

HOUSE JOURNAL

SEVENTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-NINTH DAY (CONTINUED) — THURSDAY, MARCH 5, 1987

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

The roll of the house was called and a quorum was announced present (Record 37).

Present — Mr. Speaker; Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Lancy; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McDonald; McKinney; McWilliams; Madla; Marchant; Martinez; Melton; Millsap; Morales; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perez; Perry; Pierce; Price; Rangel; Repp; Richardson; Riley; Roberts; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schluter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Smithee; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Waterfield; Watkins; Watson; Whaley; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Absent, Excused — Moreno, A.; Pumbo; Warner; Willis.

The invocation was offered by Reverend Jill Duncan, associate pastor, Riverbend Baptist Church, Austin, Texas, as follows:

Father,

What a wonderful opportunity we have to govern ourselves in this free land! As we gather and begin the day's work give us insight for our directions, wisdom for our decisions, and inspire us with a vision to be the kind of people worthy of the freedom we possess. In your name we pray. Amen.

LEAVES OF ABSENCE GRANTED

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

A. Moreno on motion of Edge.

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

Willis on motion of Russell.

Pumbo on motion of A. Hill.

Warner on motion of R. Cuellar.

MESSAGE FROM THE SENATE

Austin, Texas, March 5, 1987

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 430 by Farabee, relating to the deadline for the filing of annual financial reports with the State Pension Review Board.

Respectfully,
Betty King
Secretary of the Senate

HR 188 - ADOPTED

Representative Patterson moved that all necessary rules be suspended to take up and consider at this time, **HR 188**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Patterson:

HR 188, Congratulating the Chisum High School girls' basketball team.

The resolution was read and was adopted without objection.

HR 193 - ADOPTED

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

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Perez, et al.:

HR 193, Congratulating Coach Don "Bear" Haskins and the players and fans of The University of Texas at El Paso Miners men's basketball team.

The resolution was adopted without objection.

HCR 90 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, **HCR 90**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By C. Evans:

HCR 90, Congratulating Dick Brown.

The resolution was adopted without objection.

On motion of Representative C. Evans, the names of all the members of the house were added to **HCR 90** as signers thereof.

HR 190 - ADOPTED

Representative Colbert moved that all necessary rules be suspended to take up and consider at this time, **HR 190**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Colbert:

HR 190, Declaring Representative Hackney the legislature's "official 12th man" and congratulating him on his birthday.

The resolution was read and was adopted without objection.

HR 192 - ADOPTED

Representative Watson moved that all necessary rules be suspended to take up and consider at this time, **HR 192**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Watson:

HR 192, Offering belated happy birthday greetings to Alice Finley, Journal Clerk.

The resolution was read and was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to **HR 192** as signers thereof.

HR 191 - ADOPTED

Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, **HR 191**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Speaker Lewis:

HR 191, Recognizing March as "Sight Conservation Month and White Cane Days."

The resolution was adopted without objection.

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 71, HCR 79

HB 941 ON SECOND READING

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

HB 941, A bill to be entitled An Act relating to a two-year extension of the temporary increase in the state sales and use tax rate.

The bill was read second time.

(Speaker pro tempore in the chair)

(Speaker in the chair)

Representative Schlueter offered the following amendment to the bill:

Amend **HB 941** on page 1 by striking lines 8 through 10 and substituting the following:

(c) Notwithstanding Subsections (a) and (b) of this section, Sections 6 through 11 of Article I of this Act are repealed and those sections do not take effect.

A record vote was requested.

The amendment was adopted by (Record 38): 90 Yeas, 55 Nays.

Yeas — Mr. Speaker(C); Aikin; Barton; Beauchamp; Berlanga; Blair; Cain; Campbell; Carter; Cavazos; Colbert; Collazo; Connelly; Criss; Cuellar, H.; Cuellar, R.; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Gavin; Gibson; Givens; Granoff; Guerrero; Hackney; Haley; Harris, C.; Harrison; Hightower; Hilbert; Hill, A.; Hinojosa; Hollowell; Hudson, S.; Hury; Johnson, C.; Kuempel; Laney; Larry; Leonard; Lewis, R.; Luna, G.; McKinney; McWilliams; Marchant; Martinez; Millsap; Morales; Oakley; Parker; Patronella; Perez; Perry; Pierce; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Seidlits; Shaw; Smith, A.; Smith, R.; Smith, T.; Stiles; Sutton; Tallas; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Wallace; Watkins; Williamson; Wilson; Wolens.

