The house met at 2:00 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 18).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Deleo; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, T.; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Graham; Hackney; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurv; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWiliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Waldrop; Watson; Whale; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Garcia, M.; Glossbrenner; Moreno, A.; Moreno, P.; Vowell.

Absent — Wallace.

The invocation was offered by Father Fred Bomar, chaplain.

LEAVES OF ABSENCE GRANTED

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

A. Moreno on motion of Cavazos.

Vowell on motion of Arnold.

M. Garcia on motion of W. Martinez.

Glossbrenner on motion of Finnell.

MESSAGE FROM THE SENATE

Austin, Texas, January 31, 1983

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 38 by Berlanga, granting either house permission to adjourn for more than three days beginning February 3 and ending February 7, 1983.

SB 80 by Brooks, relating to the certification of fire protection personnel.

SB 154 by Harris, relating to the enforcement of disabled parking laws; and declaring an emergency.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTION SIGNED BY THE SPEAKER

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

HCR 21

HOUSE BILLS ON FIRST READING

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

By Delco:
HB 51, A bill to be entitled An Act relating to designation of Prairie View A&M University as being established under Article VII of the Texas Constitution.
To Committee on Higher Education.

By Delco:
HB 52, A bill to be entitled An Act relating to the attorney general’s duty to respond to requests for legal opinions; providing penalties.
To Committee on Judiciary.

By Delco:
HB 53, A bill to be entitled An Act relating to creation of the Texas Southern University System.
To Committee on Higher Education.

By Blanton:
HB 54, A bill to be entitled An Act relating to career education.
To Committee on Public Education.

By Ceverha:
HB 55, A bill to be entitled An Act relating to a local option election on the issue of prohibiting certain sales on consecutive Saturdays and Sundays.
To Committee on State Affairs.

By Ceverha:
HB 56, A bill to be entitled An Act relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of an illegal bullet.
To Committee on Criminal Jurisprudence.

By Ceverha:
HB 57, A bill to be entitled An Act relating to protective headgear for persons riding motorcycles.
To Committee on Transportation.

By Ceverha:
HB 58, A bill to be entitled An Act relating to tests for the determination of the possibility of paternity.
To Committee on Judiciary.
By Cary:
HB 59, A bill to be entitled An Act relating to increases in utility rates without public utility commission approval.
To Committee on State Affairs.

By Cary:
HB 60, A bill to be entitled An Act relating to election from single-member districts of directors of the Tarrant County Water Control and Improvement District No. 1.
To Committee on Natural Resources.

By Cary:
HB 61, A bill to be entitled An Act relating to the prohibition of discrimination in certain transactions concerning employment, public accommodation, credit, and real property; providing penalties.
To Committee on State Affairs.

By Cary:
HB 62, A bill to be entitled An Act relating to membership of the public utility commission.
To Committee on State Affairs.

By Cary:
HB 63, A bill to be entitled An Act relating to photographs and fingerprints of juveniles.
To Committee on Judiciary.

By C. Smith:
HB 64, A bill to be entitled An Act relating to the fee for an examination for a license to practice architecture.
To Committee on Business and Commerce.

By C. Smith:
HB 65, A bill to be entitled An Act relating to the fee for an examination for a license to practice landscape architecture.
To Committee on Business and Commerce.

By Criss:
HB 66, A bill to be entitled An Act relating to the application of sales and use taxes to computer programs.
To Committee on Ways and Means.

By Criss, et al.:
HB 67, A bill to be entitled An Act relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of an illegal bullet.
To Committee on Criminal Jurisprudence.

By Criss:
HB 68, A bill to be entitled An Act relating to the assignment of workers' compensation benefits in occupational disease cases.
To Committee on Business and Commerce.
By Criss:
HB 69, A bill to be entitled An Act relating to the construction of certain pressure vessels; providing for penalties for violations of the Act; providing for special inspection service including surveys required for certification to construct pressure vessels under the ASME Code authorization; providing an effective date; and declaring an emergency.
To Committee on Labor and Employment Relations.

By Willis:
HB 70, A bill to be entitled An Act relating to the classification of the murder of a child in the course of committing aggravated sexual abuse as a capital offense.
To Committee on Criminal Jurisprudence.

By Willis:
HB 71, A bill to be entitled An Act relating to the testimony of one spouse against the other in a criminal prosecution.
To Committee on Criminal Jurisprudence.

By Willis, et al.:
HB 72, A bill to be entitled An Act relating to the provision of rehabilitative services for certain blind persons.
To Committee on Human Services.

