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 44).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; 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, M.; Garcia, T.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, B.; Hall, L.; Hammond; Hanna; Harrison, B.; Harrison, D.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Lancy; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; 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; Uher; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Lee, D.; Moreno, A.; Oliveira; Polk.

Absent — Hall, T.; Moreno, P.; Valles.

The invocation was offered by the Most Reverend Joseph P. Delaney, Catholic Bishop of the Diocese of Fort Worth, Texas.

LEAVES OF ABSENCE GRANTED

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

Polk on motion of A. Hill.

Oliveira on motion of DeLay.

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

D. Lee on motion of Saunders.

A. Moreno on motion of Gamez.
MESSAGE FROM THE SENATE

Austin, Texas, February 23, 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 68** by Mauzy, relating to the qualifications of election judges and clerks.
- **SB 203** by Caperton, relating to the practice and regulation of dentistry and dental hygiene and to certain confidential records.
- **SB 209** by Uribe, relating to renaming the Arroyo Colorado Navigation District as the Port of Harlingen Authority.
- **SB 332** by Glasgow, relating to exclusion of certain credit insurance from the Texas Property and Casualty Insurance Guaranty Act.
- **SB 436** by Jones, relating to regulation of landscape architects and to enforcement powers of the Texas Board of Architectural Examiners.

Respectfully,
Betty King
Secretary of the Senate

HOUSE BILLS ON FIRST READING

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

- **By Polk:**
  - **HB 651**, A bill to be entitled An Act relating to state loans to finance the purchase, installation, or repair of energy conservation devices and renewable energy systems for use in residences or to finance the purchase of residences having energy conservation devices or renewable energy systems.
    - To Committee on Financial Institutions.

- **By Watson:**
  - **HB 652**, A bill to be entitled An Act relating to requirements that an employer must meet before conducting a search of an employee's motor vehicle; providing a penalty.
    - To Committee on Business and Commerce.

- **By D. Hudson:**
  - **HB 653**, A bill to be entitled An Act relating to the period of limitation applicable to a prosecution for certain offenses involving sexual conduct.
    - To Committee on Criminal Jurisprudence.

- **By Willis:**
  - **HB 654**, A bill to be entitled An Act relating to hazardous duty pay for members of certain fire departments and police departments.
    - To Committee on Urban Affairs.

- **By Buchanan, et al.:**
  - **HB 655**, A bill to be entitled An Act relating to the management of groundwater by the state and local districts; providing penalties.
    - To Committee on Natural Resources.
By S. Hudson:
     HB 656, A bill to be entitled An Act relating to the appointment of commissioners of the housing authority in the city of Dallas.
     To Committee on Urban Affairs.

By P. Hill:
     HB 657, A bill to be entitled An Act relating to the appointment of substitute municipal judges.
     To Committee on Urban Affairs.

By Laney, et al.:
     HB 658, A bill to be entitled An Act relating to the creation of a restitution center program as an alternative to traditional sentencing for persons convicted of certain crimes.
     To Committee on Criminal Jurisprudence.

By Wieting:
     HB 659, A bill to be entitled An Act relating to the raising of revenue and the allocation of funds for water development, water conservation, water quality enhancement, and flood control and to the Limited Sales, Excise, and Use Tax Act rates.
     To Committee on Natural Resources.

By Hernandez, et al.:
     HB 660, A bill to be entitled An Act relating to the required elements of disclosure for political advertising.
     To Committee on Elections.

By Messer:
     HB 661, A bill to be entitled An Act relating to local government compensation for required removal of outdoor advertising.
     To Committee on State Affairs.

By Wolens:
     HB 662, A bill to be entitled An Act relating to the authority of certain domestic insurance companies to reinsure risks involving aircraft and defined space equipment.
     To Committee on Insurance.

By Connelly, et al.:
     HB 663, A bill to be entitled An Act relating to the management of game management areas by the Parks and Wildlife Department, and to licenses to take, purchase, or sell fur-bearing animals issued by the Parks and Wildlife Department to a nonresident.
     To Committee on Environmental Affairs.

By D. Lee:
     HB 664, A bill to be entitled An Act relating to rehabilitation school districts.
     To Committee on Public Education.

By E. Barton:
     HB 665, A bill to be entitled An Act relating to a transcript form for distinguishing the academic achievement record of a student who has completed an advanced high school program.
     To Committee on Public Education.
By Simpson:
HB 666, A bill to be entitled An Act relating to coverage for mental and emotional illness and disorders in certain accident and sickness insurance policies.
To Committee on Insurance.

