

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY (CONTINUED) — THURSDAY, APRIL 20, 1989

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 160).

Present — Mr. Speaker; Alexander; Arnold; Barton; Beauchamp; Berlanga; Blair; Brimer; Cain; Campbell; Carter; Cavazos; Chisum; Clemons; Colbert; Collazo; Conley; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Marchant; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perry; Pierce; Pumbo; Price; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Soileau; Stiles; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Warner; Waterfield; Watkins; Wentworth; Williamson; Willis; Wilson; Wolens; Wright; Yost.

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Connelly; Hilbert; Vowell; Wallace; Willy.

The invocation was offered by Dr. Tim Walker, First United Methodist Church, Graham, Texas, as follows:

And God said: "It shall come to pass whenever I bring a cloud over the earth, that a rainbow shall be seen."

Living Lord, we take from the pages of your word, our sign for today—the rainbow. In our mind's eye this morning we see, from border to border, a rainbow over our entire state, placed there to remind us that:

Light always overcomes darkness.

Promise is always greater than problems.

Faith always conquers doubt.

Hope is always stronger than memory.

Future is always brighter than past.

For these our representatives who lead us under this Texas rainbow, a promise and opportunity, we ask vision, common sense, wisdom, and good judgment.

For the rest of us who follow under the rainbow, we ask trust, patience, commitment, and understanding.

Thank you for the rainbow. Keep the rainbow bright in the name of Christ who makes the present good and the future better. Amen.

LEAVES OF ABSENCE GRANTED

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

Rangel on motion of R. Cuellar.

A. Moreno on motion of R. Cuellar.

Blackwood on motion of Horn.

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

Perez on motion of Finnell.

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

Granoff on motion of Counts.

MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1989

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SCR 118 by Washington, honoring Cebron and Ruth Higgins.

SCR 122 by McFarland, commending the new Miss USA pageant winner, Miss Gretchen Polhemus of Fort Worth.

SJR 24 by McFarland, proposing a constitutional amendment providing for the issuance of general obligation bonds.

SB 253 by Barrientos, relating to eligibility for participation in the Texas State College and University Employees Uniform Insurance Benefits Act.

SB 261 by Montford, relating to the regulation of managing general agents.

SB 370 by Santiesteban, relating to the creation . . . of the Texas Rivers Protection System.

SB 415 by Caperton, relating to the powers and duties of the Office of Public Insurance Counsel.

SB 558 by McFarland, relating to the issuance of general obligation bonds for certain projects.

SB 832 by Montford, relating to regulation of certain third party administrators.

SB 1288 by Brown and Johnson, relating to the interruption of utilities and the exclusion of a tenant.

SB 1289 by Brown and Johnson, relating to forcible entry and detainer.

SB 1290 by Brown and Johnson, relating to the interruption of utilities connected to leased premises.

SB 1607 by Johnson and Brown, relating to waiver of residential landlord duties.

Respectfully,
Betty King
Secretary of the Senate

BILL AND RESOLUTION SIGNED BY THE SPEAKER

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

HB 1467, HCR 212

(Willy, Connelly, and Hilbert now present.)

HR 602 - ADOPTED

Representative McCollough moved that all necessary rules be suspended to take up and consider at this time, **HR 602**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McCollough:

HR 602, Recognizing Georgetown Day in Texas.

The resolution was read and was adopted without objection.

HR 657 - ADOPTED

Representative J. Johnson moved that all necessary rules be suspended to take up and consider at this time, **HR 657**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By J. Johnson:

HR 657, Recognizing Panola County Day.

The resolution was read and was adopted without objection.

HR 658 - ADOPTED

Representative J. Johnson moved that all necessary rules be suspended to take up and consider at this time, **HR 658**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By J. Johnson:

HR 658, Recognizing Fellowship Baptist Church Day.

The resolution was adopted without objection.

HR 659 - ADOPTED

Representative T. Hunter moved that all necessary rules be suspended to take up and consider at this time, **HR 659**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By T. Hunter:

HR 659, Recognizing the dedication of the United States Customs Service Surveillance Center in Corpus Christi.

The resolution was adopted without objection.

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

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

HCR 178 was withdrawn.

By Schlueter:

HCR 197, Recognizing efforts of the Salado Historical Society to safeguard its community for enjoyment and instruction of future generations.

The resolution was adopted without objection.

By Speaker Lewis:

HR 332, Commending Robert H. Price.

The resolution was adopted without objection.

By Speaker Lewis:

HR 333, Commending Dell Stith.

The resolution was adopted without objection.

By Speaker Lewis:

HR 334, Commending Cindy Watson Walling.

The resolution was adopted without objection.

By Speaker Lewis:

HR 335, Congratulating Mr. and Mrs. Lloyd Barron.

The resolution was adopted without objection.

By H. Cuellar:

HR 400, Commending Antonio A. Zardenetta.

The resolution was adopted without objection.

By H. Cuellar:

HR 401, Commending Judith "Judy" Gutierrez.

The resolution was adopted without objection.

By H. Cuellar:

HR 402, Commending Rosalia Centeno-Hinojosa.

The resolution was adopted without objection.

By F. Hill:

HR 440, Congratulating the mock trial team of Berkner High School.

The resolution was adopted without objection.

By Polumbo:

HR 432, Commending Pam Peterson.

The resolution was adopted without objection.

(Wallace now present)

By Polumbo:

HR 563, Commending M. E. Stevens.

The resolution was read and was adopted without objection.

By Junell:

HR 177, Commending Pierce Holt.

The resolution was adopted without objection.

By Junell:

HR 500, Congratulating the Wall High School Lady Hawks basketball team.
The resolution was adopted without objection.

By Junell:

HR 519, Commending the Water Valley High School boys' basketball team.
The resolution was adopted without objection.

By Junell:

HR 520, Commending the Bronte High School girls' basketball team.
The resolution was adopted without objection.

By Junell:

HR 529, Congratulating the Bronte High School boys' basketball team and Coach Rocky Rawls.

The resolution was adopted without objection.

(Speaker pro tempore in the chair)

By T. Smith:

HR 526, Commending Jimmye Crisp Hardcastle.
The resolution was adopted without objection.

HR 552 was withdrawn.

By Danburg:

HR 554, Congratulating Thomas Hill Adams and Carol Eckels Adams; commending Robert Sterling Adams.

The resolution was adopted without objection.

(Vowell now present)

By Richardson:

HR 560, Commending David L. Houston, Jr.
The resolution was read and was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 560** as signers thereof.

By Soileau:

HR 555, Congratulating Elbert Leroy Arnold.
The resolution was adopted without objection.

By Soileau:

HR 571, Commending the Hardin-Jefferson High School Lady Hawks girls' basketball team.

The resolution was adopted without objection.

By Park:

HR 574, Commending Dr. Felix C. Crawford.
The resolution was adopted without objection.

