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 51).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Coverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; 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; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrunner; Granoff; Green; Grisham; Hackney; 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; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Meser; Millsap; Moreno, A.; Moreno, P.; 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; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wollens; Word; Wright.

Absent, Excused — Hall, B.

The invocation was offered by Robert Sheffield, Congress Avenue Baptist Church, Austin, Texas.

LEAVE OF ABSENCE GRANTED

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

W. Hall on motion of Coody.

MESSAGE FROM THE SENATE

Austin, Texas, March 1, 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 39 by Parmer, inviting the Honorable Gary Hart, Senator from Colorado, to address the Texas Legislature in joint session.
SJR 13 by Farabee, proposing a constitutional amendment requiring the governor to appoint the full membership of the Board of Pardons and Paroles.

SB 21 by Sarpalius, relating to the offense of selling an alcoholic beverage to a minor.

SB 118 by Caperton, relating to the reorganization of the 20th and 82nd Judicial Districts.

SB 218 by McFarland and Parker, relating to the effect of confinement in another penal institution on certain defendant’s eligibility for parole.

SB 339 by Uribe and Sharp, relating to the powers of navigation districts.

SB 351 by Glasgow, relating to payment of premium requirements of certain group life insurance policies.

SB 352 by Glasgow, relating to title searches for and applicability of certain insurance laws to title insurance.

SB 353 by Glasgow, relating to the regulation of certain activities concerning fire extinguishers.

SB 376 by Traeger, amending the Texas Municipal Retirement System; and declaring an emergency.

SB 396 by Farabee, relating to the granting and revocation or modification of paroles and releases to mandatory supervision and conditional pardons.

SB 432 by Sharp, relating to the regulation of health maintenance organizations.

SB 434 by Jones, relating to undivided mineral interests owned by nonresidents or unknown persons.

SB 452 by Traeger, relating to the Cibolo Creek Municipal Authority.

SCR 28 by Vale, granting H. B. Zachry Company permission to sue the Trinity River Authority of Texas.

Respectfully,
Betty King
Secretary of the Senate

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 26, SCR 34, SB 307

RESOLUTIONS REFERRED TO COMMITTEES

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

SCR 4, Directing the Texas Department of Health to continue informational programs to increase the awareness of the importance of reporting birth defects.
To Committee on Public Health.

SCR 6, Creating a committee to designate a Texas State Artist.
To Committee on Cultural and Historical Resources.

SCR 11, Granting permission to CFW Construction Co., Inc., to sue the state.
To Committee on Judicial Affairs.

SENATE BILLS ON FIRST READING

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

SB 11 to Committee on Ways and Means.
SB 38 to Committee on Elections.
SB 68 to Committee on Elections.
SB 79 to Committee on Judiciary.
SB 89 to Committee on Transportation.
SB 109 to Committee on Public Health.
SB 132 to Committee on Natural Resources.
SB 138 to Committee on Law Enforcement.
SB 165 to Committee on Public Health.
SB 168 to Committee on Insurance.
SB 171 to Committee on Urban Affairs.
SB 173 to Committee on Criminal Jurisprudence.
SB 203 to Committee on Public Health.
SB 209 to Committee on Transportation.
SB 222 to Committee on Transportation.
SB 220 to Committee on Urban Affairs.
SB 228 to Committee on Transportation.
SB 239 to Committee on Business and Commerce.
SB 259 to Committee on County Affairs.
SB 261 to Committee on Financial Institutions.
SB 262 to Committee on Financial Institutions.
SB 277 to Committee on Law Enforcement.
SB 284 to Committee on Transportation.
SB 294 to Committee on Financial Institutions.
SB 315 to Committee on Urban Affairs.
SB 320 to Committee on Business and Commerce.
SB 323 to Committee on Criminal Jurisprudence.
SB 331 to Committee on Insurance.
SB 330 to Committee on Insurance.
SB 332 to Committee on Insurance.
SB 333 to Committee on Insurance.
SB 334 to Committee on Insurance.
SB 343 to Committee on Criminal Jurisprudence.
SB 346 to Committee on Law Enforcement.
SB 350 to Committee on Insurance.
SB 385 to Committee on Public Health.
SB 436 to Committee on Business and Commerce.
The following house joint resolutions were today laid before the house, read first time and referred to committees:

By Wietering:

**HJR 45**, A joint resolution proposing a constitutional amendment relating to the exemption from taxation of the property of charitable institutions.
To Committee on Ways and Means.