By Hammond:
HB 667, A bill to be entitled An Act relating to the confidentiality of alarm systems records.
To Committee on Law Enforcement.

By Hammond:
HB 668, A bill to be entitled An Act relating to an exemption of certain county purchases from competitive bidding requirements.
To Committee on County Affairs.

By Lancy:
HB 669, A bill to be entitled An Act relating to agricultural cooperatives.
To Committee on Agriculture and Livestock.

By Salinas:
HB 670, A bill to be entitled An Act relating to the operations and continuation of the Office of State-Federal Relations.
To Committee on State, Federal, and International Relations.

By Keller:
HB 671, A bill to be entitled An Act relating to a sales and use tax exemption for certain sales of property by a school district through a coin-operated machine located in a public school.
To Committee on Ways and Means.

By Hollowell:
HB 672, A bill to be entitled An Act relating to the establishment and powers of a juvenile board in Upshur County; composition of the board; selection of chairman; meetings; compensation of members; designation of fiscal officer; duty of fiscal officer; duty of board to keep records and make records available to commissioners court, hire necessary and qualified employees with approval from the commissioners court, establish juvenile probation department, designate a court as a juvenile court, inspect detention facilities and report on conditions, report to commissioners court on condition of the juvenile court, and make recommendations and establish policies and procedures for the provision of services; finances and reimbursement of employee expenses; and declaring an emergency.
To Committee on County Affairs.

By Hernandez, et al.:
HB 673, A bill to be entitled An Act relating to the membership of the Texas Board of Human Resources.
To Committee on Human Services.

By Polumbo:
HB 674, A bill to be entitled An Act relating to the construction and maintenance of structures, and to the sale of goods and solicitation of funds, on public highways or rights-of-way in certain counties; providing penalties.
To Committee on Transportation.
By Polumbo, et al.:
HB 675, A bill to be entitled An Act relating to the use of rest areas; providing a penalty.
To Committee on Transportation.

By C. Evans:
HB 676, A bill to be entitled An Act relating to the effect of confinement in another penal institution on the duration of a sentence to be served in the Texas Department of Corrections.
To Committee on Law Enforcement.

By C. Evans:
HB 677, A bill to be entitled An Act relating to purchase of service credit in the Teacher Retirement System of Texas by vocational teachers.
To Committee on Retirement and Aging.

By C. Evans:
HB 678, A bill to be entitled An Act relating to the prosecution and punishment for a capital offense and the availability of parole for a person convicted of a capital offense.
To Committee on Criminal Jurisprudence.

By Oliver:
HB 679, A bill to be entitled An Act relating to the posting of informational signs at a polling place.
To Committee on Elections.

By Gilley:
HB 680, A bill to be entitled An Act relating to the board of regents of East Texas State University.
To Committee on Higher Education.

By Gilley:
HB 681, A bill to be entitled An Act relating to the rate at which a judgment bears interest.
To Committee on Financial Institutions.

By Gilley:
HB 682, A bill to be entitled An Act relating to the assessment of a civil penalty for an employer's failure to file a workers' compensation injury report.
To Committee on Business and Commerce.

By Gilley:
HB 683, A bill to be entitled An Act relating to alternative ceilings on rates of interest or time price differential applicable to certain transactions.
To Committee on Financial Institutions.

By Gilley:
HB 684, A bill to be entitled An Act relating to intoxication offenses and providing penalties therefor; amending the Penal Code by adding a new chapter; amending Section 19.05, Penal Code, and Chapter 434, Acts of the 61st Legislature, 1969 (Article 6701-5, Vernon's Texas Civil Statutes); and repealing Section 42.08, Penal Code, and Articles 67011-1 and 67011-2, Vernon's Texas Civil Statutes.
To Committee on Criminal Jurisprudence.
By McWilliams:

HB 685, A bill to be entitled An Act relating to the creation of the County Court at Law of Rusk County and to the membership of the judge of that court on the county juvenile board.
To Committee on Judicial Affairs.

By G. Hill:

HB 686, A bill to be entitled An Act relating to the verification and filing of a petition for a local option liquor election.
To Committee on Liquor Regulation.

By G. Hill:

HB 687, A bill to be entitled An Act relating to the test period for marginal wells.
To Committee on Energy.

By Danburg:

HB 688, A bill to be entitled An Act relating to the manufacture, sale, and use of certain chemical compounds that are hazardous to wildlife.
To Committee on Agriculture and Livestock.

By Vowell:

HB 689, A bill to be entitled An Act relating to the probation of a child-care facility or child-placing agency license suspension.
To Committee on Human Services.