By Willis, et al.:
HB 73, A bill to be entitled An Act relating to retail sales on Saturday and Sunday.
To Committee on State Affairs.

By Willis:
HB 74, A bill to be entitled An Act relating to the pay of grand and petit jurors.
To Committee on Judiciary.

By Willis:
HB 75, A bill to be entitled An Act relating to the fee for the issuance of marriage licenses and declarations of informal marriage and to providing funds for the enforcement of laws prohibiting child abuse.
To Committee on County Affairs.

By Willis:
HB 76, A bill to be entitled An Act relating to the Board of Hospital Managers of the Tarrant County Hospital District.
To Committee on County Affairs.

By Willis:
HB 77, A bill to be entitled An Act relating to the election of trustees from single-member districts in certain countywide community college districts.
To Committee on Higher Education.

By Leonard:
HB 78, A bill to be entitled An Act relating to the frequency with which employers must pay wages.
To Committee on Business and Commerce.

By Leonard:
HB 79, A bill to be entitled An Act relating to the frequency with which employers must pay wages.
To Committee on Business and Commerce.
By Leonard:
HB 80, A bill to be entitled An Act relating to a repeal of the law requiring that certain employees be paid twice a month.
To Committee on Business and Commerce.

By Leonard:
HB 81, A bill to be entitled An Act relating to public disclosure of the name and address of a crime victim.
To Committee on Law Enforcement.

By Leonard:
HB 82, A bill to be entitled An Act relating to waiver of defects in indictments and informations.
To Committee on Criminal Jurisprudence.

By Leonard:
HB 83, A bill to be entitled An Act relating to making it capital murder to murder two or more persons in certain circumstances.
To Committee on Criminal Jurisprudence.

By Bush:
HB 84, A bill to be entitled An Act relating to election contests for the offices of state senator and state representative.
To Committee on Elections.

By S. Hudson:
HB 85, A bill to be entitled An Act relating to agricultural labor; creating the Agricultural Labor Relations Board; providing penalties.
To Committee on Agriculture and Livestock.

By S. Hudson:
HB 86, A bill to be entitled An Act relating to an answer by mail to a suit in justice court.
To Committee on Judiciary.

By S. Hudson:
HB 87, A bill to be entitled An Act relating to regulation of professional liability insurance.
To Committee on Insurance.

By S. Hudson:
HB 88, A bill to be entitled An Act relating to notice of a sheriff's sale.
To Committee on Judiciary.

By Wright:
HB 89, A bill to be entitled An Act relating to motor vehicle liability insurance coverage that must be maintained by persons convicted of driving while intoxicated; providing penalties.
To Committee on Insurance.

By S. Hudson:
HB 90, A bill to be entitled An Act relating to the state's peremptory challenges of prospective jurors who belong to racial minorities in certain criminal cases.
To Committee on Criminal Jurisprudence.

By S. Hudson:
HB 91, A bill to be entitled An Act relating to civil liability for a violation of an individual's right of privacy.
To Committee on Judiciary.
By Keller:
HB 92, A bill to be entitled An Act relating to sentencing alternatives for the offense of driving while intoxicated.
To Committee on Criminal Jurisprudence.

By Keller:
HB 93, A bill to be entitled An Act relating to the offenses of driving while intoxicated and driving under the influence of a controlled substance or drug.
To Committee on Criminal Jurisprudence.

By M. Garcia:
HB 94, A bill to be entitled An Act relating to the right of a possessory conservator of a child to the child's medical and educational records.
To Committee on Judiciary.

By S. Hudson:
HB 95, A bill to be entitled An Act relating to the establishment of pilot day-care programs for certain children.
To Committee on Appropriations.

By G. Thompson:
HB 96, A bill to be entitled An Act relating to alcoholic beverage regulations relating to age.
To Committee on Liquor Regulation.

By G. Thompson:
HB 97, A bill to be entitled An Act relating to alcoholic beverages in motor vehicles; providing penalties.
To Committee on Liquor Regulation.

By G. Thompson:
HB 98, A bill to be entitled An Act relating to waiver of trial by a jury in a misdemeanor case.
To Committee on Criminal Jurisprudence.

By Criss:
HB 99, A bill to be entitled An Act relating to the reduction of workers' compensation death benefits because of benefits paid for prior period of incapacity.
To Committee on Business and Commerce.

By Waldrop:
HB 100, A bill to be entitled An Act relating to courses held by a community college in facilities of a school district located outside the community college district.
To Committee on Higher Education.

