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

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

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrico; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Gilley; Granoff; Grisham; 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.; Hury; Jackson; Jones; Keller; Komp; Khouy; Kubick; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolernft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tookey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Price.

Absent — Collazo; Glossbrenner; Green; Messer.

The invocation was offered by Reverend Samuel Smith, Mt. Horeb Baptist Church, Houston, Texas.

LEAVE OF ABSENCE GRANTED

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

Price on motion of Cary.

MESSAGE FROM THE SENATE

Austin, Texas, February 22, 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:

SB 27 by Farabee, relating to public school textbooks.
SB 38 by Mauzy, relating to the meaning of "qualified voter" for the purpose of responding to a challenge of a voter at a polling place.
SB 132 by Sarpalius, relating to the powers of and the levy of taxes and issuance of bonds by the Palo Duro River Authority.

SB 220 by Caperton, relating to the inclusion of an area as part of a municipality if the municipality has treated the area as being within its boundaries.

SB 323 by Lyon, relating to consent as a defense to assaultive conduct.

SB 331 by Glasgow, relating to exemption of certain persons, banks, savings and loan associations, and credit unions from laws regulating the financing of insurance premiums.

SB 333 by Glasgow, relating to the status of certain decisions of the State Board of Insurance on the filing of certain petitions in a specified district court.

SB 343 by McFarland, relating to the period of limitation applicable to a prosecution for certain offenses involving sexual conduct.

SB 346 by Traeger, relating to peace officers commissioned by water control and improvement districts.

Respectfully,
Betty King
Secretary of the Senate

(Green now present)

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 1, HCR 23, HCR 33, HCR 34, HCR 39, HCR 41, HCR 44, HCR 65, HCR 75, HCR 77

HOUSE BILLS ON FIRST READING

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

By Hammond:

HB 601, A bill to be entitled An Act relating to consent as a defense to assaultive conduct.
To Committee on Criminal Jurisprudence.

By Hammond:

HB 602, A bill to be entitled An Act relating to a tuition exemption for certain students enrolled in a teacher education program.
To Committee on Higher Education.

By Millsap:

HB 603, A bill to be entitled An Act relating to the destruction of an industrial die, mold, or form.
To Committee on Business and Commerce.

By Toomey, et al.:

HB 604, A bill to be entitled An Act relating to conviction of a sexual offense on the testimony of a child or on the uncorroborated testimony of an accomplice if the victim of the sexual offense is a child.
To Committee on Criminal Jurisprudence.

By Toomey, et al.:

HB 605, A bill to be entitled An Act relating to jury instructions on concurrent sentences.
To Committee on Criminal Jurisprudence.
By Toomey, et al.:
HB 606, A bill to be entitled An Act relating to jury instructions on the availability of bail pending final determination of an appeal of a conviction.
To Committee on Criminal Jurisprudence.

By Toomey, et al.:
HB 607, A bill to be entitled An Act relating to waiver of defects in indictments and informations.
To Committee on Criminal Jurisprudence.

By Wieting:
HB 608, A bill to be entitled An Act relating to the creation of a judicial district composed of the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio, the creation of the office of district attorney for the 156th Judicial District, and the duties and election of the district attorneys in those counties.
To Committee on Judicial Affairs.

By Tejeda:
HB 609, A bill to be entitled An Act relating to a requirement that a person sentenced to prison for multiple offenses under the Texas Controlled Substances Act serve the sentences consecutively.
To Committee on Criminal Jurisprudence.

By G. Hill:
HB 610, A bill to be entitled An Act relating to certain fees imposed by county and district clerks.
To Committee on County Affairs.

By G. Hill:
HB 611, A bill to be entitled An Act relating to the amount of the fee charged by county clerks and county recorders for a copy of a birth or death certificate.
To Committee on County Affairs.

By G. Hill:
HB 612, A bill to be entitled An Act relating to the composition of a committee conducting a recount of paper ballots.
To Committee on Elections.

By G. Hill:
HB 613, A bill to be entitled An Act relating to certain fees for probate court dockets collected by county clerks and clerks of county courts.
To Committee on Judiciary.

HB 614 was not read today.

By Gavin:
HB 615, A bill to be entitled An Act relating to the definition of contractual obligations as it applies under laws governing the Life, Accident, Health and Hospital Service Insurance Guaranty Association.
To Committee on Insurance.

By Gavin:
HB 616, A bill to be entitled An Act relating to the time when a county commissioners court may adopt a tax rate.
To Committee on Ways and Means.
By Gavin:
  HB 617, A bill to be entitled An Act relating to the revocation of probation for a failure to pay certain fees.
  To Committee on Criminal Jurisprudence.

By Rudd:
  HB 618, A bill to be entitled An Act relating to the duties of the county attorney of Andrews County and the district attorney of the 109th Judicial District.
  To Committee on Judicial Affairs.

By Keller:
  HB 619, A bill to be entitled An Act relating to handling charges to cover the cost of distribution of commodities and food stamps.
  To Committee on Human Services.

By Buchanan:
  HB 620, A bill to be entitled An Act relating to annexation of county territory by certain junior college districts.
  To Committee on Higher Education.

By Saunders:
  HB 621, A bill to be entitled An Act relating to property tax appraisal for a taxing unit that is located in more than one county.
  To Committee on Ways and Means.

By Jackson:
  HB 622, A bill to be entitled An Act relating to nonprofit corporations a purpose of which is to assist a state agency.
  To Committee on Business and Commerce.

By Fox:
  HB 623, A bill to be entitled An Act relating to pilot programs for the evaluation of school district personnel who supervise teachers and work on a school campus.
  To Committee on Public Education.