Nays — Agnich; Arnold; Betts; Blackwood; Burnett; Carriker; Ceverha; Clark; Clemons; Cooper; Craddick; Culberson; Danburg; Garcia; Geistweidt; Glossbrenner; Grusendorf; Hammond; Harris, J.; Heflin; Hill, P.; Holzhauser; Horn; Hudson, D.; Hunter; Johnson, S.; Jones; Kubiak; Lucio; Luna, A.; McDonald; Madla; Melton; Moreno, P.; Ovard; Patrick; Patterson; Pennington; Price; Rangel; Repp; Robinson; Schoolcraft; Shea; Shelley; Shine; Smithee; Staniswalis; Taylor; Waldrop; Waterfield; Watson; Whaley; Willy; Yost.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis.

Absent — Wright.

Representative S. Johnson, et al., offered the following amendment to the bill:

Amend **HB 941** by adding the following new sections and renumbering subsequent sections accordingly:

SECTION 2. Section 151.801, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) An amount equal to the amount of revenue received under this chapter from the application of the tax at a rate of three-eighths of one percent shall be deposited to the credit of the sales tax prison account in each month of the biennium ending August 31, 1989, until a total of \$520 million has been credited to the account during the biennium. This subsection expires September 1, 1989.

SECTION 3. Title 108, Revised Statutes, is amended by adding Article 6203i-1 to read as follows:

Art. 6203i-1. SALES TAX PRISON ACCOUNT. The sales tax prison account is an account in the general revenue fund. The money deposited to the credit of the sales tax prison account may be appropriated by the legislature only for the acquisition of real property for, and for the construction, operation, and maintenance of, state prisons.

Representative Rudd moved to table the S. Johnson, et al. amendment.

A record vote was requested.

The motion to table prevailed by (Record 39): 117 Yeas, 27 Nays.

Yeas — Mr. Speaker(C); Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Clark; Colbert; Collazo; Connelly; Cooper; Criss; Cuellar, H.; Cuellar, R.; Danburg; Delco; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Holzheuser; Horn; Hunter; Hury; Johnson, C.; Jones; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McDonald; McKinney; McWilliams; Madla; Martinez; Millsap; Morales; Moreno, P.; Oakley; Parker; Patronella; Perez; Perry; Pierce; Price; Rangel; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shine; Smith, A.; Smith, R.; Smith, T.; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Wallace; Watkins; Watson; Whaley; Williamson; Wilson; Wolens.

Nays — Ceverha; Clemons; Craddick; Culberson; Denton; Geistweidt; Heflin; Hollowell; Hudson, D.; Johnson, S.; Kubiak; Marchant; Melton; Ovard; Patrick; Patterson; Pennington; Repp; Robinson; Shea; Shelley; Smithee; Staniswalis; Waldrop; Waterfield; Willy; Yost.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis.

Absent — Hudson, S.; Wright.

Representative Danburg offered the following amendment to the bill:

Amend **HB 941** by striking Section 1 and substituting a new Section 1 to read as follows:

SECTION 1. Section 151.051(b), Tax Code, is amended to read as follows:

(b) The sales tax rate is 5.0 [~~5-25~~] percent of the sales price of the taxable item sold.

Representative Schlueter moved to table the Danburg amendment.

A record vote was requested.

The motion to table prevailed by (Record 40): 126 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carter; Clark; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McKinney; McWilliams; Madla; Millsap; Morales; Oakley; Ovard; Parker; Patrick; Patronella; Perez; Perry; Pierce; Price; Rangel; Repp; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Smithee; Stiles; Sutton; Tallas;

Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Waterfield; Watkins; Watson; Williamson; Willy; Wilson; Wolens.

Nays — Carriker; Clemons; Colbert; Danburg; Heflin; McDonald; Marchant; Martinez; Melton; Moreno, P.; Patterson; Pennington; Robinson; Whaley; Yost.