By Cain:

HB 690, A bill to be entitled An Act relating to adoption of the Interstate Corrections Compact.
To Committee on Law Enforcement.

HB 691 was read first time and referred to Committee on Transportation on February 14.

By E. Barton:

HB 692, A bill to be entitled An Act relating to increasing the penalties for evading arrest when the actor evades recklessly, causes bodily injury, or causes property damage while committing the offense.
To Committee on Criminal Jurisprudence.

By Colbert:

HB 693, A bill to be entitled An Act relating to penalties and interest on delinquent county hotel occupancy taxes.
To Committee on Business and Commerce.

By Colbert:

HB 694, A bill to be entitled An Act relating to municipal solid waste management and resource recovery.
To Committee on Natural Resources.

By Green:

HB 695, A bill to be entitled An Act providing minimum precautions to be taken by public utilities in relation to entering manholes; providing penalties for violations; and declaring an emergency.
To Committee on State Affairs.
By Green, et al.:
HB 696, A bill to be entitled An Act relating to the right of public employees
to designate any portion of their earned income to organizations or agencies of their
own choosing.
To Committee on Labor and Employment Relations.

By Russell:
HB 697, A bill to be entitled An Act relating to the application of the
Professional Prosecutors Act to the criminal district attorney of Cass County.
To Committee on County Affairs.

By P. Hill:
HB 698, A bill to be entitled An Act relating to the enforcement of disabled
parking laws; amending Subsection (b), Section 6A, Chapter 338, Acts of the 64th
Legislature, Regular Session, 1975, as amended (Article 66 7 Sa-Se.1, Vernon's Texas
Civil Statutes); and declaring an emergency.
To Committee on Transportation.

By E. Barton:
HB 699, A bill to be entitled An Act relating to the consumer warning
regarding the potential danger of formaldehyde used in manufactured housing.
To Committee on Business and Commerce.

By L. Hall, et al.:
HB 700, A bill to be entitled An Act relating to the Texas College of
Osteopathic Medicine.
To Committee on Higher Education.

(T. Hall now present)

HCR 54 - ADOPTED

Representative E. Barton moved that all necessary rules be suspended to take
up and consider at this time, HCR 54.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By E. Barton, et al.:
HCR 54, Commending Dr. Thomas M. Spencer.
The resolution was adopted without objection.
On motion of Representative Polumbo, the names of all the members of the
house were added to HCR 54 as signers thereof.

SB 373 ON SECOND READING
(Presnal - House Sponsor)

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

SB 373, A bill to be entitled An Act relating to supplemental appropriations
to the senate and State Purchasing and General Services Commission required by
fire damage and other costs related to the fire to the Capitol and to compliance with
or waiver of local ordinance requirements.
The bill was read second time.
Representative Presnal offered the following committee amendment to the bill:
Committee Amendment No. 1

Amend SB 373 as follows:

(1) Strike all above the enacting clause and substitute the following:

A BILL TO BE ENTITLED
AN ACT
relating to supplemental appropriations to the senate and State Purchasing and General Services Commission required by fire damage and other associated costs related to continued operations in the Capitol Complex and to compliance with or waiver of local ordinance requirements.

(2) On page 1, section 2, line 22 insert:

Any funds from these or other appropriations to the State Purchasing and General Services Commission that exceed amounts necessary to fulfill the purposes for which they were originally intended may be used by the commission in the planning for or the acquisition or lease of property in the Capitol Complex.

(P. Moreno now present)

(Speaker pro tempore in the chair)

Committee Amendment No. 1 was adopted without objection.

Representative Patterson offered the following amendment to the bill:

Amend SB 373 by striking all below the enacting clause and substituting the following:

SECTION I. In addition to amounts previously appropriated, the sum of $2,000,000 is appropriated from the General Revenue Fund to the senate to be used:

(1) for the repair and renovation of areas of the Capitol damaged by fire on February 6, 1983, including necessary replacement or repair of equipment and furnishings and replacement of supplies; and

(2) for all other necessary expenses to ensure the continued operation of the senate.

SECTION 2. In addition to amounts previously appropriated, the sum of $1,000,000 is appropriated from the General Revenue Fund to the State Purchasing and General Services Commission for rentals and other necessary expenses to provide temporary quarters for senate offices and other operations displaced by the fire and for other necessary expenses, including clean-up costs, incurred by the commission because of the fire.