By G. Thompson:

HR 589, Commending Dionne Phillips Bagsby.
The resolution was adopted without objection.

On motion of Representative Conley, the names of all the members of the house were added to **HR 589** as signers thereof.

SCR 103 (Hury - House Sponsor), In memory of Jean Mills.

The resolution was unanimously adopted by a rising vote.

By Speaker Lewis:

HR 364, In memory of Martha Morgan Carmean.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Finnell, the names of all the members of the house were added to **HR 364** as signers thereof.

By Collazo:

HR 498, In memory of Jasper A. Anniboli, Sr.

The resolution was unanimously adopted by a rising vote.

By Collazo:

HR 550, In memory of Roy Maldonado.

The resolution was unanimously adopted by a rising vote.

By Collazo:

HR 551, In memory of Patrick Henry Wood, Sr.

The resolution was unanimously adopted by a rising vote.

By McCollough:

HR 561, In memory of Ben Kurio.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Soileau, the names of all the members of the house were added to **HR 561** as signers thereof.

By Stiles:

HR 567, In memory of Underwood Hill.

The resolution was unanimously adopted by a rising vote.

By Stiles:

HR 568, In memory of Gwendolyn Rosser Wingate.

The resolution was unanimously adopted by a rising vote.

By Stiles:

HR 569, In memory of Gladys M. Hankamer.

The resolution was unanimously adopted by a rising vote.

By Counts:

HR 575, In memory of Richard Potcet.

The resolution was unanimously adopted by a rising vote.

HR 577 was withdrawn.

By Guerrero:

HR 578, In memory of Townsend C. Miller.

The resolution was unanimously adopted by a rising vote.

By Earley:

HR 591, In memory of William N. McCormack.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Finnell, the names of all the members of the house were added to **HR 591** as signers thereof.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

Representative Finnell moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for Thursday, April 27, at 9 a.m.

The motion prevailed without objection.

SCR 123 - ADOPTED
(Soileau - House Sponsor)

Representative Soileau moved that all necessary rules be suspended to take up and consider at this time, **SCR 123**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 123, Commending Dorothy Spencer Garry.

The resolution was adopted without objection.

HR 660 - ADOPTED

Representative Eckels moved that all necessary rules be suspended to take up and consider at this time, **HR 660**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Eckels, et al.:

HR 660, Recognizing Housing Opportunity Day in Texas.

The resolution was adopted without objection.

HR 608 - ADOPTED

Representative McCollough moved that all necessary rules be suspended to take up and consider at this time, **HR 608**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Cain:

HR 608, Commending the Lady Buccaneers of J. L. Long Middle School, Dallas.

The resolution was adopted without objection.

HR 661 - ADOPTED

Representative T. Hunter moved that all necessary rules be suspended to take up and consider at this time, **HR 661**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Berlanga:

HR 661, Congratulating the United Methodist Church of Banquete.

The resolution was adopted without objection.

On motion of Representative Wallace, the names of all the members of the house were added to **HR 661** as signers thereof.

LOCAL BILLS CALENDAR ON SECOND READING

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

SB 335 (Parker - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the McCulloch County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

CONSENT BILLS CALENDAR ON SECOND READING

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

CSSB 5 (Willy - House Sponsor), A bill to be entitled An Act relating to the establishment and maintenance of artificial reefs; establishing an artificial reef plan and fund; making an appropriation.

SB 96 was previously passed.

SB 113 (Connelly - House Sponsor), A bill to be entitled An Act relating to the confirmation election for certain regional water districts.

SB 132 (Morales - House Sponsor), A bill to be entitled An Act relating to a security instrument of an owner or operator of a natural gas liquid pipeline.

SB 308 (G. Luna - House Sponsor), A bill to be entitled An Act relating to habeas corpus proceedings involving the right to possession of a child.

SB 395 (G. Luna - House Sponsor), A bill to be entitled An Act relating to the clarification of orders, decrees, and judgments not specific enough to be enforced by contempt in suits affecting the parent-child relationship.

SB 331 was previously passed.

SB 526 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the election of the board of directors of the Crockett County Hospital District.

SB 671 (Guerrero - House Sponsor), A bill to be entitled An Act relating to clarification and authorization relating to drugs and devices necessary to perform dialysis for persons with chronic kidney failure.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolution on committee report:

SCR 6 (Perry - House Sponsor), Requesting and urging the Federal Energy Regulatory Commission to implement the agreement allowing natural gas pipeline construction between Canada and the United States only after the mismatched rate problem is solved.

The resolution was adopted without objection.

LOCAL BILLS CALENDAR ON SECOND READING

The following bill was laid before the house, read second time, and passed to engrossment: (Members registering votes are shown following the caption)

CSHB 781, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Northeast Growth Corridor Water, Sewer, Irrigation, and Drainage District No. 1.

Representative Delco offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **CSHB 781** as follows:
On page 4, line 11, strike the following:
"490.83 feet".

Committee Amendment No. 1 was adopted without objection.

Representative Delco offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend **CSHB 781** as follows:
On page 6, line 10, strike "N58 5'07"W" and insert the following:
"N58 55'07"W".

Committee Amendment No. 2 was adopted without objection.

Representative Delco offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend **CSHB 781** as follows:
(1) On page 7, strike line 26, and substitute the following:
"(1) Charles D. Mott, P.O. Box 754, Pflugerville, Texas;"
(2) On page 7, strike line 27, and substitute the following:
"(2) Vernon Pfluger, 103 12th Street, Pflugerville, Texas;"
(3) On page 8, strike line 1, and substitute the following:
"(3) William Medford, 372 Logan Ranch Road, Georgetown, Texas;"
(4) On page 8, strike line 3, and substitute the following:
"(5) Gary Glass, 802 Pigeon Forge Road, Pflugerville, Texas."

Committee Amendment No. 3 was adopted without objection.

CONSENT BILLS CALENDAR ON SECOND READING

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

HB 108, A bill to be entitled An Act relating to the public notice of a meeting to consider a property tax rate increase.

Representative Heflin offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 108** on page 1, line 18, by striking "will" and substituting "is scheduled to".

Committee Amendment No. 1 was adopted without objection.

CSHB 488, A bill to be entitled An Act relating to justice and small claims courts.

HB 509, A bill to be entitled An Act relating to supplemental compensation received by the judges of district courts in Caldwell, Comal, Guadalupe, and Hays counties.

HB 1632, A bill to be entitled An Act relating to the administration of the Employees Retirement System of Texas.

HB 2095, A bill to be entitled An Act relating to determination of claims and filing of lawsuits under the Texas Employees Uniform Group Insurance Benefits Act and other laws administered by the Employees Retirement System of Texas.

CSHB 606, A bill to be entitled An Act relating to including on school bus routes children who attend certain child care facilities. (Campbell, S. Johnson, and Craddick - no)

HB 808, A bill to be entitled An Act relating to the period for demonstrating proficiency in the use of firearms by a commissioned security officer or an applicant for a security officer commission.