By Laney, et al.:
  HB 624, A bill to be entitled An Act relating to the authority of certain counties concerning cemeteries.
  To Committee on County Affairs.

By Bush:
  HB 625, A bill to be entitled An Act relating to the creation of the 352nd Judicial District, composed of Grayson County.
  To Committee on Judicial Affairs.

By Ragsdale:
  HB 626, A bill to be entitled An Act relating to the hours for sale and consumption of alcoholic beverages.
  To Committee on Liquor Regulation.

HB 627 was not read today.

By Haley:
  HB 628, A bill to be entitled An Act relating to group health insurance for public school employees and retirees.
  To Committee on Public Education.
By Edwards:
HB 629, A bill to be entitled An Act relating to investments in businesses with interests in South Africa by public institutions of higher education.
To Committee on State Affairs.

By Edwards:
HB 630, A bill to be entitled An Act relating to the eligibility of premature infants to receive the medical care provided for crippled children.
To Committee on Public Health.

By Edwards:
HB 631, A bill to be entitled An Act relating to the reimbursement of certain hospital districts for services rendered to nonresident patients.
To Committee on County Affairs.

By Cain, et al.:
HB 632, A bill to be entitled An Act relating to the allocation and use of state funds for highways and streets and to providing assistance to cities for city streets.
To Committee on Ways and Means.

By Robnett:
HB 633, A bill to be entitled An Act relating to an appropriation to Texas Tech University for snowstorm damage to the Livestock Pavilion.
To Committee on Appropriations.

By Haley:
HB 634, A bill to be entitled An Act relating to a substantive revision of the laws concerning creation, consolidation, and abolition of school districts.
To Committee on Public Education.

By Denton:
HB 635, A bill to be entitled An Act relating to the regulation of utilities by local governments.
To Committee on State Affairs.

By Wright:
HB 636, A bill to be entitled An Act relating to appointment and compensation of court coordinators and administrative assistants for statutory probate courts.
To Committee on Judicial Affairs.

By Wright:
HB 637, A bill to be entitled An Act relating to the statewide assignment of judges of the statutory probate courts.
To Committee on Judicial Affairs.

By DeLay, et al.:
HB 638, A bill to be entitled An Act relating to the abolishment of the Texas Health Facilities Commission and to powers and duties of the Texas Department of Health.
To Committee on State Affairs.

By G. Hill:
HB 639, A bill to be entitled An Act relating to the federal post card application for an absentee ballot.
To Committee on Elections.
By Denton:

HB 640, A bill to be entitled An Act relating to charges for local telephone service by a telecommunications utility; adding Section 45A to the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).
To Committee on State Affairs.

By Tejeda, et al.:

HB 641, A bill to be entitled An Act relating to the creation of the Veterans' Housing Assistance Program.
To Committee on State Affairs.

By Willis:

HB 642, A bill to be entitled An Act relating to awarding the Texas Department of Human Resources fees for court-ordered social studies.
To Committee on Human Services.

By Ragsdale:

HB 643, A bill to be entitled An Act relating to state contracts with and purchases from small businesses, including those owned by minority group members.
To Committee on State Affairs.

By DeLay:

HB 644, A bill to be entitled An Act relating to the authority of school districts to put records and reports on microfilm.
To Committee on Public Education.

By DeLay:

HB 645, A bill to be entitled An Act relating to the consolidation of property tax assessing and collecting.
To Committee on Ways and Means.

By DeLay:

HB 646, A bill to be entitled An Act relating to the budget for an appraisal district.
To Committee on Ways and Means.

By DeLay:

HB 647, A bill to be entitled An Act relating to the submission of the appraisal roll to a taxing unit.
To Committee on Ways and Means.

By Green:

HB 648, A bill to be entitled An Act relating to amending Acts 1977, 65th Legislature, page 1891, Chapter 752, as amended, (Article 1934c, Vernon's Texas Civil Statutes) by changing the manner of compensating certain positions; in counties with a population in excess of 2,000,000 by providing a severability clause; and declaring an emergency.
To Committee on Criminal Jurisprudence.

By Shaw:

HB 649, A bill to be entitled An Act relating to regulation of private process servers; providing penalties.
To Committee on State Affairs.
By Glossbrenner, et al.:  
HB 650, A bill to be entitled An Act relating to sick leave for teachers and other personnel regularly employed in the public schools of Texas.  
To Committee on Public Education.

By Watson, et al.:  
HB 487, A bill to be entitled An Act relating to rules governing solid waste, including hazardous waste and Class I industrial solid waste.  
To Committee on Natural Resources.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 8, SCR 21, SB 213

HJR 19 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HJR 19.

CSHJR 19

A JOINT RESOLUTION

proposing a constitutional amendment to provide funds for the support of higher education and to restructure the permanent university fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article VII of the Texas Constitution be amended by adding Section 17 to read as follows:

Section 17. (a) In the fiscal year beginning September 1, 1984, and each fiscal year thereafter, there is hereby appropriated out of the first money coming into the general revenue fund the following amounts to be used by eligible agencies and institutions of higher education for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair or rehabilitation of existing buildings or other permanent improvements, and acquisition of capital equipment, library books and library materials. In the fiscal year beginning September 1, 1984, $125 million is hereby appropriated. In the fiscal year beginning September 1, 1985, and each fiscal year thereafter, there is hereby appropriated an amount equal to the previous year’s appropriation adjusted upward by a factor equal to any percentage increase in the cost of goods and services for the previous calendar year as reflected in the All Items Category of the Consumer Price Index—U.S. Average for all Urban Consumers—Annual Average (published in January of each year for the preceding year by the Bureau of Labor Statistics of the U.S. Department of Labor) or its successor. The State Comptroller of Public Accounts shall apply the factor to determine the amount appropriated hereunder.