SECTION 3. All repair and renovation work on areas of the Capitol damaged by fire on February 6, 1983, shall be performed in compliance with all local ordinances enacted to protect public health and safety. However, if the State Purchasing and General Services Commission demonstrates that an overriding state interest justifies noncompliance with a particular provision of a local ordinance, the governor may waive the requirement for compliance with that provision. The governor shall issue specific findings giving the reason for granting any such waiver.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Valles now present)

Representative Presnal moved to table the Patterson amendment.
(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 45): 87 Yea's, 52 Nay's, 1 Present, not voting.

Yea's — Barton, E.; Berlanga; Blandon; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Collazo; Coody; Criss; Crockett; Davis; Delco; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, B.; Hall, T.; Hammond; Harrison, B.; Hernandez; Hightower; Hill, G.; Hinjosa; Hollowell; Hudson, S.; Hury; Jackson; Keller; Kemp; Khouyr; Laney; Lee, E. F.; MeWilliams; Madla; Mankins; Martinez, W.; Messer; Millsap; Parker; Peveto; Pierce; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Shub; Short; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieters; Willis; Wilson.

Nay's — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Carriker; Clemons; Colbert; Connelly; Craddock; Danburg; DeLay; Denton; Eckels; Eikenburg; Emmett; Fox; Geistweit; Green; Hall, L.; Hanna; Harrison, D.; Heflin; Hilbert; Hill, A.; Hill, P.; Hudson, D.; Jones; Kubiak; Kuempel; Leonard; Luna; McKenna; Martinez, R.; Moreno, P.; Oliver; Patronella; Patterson; Pennington; Robinson; Schlueter; Schoolcraft; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Toomey; Uher; Wolens; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Lee, D.; Moreno, A.; Oliveira; Polk.

Absent — Garcia, T.; Gilley; Horn; Patrick; Saunders; Wright.

SB 373, as amended, was passed to third reading. (C. Smith, Patterson, Heflin, Hilbert, D. Harrison, DeLav, Fox, Geistweit, Schlueter, Emmett, Denton, Staniswalis, Connelly, Patronella, Uher, Simpson, Jackson, Craddock, and Green recorded voting no)

RULES SUSPENDED

Representative Schlueter moved to suspend the 48-hour subcommittee report rule to allow the Committee on Ways and Means to consider the subcommittee report on budget and oversight.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Commerce, on adjournment today, speakers committee room, to consider subcommittee report on budget and oversight.

Ways and Means, 3 p.m. today, Room 100-E, Reagan Building.

Natural Resources, Subcommittee on Budget and Oversight, 1:00 p.m. today, Room 143-C.

County Affairs, Subcommittee on HB 168, on adjournment today, Desk 30.

Appropriations, 11:05 a.m. today, Room 309, to consider HB 409.
Representative Hanna moved that the house adjourn until 10 a.m. tomorrow. The motion prevailed without objection. The house accordingly, at 10:57 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by a committee on resolutions, as follows:

Rules and Resolutions - HCR 50, HCR 54, HCR 55, HCR 57, HCR 58, HCR 59, HCR 61, HCR 63, HCR 68, HCR 70, HCR 76, SCR 26, HR 44, HR 46, HR 47, HR 48, HR 51, HR 52, HR 53, HR 54, HR 57, HR 58, HR 59, HR 61, HR 62, HR 64, HR 67, HR 68, HR 69, HR 72, HR 73, HR 74

ENROLLED
February 22 - HCR 11, HCR 20, HCR 25, HCR 78

ENGROSSED
February 22 - HJR 19

SENT TO THE GOVERNOR
February 22 - HCR 1, HCR 23, HCR 33, HCR 34, HCR 39, HCR 41, HCR 44, HCR 65, HCR 75, HCR 77

RECOMMENDATION OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

The following recommendation of the Texas Water Commission was filed with the speaker:
February 22 - HB 196

COAUTHORS AUTHORIZED

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

HB 67 - Crockett
HB 105 - Crockett, Peveto, Grisham, Gilley
HB 195 - Crockett
HB 369 - Crockett
HB 382 - Turner, Tow, Kemp
HB 426 - Rangel
HB 454 - Vowell
HB 487 - G. Hill
HB 533 - A. Hill
HB 624 - Crockett
HB 632 - W. Hall
HB 641 - W. Hall, Wallace, Denton
HB 655 - Whaley
HB 658 - Keller, Polk
HB 660 - W. Martinez
HB 663 - Agnich
HB 673 - M. Garcia
HB 675 - Emmett
HB 696 - Criss, E. Barton
HB 700 - Cary, T. Hall, Horn, Leonard, Willis, McKenna, Millsap
HJR 24 - Crockett
HJR 34 - Crockett
HJR 38 - Mankins
HJR 44 - W. Hall, Wallace, Denton
HCR 67 - Toomey