LEAVE OF ABSENCE GRANTED

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

P. Moreno on motion of Barrientos.

SB 183 ON SECOND READING
(Hanna - House Sponsor)

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

SB 183, A bill to be entitled An Act relating to certain permits and leases for public school, university, asylum land, and other state land; repealing Subchapter G, Chapter 52, Natural Resources Code.
The bill was read second time and was passed to third reading. (C. Evans recorded voting no)

**SB 183 ON THIRD READING**

Representative Hanna moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 183 be placed on its third reading and final passage.

A record vote was requested.

The motion prevailed by (Record 19): 130 Yeas, 13 Nays, 1 Present, not voting.

**Yeas** — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cecerha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, L.; Finnell; Gamez; Gandy; Garcia, T.; Gavin; Geistwiedt; Gibson, B.; Gilley; Granoff; Grisham; Hackney; Hailey; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Helin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuepnel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Valles; Waldrop; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

**Nays** — Agnich; Danburg; English; Evans, C.; Fox; Gibson, J.; Green; Salinas; Simpson; Staniswalis; Thompson, G.; Uber; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Garcia, M.; Glossbrenner; Moreno, A.; Moreno, P.; Vowell.

Absent — Wallace.

The speaker then laid SB 183 before the house on third reading and final passage.

A record vote was requested.

The bill was read third time and was passed by (Record 20): 140 Yeas, 1 Nay, 1 Present, not voting.

**Yeas** — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cecerha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, T.; Gavin; Geistwiedt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Grisham; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Helin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuepnel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap;

**Nays** — Agnich; Danburg; English; Evans, C.; Fox; Gibson, J.; Green; Salinas; Simpson; Staniswalis; Thompson, G.; Uber; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Garcia, M.; Glossbrenner; Moreno, A.; Moreno, P.; Vowell.

Absent — Wallace.

The speaker then laid SB 183 before the house on third reading and final passage.

A record vote was requested.

The bill was read third time and was passed by (Record 20): 140 Yeas, 1 Nay, 1 Present, not voting.

**Yeas** — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cecerha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, T.; Gavin; Geistwiedt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Grisham; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Helin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuepnel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap;
Representative A. Smith moved that all necessary rules be suspended to take up and consider at this time, SCR 22.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 22 - ADOPTED**
(A. Smith - House Sponsor)

Representative A. Smith moved that all necessary rules be suspended to take up and consider at this time, SCR 22.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 22**

WHEREAS, Over two and one-half million citizens in Texas are directly affected by physical, mental, or developmental disabilities; and

WHEREAS, All persons, including those with disabilities, are entitled to dignity and respect and have fundamental rights to equal opportunity and full participation in the mainstream of society; and

WHEREAS, Individuals who have disabilities can achieve these goals through effective programs which promote independent living, job training, job placement, and the development of community living alternatives such as accessible housing, supervised apartment living, and group homes; and

WHEREAS, More than 9,000 citizens have forwarded resolutions to support all initiatives which help develop the maximum potential of every disabled citizen; and

WHEREAS, Twenty-nine statewide disability organizations are officially sponsoring Disability Rally Day throughout the state on February 2, 1983, as an unprecedented effort of public education to recognize the rights of citizens who are disabled to participate in and contribute to our society; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby recognize and commend the following organizations which are sponsoring and participating in Disability Rally Day: Advocacy, Incorporated; American Council for the Blind; American Foundation for the Blind, Inc.; Association for Retarded Citizens/Texas; Coalition on Mental & Development Disabilities; Coalition of Texans with Disabilities; Deaf-Blind Multihandicapped Association of Texas; Disabled Student Services Office at The University of Texas/Austin; Governor’s Committee on Employment of the Handicapped; Governor’s Council on Developmental Disabilities; LAUNCH, Coalition of Learning Disabled Adults; Mental Health Association in Texas; Muscular Dystrophy Association; Southwest Wheelchair Athletic Association; Spina Bifida Association of Texas; Texas Association of Children & Adults with Learning Disabilities; Texas Association of the Deaf; Texas Committee of Organizations for the Handicapped; Texas Council of Community MHMR Centers, Inc.; Texas Easter Seal Society; Texas Occupational
Therapy Association; Texas Paralyzed Veterans Association; Texas Physical Therapy Association; Texas School for the Blind; Texas School for the Deaf; Texas Society for Autistic Citizens; Texas Special Olympics; Texas Speech-Language-Hearing Association; and United Cerebral Palsy of Texas, Inc.; and, be it further