(b) The funds appropriated under Subsection (a) of this section shall be for the use of the following eligible agencies and institutions of higher education (even though their names may be changed) together with any additional institutions of higher education which are not component institutions of The Texas A&M University System or The University of Texas System which may be created at a later date by general law:

1. East Texas State University including East Texas State University at Texarkana;
2. Lamar University including Lamar University at Orange and Lamar University at Port Arthur,
(3) Midwestern State University;
(4) North Texas State University;
(5) Pan American University including Pan American University at Brownsville;
(6) Stephen F. Austin State University;
(7) Texas College of Osteopathic Medicine;
(8) Texas State University System Administration and its component institutions, including:
   (9) Angelo State University;
   (10) Sam Houston State University;
   (11) Southwest Texas State University;
   (12) Sul Ross State University including Uvalde Study Center;
(13) Texas Southern University;
(14) Texas Tech University;
(15) Texas Tech University Health Sciences Center;
(16) Texas Woman's University;
(17) University of Houston System Administration and its component institutions, including:
   (18) University of Houston Central Campus including University of Houston Center at Victoria;
   (19) University of Houston at Clear Lake City;
   (20) University of Houston Downtown College;
(21) University System of South Texas System Administration and its component institutions, including:
   (22) Corpus Christi State University;
   (23) Laredo State University;
   (24) Texas A&I University;
(25) West Texas State University.

c) In the year 1985 and every ten years thereafter, the legislature or an agency designated by the legislature whose board is appointed by the Governor and confirmed by the Senate no later than August 31 of such year shall allocate by equitable formula the annual appropriations made under Subsection (a) of this section to the governing boards of eligible agencies and institutions of higher education. The legislature shall review, or provide for a review, of the allocation formula at the end of the fifth year of each ten-year allocation period. At that time adjustments may be made in the allocation formula, but no adjustment that will prevent the payment of outstanding bonds and notes, both principal and interest, may be made.

d) Each governing board authorized to participate in the distribution of monies under this section is authorized to expend all monies distributed to it for any of the purposes enumerated in Subsection (a). In addition, such governing board may issue bonds and notes for the purposes of refunding bonds or notes issued under this section or prior law, acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, and for major repair and rehabilitation of existing buildings or other permanent improvements, and may pledge up to 80 percent (80%) of the monies allocated to such governing board pursuant to this section to secure the payment of the principal and interest of such bonds or notes. Proceeds from the issuance of bonds or notes under this subsection shall be maintained in a local depository selected by the governing board issuing the bonds or notes. The bonds and notes issued under this subsection shall be payable solely out of the monies appropriated by this section and shall mature serially or otherwise in not more than ten years from their respective dates. All bonds issued under this section shall be sold only through competitive bidding and are subject to approval by the Attorney General. Bonds
approved by the Attorney General shall be incontestable. The Permanent University Fund may be invested in the bonds and notes issued under this section.

(e) Without the prior approval of the legislature or an agency authorized by the legislature to grant the approval, the funds appropriated by this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing or intercollegiate athletics.

(f) Other than the appropriations required in this section from the General Revenue Fund, the state systems and institutions of higher education designated in this section may not receive any funds from the general revenue of the State for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of existing buildings or other permanent improvements, except that in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace any uninsured loss so incurred. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(g) The Comptroller of Public Accounts shall make annual transfers of the funds allocated pursuant to Subsection (e) directly to the governing boards of the eligible institutions.

(h) All new construction projects undertaken by the institutions listed in this section may be subject to review by the legislature.

(i) This section is self-enacting upon the issuance of the Governor’s proclamation declaring the adoption of the amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of any bonds and notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. If the provisions of this section conflict with any other provisions of this Constitution, then the provisions of this section shall prevail, notwithstanding all such conflicting provisions.

SECTION 2. That Article VII, Section 14 of the Texas Constitution be revised to read as follows:

Sec. 14. Prairie View A&M University in Waller County is an institution of the first class under the direction of the same governing board as Texas A&M University referred to in Article VII, Section 13 of this constitution as the Agricultural and Mechanical College of Texas.

SECTION 3. That Article VII, Section 18 of the Texas Constitution be revised to read as follows:

Sec. 18. (a) The board of regents of The Texas A&M University System may issue bonds and notes not to exceed a total amount of 10 percent of the cost value of the investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of the issuance thereof, and may pledge all or any part of its one-third interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of existing buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The Texas A&M University System administration and the following component institutions of the system:

