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 52).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Curriker; Cary; Cavazos; Clark; Clemens; Colbert; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, E.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin, Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; 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, S.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused - Ceverha; Collazo; Delco; Emmett; Thompson, G.; Uher.

Absent - Craddick; Hill, P.

The invocation was offered by ReverendJerry Franklin House, senior minister, Williams Memorial United Methodist Church, Texarkana, Texas.

LEAVES OF ABSENCE GRANTED

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

Emmett on motion of Hilbert.

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

G. Thompson on motion of L. Hall.
Collazo on motion of G. Hill.
Uher on motion of Clark.
Ceverha on motion of Blanton.

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

Delco on motion of Berlanga.
MESSAGE FROM THE SENATE

Austin, Texas, March 2, 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 40 by McWilliams, recognizing March 18, 1983, as “Natural Energy Education Day.”
HCR 87 by Watson, commending Carol Barton.
HCR 93 by D. Harrison, in memory of former speaker Claud H. Gilmer.
SB 24 by Sarpalies and Leedom, relating to a driver’s license issued for essential need.
SB 100 by Howard, relating to the continuation of the State Depository Board.
SB 122 by Caperton, relating to the declination of a political party’s nomination.
SB 379 by Henderson and Brown, relating to the construction and financing of certain facilities as part of parking stations in certain counties.
SB 395 by Leedom, relating to an exemption of certain county purchases from competitive bidding requirements.
SB 421 by Farabee, relating to the powers and duties of juvenile boards.
SR 451 by Doggett, relating to state benefits for survivors of certain persons who are killed in the performance of their duties for the state or a political subdivision.

Respectfully,
Betty King
Secretary of the Senate

(Texada and P. Hill now present)

TEXAS INDEPENDENCE DAY OBSERVANCE

Speaker Lewis introduced The University of Texas Concert Chorale Ensemble and Director Larry W. Guess who entertained the House with several appropriate songs in celebration of Texas Independence Day.

Speaker Lewis presented a gavel to Director Guess.

HR 93 - ADOPTED

Representative A. Hill moved that all necessary rules be suspended to take up and consider at this time, HR 93.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By A. Hill:

HR 93

WHEREAS, On March 2, 1836, a small group of men representing Texas settlers adopted the Texas Declaration of Independence, declaring that the “political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic”; and
WHEREAS, After almost a decade of growing tensions with the Mexican government, 41 delegates gathered at Washington-on-the-Brazos and charged the Mexican government with ceasing "to protect the lives, liberty and property of the people, from whom its legitimate powers were derived, and for the advancement of whose happiness it was instituted"; and

WHEREAS, Risking their own lives and the lives and property of their families, these brave men, and about 20 others who arrived in Washington after the initial signing, publicly proclaimed that they were willing to stand and fight for the ideals of liberty and self-government; and

WHEREAS, Following in their footsteps, the men and women of Texas have built a great state that retains the strength of its independence while contributing significantly to the cultural and economic well-being of the nation of which it is now an integral part; and

WHEREAS, On the 147th anniversary of the adoption of the Texas Declaration of Independence, it is appropriate for this body to reaffirm our commitment to the principles of these courageous men and our duty to ensure that the current government does, indeed, work to "rescue [its citizens] from impending dangers, and . . . secure [for them] their future welfare and happiness"; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas, on Texas Independence Day, 1983, hereby honor the founding fathers of Texas who signed the Texas Declaration of Independence and praise all the men and women who, through that turbulent period of our history, were committed to preserving the ideals upon which the independence of Texas was based.

The resolution was read and was adopted without objection.

On motion of Representative Kuempel, the names of all the members of the house were added to HR 93 as signers thereof.

HOUSE BILLS ON FIRST READING

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

By L. Evans:
HB 851, A bill to be entitled An Act relating to the punishment for habitual felony offenders.
To Committee on Criminal Jurisprudence.

By G. Thompson:
HB 852, A bill to be entitled An Act relating to the application of the rule in a criminal case.
To Committee on Criminal Jurisprudence.