Present, not voting — Staniswalis.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis.

Absent — Cavazos; Ceverha; Hinojosa; Wright.

LEAVE OF ABSENCE GRANTED

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

Wright on motion of Craddick.

HB 941 - (consideration continued)

Representative Ceverha moved that consideration of **HB 941** be postponed until the appropriations bill has been placed on the calendar.

Representative Schlueter moved to table the motion to postpone.

The motion to table prevailed.

A record vote was requested.

HB 941, as amended, was passed to engrossment by (Record 41): 115 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Burnett; Cain; Campbell; Carter; Clark; Colbert; Collazo; Connelly; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culbertson; Delco; Denton; Earley; Eckels; Edge; Evans, C.; Finnell; Gavin; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McDonald; McKinney; McWilliams; Marchant; Millsap; Morales; Oakley; Patrick; Patronella; Patterson; Perez; Perry; Pierce; Rangel; Repp; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Watkins; Williamson; Wilson; Wolens; Yost.

Nays — Betts; Carriker; Cavazos; Ceverha; Clemons; Cooper; Danburg; Dutton; Edwards; Evans, L.; Garcia; Geistweidt; Heflin; Hinojosa; Hudson, D.; Madla; Martinez; Melton; Moreno, P.; Ovard; Parker; Pennington; Price; Robinson; Smithee; Staniswalis; Waterfield; Watson; Willy.

Present, not voting — Whaley.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis; Wright.

PAIRED

Whaley (present), who would vote no with Warner (absent), who would vote yes.

Reasons for Votes

I am voting no on the issue of making the sales tax permanent since this legislation does not address the issue of the budget cuts that should be addressed prior to setting a tax bill in place. I feel that the appropriation bill should be placed before this body before we address a tax bill.

Willy

We recognize that **HB 941** and **HB 942** together do not provide adequate revenue to meet the needs of the people of Texas for quality education, basic human services, and a system of higher education that will bring our children into the 21st century, among the other needs which should be provided.

We support **HB 941** and **HB 942** in order to provide for a portion of the necessary revenue and to initiate the important debate of this session on the state budget.

Hackney
Shaw
A. Luna

I reluctantly voted for the tax bills to ensure that the 900 million shortfall left from the preceding special sessions in the fall of 1986 and the 520 million, identified within Governor Clements' revenue stream, for prisons is in fact available. That such a tax would in fact be available to effect certification of the proposed appropriations bill which includes substantial cuts up to 17 percent for most agencies. Although the final decision on the appropriations bill is yet to be made, these cuts have been in fact a major part of Governor Clements' revenue stream for 1988-1989 appropriations. Cuts beyond the 17 percent level would be disastrous. The establishment of this revenue ceiling, created by this tax bill, has been underwritten by Governor Clements' statement that he would in effect veto any other tax bill that increased state revenues.

Yost

The undersigned have voted for the continuation of the current revenue stream, through **HB 941** and **HB 942**. These bills will generate, next biennium, \$2.9 billion. Our vote reflects a firm commitment to allocating in the appropriations bill, \$520 million of that \$2.9 billion for new prison construction and operation.

Culberson
A. Smith
Toomey
Kuempel
Eckels

Even though I supported Representative Johnson's amendment to increase prison funding, I voted against passage to engrossment of **HB 941** because I did not feel this was the proper time to pass a continuation of the "temporary" sales tax increase. Supporting a continuation of the sales tax without the outcome of the appropriation process did not appear prudent.

Staniswalis

STATEMENT BY REPRESENTATIVE WARNER

I was absent excused today to allow my attendance upon the Thirteenth Court of Appeals.

Warner

HB 942 ON SECOND READING

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

HB 942, A bill to be entitled An Act relating to a two-year extension of the temporary increase in the state motor fuels tax rates.

The bill was read second time.

Representative Berlanga offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 942** as follows:

(1) Insert the following new sections and renumber the subsequent sections accordingly:

SECTION 3. Section 152.1221, Tax Code, is amended to read as follows:

Sec. 152.1221. **ALLOCATION SUSPENSION.** The allocations made by Sections 152.122(a)(2) and (b) of this code are suspended beginning on February 1, 1987, and extending through August 31, 1989 [~~1987~~]. This section expires October 1, 1989 [~~1987~~].