By C. Evans:

**HJR 46**, A joint resolution proposing a constitutional amendment to restrict increases in ad valorem taxes, other than school taxes, on the residence homestead of a person 65 or older while it remains the residence homestead of that person or that person's surviving spouse.
To Committee on Ways and Means.

By Horn:

**HJR 47**, A joint resolution proposing a constitutional amendment relating to the freeze on property taxes levied for public school purposes on homesteads of the elderly.
To Committee on Ways and Means.

By Ceverha:

**HJR 48**, A joint resolution proposing a constitutional amendment relating to the per diem for members of the legislature.
To Committee on Appropriations.

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

By Messer:

**HB 801**, A bill to be entitled An Act relating to the classification of theft offenses on the basis of the value of the property or service stolen.
To Committee on Criminal Jurisprudence.

By Messer:

**HB 802**, A bill to be entitled An Act relating to public school holidays.
To Committee on Public Education.

By Hernandez, et al.:

**HB 803**, A bill to be entitled An Act relating to the membership of the Texas Rehabilitation Commission.
To Committee on Human Services.

By D. Hudson:

**HB 804**, A bill to be entitled An Act relating to county and precinct officials and employees who are paid wholly from county funds; compensation, expenses and allowances.
To Committee on County Affairs.

By Blanton:

**HB 805**, A bill to be entitled An Act relating to the offense of delivery of a controlled substance or marihuana to minors or primary or secondary school students and the civil and criminal consequences of that offense.
To Committee on Criminal Jurisprudence.
By C. Smith:

**HB 806**, A bill to be entitled An Act relating to the continuation of the Public Utility Commission of Texas and the regulation of utilities.
To Committee on State Affairs.

By Madla, et al.:

**HB 807**, A bill to be entitled An Act relating to the rights of grandparents to have access to their grandchildren.
To Committee on Judiciary.

By Hernandez:

**HB 808**, A bill to be entitled An Act relating to the requisites of an indictment or information.
To Committee on Criminal Jurisprudence.

By P. Moreno:

**HB 809**, A bill to be entitled An Act relating to the election of the board of trustees of certain junior college districts.
To Committee on Higher Education.

By P. Moreno:

**HB 810**, A bill to be entitled An Act relating to the installment payment of utility bills.
To Committee on State Affairs.

By Cary:

**HB 811**, A bill to be entitled An Act relating to fees charged at certain airports.
To Committee on Transportation.

By A. Garcia:

**HB 812**, A bill to be entitled An Act relating to credit in the Employees Retirement System of Texas for certain service as an employee of a judicial district.
To Committee on Retirement and Aging.

By Stiles, et al.:

**HB 813**, A bill to be entitled An Act relating to financing of the administration of property tax appraisal, assessment, and collection and optional county administration.
To Committee on Ways and Means.

By Patrick:

**HB 814**, A bill to be entitled An Act relating to the solicitation and negotiation of insurance by certain persons.
To Committee on Insurance.

By B. Barton:

**HB 815**, A bill to be entitled An Act relating to requiring instruction in small business computers in public schools.
To Committee on Public Education.

By Valles:

**HB 816**, A bill to be entitled An Act relating to the annual financial report filed by the Texas Board of Health relating to administration of the law regulating circuses, carnivals, and zoos.
To Committee on Public Health.
By Valles:
HB 817, A bill to be entitled An Act relating to the motor fuel tax requirement of surety bond for interstate truckers.
To Committee on Ways and Means.

By Green, et al.:
HB 818, A bill to be entitled An Act relating to limitations on the use of revenues derived from the hotel occupancy tax and General Revenue Fund for convention and exposition facilities in an eligible city.
To Committee on Business and Commerce.

By Barrientos:
HB 819, A bill to be entitled An Act relating to physical fitness incentive pay for firemen and policemen.
To Committee on Urban Affairs.

By Keller:
HB 820, A bill to be entitled An Act relating to the authority of commissioners courts to set the amounts of certain fees.
To Committee on County Affairs.

By Keller:
HB 821, A bill to be entitled An Act relating to the protection of parental rights in suits affecting the parent-child relationship and in emergency procedures for the protection of a child.
To Committee on Judiciary.

By Bomer:
HB 822, A bill to be entitled An Act relating to the operations and continuation of the Texas State Library and Archives Commission.
To Committee on Cultural and Historical Resources.