By Schlueter:
HB 853, A bill to be entitled An Act relating to the rate of interest or time price differential charged in a manufactured home credit transaction.
To Committee on Financial Institutions.

By Grisham, et al.:
HB 854, A bill to be entitled An Act relating to validation of certain acts, proceedings, and orders concerning exclusion of territory from the Meadowlakes Municipal Utility District of Burnet County, Texas.
To Committee on County Affairs.
By Rudd:

HB 855, A bill to be entitled An Act relating to the discretion of the court to allow certain persons convicted of crimes to serve their sentences during off-work hours or on weekends.
To Committee on Criminal Jurisprudence.

By Rudd:

HB 856, A bill to be entitled An Act relating to the classification for punishment of criminal mischief offenses on the basis of the value of the property damaged or destroyed and the classification for punishment of theft offenses on the basis of the value of the property or service stolen.
To Committee on Criminal Jurisprudence.

By Rudd:

HB 857, A bill to be entitled An Act relating to the authority of the court to grant probation to a defendant in a criminal case.
To Committee on Criminal Jurisprudence.

By Rudd:

HB 858, A bill to be entitled An Act relating to the time that motor vehicle tax collections and tax receipts must be sent to the comptroller.
To Committee on Ways and Means.

By Rudd:

HB 859, A bill to be entitled An Act relating to a requirement that a law enforcement agency that transfers a defendant to the custody of the Texas Department of Corrections provide the department with a written description of the offense for which the defendant was sentenced.
To Committee on Law Enforcement.

By Rudd:

HB 860, A bill to be entitled An Act relating to the height restriction on a motor vehicle used to transport seed cotton modules.
To Committee on Transportation.

By Rudd:

HB 861, A bill to be entitled An Act relating to the authority of the court to impose on a defendant a requirement that the defendant participate in a community-service project as a term of probation.
To Committee on Criminal Jurisprudence.

By D. Lee:

HB 862, A bill to be entitled An Act relating to materials on a motor vehicle that obstruct the driver's view of the road.
To Committee on Transportation.

By E. F. Lee:

HB 863, A bill to be entitled An Act relating to the rights of employees of the state and its political subdivisions.
To Committee on State Affairs.

By E. F. Lee:

HB 864, A bill to be entitled An Act relating to the membership of the Texas Board of Human Resources.
To Committee on Human Services.
By Jones:
HB 865, A bill to be entitled An Act relating to the eligibility of certain persons who sell motor fuels to sell beer or beer and wine for on-premises consumption.
To Committee on Liquor Regulation.

By Criss:
HB 866, A bill to be entitled An Act relating to the regulation of Marriage and Family Counselors; amending Chapter 775, Acts 67th Legislature Regular Session, 1981 (Art. 4512g, V.T.C.S.); and creating penalties.
To Committee on State Affairs.

By DeLay:
HB 867, A bill to be entitled An Act relating to payment of certain benefits to family and dependents of a deceased insured under group accident and health insurance.
To Committee on Insurance.

By DeLay:
HB 868, A bill to be entitled An Act relating to the application of the Health Facilities Development Act to nursing homes organized for profit.
To Committee on Retirement and Aging.

By Denton:
HB 869, A bill to be entitled An Act relating to intervention by the attorney general in a judicial review of a utility regulation decision.
To Committee on State Affairs.

By D. Lee:
HB 870, A bill to be entitled An Act relating to the appointment of a local registrar of births and deaths, and to reports and records of vital statistics.
To Committee on County Affairs.

By G. Hill:
HB 871, A bill to be entitled An Act relating to the approval of certain state purchase vouchers.
To Committee on State Affairs.

By A. Moreno:
HB 872, A bill to be entitled An Act relating to the requirements for obtaining a certificate of title to a vehicle that has not been previously registered or titled in any state.
To Committee on Transportation.

By Barrientos:
HB 873, A bill to be entitled An Act relating to longevity pay for state employees.
To Committee on State Affairs.