SECTION 4. Section 2A, Article 4364a, Revised Statutes, is amended to read as follows:

Sec. 2A. **FARM-TO-MARKET ROAD SUSPENDED ALLOCATIONS.**

The allocations under Subsection (a), Section 2, of this article from the general revenue fund to the farm-to-market road fund shall not be made during the fiscal year ending on August 31, 1987, or during the fiscal biennium ending on August 31, 1989. This section expires September 1, 1989 [~~1987~~].

SECTION 5. Section 153.503(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b) of this section, on [~~On~~] or before the first workday after the end of each quarter [~~of the first three quarters~~] of the fiscal year [~~and on August 31 of each year~~] the comptroller, after making all deductions for refund purposes and for the funds derived from unclaimed refunds, shall allocate the net remainder of the taxes collected under Subchapter B of this chapter as follows:

(1) one-fourth of the tax shall be deposited to the credit of the available school fund;

(2) one-half of the tax shall be deposited to the credit of the state highway fund for the construction and maintenance of the state road system under existing law; and

(3) from the remaining one-fourth of the tax the comptroller shall:
(A) deposit to the credit of the county and road district highway fund all the remaining tax receipts until a total of \$7,300,000 has been credited to the fund each fiscal year; and

(B) after the amount required to be deposited to the county and road district highway fund has been deposited, deposit to the credit of the state highway fund the remainder of the one-fourth of the tax, the amount to be provided on the basis of allocations made each quarter of the fiscal year, which sum shall be used by the State Department of Highways and Public Transportation for the construction, improvement, and maintenance of farm-to-market roads.

SECTION 6. Sections 153.504 and 153.505, Tax Code, are amended to read as follows:

Sec. 153.504. **ALLOCATION OF DIESEL FUEL TAX.** On or before the first workday after the end of each quarter [~~of the first three quarters~~] of the fiscal

year ~~[and on August 31]~~ the comptroller, after making deductions for refund purposes, and for the administration and enforcement of this chapter, shall allocate the remainder of the taxes collected under Subchapter D of this chapter as follows:

- (1) one-fourth of the taxes shall be deposited to the credit of the available school fund; and
- (2) three-fourths of the taxes shall be deposited to the credit of the state highway fund.

Sec. 153.505. ALLOCATION OF LIQUEFIED GAS TAX. On or before the first workday after the end of each ~~quarter [of the first three quarters]~~ of the fiscal year ~~[and on August 31 the]~~ comptroller, after making deductions for refund purposes and for the administration and enforcement of this chapter, shall allocate the remainder of the taxes collected under Subchapter B of this chapter ~~[in the proportions]~~ as follows:

- (1) one-fourth of the taxes shall be deposited to the credit of the available school fund; and
- (2) three-fourths of the taxes shall be deposited to the credit of the state highway fund.

(2) Strike existing Section 3 and substitute the following:

SECTION 7. This Act takes effect August 31, 1987, except that Sections 1 and 2 take effect August 31, 1987, at 11:59 p.m.

Representative Schlueter moved to table Committee Amendment No. 1.

The motion to table prevailed.

Representative Schlueter offered the following amendment to the bill:

Amend **HB 942** by striking existing Sections 1 and 2 and substituting the following:

SECTION 1. Section 1, Article 3, Chapter 10, Acts of the 69th Legislature, 3rd Called Session, 1986, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsections (a) and (b) of this section, Sections 9 through 12 of Article 2 of this Act are repealed and those sections do not take effect.