Representative Smithee offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 808**, line 23 by deleting the word “[~~later~~]” and adding the word “earlier” in its place.

Amend **HB 808**, line 2 by deleting the word “[~~later~~]” and adding the word “earlier” in its place.

Committee Amendment No. 1 was adopted without objection.

HB 1087, A bill to be entitled An Act relating to permitting local law enforcement agencies to obtain criminal history information records to investigate residents of a house that may be designated as a temporary safe haven for school-age children.

CSHB 960, A bill to be entitled An Act relating to the requirement of an annual audit of county entities and district attorneys that collect certain funds.

HB 1976, A bill to be entitled An Act relating to a county judge or commissioner serving as an officer or director of another entity.

Representative Willy offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 1976** by striking the language on line 9 and substituting the following:

“serve as a member of the governing body, an officer, or director of another entity.”

Committee Amendment No. 1 was adopted without objection.

HB 2626, A bill to be entitled An Act relating to the exclusion of certain territory from a rural fire prevention district.

Representative Stiles offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 2626** on lines 18, 19, and 20 by deleting the existing language and adding the following:

“petition signed by at least three percent of the registered voters in the taxing authority,”

Committee Amendment No. 1 was adopted without objection.

CSHB 1318, A bill to be entitled An Act relating to the right of possession and authority to sell well-site equipment abandoned at the site of an oil or gas well plugged or replugged by the Railroad Commission of Texas and providing for a criminal penalty.

HB 1519, A bill to be entitled An Act relating to continuing education requirements for insurance adjusters.

HB 1601, A bill to be entitled An Act relating to the disposition of proceeds from the sale of abandoned motor vehicles.

HB 1602, A bill to be entitled An Act relating to the fee paid by a garage keeper on filing certain reports related to abandoned motor vehicles.

Representative Craddick moved that consideration of **HB 1602** be postponed until Tuesday, April 25, at 10 a.m.

The motion prevailed without objection.

HB 1745, A bill to be entitled An Act relating to Railroad Commission authority to grant exceptions in certain cases.

HB 1960, A bill to be entitled An Act relating to certain proceeds subject to a security interest.

HB 1631, A bill to be entitled An Act relating to the abolition of certain application requirements for a license as an air conditioning and refrigeration contractor.

CSHB 1712, A bill to be entitled An Act authorizing a county to require an incorporated city or town to reimburse the county for all or part of the expenses of a local option election held pursuant to the Alcoholic Beverage Code, setting forth procedures for changing the local option status of a justice precinct in which precinct boundaries have changed, and declaring an emergency.

HB 1718, A bill to be entitled An Act relating to the repeal of the law granting police power to a sexton, superintendent, or other person in charge of a cemetery.

CSHB 1888, A bill to be entitled An Act relating to establishing the Texas Literacy Council as an advisory body in the department of commerce.

HB 1900, A bill to be entitled An Act relating to motorcycle parking privileges. (Finnell - no)

HB 2260, A bill to be entitled An Act relating to certain administrative provisions of the Alcoholic Beverage Commission.

CSHB 1943, A bill to be entitled An Act relating to the authority of the Texas Employment Commission to accept gifts.

CSHB 2058, A bill to be entitled An Act relating to preservation and maintenance of the Governor's Mansion.

HB 2197, A bill to be entitled An Act relating to a recount of votes in an election.

HB 2231, A bill to be entitled An Act relating to an election to adopt the optional county road system in Gregg County.

HB 2532, A bill to be entitled An Act relating to weight of vehicles transporting solid waste.

HB 2551, A bill to be entitled An Act relating to the payment for the purchase of road construction materials by a state agency.

HB 2697, A bill to be entitled An Act relating to the sale of adulterated, impure, or skim milk.

Representative Gibson moved that consideration of **HB 2697** be postponed until Monday, May 1, at 10 a.m.

The motion prevailed without objection.

RESOLUTIONS CALENDAR

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

By H. Cuellar:

HCR 140, Inviting the people of the Republic of Korea to join Texas in a friendship/commerce relationship to conduct mutually beneficial programs and to strengthen international understanding and goodwill.

The resolution was adopted without objection.

By H. Cuellar:

HCR 141, Inviting the people of Japan to join Texas in a friendship/commerce relationship to conduct mutually beneficial programs and to strengthen international understanding and goodwill.

The resolution was adopted without objection.

HB 1239 and HB 2979 - RULE SUSPENDED

Representative Saunders moved to suspend the 48-hour subcommittee report rule to allow the Committee on Environmental Affairs to consider **HB 1239** and **HB 2979**.

The motion prevailed without objection.

HB 1412 - RULE SUSPENDED

Representative Danburg moved to suspend the 48-hour subcommittee report rule to allow the Committee on Transportation to consider **HB 1412**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, on first adjournment today, Desk 90, to consider **HB 2302**, **HB 2452**, **HB 1458**, and **HB 1330**.

Environmental Affairs, on first adjournment today, Desk 12.

Judiciary, Subcommittee on **HB 1088**, on first adjournment today, Desk 132, to consider **HB 1088**.

ADJOURNMENT

Representative Saunders moved that the house adjourn until 10:45 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:32 a.m., adjourned until 10:45 a.m. today.

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SIXTH DAY — THURSDAY, APRIL 20, 1989

The house met at 10:45 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 161).

Present — Mr. Speaker; Alexander; Arnold; Barton; Beauchamp; Berlanga; Blair; Brimer; Cain; Campbell; Carter; Cavazos; Chisum; Clemons; Colbert; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, G.; Madla; Marchant; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perry; Pierce; Polumbo; Price; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Soileau; Stiles; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Collazo; Luna, A.

LEAVES OF ABSENCE GRANTED

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

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING

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

SB 113

SB 308

SB 395

HB 108

HB 488

HB 808

HB 960

HB 1318

HB 1519

HB 1601

HB 1712

HB 1900 (Finnell - no)

HB 2260

HB 2197

HB 2532

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 162): (Members registering votes and the results of the vote are shown following bill number) 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga(C); Blair; Brimer; Cain; Campbell; Carter; Cavazos; Chisum; Clemons; Colbert; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, G.; Madla; Marchant; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perry; Pierce; Polumbo; Price; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Soileau; Stiles; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner; Waterfield; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker.

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Collazo; Luna, A.

SB 335 (141-0-1)

SB 5 (141-0-1)

SB 132 (141-0-1)

SB 526 (141-0-1)
SB 671 (141-0-1)
HB 781 (141-0-1)
HB 509 (141-0-1)
HB 1632 (141-0-1)
HB 2095 (141-0-1)
HB 606 (Campbell, S. Johnson, and Craddick - no) (138-3-1)
HB 1087 (141-0-1)
HB 1976 (141-0-1)
HB 2626 (141-0-1)
HB 1745 (141-0-1)
HB 1960 (141-0-1)
HB 1631 (141-0-1)
HB 1718 (141-0-1)
HB 1888 (141-0-1)
HB 1943 (141-0-1)
HB 2058 (141-0-1)
HB 2231 (141-0-1)
HB 2551 (141-0-1)

On motion of Representative Hinojosa and by unanimous consent, the captions of all senate bills passed on the local and consent calendars were ordered amended to conform with the body of the bills.

