

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, FIFTH CALLED SESSION

PROCEEDINGS

TENTH DAY (CONTINUED) — FRIDAY, MAY 25, 1990

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 33).

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

Absent, Excused — Conley; Connelly; Denton; Eckels; Fraser; Gavin; Hollowell; Junell; McCollough; Moreno, A.; Moreno, P.; Patterson; Smithec; Uher; Wentworth.

Absent — Granoff; Hill, P.; Hudson, S.; Johnson, J.; Robnett.

The invocation was offered by Representative Price as follows:

Lord, we call ourselves Christians, Jews, Muslims, Hindus, Buddhists, Agnostics—and other names that divide us. You call us your children.

Lord, we call ourselves Congregationalists, Baptists, Methodists, Catholics, Presbyterians—and other names that separate us. You call us your children.

Lord, we call ourselves Democrats, Republicans, Liberals, Conservatives, Socialists, Communists—and other names that dis sever us. You call us your children.

Lord, please give us the wisdom to know and accept that you are our Father and that we are your children. Help us to understand that any harm or slight done to any of your children is done to you also.

Dear God, as we proceed in our legislative duties for the people of this state, may we be ever mindful that all your children are precious in your sight and may we act accordingly.

Please hear our prayer. Amen.

LEAVES OF ABSENCE GRANTED

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

Conley on motion of Telford.

Patterson on motion of Black.
 Smithee on motion of Shine.
 Eckels on motion of Brimer.
 Uher on motion of J. Harris.
 McCollough on motion of Black.
 Junell on motion of Black.
 Gavin on motion of Counts.
 Fraser on motion of Horn.
 A. Moreno on motion of Edge.
 Wentworth on motion of Jones.
 Denton on motion of Telford.
 Hollowell on motion of Telford.
 Connelly on motion of Hilbert.
 P. Moreno on motion of R. Cuellar.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1990

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 15 by Leedom, concerning the portrait of each outgoing Governor of the State of Texas.

Respectfully,
 Betty King
 Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 25, SCR 12, SCR 14

**PROCLAMATION BY THE GOVERNOR
 OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

**TO THE MEMBERS OF THE SENATE AND THE HOUSE
 OF REPRESENTATIVES OF THE SEVENTY-FIRST
 TEXAS LEGISLATURE IN FIFTH CALLED SESSION:**

Pursuant to Article III, Section 40 and Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby submit the

following matters for consideration by the Seventy-first Texas Legislature in its Fifth Called Session:

(1) Legislation relating to appropriating money to the Texas Department of Human Services, the Texas Department of Health and the Texas Department of Mental Health and Mental Retardation.

(2) Legislation relating to proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 24th day of May, 1990.

William P. Clements, Jr.
Governor of Texas

(SEAL)

George S. Bayoud, Jr.
Secretary of State

SB 56 ON SECOND READING
(Rudd - House Sponsor)

The speaker laid before the house, in lieu of **HB 16**, on its second reading and passage to third reading,

SB 56, A bill to be entitled An Act relating to appropriations for the biennium ending August 31, 1991.

The bill was read second time.

Representative Colbert offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend **SB 56** by striking Section 6 and renumbering the remaining sections accordingly.

Amend **SB 56** on page 4, line 12, by restoring the language struck through and changing the "90" to "95".

Committee Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 56, as amended, was passed to third reading by (Record 34): 74 Yeas, 39 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Alexander; Arnold; Barton; Beauchamp; Berlanga; Black; Blair; Cain; Carter; Cavazos; Chisum; Colbert; Collazo; Counts; Crawford; Criss; Cuellar, H.; Cuellar, R.; Danburg; Delco; Dutton; Earley; Edge; Evans; Finnell; Garcia; Gibson; Glossbrenner; Guerrero; Harrison; Hightower; Hill, A.; Hinojosa; Hudson, D.; Hunter, B.; Hunter, T.; Hury; Jackson; Laney; Larry; Lewis, R.; Linebarger; Luna, G.; Madla; Martinez; McDonald; McKinney; Melton; Morales; Oakley; Parker; Price; Rangel; Richardson; Rodriguez; Rudd; Russell; Saunders; Scidlits; Shelley; Smith, R.; Soileau; Stiles; Telford; Thomas; Turner; Valigura; Wallace; Warner; Watkins; Willis; Wilson; Wolens.

Nays — Brimer; Craddick; Culberson; Goolsby; Grusendorf; Haggerty; Hammond; Harris, J.; Hartland; Heflin; Hilbert; Hilderbran; Hill, F.;

Holzheuser; Horn; Johnson, S.; Kubiak; Kuempel; Marchant; McWilliams; Mowery; Ovard; Park; Pennington; Perry; Pierce; Repp; Schoolcraft; Shea; Shine; Smith, D.; Tallas; Taylor; VanderVoort; Waterfield; Williamson; Willy; Wright; Yost.

Absent, Excused — Conley; Connelly; Denton; Eckels; Fraser; Gavin; Hollowell; Junell; McCollough; Moreno, A.; Moreno, P.; Patterson; Smithee; Uher; Wentworth.

Absent — Blackwood; Campbell; Clemons; Edwards; Granoff; Harris, C.; Hill, P.; Hudson, S.; Johnson, J.; Jones; Lucio; Luna, A.; Perez; Polumbo; Robinson; Robnett; Smith, A.; Smith, T.; Swift; Thompson, G.; Thompson, S.; Vowell.