By B. Barton, et al.:
HB 823, A bill to be entitled An Act relating to the authority of commissioners courts to enact certain ordinances; providing procedures for granting and withdrawing such authority, for adopting, repealing, amending and enacting such ordinances, and for elections under this Act; providing a penalty.
To Committee on State Affairs.

By Madla:
HB 824, A bill to be entitled An Act relating to special license plates for members of the Texas National Guard and the Texas State Guard.
To Committee on Transportation.

By Hackney:
HB 825, A bill to be entitled An Act relating to the definitions, registration, and certification of motorcycles, motor-driven cycles, and mopeds.
To Committee on Transportation.

By Uher:
HB 826, A bill to be entitled An Act relating to the classification of criminal mischief offenses on the basis of the value of the property damaged or destroyed and the classification of theft offenses on the basis of the value of the property or service stolen.
To Committee on Criminal Jurisprudence.
By Presnal:
HB 827, A bill to be entitled An Act relating to the disposition of interest earned on the separate fund accounts in the state treasury of public institutions of higher education.
To Committee on Appropriations.

By Laney:
HB 828, A bill to be entitled An Act relating to the compensation and allowances of county auditors in certain counties.
To Committee on State Affairs.

By Laney:
HB 829, A bill to be entitled An Act relating to the compensation and allowances of county auditors in certain counties.
To Committee on State Affairs.

By C. Evans, et al.:
HB 830, A bill to be entitled An Act relating to the prohibition of certain discrimination against physicians on the basis of academic degree.
To Committee on State Affairs.

By Glossbrenner:
HB 831, A bill to be entitled An Act relating to a tuition exemption for high-ranking graduates of a public junior college.
To Committee on Higher Education.

By Millias:
HB 832, A bill to be entitled An Act relating to the regulation of nepotism in government.
To Committee on State Affairs.

By Messer:
HB 833, A bill to be entitled An Act repealing the use of the short form for the franchise tax.
To Committee on Ways and Means.

By Messer:
HB 834, A bill to be entitled An Act relating to exemptions from the franchise tax for nonprofit corporations.
To Committee on Ways and Means.

By T. Smith:
HB 835, A bill to be entitled An Act relating to tort liability of units of government.
To Committee on State Affairs.

By T. Smith:
HB 836, A bill to be entitled An Act relating to the state's liability for and defense of certain claims against certain public servants.
To Committee on State Affairs.

By Keller:
HB 837, A bill to be entitled An Act relating to contributions to, and eligibility and amount of benefits from, the Texas County and District Retirement System.
To Committee on Retirement and Aging.
By P. Hill:
HB 838, A bill to be entitled An Act relating to offenses involving certain communications and telephone calls intended to harass, annoy, alarm, abuse, torment, or embarrass a person; providing penalties.
To Committee on Criminal Jurisprudence.

By Green:
HB 839, A bill to be entitled An Act relating to sick and personal leave for public school teachers.
To Committee on Public Education.

By Horn:
HB 840, A bill to be entitled An Act relating to limitations on property taxes levied for public school purposes on homesteads of the elderly.
To Committee on Ways and Means.

By L. Hall:
HB 841, A bill to be entitled An Act relating to teacher salary deductions for dues for professional organizations.
To Committee on Labor and Employment Relations.

By Simpson:
HB 842, A bill to be entitled An Act relating to amounts of coverage for spouses and children under certain group term life insurance.
To Committee on Insurance.

By Simpson:
HB 843, A bill to be entitled An Act relating to restrictions against manufactured housing.
To Committee on Labor and Employment Relations.

By J. Gibson:
HB 844, A bill to be entitled An Act relating to membership in and payment of premiums for insurance coverage under the Texas employees uniform group insurance program.
To Committee on Insurance.

By P. Hill:
HB 845, A bill to be entitled An Act relating to the property tax exemption of certain organizations that promote or operate art galleries, museums, and collections.
To Committee on Ways and Means.

By Craddick:
HB 846, A bill to be entitled An Act relating to certain oil and gas security interests and product liens.
To Committee on Natural Resources.

By Willis:
HB 847, A bill to be entitled An Act relating to the rulemaking authority of the State Pension Review Board.
To Committee on Retirement and Aging.

By Willis:
HB 848, A bill to be entitled An Act relating to the authority of the boards of regents of certain institutions of higher education to provide malpractice insurance to veterinary staff members and veterinary students.
To Committee on Insurance.
By Willis:

1HB 849, A bill to be entitled An Act relating to the provision of protective services for the elderly by the Texas Department of Human Resources.
To Committee on Retirement and Aging.