(Speaker in the chair)

HR 652 - ADOPTED

Representative Barton moved that all necessary rules be suspended to take up and consider at this time, **HR 652**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Barton:

HR 652, Extending thanks to the Simpson Paper Company for donation of funds to restore the original San Jacinto Battle Flag in the Capitol.

The resolution was read and was adopted without objection.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 652** as signers thereof.

HR 645 - ADOPTED

Representative Kuempel moved that all necessary rules be suspended to take up and consider at this time, **HR 645**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kuempel:

HR 645, Commending the Texas Lutheran College Concert Band and director, Lee Boyd Montgomery, Jr.

The resolution was adopted without objection.

HR 648 - ADOPTED

Representative Telford moved that all necessary rules be suspended to take up and consider at this time, **HR 648**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Telford:

HR 648, In memory of Harley H. Halstead.

The resolution was unanimously adopted by a rising vote.

HR 653 - ADOPTED

Representative Danburg moved that all necessary rules be suspended to take up and consider at this time, **HR 653**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Danburg:

HR 653, In memory of Robert Dineen.

The resolution was unanimously adopted by a rising vote.

HB 3151 - PERMISSION TO INTRODUCE

Representative Soileau moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3151**.

The motion prevailed by (Record 163): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blair; Brimer; Cain; Campbell; Carter; Cavazos; Chisum; Clemons; Colbert; Conley; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Hury; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Lucio; Madla; Marchant; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Mowery; Oakley; Ovard; Park; Parker; Patterson; Pennington; Perry; Pierce; Polumbo; Price; Repp; Richardson; Robison; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Soileau; Swift; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Vowell; Wallace; Warner;

Waterfield; Watkins; Wentworth; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Collazo; Luna, A.; Luna, G.; Stiles.

MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1989

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:

Local and Uncontested Bill Calendar

SB 62 by Sims, relating to the creation, administration, powers, duties, operation, and financing of the Pecos County Underground Water Conservation District No. 4.

SB 174 by Washington, relating to the qualifications of school bus drivers for hearing impaired students.

SB 520 by Green, relating to the continuation and functions of the Compact for Education Commissioners for Texas.

SB 540 by Leedom, relating to investment of assets administered by the board of trustees of the Employees Retirement System of Texas.

SB 641 by McFarland, relating to governmental liability for an employee acting in an emergency.

SB 794 by Montford, relating to the transfer of certain used or secondhand vehicles.

SB 835 by Parker, relating to fees and deposits of institutions of higher education.

SB 842 by Sims, relating to an application for registration of a mark used in connection with goods or services.

SB 859 by Truan, relating to the policy of this state and the role of the Texas Department of Health concerning the regulation of sources of radiation and the management of solid waste.

SB 860 by Truan, relating to certain reports made to the governor and legislature concerning radiation and the federal transport of high-level radioactive waste.

SB 878 by Caperton, relating to the authorization for a student recreational sports fee at institutions within The Texas A&M University System.

SB 1015 by Green, relating to the regulation of the practice of chiropractic.

SB 1021 by Harris, relating to the transaction of business by, and the location of support personnel for, the court of appeals for the Fifth Court of Appeals District.

SB 1031 by Caperton, relating to the authorization for a student recreational sports fee for institutions within the Texas State University System.

SB 1045 by Sims, relating to the codification, transfer, and renumbering of Title 110B, Revised Statutes, containing statutes relating to public retirement systems.

SB 1046 by McFarland, relating to nonsubstantive additions to and corrections in enacted codes.

SB 1075 by Henderson, relating to the revision of a subdivision plat in certain incorporated areas of a county.

SB 1076 by Henderson, relating to the assignment of statutory probate court judges.

SB 1091 by Carriker, relating to the authority of the commissioners court of a county to establish standards for rural addressing and to assign street names and numbers.

SB 1098 by Caperton, relating to the term of service of the director of the Legislative Reference Library.

SB 1102 by Tejada, et al., relating to regulation by the Railroad Commission of Texas of the packing and transportation of hazardous materials.

SB 1103 by Tejada, et al., relating to the authority of the Railroad Commission of Texas to inspect certain railroad property.

SB 1105 by Leedom, relating to audits of the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

SB 1116 by Montford, relating to certain regulatory functions and procedures of the Texas Department of Health.

SB 1148 by Bivins, relating to the licensing of certain agents for insurance companies whose business is limited to insuring risks on growing crops.

SB 1172 by McFarland, relating to operation of the state community development review committee under the department of commerce.

SB 1173 by McFarland, relating to the clerk for the County Court at Law No. 3 of Tarrant County.

SB 1180 by Washington, relating to requesting a deferral of certain proceedings to complete a driving safety course.

SB 1197 by Dickson, relating to procedures regarding certain state agency orders and decisions.

SB 1222 by Santiesteban, relating to a discharge or spill of a hazardous substance into water in this state.

SB 1223 by Santiesteban, relating to the annual reporting to the Texas Water Commission of toxic chemical releases.

CSSB 1318 by Dickson, relating to service on the board of directors of a nonprofit corporation by a local public official.

SB 1339 by Leedom, relating to the Texas Youth Camp Safety and Health Act.

SB 1340 by Leedom, relating to the creation of a public funds investment pool and to the investment of local funds of certain political subdivisions of the state.

SB 1345 by Johnson, et al., relating to the preparation and distribution of information relating to breast cancer.

SB 1453 by Brown, relating to the operation of all-terrain vehicles owned or operated by this state, a county, or a municipality.

SB 1504 by Brooks, relating to family violence shelters.

SB 1524 by Ratliff, relating to the repeal of Article 4474, Revised Statutes.

SB 1528 by Glasgow, relating to the authority of a home-rule municipality to annex certain area in which a farm-to-market road is proposed.

SB 1531 by Johnson, relating to the administration and names of certain institutions and entities in The University of Texas System.

SB 1537 by Harris, relating to the juvenile board and court services department of Dallas County and to the salaries of the district judges having jurisdiction in Dallas County.

SB 1599 by Glasgow, relating to the terms of court of the 16th District Court.

SB 1644 by Harris, relating to life insurance policies and applications. (amended)

HB 406 by Hammond, relating to the collection of money or property owed to a county.

HB 539 by Perry, relating to payment of member contributions to the Judicial Retirement System of Texas Plan Two.

