

Representative Alexander moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 22.

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 Culberson:

**HB 886**, A bill to be entitled An Act relating to associate judges appointed by the judges of the district courts in Harris County that give preference to criminal cases.

To Committee on Judicial Affairs.

By S. Thompson:

**HB 887**, A bill to be entitled An Act relating to witness fees, privileges, and appearances in court.

To Committee on Judicial Affairs.

By Maxey:

**HB 888**, A bill to be entitled An Act relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of an assault weapon.

To Committee on Public Safety.

By Counts, et al.:

**HB 889**, A bill to be entitled An Act relating to the regulation of title insurance.

To Committee on Insurance.

By T. Hunter:

**HB 890**, A bill to be entitled An Act relating to the agency responsible for regulation of shellfish harvesting in polluted areas.

To Committee on Agriculture and Wildlife Management.

By T. Hunter:

**HB 891**, A bill to be entitled An Act relating to the use of revenue generated by the hotel tax by counties bordering the Gulf of Mexico.

To Committee on Ways and Means.

By T. Hunter:

**HB 892**, A bill to be entitled An Act relating to the release of a balloon; providing a criminal penalty.

To Committee on Environmental Regulation.

By Solis:

**HB 893**, A bill to be entitled An Act relating to administrative penalties for violation of railroad safety rules.

To Committee on Transportation.



By Solis:

**HB 894**, A bill to be entitled An Act relating to administrative penalties for violation of minimum clearance standards around railroad tracks.

To Committee on Transportation.

By Solis:

**HB 895**, A bill to be entitled An Act relating to the registration and exemption from the sales and use tax of certain vehicles owned or leased by certain emergency medical services providers.

To Committee on Ways and Means.

By Jackson:

**HB 896**, A bill to be entitled An Act relating to a restriction of the use of certain indemnity provisions in construction contracts.

To Committee on Business and Industry.

By Jackson:

**HB 897**, A bill to be entitled An Act relating to the sales and use tax on gasoline.

To Committee on Ways and Means.

By Jackson:

**HB 898**, A bill to be entitled An Act relating to the application to navigation districts of certain statutes of limitation.

To Committee on Natural Resources.

By Cook:

**HB 899**, A bill to be entitled An Act relating to the creation, re-creation, administration, powers and duties, validation, and dissolution of rural rail transportation districts.

To Committee on Transportation.

By Van de Putte:

**HB 900**, A bill to be entitled An Act relating to special mixed beverage permits and wine and beer permits for nonprofit historic preservation organizations.

To Committee on Licensing and Administrative Procedures.

By Hamric:

**HB 901**, A bill to be entitled An Act relating to changes in plans, specifications, or proposals pertaining to contracts made by counties.

To Committee on County Affairs.

By Allen:

**HB 902**, A bill to be entitled An Act relating to the financial responsibility of parents for the tortious conduct of certain children.

To Committee on Judicial Affairs.

By Seidlits:

**HB 903**, A bill to be entitled An Act relating to benefits for state employees.

To Committee on State Affairs.

By Seidlits, et al.:

**HB 904**, A bill to be entitled An Act relating to the regulation of certain telecommunications utilities.

To Committee on Economic Development.

By Place:

**HB 905**, A bill to be entitled An Act relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed.

To Committee on Judicial Affairs.

By Gutierrez:

**HB 906**, A bill to be entitled An Act relating to the purposes for which certain industrial development corporations may use revenue from the sales and use tax.

To Committee on Economic Development.

By Gutierrez, et al.:

**HB 907**, A bill to be entitled An Act relating to the liability of an independent contractor providing emergency medical services on behalf of a governmental entity.

To Committee on State Affairs.

By Gutierrez:

**HB 908**, A bill to be entitled An Act relating to extended hours for the sale, delivery, consumption, and possession of alcoholic beverages.

To Committee on Licensing and Administrative Procedures.

By Grusendorf:

**HB 909**, A bill to be entitled An Act relating to the recovery of attorney's fees in certain ad valorem tax protests.

To Committee on Ways and Means.