SECTION 2. Sections 153.305(a) and (c), Tax Code, are amended to read as follows:

(a) A user of liquefied gas for the propulsion of a motor vehicle on the public highways of Texas shall pay in advance annually on each motor vehicle owned, operated, and licensed in Texas by him, a tax based on the registered gross weight and mileage driven the previous year in the following schedule:

	Less than 5,000 miles	5,000 to 9,999 miles	10,000 miles and over
Class A: Less than 4,000 pounds	<u>\$72</u> [\$48]	<u>\$144</u> [\$96]	<u>\$216</u> [\$144]
Class B: 4,000 to 10,000 pounds	<u>81</u> [54]	<u>162</u> [108]	<u>252</u> [168]
Class C: 10,001 to 15,000 pounds	<u>117</u> [78]	<u>234</u> [156]	<u>360</u> [240]
Class D: 15,001 to 27,500 pounds	<u>126</u> [84]	<u>252</u> [168]	<u>504</u> [336]
Class E: 27,501 to 43,500 pounds	<u>171</u> [114]	<u>342</u> [228]	<u>684</u> [456]
Class F: 43,501 pounds and over	<u>180</u> [120]	<u>360</u> [240]	<u>900</u> [600]

(c) The following special use liquefied gas tax decal and tax shall be required for the types of vehicles described below:

Class T: Transit carrier vehicles operated by a transit company
 \$990 [~~\$660~~]
 Class Y: Motor vehicles designed for carrying fewer than 10 passengers and used for the transportation of persons for compensation 612 [408]

The amendment was adopted without objection. (Shelley, Whaley, Horn, Robinson, Willy, Geistweidt, Waterfield, Melton, Carriker, Staniswalis, and Repp recorded voting no.)

Representative Patterson offered the following amendment to the bill:

Amend the proposed amendment on page 1, line 7, by striking "9 through 12" and inserting "9 and 12".

Representative Schlueter moved to table the Patterson amendment.

The motion to table prevailed. (Telford and Carriker recorded voting no.)

A record vote was requested.

HB 942, as amended, was passed to engrossment by (Record 42): 119 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Blackwood; Blair; Burnett; Cain; Campbell; Carter; Ceverha; Clark; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Finnell; Gavin; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McDonald; McKinney; McWilliams; Marchant; Millsap; Morales; Oakley; Ovard; Patrick; Patronella; Pennington; Perez; Perry; Pierce; Rangel; Repp; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Watkins; Williamson; Wilson; Wolens; Yost.

Nays — Betts; Carriker; Cavazos; Clemons; Denton; Evans, L.; Garcia; Geistweidt; Heflin; Hinojosa; Hudson, D.; Kubiak; Madla; Martinez; Melton; Moreno, P.; Parker; Patterson; Price; Robinson; Smithee; Staniswalis; Waterfield; Watson; Willy.

Present, not voting — Whaley.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis; Wright.

PAIRED

Whaley (present), who would vote no with Warner (absent), who would vote yes.

STATEMENT BY REPRESENTATIVE LUCIO

I was recorded voting yes when I wanted to vote no on **HB 942**.

Lucio

STATEMENT BY REPRESENTATIVE PENNINGTON

I was recorded voting yes for **HB 942** when I wanted to vote no.

Pennington

Reasons for Votes

We recognize that **HB 941** and **HB 942** together do not provide adequate revenue to meet the needs of the people of Texas for quality education, basic human services, and a system of higher education that will bring our children into the 21st century, among the other needs which should be provided.

We support **HB 941** and **HB 942** in order to provide for a portion of the necessary revenue and to initiate the important debate of this session on the state budget.

Hackney
Shaw
A. Luna

I reluctantly voted for the tax bills to ensure that the 900 million shortfall left from the preceding special sessions in the fall of 1986 and the 520 million, identified within Governor Clements' revenue stream, for prisons is in fact available. That such a tax would in fact be available to effect certification of the proposed appropriations bill which includes substantial cuts up to 17 percent for most agencies. Although the final decision on the appropriations bill is yet to be made, these cuts have been in fact a major part of Governor Clements' revenue stream for 1988-1989 appropriations. Cuts beyond the 17 percent level would be disastrous. The establishment of this revenue ceiling, created by this tax bill, has been underwritten by Governor Clements' statement that he would in effect veto any other tax bill that increased state revenues.

Yost

The undersigned have voted for the continuation of the current revenue stream, through **HB 941** and **HB 942**. These bills will generate, next biennium, \$2.9 billion. Our vote reflects a firm commitment to allocating in the appropriations bill, \$520 million of that \$2.9 billion for new prison construction and operation.