By Presnal:

HB 850, A bill to be entitled An Act relating to the regulation of the practice of acupuncture; providing penalties.
To Committee on State Affairs.

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 50, HCR 57, HCR 58, HCR 59, HCR 61, HCR 63, HCR 68, HCR 70, HCR 71, HCR 76

HCR 93 - ADOPTED

Representative D. Harrison moved that all necessary rules be suspended to take up and consider at this time, HCR 93.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By D. Harrison:

HCR 93

WHEREAS, The State of Texas lost one of its most distinguished and illustrious citizens with the death on February 26, 1983, of the Honorable Claud H. Gilmer, former Speaker of the Texas House of Representatives; and

WHEREAS, A lifelong resident of Rocksprings, where he was born on March 12, 1901, Mr. Gilmer represented his hometown and a 10-county district in the Texas House for five terms from 1939 to 1949; and during the 49th Legislature, 1945 to 1947, he served as speaker of the house; and

WHEREAS, A former school teacher and principal, this notable statesman was well aware of the problems of public education during the post-World War II period, and he was instrumental in the drafting of a package of legislation enacted in 1949, known as the "Gilmer-Aikin bills," which instituted many needed reforms of the state's public education system; and

WHEREAS, Mr. Gilmer, who was an attorney, retired from the legislature in 1947 to devote time to business interests at home, but he also later held the post of president of the Texas Telephone Association and chairman of the Board of Texas State Hospitals and Special Schools; and

WHEREAS, Highly esteemed for his devotion to this state, Claud Gilmer served its citizens with utmost integrity and dedication; he has been an inspiration to many Texans and will be sincerely missed by all who knew him; now, therefore, be it

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when the two chambers of the Texas Legislature adjourn this day, they do so in memory of the Honorable Claud H. Gilmer.
The resolution was read and was unanimously adopted by a rising vote.

On motion of Speaker Lewis, the names of all the members of the house were added to HCR 93 as signers thereof.

**SB 98 - RULES SUSPENDED**

Representative Wright moved to suspend the 48-hour subcommittee report rule to allow the Committee on Public Health to consider SB 98.

The motion prevailed without objection.

**HR 84 - ADOPTED**

Representative Criss moved that all necessary rules be suspended to take up and consider at this time, HR 84.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Criss, et al.:

HR 84, Congratulating Robert L. Moody.

The resolution was adopted without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

- Appropriations. 10:50 a.m. today, Room 309, to consider HB 409.
- Criminal Jurisprudence, on adjournment today, Old Supreme Court Room, to consider prison reform.
- Public Health, on adjournment today, Desk 65, to consider SB 98.
- County Affairs, on adjournment today, Desk 100, to consider SB 10.
- Judicial Affairs, on adjournment today, Room 411, Reagan Building.

**RULES SUSPENDED**

Representative Hanna moved to suspend all necessary rules to allow the Committee on Energy to consider the Budget and Oversight Subcommittee Report on the Railroad Commission budget.

The motion prevailed without objection.

**ADJOURNMENT**

Representative D. Harrison moved that the house adjourn until 10 a.m. tomorrow in memory of former Speaker Claud H. Gilmer.

The motion prevailed without objection.

The house accordingly, at 10:43 a.m., adjourned until 10 a.m. tomorrow.

**APPENDIX**

**SENT TO THE GOVERNOR**

February 28 - HCR 54
COAUTHORS AUTHORIZED

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

- HB 36 - D. Hudson
- HB 105 - McWilliams, Clemons
- HB 632 - McWilliams, Patrick, Kuempel
- HB 641 - Glossbrenner
- HB 744 - B. Barton
- HB 803 - M. Garcia
- HB 807 - W. Harrison
- HB 813 - Russell, Word, Kuempel, DeLay, Schlueiter, Mankins, Bomer, Crockett, Armbrister, Hightower, Shea, Keller, Patterson, Grisham, Uber, Wieting, Clemons, T. Hall, Criss, W. Hall, Prace, Messer, Carriker, Pierce, B. Barton
- HB 818 - Wallace, Fox, Pennington, Polumbo, Connelly
- HB 823 - Crockett
- HB 830 - Denton
- HJR 22 - Hinojosa, T. Hall
- HJR 24 - D. Hudson
- HJR 38 - B. Barton
- HJR 44 - Glossbrenner