RESOLVED, That in recognition of the initiative of Texans with disabilities the Legislature rededicate its commitment to support community programs and services which will increase the independent capacities and quality of life of persons with disabilities; and, be it further

RESOLVED, That the Legislature recognize February 2, 1983, as Disability Rally Day in Texas and encourage all Texans to join persons with disabilities in the support of state and local rally day activities to develop a better understanding of programs and services for citizens who are disabled; and, be it further

RESOLVED, That a copy of this resolution be presented by an official delegation from the Senate and the House of Representatives at Disability Rally Day ceremonies at the State Capitol on Wednesday, February 2, 1983.

The resolution was adopted without objection.

HR 34 - ADOPTED

Representative Green moved that all necessary rules be suspended to take up and consider at this time, HR 34.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Green:

HR 34

WHEREAS, El Franco Lee was born on January 30, 1949; and
WHEREAS, El Franco Lee grew up in 5th Ward, Texas, attended Houston schools, and graduated from Phyllis Wheatley High School; and
WHEREAS, El Franco Lee received his B.S. degree in civil technology from Texas Southern University and has done graduate work in public administration and civil engineering; and
WHEREAS, El Franco Lee is an exemplary and well-respected engineer in the engineering community; and
WHEREAS, El Franco Lee is married to Mrs. Ethel Kay Lee, and they are the parents of two lovely children: a girl, Franchelle Elizabeth Lee, five years old; and a boy, El Franco Lee II, three years old; and
WHEREAS, El Franco Lee has served as a distinguished member of the Texas House of Representatives for two terms and is presently serving his third term and is chairman of the committee on elections; and
WHEREAS, El Franco Lee should be made aware that the house maximum ceiling on staff salaries is $1,850 per month and not per annum; and
WHEREAS, This resolution was humbly prepared by El Franco Lee's staff because he is a great person to work for; now, therefore, be it

RESOLVED, That the members of the Texas House of Representatives, 68th Legislature, hereby commend fellow colleague El Franco Lee on becoming one year older and, it is hoped, one year wiser.

The resolution was adopted without objection.

On motion of Representative Laney, the names of all the members of the house were added to HR 34 as signers thereof.
COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, on adjournment today, Room C, Reagan Building, organizational meeting.

State, Federal, and International Relations, on adjournment today, Room D, Reagan Building, organizational meeting.

Environmental Affairs, Subcommittee on Budget and Oversight, on adjournment today, Room 417.

Judicial Affairs, Subcommittee on Budget and Oversight, on adjournment today, Room 100-B, Reagan Building.

Criminal Jurisprudence, Subcommittee on Budget and Oversight, on adjournment today, Room 346.

Ways and Means, Subcommittee on Budget and Oversight, on adjournment today, Room 100-E, Reagan Building.

Public Health, Subcommittee on Budget and Oversight, on adjournment today, speakers committee room.

ADJOURNMENT

Representative Millsap moved that the house adjourn until 10:00 a.m. tomorrow in memory of Clarence T. Saunders, father of Representative Saunders and former member O. H. "Muggie" Schram.

The motion prevailed without objection.

The house accordingly, at 2:37 p.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Energy - SB 183

ENROLLED

January 27 - HCR 21

COAUTHORS AUTHORIZED

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

HJR 19 - D. Harrison, Oliver, L. Evans, Gavin, Cary, A. Moreno, Price, Barrientos, Watson, M. Garcia, Crockett, Patrick, Shaw, Kubiak

HB 2 - Hinojosa

HB 3 - Colbert

HB 4 - Colbert

HB 6 - G. Hill

HB 67 - Stiles, Schoolcraft, Kubiak, Hury, T. Smith, Oliver, B. Barton, E. Barton, Burnett
HB 72 - Carriker, B. Barton, Collazo, Stiles
HB 73 - Carriker

ASSIGNMENTS PURSUANT TO RULE 9, SECTION 3
OF THE HOUSE RULES

Pursuant to Rule 9, Section 3 of the Rules of the House of Representatives, the following clarifications are made to the listed substantive committees:

COMMITTEE ON STATE AFFAIRS

The Governor's Office less the Texas Film Commission (assigned to the Committee on Cultural and Historical Resources as per Rule 3, Section 7 of the Rules of the House of Representatives).

COMMITTEE ON PUBLIC HEALTH

Texas Department of Health less Occupational Safety Board (assigned to the Committee on Labor and Employment Relations).