Respectfully,
Betty King
Secretary of the Senate

BILLS SIGNED BY THE SPEAKER

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

SB 227, SB 534

REGULAR ORDER OF BUSINESS SUSPENDED

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

SB 550 ON THIRD READING (Earley - House Sponsor)

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

SB 550, A bill to be entitled An Act relating to the regulation of the practice of dentistry.

The bill was read third time and was passed.

On motion of Representative Earley and by unanimous consent, the caption of **SB 550** was ordered amended to conform to the body of the bill.

SB 623 ON THIRD READING (Hammond - House Sponsor)

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

SB 623, A bill to be entitled An Act relating to certain purchases by school districts.

The bill was read third time and was passed.

On motion of Representative Beauchamp and by unanimous consent, the caption of **SB 623** was ordered amended to conform to the body of the bill.

SB 264 ON SECOND READING (G. Luna - House Sponsor)

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

SB 264, A bill to be entitled An Act relating to criminal law magistrates in Bexar County.

The bill was read second time.

Representative Wentworth offered the following amendment to the bill:

Amend **SB 264** as follows:

1) delete lines 9-23 on page 2 and substitute the following:

Sec. 54.906. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case for proceeding involving:

- (1) a bond forfeiture;
- (2) a pretrial motion;

(3) a postconviction writ of habeas corpus;
(4) an examining trial;
(5) the issuance of search warrants;
(6) the setting of bonds;
(7) the arraignment of defendants; and
(8) any other matter the judge considers necessary and proper, except a negotiated plea of guilty before the court.

(b) A magistrate may not preside over a trial on the merits, whether or not the trial is before a jury.

2) on page 4, line 3, after the semicolon add “and”; and

3) on page 4, strike lines 4-5, and renumber the subsequent subdivision.

The amendment was adopted without objection.

SB 264, as amended, was passed to third reading.

SB 338 ON SECOND READING
(Rudd - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for **SB 338**.

CSSB 338, A bill to be entitled An Act relating to emergency appropriations.

CSSB 338 was read second time.

Representative Rudd moved that consideration of **CSSB 338** be postponed until the conclusion of the day’s calendar.

The motion prevailed without objection.

SB 245 ON SECOND READING
(Gibson - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for **SB 245**.

CSSB 245, A bill to be entitled An Act relating to the collection and management of certain funds by the state.

CSSB 245 was read second time.

Representative Gibson moved that consideration of **CSSB 245** be postponed until Thursday, April 27, at 10 a.m.

The motion prevailed without objection.

SB 78 ON SECOND READING
(R. Lewis - House Sponsor)

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

SB 78, A bill to be entitled An Act relating to the expenditure of constitutionally appropriated funds at Lamar University at Port Arthur and Lamar University at Orange.

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

HB 654 ON SECOND READING

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

HB 654, A bill to be entitled An Act relating to the compensation of certain crime victims.

The bill was read second time.

Representative Yost moved that consideration of **HB 654** be postponed until Tuesday, April 25, at 10 a.m.

The motion prevailed without objection.

HB 27 ON SECOND READING

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

HB 27, A bill to be entitled An Act relating to consent for the performance of medical tests or procedures to determine human immunodeficiency virus infection, antibodies to human immunodeficiency virus, or infection with any other probable causative agent of acquired immune deficiency syndrome.

The bill was read second time on April 18 and was postponed until April 19. On April 19 the bill was postponed until 9 a.m. today.

Representative Cavazos moved to table **HB 27**.

A record vote was requested.

The motion to table was lost by (Record 164): 33 Yeas, 100 Nays, 1 Present, not voting.

Yeas — Beauchamp; Blair; Cain; Cavazos; Colbert; Cuellar, R.; Danburg; Delco; Dutton; Evans; Garcia; Gavin; Glossbrenner; Guerrero; Hinojosa; Hudson, S.; Jones; Larry; Linebarger; Lucio; Luna, G.; Madla; Martinez; McDonald; Melton; Morales; Moreno, P.; Price; Rodriguez; Thompson, S.; Turner; Warner; Wentworth.

Nays — Alexander; Arnold; Barton; Brimer; Campbell; Carter; Chisum; Clemons; Connelly; Counts; Craddick; Crawford; Criss; Cuellar, H.; Culberson; Denton; Earley; Eckels; Edge; Finnell; Fraser; Gibson; Goolsby; Grusendorf; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hollowell; Holzheuser; Horn; Hudson, D.; Hunter, B.; Hunter, T.; Jackson; Johnson, J.; Johnson, S.; Junell; Kubiak; Kuempel; Laney; Lewis, R.; Marchant; McCollough; McKinney; McWilliams; Mowery; Oakley; Ovard; Park; Patterson; Pennington; Perry; Pierce; Polumbo; Repp; Richardson; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Soileau; Stiles; Swift; Tallas; Taylor; Telford; Thomas; Uher; Valigura; VanderVoort; Wallace; Waterfield; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Berlanga; Collazo; Conley; Edwards; Hury; Luna, A.; Parker; Thompson, G.; Vowell; Watkins.

The bill was passed to engrossment. (Price and Delco recorded voting no; Willy, Chisum, and Beauchamp, yes.)

MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1989

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:

CSHB 82 by Stiles, et al., relating to exempting from ad valorem taxation personal property not held or used to produce income.

CSHB 769 by Garcia, relating to filling a vacancy on the board of trustees of an independent school district.

HB 1497 by Denton, relating to an emergency appropriation to Texas State Technical Institute.

Respectfully,
Betty King
Secretary of the Senate

HB 1359 ON THIRD READING

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

HB 1359, A bill to be entitled An Act relating to the creation of a lien on certain proceeds for holders of perfected liens on motor vehicles.

The bill was read third time April 19 and was postponed until 9 a.m. today.

Representative Cain moved that consideration of **HB 1359** be postponed until Monday, April 24, at 2 p.m.

The motion prevailed without objection.

HJR 4 ON SECOND READING

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

HJR 4, A joint resolution proposing a constitutional amendment authorizing the members of a hospital district board to serve four-year terms.

A record vote was requested.

The resolution was read second time and was adopted by (Record 165): 128 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Arnold; Barton; Beauchamp; Berlanga; Blair; Brimer; Cain; Campbell; Carter; Cavazos; Chisum; Colbert; Conley; Connelly; Counts; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Eckels; Edge; Evans; Finnell; Fraser; Garcia; Gavin; Gibson; Glossbrenner; Goolsby; Grusendorf; Guerrero; Haggerty; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Jackson; Johnson, J.; Johnson, S.; Jones; Junell; Kubiak; Kuempel; Laney; Lewis, R.; Linebarger; Lucio; Luna, G.; Madla; Marchant; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Mowery; Ovard; Park; Patterson; Pennington; Perry; Pierce; Polumbo;

Price; Repp; Richardson; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schluter; Schoolcraft; Seidlits; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Soileau; Stiles; Swift; Tallas; Taylor; Telford; Thomas; Thompson, S.; Turner; Uher; Valigura; VanderVoort; Wallace; Warner; Waterfield; Wentworth; Williamson; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Clemons; Collazo; Crawford; Edwards; Hurý; Larry; Luna, A.; Oakley; Parker; Smith, T.; Smithee; Thompson, G.; Vowell; Watkins; Willis.