HB 16 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rudd moved that **HB 16** be laid on the table subject to call.

The motion prevailed without objection.

HB 24 ON SECOND READING

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

HB 24, A bill to be entitled An Act relating to the board of directors of the Nolan County Hospital District.

The bill was read second time.

Representative Heflin raised a point of order against further consideration of **HB 24** on the grounds that the bill violates Article III, Section 40, of the Texas Constitution.

The speaker sustained the point of order.

RESOLUTIONS CALENDAR

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

By Thomas:

HCR 4, Inviting the people of Bavaria to join Texas in a relationship of friendship and commerce.

The resolution was adopted without objection.

HR 168 - ADOPTED

Representative Rodriguez moved that all necessary rules be suspended to take up and consider at this time, **HR 168**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Rodriguez:

HR 168, Honoring Father Manuel Cortez Roman.

The resolution was adopted without objection.

HR 172 - ADOPTED

Representative Dutton moved that all necessary rules be suspended to take up and consider at this time, **HR 172**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton, et al.:

HR 172, Commending Zoia Lemelle Jones.

The resolution was adopted without objection.

On motion of Representative Larry, the names of all the members of the house were added to **HR 172** as signers thereof.

HR 99 - ADOPTED

Representative Crawford moved that all necessary rules be suspended to take up and consider at this time, **HR 99**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Crawford:

HR 99, Honoring the graduating seniors of Highland Park High School.

The resolution was adopted without objection.

(Denton now present)

HR 173 - ADOPTED

Representative Denton moved that all necessary rules be suspended to take up and consider at this time, **HR 173**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Denton:

HR 173, In memory of Murray Watson, Sr.

The resolution was unanimously adopted by a rising vote.

HR 174 - ADOPTED

Representative Denton moved that all necessary rules be suspended to take up and consider at this time, **HR 174**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Denton:

HR 174, In memory of Camelia Ann Rentz Foster.

The resolution was unanimously adopted by a rising vote.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Labor and Employment Relations, on adjournment today, Desk 128, to consider **HB 25**.

Public Health, on adjournment today, Desk 60, to consider **SCR 5**, **SB 55**, **HCR 7**, and **HB 5**.

Rules and Resolutions, postponed.

ADJOURNMENT

Representative Carter moved that the house adjourn until 9:28 a.m.

The motion prevailed without objection.

The house accordingly, at 9:27 a.m., adjourned until 9:28 a.m.

HOUSE JOURNAL

SEVENTY-FIRST LEGISLATURE, FIFTH CALLED SESSION

PROCEEDINGS

ELEVENTH DAY — FRIDAY, MAY 25, 1990

The house met at 9:28 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 35).

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

Absent, Excused — Conley; Connelly; Denton; Eckels; Fraser; Gavin; Hollowell; Junell; McCollough; Moreno, A.; Moreno, P.; Patterson; Smithee; Uher; Wentworth.

Absent — Blair; Granoff; Hill, P.; Hudson, S.; Johnson, J.; Robnett; Swift; Waterfield.

LEAVES OF ABSENCE GRANTED

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

SB 56 ON THIRD READING

(Rudd - House Sponsor)

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

SB 56, A bill to be entitled An Act relating to appropriations for the biennium ending August 31, 1991.

The bill was read third time and was passed.

The speaker stated that **SB 56** was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

On motion of Representative Rudd and by unanimous consent, the caption of **SB 56** was ordered amended to conform to the body of the bill.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 11:15 a.m. today, Appropriations Committee room, to consider **SB 62**.

Calendars, 12 p.m. today, Room 242, Capitol.

PROVIDING FOR ADJOURNMENT

Representative Larry moved that, at the conclusion of the receiving of messages from the senate, the signing of a bill by the speaker, and the reading of a bill on first reading and referral to committee, the house adjourn until 2 p.m. Monday.

The motion prevailed without objection.

(Berlanga in the chair)

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1990

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HCR 27 by Conley, welcoming Ginger Sullivan.

HB 129 by Hury, relating to the rate of the state limited sales, excise and use tax.

Respectfully,
Betty King
Secretary of the Senate

HOUSE AT EASE

At 11:28 a.m., the chair announced that the house would stand at ease.

The chair called the house to order at 11:53 a.m.

BILL SIGNED BY THE SPEAKER

The chair announced that the speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bill:

HB 129

HOUSE AT EASE

At 11:53 a.m., the chair announced that the house would stand at ease.

The chair called the house to order at 12:09 p.m.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1990

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HCR 9 by Larry, inviting the people of Ghana to join Texas in friendship and commerce.

SB 25 by Sims, relating to an employer's chargeback liability for unemployment compensation benefits.

SB 62 by Brooks, relating to appropriations for the biennium ending August 31, 1991.

Respectfully,
Betty King
Secretary of the Senate

SENATE BILL ON FIRST READING

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

SB 62 to Committee on Appropriations.

ADJOURNMENT

In accordance with a previous motion, the house, at 12:10 p.m., adjourned until 2 p.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

Appropriations - **SB 56**

Judiciary - **HB 72**

State Affairs - **SB 45**

SENT TO THE GOVERNOR

May 24 - **HCR 2, HCR 8, HCR 14, HCR 22, HCR 24**

RECOMMENDATION OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER

The following recommendation of the Texas Water Commission was filed with the speaker:

May 25 - **HB 106**