(1) Texas A&M University, including its medical college which the legislature may authorize as a separate medical institution;
(2) Prairie View A&M University, including its nursing school in Houston;
(3) Tarleton State University;
(4) Texas A&M University at Galveston (formerly Moody College of Marine
Sciences and Maritime Resources);
(5) Texas Forest Service;
(6) Texas Agricultural Experiment Stations;
(7) Texas Agricultural Extension Service;
(8) Texas Engineering Experiment Stations;
(9) Texas Transportation Institute; and
(10) Texas Engineering Extension Service.
(b) The Board of Regents of The University of Texas System may issue bonds
and notes not to exceed a total amount of 20 percent of the cost value of investments
and other assets of the Permanent University Fund (exclusive of real estate) at the
time of issuance thereof, and may pledge all or any part of its two-thirds interest in
the Available University Fund to secure the payment of the principal and interest
of those bonds and notes, for the purpose of acquiring land either with or without
permanent improvements, constructing and equipping buildings or other
permanent improvements, major repair and rehabilitation of existing buildings and
other permanent improvements, acquiring capital equipment and library books and
library materials, and refunding bonds or notes issued under this section or prior
law, at or for The University of Texas System administration and the following
component institutions of the System:
(1) The University of Texas at Arlington;
(2) The University of Texas at Austin;
(3) The University of Texas at Dallas;
(4) The University of Texas at El Paso;
(5) The University of Texas of the Permian Basin;
(6) The University of Texas at San Antonio;
(7) The University of Texas at Tyler;
(8) The University of Texas Health Science Center at Dallas;
(9) The University of Texas Medical Branch at Galveston;
(10) The University of Texas Health Science Center at Houston;
(11) The University of Texas Health Science Center at San Antonio;
(12) The University of Texas System Cancer Center;
(13) The University of Texas Health Center at Tyler; and
(14) The University of Texas Institute of Texan Cultures at San Antonio.
(c) Without the prior approval of the legislature or an agency authorized by
the legislature to grant the approval, the proceeds of the bonds or notes issued under
Subsection (a) or (b) of this section may not be used for the purpose of constructing,
equipping, repairing, or rehabilitating buildings or other permanent improvements
that are to be used for student housing or intercollegiate athletics.
(d) The Available University Fund consists of the dividends, interest and
other income from the Permanent University Fund (less administrative expenses)
including the net income attributable to the surface of Permanent University Fund
land. Out of one-third of the Available University Fund, there shall be appropriated
an annual sum sufficient to pay the principal and interest due on the bonds and
notes issued by the board of regents of The Texas A&M University System under
this section and prior law, and the remainder of that one-third of the Available
University Fund shall be appropriated to the board of regents of The Texas A&M
University System which shall have the authority and duty in turn to appropriate
an equitable portion of the same for the support and maintenance of The Texas
A&M University System administration, Texas A&M University, and Prairie View
A&M University. The board of regents of The Texas A&M University System, in
making just and equitable appropriations to Texas A&M University and Prairie
View A&M University, shall exercise its discretion with due regard to such criteria as the board may deem appropriate from year to year, taking into account all amounts appropriated from Subsection (e) of this section. Out of the other two-thirds of the Available University Fund there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the Board of Regents of The University of Texas System under this section and prior law, and the remainder of such two-thirds of the Available University Fund, shall be appropriated for the support and maintenance of The University of Texas at Austin and The University of Texas System administration.

(e) It is provided, however, that, for ten years beginning September 1, 1983, before any other allocation is made of The University of Texas System's two-thirds share of the Available University Fund, remaining after payment of principal and interest on its bonds and notes issued under this section and prior law, $6 million per year shall be appropriated out of that share to the board of regents of The Texas A&M University System for said board's use in making appropriations to Prairie View A&M University. This subsection expires and is deleted from this constitution on August 31, 1993.

(f) The bonds and notes issued under this Section shall be payable solely out of the Available University Fund, mature serially or otherwise in not more than 30 years from their respective dates, and, except for refunding bonds, be sold only through competitive bidding. All of these bonds and notes are subject to approval by the Attorney General and when so approved are incontestable. The Permanent University Fund may be invested in these bonds and notes.

(g) Other than the appropriations required in this section from the Available University Fund, the state systems and institutions of higher education designated in this section may not receive any funds from the general revenue of the State for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of existing buildings or other permanent improvements, except that in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace any uninsured loss so incurred. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(h) All new construction projects undertaken by the institutions listed in this section may be subject to review by the legislature.

(i) This section is self-enacting on the issuance of the Governor's proclamation declaring the adoption of this amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms, and the changes herein made in the allocation of the Available University Fund shall not affect the pledges thereof made in connection with such bonds or notes heretofore issued. If the provisions of this section conflict with any other provision of this Constitution, then the provisions of this section shall prevail, notwithstanding any such conflicting provisions.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held on April 30, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide funds for support of higher education and to restructure the permanent university fund."

(Messer, Collazo, and Glossbrenner now present)
Representatives Berlanga, Messer, and C. Smith offered the following amendment to the resolution:

Amend CSHJR 19 as follows:
(1) On page 1, line 8, strike “1984” and substitute “1985”.
(2) On page 1, line 17, strike “1984. $125” and substitute “1985, $75”.
(3) On page 1, line 18, strike “1985” and substitute “1986”.

Representatives Presnal and G. Hill offered the following amendment to the Berlanga et al. amendment:

Amend the Berlanga amendment, as follows:
(1) Strike items (1) and (3) of the amendment.
(2) Strike item (2) and substitute: On page 1, line 17, strike “$125” and substitute “$75”.

The amendment was adopted without objection.

Representative Delco moved to table the Berlanga et al. amendment, as amended.

A record vote was requested.

The motion to table was lost by (Record 36): 51 Yeas, 95 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Burnett; Cain; Cary; Colbert; Collazo; Criss; Crockett; Dunburg; Delco; Eiknenburg; Evans, L.; Finnell; Gandy; Gavin; Gilky; Granoff; Hackney; Hall, T.; Hightower; Hudson, D.; Hudson, S.; Hurley; Jones; Lee, E. F.; Luna; Madia; Mankins; Martinez, R.; Moreno, P.; Oliver; Parker; Patronella; Pennington; Peveto; Ragsdale; Shaw; Stiles; Sutton; Tejeda; Thompson, S.; Valles; Vowell; Wallace; Watson; Wieting; Wilson; Word.