By Martin:

**HB 910**, A bill to be entitled An Act relating to designation of a portion of Farm-to-Market Road 1765 in Galveston County as the Martin Luther King, Jr., Memorial Highway.

To Committee on Transportation.

By Stiles:

**HB 911**, A bill to be entitled An Act relating to the inspection of certain vehicles.

To Committee on Transportation.

By Hirschi, Coleman, et al.:

**HB 912**, A bill to be entitled An Act relating to the regulation of the sale or distribution of tobacco products; providing penalties.

To Committee on State Affairs.

By Sadler:

**HB 913**, A bill to be entitled An Act relating to the dissolution of the Little Cypress Utility District.

To Committee on Natural Resources.

By Jackson:

**HB 914**, A bill to be entitled An Act relating to appraisal district budget and financing.

To Committee on Ways and Means.

By Bailey, et al.:

**HB 915**, A bill to be entitled An Act relating to the regulation of certain managed health care firms; providing a civil penalty.

To Committee on Insurance.

By McDonald, Berlanga, Delisi, et al.:

**HB 916**, A bill to be entitled An Act relating to infant and child immunization requirements.

To Committee on Public Health.

By Maxey:

**HB 917**, A bill to be entitled An Act relating to certain duties concerning the disposition of a person's remains.

To Committee on Public Health.

By Haggerty:

**HB 918**, A bill to be entitled An Act relating to changes in a property tax appraisal roll.

To Committee on Ways and Means.

By Naishtat:

**HB 919**, A bill to be entitled An Act relating to the offense of coercion of a public servant.

To Committee on State Affairs.

By Grusendorf, Berlanga, Wilson, H. Cuellar, et al.:

**HB 920**, A bill to be entitled An Act relating to the right of parents to choose the school their child attends through the use of education scholarships.

To Committee on Public Education.

By S. Thompson, Rangel, et al.:

**HB 921**, A bill to be entitled An Act relating to abolishing certain district courts, creating additional district courts, and the election of district court judges in certain counties.

To Committee on Judicial Affairs.

By S. Thompson:

**HB 922**, A bill to be entitled An Act relating to the specification of venue for actions arising from certain major transactions.

To Committee on Judicial Affairs.

By Earley:

**HB 923**, A bill to be entitled An Act relating to statewide energy policy and research.

To Committee on Energy Resources.

By Uher, et al.:

**HB 924**, A bill to be entitled An Act relating to the abolition of the Adolescent Pregnancy and Parenthood Advisory Council.

To Committee on Human Services.

By Craddick:

**HB 925**, A bill to be entitled An Act relating to the appraised value of oil and gas property for ad valorem tax purposes.

To Committee on Ways and Means.

By G. Thompson:

**HB 926**, A bill to be entitled An Act relating to the imposition, collection, administration, and civil and criminal enforcement of a tax on the income of certain resident and nonresident individuals, trusts and estates, and partnerships.

To Committee on Ways and Means.

By Dutton:

**HB 927**, A bill to be entitled An Act relating to establishing a parole jury in a county with a population of 2.8 million or more to make determinations of parole eligibility for inmates serving sentences for felony offenses committed in the county.

To Committee on Corrections.

By Dutton:

**HB 928**, A bill to be entitled An Act relating to the licensing and training of peace officers, jailers, and reserve law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

To Committee on Public Safety.

By Hilderbran:

**HB 929**, A bill to be entitled An Act relating to the County Court at Law of Kerr County.

To Committee on Judicial Affairs.

By S. Turner:

**HB 930**, A bill to be entitled An Act relating to the authority of a justice of the peace to order community service in satisfaction of fine or costs.

To Committee on Criminal Jurisprudence.

By Saunders:

**HB 931**, A bill to be entitled An Act relating to certain fees charged by district clerks.

To Committee on Judicial Affairs.