HB 472 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 472**.

CSHB 472, A bill to be entitled An Act relating to the incorporation, organization, operation, reorganization, and dissolution of certain corporations, real estate investment trusts, professional corporations, and professional associations.

CSHB 472 was read second time.

Representative Wolens offered the following amendment to the bill:

Amend **CSHB 472** as follows:

(1) Add a new Section 81 of the bill to read as follows:

SECTION 81. Section 171.1531(b), Tax Code, is amended to read as follows:

(b) The survivor of a merger is entitled to a credit or refund in the amount of the franchise tax paid by the nonsurvivors for the credit period, provided the tax paid by the survivor for the credit period is based on the survivor's financial condition after the merger. Only a survivor that is subject to the franchise tax is entitled to the merger credit or refund. The merger credit shall be allocated among survivors based on taxable capital reported, and as provided by Section 171.153.

(2) Renumber the sections appropriately.

The amendment was adopted without objection.

CSHB 472, as amended, was passed to engrossment.

HB 638 ON SECOND READING

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

HB 638, A bill to be entitled An Act relating to the requirement that each institution of higher education establish a program or short course to assist certain faculty members to become proficient in the use of the English language.

The bill was read second time.

Representative Denton offered the following amendment to the bill:

Amend **HB 638**, page 2, line 3, by adding after "language": " , as determined by a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the board."

The amendment was adopted without objection.

Representative F. Hill offered the following amendment to the bill:

Amend **HB 638** on page 2, by adding a new subsection (f) after line 14 to read as follows:

(f) The cost of such English proficiency course as determined by the coordinating board shall be paid by the faculty member lacking proficiency in English. A faculty member must take the course until deemed proficient in English by his or her supervisor. The cost will be deducted from said faculty member's salary.

The amendment was adopted without objection.

(Laney in the chair)

HB 638, as amended, was passed to engrossment. (Harrison and Taylor recorded voting no.)

(Speaker in the chair)

HB 2552 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 2552**.

CSHB 2552, A bill to be entitled An Act relating to the regulation of the manufacture, distribution, conversion and sale of certain motor vehicles.

CSHB 2552 was read second time.

Representative Heflin offered the following amendment to the bill:

Amend **CSHB 2552**, line 3, page 11 by deleting the word "disability" and adding the word "handicap" in its place.

The amendment was adopted without objection.

CSHB 2552, as amended, was passed to engrossment.

HB 1464 ON SECOND READING

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

HB 1464, A bill to be entitled An Act relating to participation in, benefits from, and contributions to the Texas County and District Retirement System.

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

HB 1892 ON SECOND READING

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

HB 1892, A bill to be entitled An Act relating to the length limitations on certain motor vehicles and combinations of vehicles.

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

HB 1333 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 1333**.

CSHB 1333, A bill to be entitled An Act relating to imposition and collection of standby fees by certain water districts.

(A. Luna now present)

CSHB 1333 was read second time.

Representative Culberson offered the following amendment to the bill:

Amend **CSHB 1333** as follows:

On page 3, line 20 after the period, add the following:

"Notice of the hearing must be provided by certified mail, return receipt requested, to each mortgagee of record that has submitted a written request to be informed of any hearings. To be effective, the written request must be received by the district not later than the sixtieth day before the date of the hearing. The written request for notice must include the name and address of the mortgagee, the name of the property owner in the district, and a brief property description."

The amendment was adopted without objection.

Representative Culberson offered the following amendment to the bill:

Amend **CSHB 1333**, on page 5, between lines 19 and 20, by inserting the following:

"(n) For purposes of title insurance policies issued under the authority of Chapter 9, Insurance Code, standby fees are considered taxes."

The amendment was adopted without objection.

CSHB 1333, as amended, was passed to engrossment.

HB 3 ON SECOND READING

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

HB 3, A bill to be entitled An Act relating to establishing the Texas college work-study program and the Texas educational opportunity grant program.

The bill was read second time.

Representative D. Hudson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **HB 3** by striking Subdivision 56.074(2) on lines 2-5 of page 2 and Subdivision 56.094(2) on lines 23-26 of page 4 and substituting the following:

"(2) a private or independent college, university, association, agency, institution, or facility that is located in this state which meets program standards and accreditation comparable to public institutions as determined by the board."

Committee Amendment No. 1 was adopted without objection.

HB 3, as amended, was passed to engrossment. (Hollowell recorded voting no.)

MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1989

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:

Local and Uncontested Bill Calendar

SB 652 by Washington, relating to administrative adjudication of parking offenses in certain municipalities.

Respectfully,
Betty King
Secretary of the Senate

HB 121 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for **HB 121**.

CSHB 121, A bill to be entitled An Act relating to the issuance of specially designed license plates.

CSHB 121 was read second time and was passed to engrossment.

HB 1810 ON SECOND READING

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

HB 1810, A bill to be entitled An Act relating to the eligibility for service on the Texas Board of Licensure for Nursing Home Administrators.

The bill was read second time.

Representative Richardson offered the following amendment to the bill:

Amend **HB 1810**: On line 11 following the word "Act" add: provided, however, that the Executive Director of the Texas Department on Aging or his designee shall be eligible for service on the Board and shall serve on the Board as a permanent ex-officio nonvoting member of the Board.

The amendment was adopted without objection.

HB 1810, as amended, was passed to engrossment.

HB 1462 ON SECOND READING

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

HB 1462, A bill to be entitled An Act relating to the authority of the Parks and Wildlife Commission to regulate the sale and consumption of alcoholic beverages in an area of Galveston State Park assigned to a concessioner.

The bill was read second time and was passed to engrossment. (Hollowell, Soileau, and Counts recorded voting no.)

HB 1871 ON SECOND READING

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

HB 1871, A bill to be entitled An Act relating to detention hearings for youths committed to the Texas Youth Commission who are detained at the request of the commission.

The bill was read second time.

Representative Clemons moved that consideration of **HB 1871** be postponed until Tuesday, April 25, at 10 a.m.

The motion prevailed without objection.

HB 1910 ON SECOND READING

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

HB 1910, A bill to be entitled An Act relating to required instruction in railroad and highway grade crossing safety in driving safety courses.

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

CSSB 338 ON SECOND READING

(Rudd - 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 338**.

CSSB 338, A bill to be entitled An Act relating to emergency appropriations.

CSSB 338 was read second time earlier today and was postponed until this time.

Representative Rudd offered the following amendment to **CSSB 338**:

Amend **CSSB 338** as follows:

On page 6, line 10, strike "\$84,889" and substitute "\$64,889".

The amendment was adopted without objection.