Nays — Agnich; Arnold; Berlanga; Blanton; Bomer; Buchanan; Bush; Carriker; Cavazos; Ceverha; Clark; Clemens; Connelly; Coody; Craddick; Davis; DeLay; Denton; Eckels; Emmett; English; Evans, C.; Fox; Gamez; Garcia, M.; Garcia, T.; Geistweit; Gibson, B.; Gibson, J.; Glossbrenner; Green; Grisham; Haley; Hall, B.; Hall, L.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heflin; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Jackson; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, D.; Leonard; McKenna; McWilliams; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Patrick; Patterson; Pierce; Folk; Polumbo; Presnal; Ranger; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Tow; Turner; Uber; Waldrop; Whaley; Willis; Wolens; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Price.

Absent — Edwards; Hernandez.

The Berlanga et al. amendment, as amended, was adopted without objection. (Salinas recorded voting no)

Representatives Messer and C. Smith offered the following amendment to the resolution:
Amend CSHJR 19 as follows:

(1) On page 1, line 8, strike “there is hereby” and substitute “75 million is”.
(2) On page 1, lines 16-24, and page 2, lines 1-3, strike the last three sentences of Subsection (a) of added Article VII, Section 17.

Representative Delco moved to table the Messer-C. Smith amendment.

The motion to table was lost.

Representative Bush offered the following amendment to the Messer-C. Smith amendment:

Amend the Messer amendment by striking items (1) and (2) and substituting the following:

1. On page 1, line 17, insert the following between “,” and “$125”:
   “and each fiscal year thereafter,”
2. On page 1, line 18, through page 2, line 3 delete all language in subsection (a) appearing after “thereafter,” and substitute the following:
   “the legislature may appropriate additional amounts to the fund, but such appropriations shall be taken from revenues produced by increased tuition at all eligible agencies and institutions.”

Representative Colbert offered the following substitute amendment for the Bush amendment:

Amend the amendment by deleting (1) and (2) and substituting the following as (1):

(1) On page 1, lines 19-24 by deleting everything after “percentage increase in the” on line 19 through the end of the sentence and substituting “Available University Fund over the preceding year’s Available University Fund revenues.”

Representative Bush moved to table the Colbert substitute amendment.

A record vote was requested.

The motion to table prevailed by (Record 37): 100 Yeas, 44 Nays, 2 Present, not voting.

Yea - Agnish; Armbrister; Arnold; Barrientos; Berlanga; Blanton; Bomer; Buchanan; Bush; Carriker; Cervera; Clark; Clemmons; Connolly; Coody; Craddick; Davis; DeLa; Denton; Eckels; Emmett; English; Evans, C.; Fox; Gandy; Garcia, M.; Garcia, T.; Geistweit; Gibson, B.; Gibson, J.; Grisham; Haley; Hall, L.; Hall, T.; Ham mond; Hanna; Harrison, B.; Harrison, D.; Hellin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hur; Jackson; Jones; Kell; Kemp; Khoury; Kubiak; Kuempel; Lane; Lee; D.; Leonard; McKenna; McWilliams; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polumbo; Presnal; Robinson; Robnett; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Toomey; Tow; Turner; Waldrop; Whaley; Wilson; Wolens; Word; Wright.

Nay - Barton, B.; Barton, E.; Burnet; Cain; Cary; Cavazos; Colbert; Collazo; Criss; Crockett; Danburg; DeLeo; Elkenburg; Evans, L.; Fennell; Gamez; Gin; Gilley; Glossrenner; Green; Hackney; Hall, B.; Hudson, S.; Lee, E. F.; Luna; Madla; Martinez, R.; Moreno, P.; Oliver; Patronella; Polk; Ragsdale; Rangel; Rudd; Shaw; Tejeda; Thompson, S.; Uher; Valles; Vowell; Wallace; Watson; Wieting; Willis.
Present, not voting — Mr. Speaker (C); Hollowell.
Absent, Excused — Price.
Absent — Edwards, Granoff, Hernandez.

The Bush amendment was adopted without objection. (Khoury, G. Hill, Deleo, Shaw, Hackney, Wilson, Pierce, Millsap, Oliver, Ragsdale, Stiles, Hightower, and Collazo recorded voting no)

The Messer-C. Smith amendment, as amended, was adopted without objection. (Wilson, Pierce, Oliver, and Ragsdale recorded voting no)

Representative Schlueter offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 2, between lines 3 and 4, insert a new Subsection (b) to added Article VII, Section 17, to read as follows and reletter the following subsections accordingly:

(b) Any revenue generated by a federal lease of land in the outer continental shelf and allocated to the state under Section 8(g), Outer Continental Shelf Lands Act (43 U.S.C.A. Sec. 1337(g)), shall be deposited to the credit of a special fund in the state treasury. The principal of the fund may not be appropriated for any purpose, but the income of the fund shall be appropriated in accordance with Subsection (d) of this section for the purposes provided by Subsection (a) of this section. For any year in which all or part of that income is appropriated, the general revenue appropriation under Subsection (a) of this section is reduced by an equivalent amount. The legislature may provide by law for the deposit to the credit of the Permanent School Fund of revenues in excess of the amount necessary to generate income to fully replace the general revenue appropriation.

(2) On page 2, line 4, strike "Subsection (a) of".

(3) On page 3, line 21, strike "Subsection (a) of".

Representative Haley moved to table the Schlueter amendment.

The motion to table was lost.

MESSAGE FROM THE SENATE
Austin, Texas, February 22, 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 11 by Watson, in memory of Leo Riedel.
HCR 20 by Hudson, extending congratulations to Attorney General Jim Mattox.
HCR 25 by Hudson, extending congratulations to the Honorable Mark W. White, Jr., Governor of the State of Texas.
HCR 78 by G. Thompson, commending Bill Cain.

Respectfully,
Betty King
Secretary of the Senate
A record vote was requested.