Culberson
A. Smith
Toomey
Kuempel
Eckels

I am voting no on the issue of making the fuel tax permanent since this legislation does not address the issue of the budget cuts that should be addressed prior to setting a tax bill in place. I feel that the appropriation bill should be placed before this body before we address a tax bill.

Willy

RESOLUTIONS CALENDAR

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

By S. Hudson:

HCR 2, Granting Jim Scoggins and Gerry Gammage permission to sue the State of Texas and the attorney general of the State of Texas.

Representative S. Thompson moved that consideration of HCR 2 be postponed until Thursday, March 12, at 9 a.m.

The motion prevailed without objection.

By Richardson:

HCR 10

WHEREAS, Alpha Painting and Decorating Company, Inc., alleges that:

(1) on or about February 3, 1983, it entered into a subcontract agreement with the Del E. Webb Construction Services Company for interior finish work to be performed at the John H. Winters Human Services Center in Austin, Travis County;

(2) the parties entered into supplemental agreements changing the original agreement on or about October 20, 1983, March 8, 1984, and January 14, 1985;

(3) it has not received full payment from the Del E. Webb Construction Services Company, the Associated Indemnity Corporation Firemen's Fund Insurance Company, or the State of Texas for work completed at the John H. Winters Human Services Center; and

(4) payment for that work has been wrongfully withheld by the general contractor, the indemnity corporation, and the State of Texas, acting by and through the State Purchasing and General Services Commission; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Alpha Painting and Decorating Company, Inc., is granted permission to sue the State of Texas and the State Purchasing and General Services Commission for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the executive director of the State Purchasing and General Services Commission and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The resolution was adopted without objection.

By Patronella:

HCR 22

WHEREAS, Mott Construction Corporation alleges that:

(1) on or about January 7, 1983, it entered into a contract with Texas Southern University for the construction of the New Wing—Samuel M. Nabrit Science Center;

(2) during the construction process, Texas Southern University was responsible for repeated delays, hindrances, and disruptions which caused the project to cost more than the amount of the original bid and which caused changes in order allowances;

(3) in addition, Texas Southern University wrongfully interfered with certain subcontract agreements which Mott Construction Corporation had with certain of its subcontractors, thereby causing additional costs and expenses to Mott Construction Corporation;

(4) Mott Construction Corporation has fully performed its obligations under the contract and is entitled to payment under the contract, as well as compensation for costs incurred as a result of the delays, hindrances, and disruptions caused by Texas Southern University to Mott's subcontractors; and

(5) the State of Texas, acting by and through Texas Southern University, has wrongfully withheld from Mott Construction Corporation sums to which it is entitled; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Mott Construction Corporation is granted permission to sue the State of Texas and Texas Southern University for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the chairman of the board of regents of Texas Southern University and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The resolution was adopted without objection.

By Hury:

HCR 29

WHEREAS, C. E. Fougousse, M.D., alleges that:

(1) he leased commercial properties in Galveston and Brazoria counties to the Gulf Coast Regional Mental Health-Mental Retardation Center (MHMR);

(2) the original lease for the Galveston County property covered the period from October 9, 1980, through September 1982, and had a renewal and extension clause;

(3) on September 15, 1982, MHMR's board of trustees resolved to extend the Galveston County lease from September 1, 1982, through August 31, 1984;

(4) the original lease for the Brazoria County property covered the period September 1, 1979, through September 1, 1981, and had a renewal and extension clause;

(5) on September 9, 1981, MHMR's board of trustees resolved to extend the Brazoria County lease from September 1, 1981, through August 31, 1983;

(6) he received copies of both resolutions of MHMR's decisions to extend the leases;

(7) MHMR vacated the Galveston County property on November 30, 1982, and the Brazoria County property in January of 1983;

(8) MHMR has refused to pay additional rent due under the terms of the renewed lease agreements; and

(9) as a result of the breach of contract, he has suffered substantial financial damages and is entitled to payment under the contract; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That C. E. Fougousse, M.D., is granted permission to sue the Gulf Coast Regional Mental Health-Mental Retardation Center, Brazoria County, and Galveston County for any relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the executive director of the Gulf Coast Regional Mental Health-Mental Retardation Center, the county judge of Brazoria County and the county judge of Galveston County and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The resolution was adopted without objection.