#### **SENATE BILLS ON FIRST READING**

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

**SB 121** to Committee on State Affairs.

**SB 126** to Committee on County Affairs.

**SB 150** to Committee on Higher Education.

**SB 154** to Committee on Transportation.

**SB 202** to Committee on Appropriations.

#### **HOUSE JOINT RESOLUTION ON FIRST READING**

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

By Ogden, Delisi, Schechter, et al.:

**HJR 55**, A joint resolution proposing a constitutional amendment to impose term limits on executive and legislative officers of this state.

To Committee on State Affairs.

#### **RESOLUTIONS REFERRED TO COMMITTEES**

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

By S. Thompson:

**HCR 47**, Encouraging the president of the United States and the Committee on Foreign Relations of the United States Senate to designate the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women as a high priority for this nation.

To Committee on State Affairs.

**HCR 48**, was previously adopted.

By Black:

**HCR 49**, Congratulating head coach Terry Cron and the Bartlett High School Bulldogs on their UIL Class IA football championship.

To Committee on Rules and Resolutions.

By Denton:

**HR 261**, Congratulating the state semifinalists Riesel High School Indians on winning UIL district, bidistrict, area, and regional football championships.

To Committee on Rules and Resolutions.

By Denton:

**HR 262**, Honoring Joyce Holmes on the occasion of her retirement.

To Committee on Rules and Resolutions.

By Denton:

**HR 263**, Paying tribute to the life of H. Edward Alford.

To Committee on Rules and Resolutions.

By Denton:

**HR 264**, Paying tribute to the life of O. Lee Golden.

To Committee on Rules and Resolutions.

By Denton:

**HR 265**, Paying tribute to the life of James A. Maler.

To Committee on Rules and Resolutions.

By Denton:

**HR 266**, Paying tribute to the life of Evelyn A. Orr.

To Committee on Rules and Resolutions.

By Denton:

**HR 267**, Paying tribute to the life of Dr. William David "Bill" Pittman.

To Committee on Rules and Resolutions.

By Denton:

**HR 268**, Paying tribute to the life of Doris Louvina Stephen.

To Committee on Rules and Resolutions.

By Denton:

**HR 269**, Paying tribute to the life of Reverend John Wesley Sedberry.  
To Committee on Rules and Resolutions.

By Giddings:

**HR 270**, Congratulating Holland Printice Gary on winning the 1993 Davey O'Brien High School Scholarship Award.  
To Committee on Rules and Resolutions.

**HR 271** was previously adopted.

**HR 272** was previously adopted.

**HR 273** was previously adopted.

**HR 274** was previously adopted.

By J. Jones:

**HR 275**, Paying tribute to the life of Lillian Williams.  
To Committee on Rules and Resolutions.

By J. Jones:

**HR 276**, Congratulating Jeff Rogers, Lee Rogers, Adam Powell, Greg Merrill, and Marty Yudizky for being named to the All-State Band.  
To Committee on Rules and Resolutions.

By Eckels:

**HR 277**, Recognizing Tyler Marie Nathan as an honorary citizen of the Lone Star State of Texas, and congratulating Robert and Tambra Nathan on the birth of their daughter.

To Committee on Rules and Resolutions.

By Brimer:

**HR 278**, Honoring Fred Liles on the occasion of his retirement from the Fort Worth planning and development department.

To Committee on Rules and Resolutions.

By Brimer:

**HR 279**, Commending Hazel Lucky for her exemplary record of service to those in need.

To Committee on Rules and Resolutions.

By Brimer:

**HR 280**, Honoring Bitia Schmidt on her exceptional dedication to providing care for AIDS patients.

To Committee on Rules and Resolutions.

By H. Cuellar:

**HR 281**, Congratulating Ramiro V. Martinez on being named the recipient of the Award of Financial Reporting Achievement.

To Committee on Rules and Resolutions.

By Oakley:

**HR 282**, Congratulating Lamar Elementary School on the occasion of its 70th anniversary.

To Committee on Rules and Resolutions.

By R. Cuellar:

**HR 283**, Honoring the city of Pharr on its many achievements.

To Committee on Rules and Resolutions.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 1:51 p.m., adjourned until 10 a.m. Monday, February 22.