The Schlueter amendment was adopted by (Record 38): 114 Yeas, 32 Nays, 1 Present, not voting.

Yeas - Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Clark; Colbert; Collazo; Connolly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Ekenburg; Emmett; Evans, C.; Evans, L.; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Getzewitl; Gibson, B.; Gibson, J.; Granoff; Green; Grisham; Hall, B.; Hall, L.; Hall, T.; Hanna; Harrison, B.; Harrison, D.; Heflin; Hightower; Hilbert; Hill, G.; Hinjojos; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jones; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; Mankins; Martinez, R.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick, Patronella; Pennington; Pevero; Polk; Presnal; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Schlueter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, C.; Stiles; Tejeda; Thompson, G.; Thompson, S.; Tow; Uher; Vailes; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.

Nays - Bomer; Carriker; Ceverha; Clemons; English; Fin nell; Gilley; Glossbrenner; Hackney; Haley; Hammond; Hill, A.; Hill, P.; Jackson; Keller; McKenna; McWilliams; Martinez, W.; Messer; Parker; Patterson; Pierce; Polumbo; Robinson; Saunders; Short; Smith, T.; Staniswalis; Sutton; Toomey; Turner; Uher; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Price.

Absent — Hernandez; Madia.

Representative C. Evans offered the following amendment to the resolution:

Amend CSHJR 19 on page 3, lines 18-19, by striking “whose board is appointed by the Governor and confirmed by the Senate”.

The C. Evans amendment was adopted without objection.

Representative C. Evans offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 3, line 23, between “legislature” and “shall” insert “may review, or provide for a review, of the allocation formula at any time, but”.

(2) On page 3, line 25, strike “that” and substitute “any”.

The C. Evans amendment was adopted without objection.

Representative Jackson offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 4, lines 2-16, strike the first three sentences of Subsection (d) and substitute the following:

(d) The legislature may provide by law for a single agency to issue bonds and notes for the benefit of institutions and agencies eligible to benefit from appropriations under this section. The proceeds of the bonds and notes may be expended for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent
improvements, major repair and rehabilitation of existing buildings and other permanent improvements, or refunding bonds or notes issued under this section. The total amount of bonds may not exceed the amount for which principal and interest is payable from 80 percent of the total appropriations under this section. The proceeds of the bonds shall be allocated in the same manner as the appropriations under this section. The agency issuing the bonds may pledge the appropriations under this section to the payment of principal and interest on the bonds and notes.

(2) On page 5, line 16, strike “The” and substitute “Except for the appropriations pledged to the payment of bonds and notes, the”.

The Jackson amendment was adopted without objection.

Representatives Jackson, Oliveira, and C. Smith offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 5, line 3, strike “or” and substitute a comma, and insert “, or auxiliary enterprises” between “athletics” and the period.

(2) On page 8, line 27, strike “or” and substitute a comma.

(3) On page 9, line 1, insert “, or auxiliary enterprises” between “athletics” and the period.

The Jackson et al. amendment was adopted without objection.

Representative Wilson offered the following amendment to the resolution:

Amend CSHJR 19 on page 4, line 1, by adding the following after the period: “For the first ten fiscal years in which funds are allocated under this subsection, not less than $3 million a year shall be allocated to Texas Southern University.”

A record vote was requested.

The Wilson amendment failed of adoption by (Record 39): 13 Yeas, 128 Nays, 1 Present, not voting.

Yeas — Barrientos; Bush; Colbert; Criss; Denton; Edwards; Hackney; Luna; Martinez, R.; Moreno, P.; Patronella; Wallace; Wilson.

Nays — Agniych; Armbrister; Arnold; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cain; Carriker; Cavazos; Cevera; Clark; Clemons; Collazo; Connelly; Coody; Craddick; Crockett; Danburg; Davis; DeLay; Delco; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Hefflin; Hightower; Hibert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hury; Jackson; Jones; Kemp; Khouy; Kubiak; Kuempel; Laney; Lee, D.; Lee, F.; Leonard; McKenna; Madla; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schnueter; SchooIcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stites; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).
Representative Hollowell offered the following amendment to the resolution:

Amend CSHJR 19, pages 4 and 5 by deleting all of section (e) starting on page 4 and continuing on page 5 and substituting in lieu thereof:

"(e) Without the approval of the legislature, the funds appropriated by this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, presidential housing, chancellor housing, faculty housing, or any other private residence for staff, or for intercollegiate athletics."

Representative Jackson offered the following amendment to the Hollowell amendment:

Amend the Hollowell amendment by adding "or auxiliary enterprises" after "athletics" and by striking the "or" before "for intercollegiate athletics."

The Jackson amendment was adopted without objection.

The Hollowell amendment, as amended, was adopted without objection.

Representative Haley offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 5, lines 19-21, strike Subsection (h) of added Article VII, Section 17, and substitute:

(h) In the manner provided by general law, all new construction projects undertaken by an agency or institution benefitting from appropriations under this section are subject to review and prior approval by the legislature or an agency designated by the legislature.

(2) On page 11, lines 5-7, strike Subsection (h) of revised Article VII, Section 18, and substitute:

(h) In the manner provided by general law, all new construction projects undertaken by an agency or institution benefitting from bonds issued under this section are subject to review and prior approval by the legislature or an agency designated by the legislature.

The Haley amendment was adopted without objection.

Representative G. Thompson offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

(1) On page 5, line 21, add the following sentence to Subsection (h) of added Article VII, Section 17: "Without the prior approval of the legislature, appropriations under this section may not be expended for acquiring land with or without permanent improvements, or for constructing and equipping buildings or other permanent improvements, for a branch campus or educational center that is not a separate degree-granting institution created by general law."