By Hury:

HCR 30

WHEREAS, Donald L. Childress, trustee, alleges that:

(1) he leased a commercial property in Texas City, Texas, to the Gulf Coast Regional Mental Health-Mental Retardation Center (MHMR);

(2) the original lease for the property covered the period from August 21, 1980, through August 21, 1990;

(3) he gave notice to MHMR of past due rentals on September 28, 1982, and terminated the lease on October 18, 1982;

(4) MHMR vacated the property on December 1, 1982;

(5) MHMR has refused to pay additional rent due under the terms of the lease agreement; and

(6) as a result of the breach of contract, he has suffered substantial financial damages and is entitled to payment under the contract; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Donald L. Childress, trustee, is granted permission to sue the Gulf Coast Regional Mental Health-Mental Retardation Center, Brazoria County, and Galveston County for any relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the executive director of the Gulf Coast Regional Mental Health-Mental Retardation Center, the county judge of Brazoria County and the county judge of Galveston County and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The resolution was adopted without objection.

By Gavin:

HCR 35

WHEREAS, American Family Life Assurance Company of Columbus, doing business in Texas as Family Cancer Plan Insurance Co., alleges that:

(1) until January 1, 1985, Article 4769, Revised Statutes, provided for the payment of an annual occupation tax whereby domestic insurers were to pay the

state 1.1 percent of their gross premium receipts and foreign insurers were to pay the state 3.3 percent of their gross premium receipts;

(2) while a foreign insurer could reduce this differential in tax treatment by investing prescribed percentages of its overall investments in Texas assets and securities, at no time could a foreign insurer get a tax rate equal to or lower than the 1.1 percent rate levied on domestic insurers;

(3) Article 4769, Revised Statutes, unfairly discriminated between domestic and foreign insurers;

(4) it is a foreign insurer who was subject to the gross premium receipts tax provision; and

(5) it wishes to initiate suit to recover those amounts of gross premium receipts tax that it alleges were illegally charged by the state: now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That American Family Life Assurance Company of Columbus is granted permission to sue the State of Texas, the chairman of the State Board of Insurance, the comptroller of public accounts, and the state treasurer for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas, on the chairman of the State Board of Insurance, on the comptroller of public accounts, and on the state treasurer and that the suit be tried as other civil suits; and, be it further

RESOLVED, That suit shall be brought in district court in Travis County; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission and the defense of failure to exhaust administrative remedies; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The resolution was adopted without objection.

ADJOURNMENT

Representative Willy moved that the house adjourn until 11:25 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:16 a.m., adjourned until 11:25 a.m. today.

HOUSE JOURNAL

SEVENTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTIETH DAY — THURSDAY, MARCH 5, 1987

The house met at 11:25 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 43).

Present — Mr. Speaker; Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; McDonald; McKinney; McWilliams; Madla; Marchant; Martinez; Melton; Millsap; Morales; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perez; Perry; Pierce; Price; Rangel; Repp; Richardson; Riley; Roberts; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Smithee; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Waterfield; Watkins; Watson; Whaley; Williamson; Willy; Wilson; Wolens; Yost.

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis; Wright.

LEAVES OF ABSENCE GRANTED

Absent — Luna, G.

On motion of Representative Laney, 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 Laney moved to suspend the rules that require a supplemental calendar.

The motion prevailed without objection.

SB 149 ON THIRD READING

(Laney - House Sponsor)

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

SB 149, A bill to be entitled An Act relating to reporting and payment of social security contributions for officers and employees of the state or of counties, municipalities, or other political subdivisions of the state; making an appropriation.

A record vote was requested.

The bill was read third time and was passed by (Record 44): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; McDonald; McKinney; McWilliams; Madla; Marchant; Martinez; Melton; Millsap; Morales; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perez; Perry; Pierce; Price; Rangel; Repp; Richardson; Riley; Roberts; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Smithee; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Waterfield; Watkins; Watson; Whaley; Williamson; Willy; Wilson; Wolens; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis; Wright.

Absent — Johnson, C.; Luna, G.

SB 108 ON THIRD READING
(Kuempel - House Sponsor)

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

SB 108, A bill to be entitled An Act relating to accounting procedures regarding the retirement annuity reserve account of the Employees Retirement System of Texas.