Representative Waterfield offered the following amendment to **CSSB 338**:

Amend **CSSB 338** as follows:

Delete SECTION 13 from the bill and renumber subsequent sections accordingly.

Representative Evans moved to table the Waterfield amendment.

A record vote was requested.

The motion to table prevailed by (Record 166): 74 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Alexander; Barton; Beauchamp; Berlanga; Blair; Cavazos; Colbert; Conley; Counts; Criss; Cuellar, H.; Cuellar, R.; Danburg; Delco; Denton; Dutton; Earley; Edge; Edwards; Evans; Garcia; Gavin; Gibson; Glossbrenner; Guerrero; Haggerty; Hightower; Hinojosa; Hudson, D.; Hudson, S.; Hunter, B.; Hunter, T.; Johnson, J.; Jones; Junell; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Moreno, P.; Oakley; Patterson; Price; Robinson; Rodriguez; Russell; Saunders; Schlueter; Seidlits; Soileau; Stiles; Swift; Telford; Thompson, G.; Thompson, S.; Turner; Vowell; Wallace; Warner; Williamson; Willis; Wilson; Wolens.

Nays — Arnold; Brimer; Campbell; Carter; Chisum; Clemons; Connelly; Craddick; Crawford; Culberson; Eckels; Finnell; Fraser; Goolsby; Grusendorf; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hollowell; Holzheuser; Horn; Jackson; Johnson, S.; Kubiak; Kuempel; Mowery; Ovard; Park; Pennington; Pierce; Polumbo; Repp; Richardson; Robnett; Rudd; Schoolcraft; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Taylor; Thomas; Uher; Valigura; VanderVoort; Waterfield; Wentworth; Willy; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Rangel.

Absent — Cain; Collazo; Hury; Marchant; Parker; Perry; Tallas; Watkins.

LEAVE OF ABSENCE GRANTED

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

Polumbo on motion of Holzheuser.

CSSB 338 - (consideration continued)**MOTION TO DIVIDE THE QUESTION
ON CSSB 338**

Representative Connelly moved to divide the question on the passage to engrossment of **CSSB 338**.

The vote of the house was taken on the motion to divide the question on **CSSB 338** and the vote was announced yeas 68, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 167): 58 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Arnold; Brimer; Campbell; Chisum; Clemons; Connelly; Craddick; Crawford; Culberson; Eckels; Finnell; Goolsby; Grusendorf; Haggerty; Harris, C.; Harrison; Heflin; Hilbert; Hilderbran; Hill, A.; Hill, F.; Hill, P.; Hollowell; Holzheuser; Horn; Jackson; Johnson, S.; Jones; Kubiak; Kuempel; Marchant; Mowery; Ovard; Park; Patterson; Pierce; Repp; Richardson; Robnett; Schlueter; Schoolcraft; Shea; Shelley; Shine; Smith, A.; Smith, D.; Smith, R.; Smith, T.; Smithee; Tallas; Taylor; Telford; Thomas; Valigura; VanderVoort; Waterfield; Wentworth; Willy.

Nays — Alexander; Barton; Beauchamp; Berlanga; Blair; Cair; Carter; Cavazos; Colbert; Conley; Counts; Criss; Cuellar, H.; Cuellar, R.; Danburg; Delco; Denton; Dutton; Earley; Edge; Edwards; Evans; Garcia; Gibson; Glossbrenner; Guerrero; Hightower; Hinojosa; Hudson, S.; Hunter, B.; Hunter, T.; Johnson, J.; Junell; Laney; Larry; Lewis, R.; Linebarger; Lucio; Luna, A.; Luna, G.; Madla; Martinez; McCollough; McDonald; McKinney; McWilliams; Melton; Morales; Oakley; Perry; Price; Robinson; Rodriguez; Rudd; Russell; Saunders; Seidlits; Soileau; Swift; Thompson, G.; Turner; Uher; Vowell; Wallace; Williamson; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Blackwood; Granoff; Moreno, A.; Perez; Polumbo; Rangel.

Absent — Collazo; Fraser; Gavin; Hammond; Harris, J.; Hudson, D.; Hury; Moreno, P.; Parker; Pennington; Stiles; Thompson, S.; Warner; Watkins; Willis; Wolens; Wright; Yost.

The speaker stated that the motion to divide the question was lost by the above vote.

CSSB 338, as amended, was passed to third reading. (Horn, Hollowell, and A. Smith recorded voting no; Carter, yes.)

LEAVES OF ABSENCE GRANTED

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

Stiles on motion of Russell.

J. Harris on motion of Uher.

Wright on motion of Valigura.

Pennington on motion of Eckels.

Hammond on motion of Eckels.

Willis on motion of Oakley.

Fraser on motion of Connelly.

Gavin on motion of Colbert.

D. Hudson on motion of Hollowell.

P. Moreno on motion of R. Cuellar.

Warner on motion of R. Cuellar.

S. Thompson on motion of Delco.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Parker on motion of Uher.

HOUSE BILLS ON FIRST READING

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

By J. Harris, et al.:

HB 3141, A bill to be entitled An Act relating to information on and permits for hazardous waste management facilities that receive hazardous waste from outside the county in which the facility is located and to the treatment, storage, or disposal in this state of hazardous waste generated in a foreign country.

To Committee on Environmental Affairs.

By P. Hill:

HB 3142, A bill to be entitled An Act relating to the creation of additional county criminal courts in Dallas County.

To Committee on Judicial Affairs.

By Crawford:

HB 3143, A bill to be entitled An Act relating to the composition and compensation of the members of the Potter County Juvenile Board.

To Committee on County Affairs.

By Watkins:

HB 3144, A bill to be entitled An Act relating to the composition of the Ector County Juvenile Board.

To Committee on County Affairs.

By Stiles:

HB 3145, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Liberty County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

To Committee on County Affairs.

By Craddick:

HB 3146, A bill to be entitled An Act relating to exempting certain motor vehicles used by certain licensed child-care facilities from taxes on the sale, use, or rental of motor vehicles.

To Committee on Ways and Means.

By Craddick:

HB 3147, A bill to be entitled An Act relating to a requirement that gas utilities in this state buy gas produced in this state.

To Committee on Energy.

By Denton:

HB 3148, A bill to be entitled An Act relating to the county court and the county courts at law in McLennan County.

To Committee on Judiciary.

By Kuempel:

HB 3149, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, financing, and annexation authority of the Canyon Regional Water Authority; authorizing the issuance of bonds; providing the power of eminent domain.

To Committee on Natural Resources.

By Watkins:

HB 3150, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Ector County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

To Committee on County Affairs.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Smithee:

HCR 215, Requesting the attorney general to remove his signature from the court brief in the case of Webster v. Reproductive Health Services.

To Committee on State Affairs.

By Garcia:

HCR 216, Directing the Children and Youth Services Coordinating Committee of the Texas Health and Human Services Coordinating Council to devise standards for child abuse prevention programs by agencies conducting such programs.