(2) On page 11, line 7, add the following sentence to Subsection (h) of revised Article VII, Section 18: "Without the prior approval of the legislature, bond proceeds under this section may not be expended for acquiring land with or without permanent improvements, or for constructing and equipping buildings or other permanent improvements, for a branch campus or educational center that is not a separate degree-granting institution created by general law."
The G. Thompson amendment was adopted without objection.

Representative Jackson offered the following amendment to the resolution:

Amend CSHJR 19 as follows:

1. On page 5, between lines 21 and 22, insert a new Subsection (i) to amended Article VII, Section 17, to read as follows, and reletter Subsection (i) as Subsection (j):

   (i) In addition to the purposes provided by Subsection (a) of this section, the legislature by law may authorize an agency or institution to spend appropriations or bond proceeds under this section for utility costs associated with a building or other permanent improvement acquired or constructed with appropriations or the bond proceeds under this section.

2. On page 11, between lines 7 and 8, insert a new Subsection (i) to revised Article VII, Section 18, to read as follows, and reletter Subsection (i) as Subsection (j):

   (i) In addition to the purposes provided by Subsections (a) and (b) of this section, the legislature by law may authorize the board of regents of The Texas A&M University System and the board of regents of The University of Texas System to expend the proceeds of bonds issued under this section for utility costs associated with a building or other permanent improvement acquired or constructed with bond proceeds after the effective date of this subsection.

The Jackson amendment was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

General Investigating Committee, on noon recess today, Room 346, organizational meeting.

RECESS

Representative Watson moved that the house recess until 2:30 p.m. today. The motion prevailed without objection.

The house accordingly, at 12:53 p.m., recessed until 2:30 p.m. today.

AFTERNOON SESSION

The house met at 2:30 p.m. and was called to order by the speaker.

CSHJR 19 - (consideration continued)

The house resumed consideration of CSHJR 19.

Representative Wilson offered the following amendment to the resolution:

Amend CSHJR 19 on page 6, lines 8-12, by striking revised Article VII, Section 14, and substituting the following:

Sec. 14. Prairie View A&M University in Waller County is a branch of the university of the first class referred to in Section 10 of this article and as such is entitled to benefit from the Permanent University Fund bonds and the Available University Fund. The legislature by law may provide a separate governing board for Prairie View A&M University and, if that board is established, shall provide by law for an equitable portion of the bonds authorized by Section 18 of this article to be issued by that governing board rather than the board of regents of The Texas A&M University System. In addition, if the separate board is created, the legislature by
law shall allocate an equitable portion of the Available University Fund to Prairie View A&M University and correspondingly adjust the share of The Texas A&M University System.

A record vote was requested.

The amendment failed of adoption by (Record 40): 4 Yeas. 137 Nays, 2 Present, not voting.

Yea — Hudson, S.; Oliver; Ragsdale; Wilson.

Nays — Agnich; Armbister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrker; Cary; Cavazos; Ceverha; Clark; Clemens; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton, Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hurry; Jackson; Jones; Kemp; Khoury; Kubik; Kuempel; Lane; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; 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, Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C); Colbert.

Absent, Excused — Price.

Absent — Hackney; Hall, B.; Hernandez; Keller; Moreno, P.; Vowell.

MESSAGE FROM THE SENATE

Austin, Texas, February 22, 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:

SCR 6 by Vale, creating a committee to designate a Texas State Artist.

SB 165 by Williams, relating to regulation of dental health service corporations.

SB 277 by Leedom, relating to the confidentiality of alarm system records.

SB 320 by Henderson, relating to penalties and interest on delinquent county hotel occupancy taxes and to reporting and remittance requirements by hotel owners or operators.

SB 334 by Glasgow, relating to the definition of contractual obligations as it applies under laws governing the Life, Accident, Health and Hospital Service Insurance Guaranty Association.
SB 350 by Glasgow, relating to the requirement that benefits under certain insurance coverage be payable in legal tender of the United States.

Respectfully,
Betty King
Secretary of the Senate

CSHJR 19 - (consideration continued)

Representative Wilson offered the following amendment to the resolution:

Amend CSHJR 19 on page 10, between lines 11 and 12, by adding a new Subsection (f) to revised Article VII, Section 18, to read as follows, and by relettering the following subsections accordingly:

(f) At least one-sixth of the bonds issued under this section by the board of regents of The Texas A&M University System must be issued for the benefit of Prairie View A&M University, and at least one-sixth of that system's share of the Available University Fund must be appropriated to Prairie View A&M University.

Representative Cary moved to table the Wilson amendment.

A record vote was requested.

The motion to table prevailed by (Record 41): 136 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Clemens; Colbert; Collazo; Connolly; Coody; Craddick; Crockett; Danburg; Davis; Delay; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Hackney; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Hellin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Pols; Polumbo; Presnal; Rangel; Robinson; Robnett; Rudd; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Sheh; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Bush; Criss; Granoff; Oliveria; Ragsdale; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Price.

Absent — Berlanga; Delco; Hernandez; Moreno, P.; Russell; Sutton.

Representative Green offered the following amendment to the resolution:

Amend HJR 19 by adding the following after the first sentence of subsection (d) on line 5, page 9:

"In the fiscal year beginning September 1, 1985, any increase in the Available University Fund from these income sources over the level of income in the previous fiscal year shall be deposited in the General Revenue Fund. The Legislature may appropriate additional amounts to the Available University Fund, but such
appropriations shall be taken from revenues produced by increased tuition at all eligible agencies and institutions."

Representative Delco moved to table the Green amendment.