A record vote was requested.

The bill was read third time and was passed by (Record 45): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; McDonald; McKinney; McWilliams; Madla; Marchant; Martinez; Melton; Millsap; Morales; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perez; Perry; Pierce; Price; Rangel; Repp; Richardson; Riley; Roberts; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Smithee; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Waterfield; Watkins; Watson; Whaley; Williamson; Willy; Wilson; Wolens; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno, A.; Polumbo; Warner; Willis; Wright.

Absent — Agnich; Cuellar, R.; Luna, G.;

HB 941 ON THIRD READING

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

HB 941, A bill to be entitled An Act relating to a two-year extension of the temporary increase in the state sales and use tax rate.

The bill was read third time and was passed. (Waterfield, Dutton, Staniswalis, Melton, Heflin, Watson, L. Evans, Garcia, Edwards, Geistweidt, Hinojosa, Carriker, Willy, Martinez, and Whaley recorded voting no; Ovard, yes.)

HB 942 ON THIRD READING

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

HB 942, A bill to be entitled An Act relating to a two-year extension of the temporary increase in the state motor fuels tax rates.

The bill was read third time and was passed. (Waterfield, Staniswalis, Melton, Heflin, Watson, L. Evans, Garcia, Kubiak, Edwards, Geistweidt, Hinojosa; Carriker, Denton, Willy, Patterson, Martinez, Madla, and Whaley recorded voting no; Ovard, yes.)

HR 194 - ADOPTED

Representative Finnell moved that all necessary rules be suspended to take up and consider at this time, **HR 194**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell:

HR 194, In memory of Dewitt C. Greer.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Watson, the names of all the members of the house were added to **HR 194** as signers thereof.

HB 960 - RULE SUSPENDED

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Liquor Regulation to consider **HB 960** on Monday.

The motion prevailed without objection.

HB 880 - CORRECTION IN REFERRAL

HB 880, relating to variable contract rate disclosures for motor vehicle retail installment contracts and to contracts for the retail installment sales of heavy commercial vehicles, was inadvertently referred to the Committee on Business and Commerce. The chair, after consultation with author and chairs of the respective committees, now corrects the referral of **HB 880** to the Committee on Financial Institutions.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, on adjournment today, Appropriation Committee room.

Financial Institutions, Subcommittee on **HB 854**, on adjournment today, Desk 127, to consider **HB 854**.

Rules and Resolutions, on adjournment today, Desk 67.

Environmental Affairs, Subcommittee on **SB 13**, on adjournment today, Desk 109, to consider **SB 13**.

Insurance, Subcommittee on **HB 316**, on adjournment today, Desk 83, to consider **HB 316**.

Environmental Affairs, on adjournment today, Desk 49, to consider **HB 134**.

Retirement and Aging, Subcommittee on **HB 672**, on adjournment today, Desk 38, to consider **HB 672**.

ADJOURNMENT

Representative Watson moved that the house adjourn until 2 p.m. Monday, in memory of Dewitt C. Greer.

The motion prevailed without objection.

The house accordingly, at 11:40 a.m., adjourned until 2 p.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

County Affairs - **HB 421, HB 457, HB 526, HB 725**

Insurance - **SB 199, SB 318, SB 357**

Ways and Means - **HB 941, HB 942, HJR 1**

ENGROSSED

March 5 - **HB 941, HB 942**

SENT TO THE GOVERNOR

March 5 - **HCR 71, HCR 79**

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign bills and resolutions as coauthors:

HB 24 - H. Cuellar

HB 159 - Danburg

HB 262 - Collazo

HB 333 - Collazo

HB 334 - G. Thompson

HB 410 - Roberts

HB 421 - Collazo

HB 538 - Kuempel

HB 787 - Whaley

HB 1007 - Blair

HB 1192 - Hightower

HJR 59 - Hightower

HR 185 - C. Johnson, Williamson

HJR 55 - COAUTHOR WITHDRAWN

In accordance with the provisions of Rule 8, Section 5 of the House Rules, the journal clerk has been notified that Representative Campbell desires to withdraw as coauthor of **HJR 55**.