To Committee on Human Services.

SCR 66, Requesting certain professional schools to require instruction in industrial hygiene and safety, occupational medicine, and occupational health nursing.

To Committee on Higher Education.

SCR 120, Recognizing Small Minority and Women-Owned Business Month in Texas.

To Committee on Business and Commerce.

By Gibson:

HR 635, Recognizing May as Mental Health Month.

To Committee on Public Health.

By Yost:

HR 654, Commending Pilot International and the Texas District Pilot clubs.
To Committee on Rules and Resolutions.

By Conley:

HR 655, Commending Wilford and Margaret Stapp.
To Committee on Rules and Resolutions.

By Richardson:

HR 656, Commending Marilyn Stahl.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

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

- SB 61** to Committee on Natural Resources.
- SB 82** to Committee on Appropriations.
- SB 101** to Committee on State Affairs.
- SB 158** to Committee on State Affairs.
- SB 290** to Committee on Elections.
- SB 330** to Committee on Judicial Affairs.
- SB 370** to Committee on Environmental Affairs.
- SB 480** to Committee on Public Health.
- SB 482** to Committee on Retirement and Aging.
- SB 487** to Committee on Human Services.
- SB 518** to Committee on Judiciary.
- SB 538** to Committee on State Affairs.
- SB 594** to Committee on Cultural and Historical Resources.
- SB 602** to Committee on Energy.
- SB 605** to Committee on Judiciary.
- SB 644** to Committee on Public Safety.
- SB 667** to Committee on Higher Education.
- SB 698** to Committee on Insurance.
- SB 771** to Committee on State Affairs.
- SB 856** to Committee on Natural Resources.
- SB 876** to Committee on Business and Commerce.
- SB 905** to Committee on Criminal Jurisprudence.
- SB 908** to Committee on Judicial Affairs.
- SB 936** to Committee on County Affairs.
- SB 946** to Committee on Business and Commerce.
- SB 983** to Committee on Judicial Affairs.

- SB 1084** to Committee on Energy.
- SB 1159** to Committee on County Affairs.
- SB 1270** to Committee on Liquor Regulation.
- SB 1248** to Committee on Public Health.
- SB 1284** to Committee on Public Safety.
- SB 1321** to Committee on Business and Commerce.
- SB 1325** to Committee on Liquor Regulation.
- SB 1405** to Committee on Corrections.
- SB 1427** to Committee on Business and Commerce.
- SB 1510** to Committee on Higher Education.
- SB 1572** to Committee on Judicial Affairs.

SENATE JOINT RESOLUTION ON FIRST READING

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

- SJR 5** to Committee on Natural Resources.

HB 1488 - CORRECTION IN REFERRAL

HB 1488, relating to the foundation school program, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HB 1488** to the Committee on Public Education.

HB 1615 - CORRECTION IN REFERRAL

HB 1615, relating to the financing of the foundation school program, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HB 1615** to the Committee on Public Education.

HB 1982 - CORRECTION IN REFERRAL

HB 1982, relating to the funding of class-size mandates, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HB 1982** to the Committee on Public Education.

HB 1983 - CORRECTION IN REFERRAL

HB 1983, relating to the funding for certain students, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HB 1983** to the Committee on Public Education.

HB 1993 - CORRECTION IN REFERRAL

HB 1993, relating to a school district's entitlement to an annual allotment for each student placed by the Texas Youth Commission apart from his family, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HB 1993** to the Committee on Public Education.

HJR 61 - CORRECTION IN REFERRAL

HJR 61, proposing a constitutional amendment relating to the composition of the permanent and available school funds, was inadvertently referred to the Committee on Appropriations. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of **HJR 61** to the Committee on Public Education.

MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1989

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 1507 by Brooks, et al., relating to the promotion and regulation of the fish farming industry.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Liquor Regulation, on adjournment today, Desk 66.

Public Safety, Subcommittee on **HB 2796**, on adjournment today, Desk 105, to consider **HB 2796**.

Corrections, 2 p.m. today, Room 109, Reagan Building, to consider posted bills.

Government Organization, Subcommittee on **SB 508**, 9:45 a.m. Monday, April 24, Room 412a, Capitol, to consider **SB 508**.

State Affairs, Subcommittee on **HB 2115**, on adjournment today, Desk 32, to consider **HB 2115**.

Public Education, Subcommittee on **HB 546**, on adjournment today, Desk 113, to consider **HB 546**.

State Affairs, Subcommittee on **HB 776**, on adjournment today, Desk 6, to consider **HB 776**.

Judiciary, Subcommittee on **HB 1873**, on adjournment today, Desk 45, to consider **HB 1873**.

Insurance, on adjournment today, Desk 75, to consider **HB 1105**.

State Affairs, Subcommittee on Electric Utilities, on adjournment today, Desk 16, to consider **SB 425**.

Environmental Affairs, Subcommittees on **HB 961** and **SB 370**, on adjournment today, Desk 12, to consider **HB 961** and **SB 370**.

ADJOURNMENT

Representative Clemons moved that the house adjourn until 10 a.m. Monday.

The motion prevailed without objection.

The house accordingly, at 1:29 p.m., adjourned until 10 a.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

Appropriations - **HB 2730**

Criminal Jurisprudence - **HB 6, HB 10, HB 11, HB 989, HB 1101, HB 1646, HB 1777, HB 1929, HB 2247**

Cultural and Historical Resources - **HB 1144**

Energy - **HB 504, HB 841, HB 1878**

Financial Institutions - **HB 871, HB 1552, HB 2225, SB 910**

Judiciary - **HB 647, HB 842, HB 1206, HB 1517, HB 1795, HB 3069**

Labor and Employment Relations - **HB 1405, HB 2487, SB 734, SB 929**

Natural Resources - **HB 214, HB 216, HB 2306, HB 3070**

Public Education - **HB 1469, HB 1840, HB 1950, HB 2678, SCR 51**

Science and Technology - **HCR 201**

State, Federal, and International Relations - **HCR 194, SB 793**

ENGROSSED

April 19 - **HB 318, HB 843, HB 860, HB 1159, HB 1224, HB 1312, HB 1323, HB 1347**

April 20 - **HB 781, HB 108, HB 488, HB 509, HB 1632, HB 2095, HB 606, HB 808, HB 1087, HB 960, HB 1976, HB 2626, HB 1318, HB 1519, HB 1601, HB 1745, HB 1960, HB 1631, HB 1712, HB 1718, HB 1888, HB 1900, HB 2260, HB 1943, HB 2058, HB 2197, HB 2231, HB 2532, HB 2551, HJR 4**

ENROLLED

April 20 - **HB 406, HB 539, HB 1497**

SENT TO THE GOVERNOR

April 20 - **HCR 212, HB 1467**

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

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

April 19 - **HB 3149**