A record vote was requested.

The motion to table prevailed by (Record 42): 127 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Cain; Carriker; Cary; Ceverha; Clark; Clemmons; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Davis; DeLay; Delco; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heffin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Khoury; Kubiak; Kuempel; Lane; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Prensal; Ragland; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrup; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Agnish; Bush; Cavazos; Colbert; Danburg; Eckels; Emmett; Fox; Garcia, M.; Garcia, T.; Gilley; Green; Horn; Kemp; Moreno, A.; Pennington; Smith, C.; Thompson, G.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Price.

Absent — Berlanga; Hernandez; Moreno, P.

Representative Schoolcraft offered the following amendment to the resolution:

Amend CSHJR 19 on page 11, line 22, add the following new section:

"Section 4. That Article VII of the Texas Constitution be amended by adding Section 19 to read as follows:

Section 19. Nothing in this Article shall prevent the legislature from terminating or in any way modifying any agency or institution named in this Article."

Renumber the following section as "Section 5."

The Schoolcraft amendment was adopted without objection.

Representatives C. Evans, Berlanga, and Messer offered the following amendment to the resolution:

Amend CSHJR 19 by striking Section 4 and substituting the following:

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held April 30, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment appropriating $75 million a year of general revenue to college construction and related activities, allowing for the issuance of bonds based on that appropriation, and increasing the bonding authority under the permanent university fund and the number of institutions eligible to benefit from those bonds."
The C. Evans et al. amendment was adopted without objection.
A record vote was requested.

**CSHR 19**, as amended, was adopted by (Record 43): 139 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bliant; Bomar; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Ekenburg; Emmett; English; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, T.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Grunoff; Green; Grisham; Hackney; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heffin; Hightower; Hilbers; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Lamey; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Mcser; Millsap; Moreno, A.; Moreno, P.; Olivera; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Bush; DeLay; Evans, C.; Garcia, M.; Geistweidt; Hollowell; Shea.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Price.

Absent — Hernandez; Whaley.

**HR 80 - ADOPTED**

Representative Millsap moved that all necessary rules be suspended to take up and consider at this time. **HR 80.**

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Millsap:

**HR 80**

WHEREAS, The members of the house of representatives are always delighted to acknowledge the birthday of a fellow member and to join in its cheerful celebration; and

WHEREAS, After careful research of one of the many rumors of the Capitol community, it has been verified that our colleague, the red-headed representative from Hurst, occasionally referred to as “the junk yard dog,” Charles Evans, celebrated his 44th birthday on Saturday, February 19; and

WHEREAS, This distinguished six-term lawmaker, whose gentle and lovable disposition is undoubtedly the product of his rearing in the aromatic and romantic stockyard area of Fort Worth, has assumed the status of elder statesman, and his advice and counsel are now readily sought by the younger house members, who constitute a majority; and

WHEREAS, All the members of the house greatly appreciate the distinguished chairman of the Committee on House Administration and believe that it is now an
appropriate occasion, albeit belated, to extend birthday greetings to their good friend, The Honorable Charles Evans; now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature hereby congratulate Charles Evans on the recent celebration of his birthday and wish him the fortitude and perseverance to endure many more as a member of the legislature; and, be it further
RESOLVED, That an official copy of this resolution be prepared for Mr. Evans as a token of sincere good wishes from his friends in the Texas House of Representatives.

The resolution was read and was adopted without objection.

On motion of Speaker Lewis, the names of all the members of the house were added to HR 80 as signers thereof.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

Representative S. Hudson moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for 10 a.m., Thursday, February 24.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:
Elections, on adjournment today, Room G-A, Reagan Building.
Insurance, fifteen minutes after adjournment today, Room E, Reagan Building.
Appropriations, ten minutes after adjournment today, Room 309.
Judicial Affairs, meeting scheduled for tomorrow at 9 a.m., has been cancelled.
County Affairs, on adjournment today, Desk 20, to consider HB 147.
Criminal Jurisprudence, on adjournment today, Old Supreme Court room, to consider HB 8, HB 82, HB 104, HB 158, HB 167, HB 171, HB 172, HB 193, HB 221, and HB 242.
Law Enforcement, Subcommittee on Budget and Oversight, on adjournment today, Room 410, Reagan Building.

ADJOURNMENT

Representative Luna moved that the house adjourn until 10 a.m. tomorrow in memory of Francisco Montano, grandfather of R. Martinez.

The motion prevailed without objection.

The house accordingly, at 3:16 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees on bills and resolutions, as follows:
Appropriations - SB 373
Public Education - HB 141
State Affairs - HCR 35, HCR 67

ENROLLED
February 21 - HCR 1, HCR 23, HCR 33, HCR 34, HCR 39, HCR 41, HCR 77

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

HB 105 - Armbrister
HB 369 - Eckels
HB 439 - R. Martinez
HB 487 - Uher, E. Barton, Green, Criss, Danburg, Collazo, Pennington
HB 511 - Willis
HB 604 - Armbrister, Jones, Green, Collazo
HB 605 - Armbrister, Jones, Green, Collazo, Eckels
HB 606 - Armbrister, Jones, Green, Collazo, Eckels
HB 607 - Armbrister, Jones, Green, Collazo, Eckels
HB 624 - Buchanan
HB 632 - Hackney, Connelly, Wright, Eckels
HB 638 - Jackson
HB 650 - G. Hill
HJR 19 - Valles
HJR 24 - Eckels
HJR 44 - Coody, Willis, Collazo
HCR 67 - D. Hudson, Kubiak

BILL TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59

The following house bill was transmitted by the chief clerk to the governor:
February 21 - HB 196