By Cain:
HB 874, A bill to be entitled An Act relating to the creation of two family district courts in Dallas County.
To Committee on Judicial Affairs.

By A. Smith:
HB 875, A bill to be entitled An Act relating to the requirement that state agencies and departments submit projected budgets to the Legislative Budget Board.
To Committee on Appropriations.
By R. Martinez, et al.:

HB 876, A bill to be entitled An Act relating to the creation of the offense of and punishment for using or exhibiting a deadly weapon during the commission of a felony offense.
To Committee on Criminal Jurisprudence.

By R. Martinez, et al.:

HB 877, A bill to be entitled An Act relating to opening a container or possessing an open container of liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license; providing penalties.
To Committee on Liquor Regulation.

By Burnett:

HB 878, A bill to be entitled An Act relating to longevity pay for firemen and policemen.
To Committee on Urban Affairs.

By Burnett:

HB 879, A bill to be entitled An Act relating to the furnishing of criminal history record information by criminal justice agencies; providing a penalty.
To Committee on Criminal Jurisprudence.

By Whaley:

HB 880, A bill to be entitled An Act relating to the hunting of quail in Childress County; providing penalties.
To Committee on Environmental Affairs.

By Danburg:

HB 881, A bill to be entitled An Act relating to the right of a defendant to appeal a court's decision to terminate deferred adjudication and proceed with an adjudication of the original charge.
To Committee on Criminal Jurisprudence.

By Danburg:

HB 882, A bill to be entitled An Act relating to solicitations for charitable organizations; providing a penalty.
To Committee on Criminal Jurisprudence.

By C. Evans:

HB 883, A bill to be entitled An Act relating to the regulation of public accountants.
To Committee on State Affairs.

By Criss:

HB 884, A bill to be entitled An Act relating to professional negotiations for certain employees of public schools.
To Committee on Public Education.

By Criss:

HB 885, A bill to be entitled An Act relating to the operation and continuation of the Texas Employment Commission.
To Committee on Labor and Employment Relations.

By Laney, et al.:

HB 886, A bill to be entitled An Act relating to a dealer's return of farm and industrial equipment to a supplier after the termination of certain franchises.
To Committee on Business and Commerce.
By Bomer:

HB 887, A bill to be entitled An Act relating to the qualifications, prohibitions, powers and duties, and activities of the Public Utility Commission of Texas and its personnel; providing for funding of the commission and the office of public counsel; expanding the coverage of its regulation of utilities; requiring certain reports and forecasts by utilities and the commission; relating to ratemaking procedures by municipalities; providing for hearings and procedures and considerations for determining rates to be allowed or changed by utilities or expanding existing facilities or building new facilities; and application of the Texas Sunset Act.
To Committee on State Affairs.

By Rudd:

HB 888, A bill to be entitled An Act relating to a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections.
To Committee on Law Enforcement.

By Rudd:

HB 889, A bill to be entitled An Act relating to a requirement that a court consider probation in a criminal case.
To Committee on Criminal Jurisprudence.

By Mankins:

HB 890, A bill to be entitled An Act relating to state regulation of aviation; providing penalties.
To Committee on Transportation.

By R. Martinez, et al.:

HB 891, A bill to be entitled An Act relating to opening a container or possessing an open container of liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license in certain counties; providing penalties.
To Committee on Liquor Regulation.

By Ragsdale:

HB 892, A bill to be entitled An Act relating to the regulation of substandard handguns and the creation of offenses and penalties involving those weapons.
To Committee on Law Enforcement.

By Wilson:

HB 893, A bill to be entitled An Act relating to state reimbursement to private hospitals for providing certain neonatal care.
To Committee on Public Health.

By Presnal:

HB 894, A bill to be entitled An Act relating to fees imposed and collected by state agencies.
To Committee on Appropriations.

By Laney:

HB 895, A bill to be entitled An Act relating to the withholding of names drawn for jury service.
To Committee on Judicial Affairs.
By Criss:
HB 896, A bill to be entitled An Act relating to federal advances to the Texas Unemployment Compensation Trust Fund, calculation of taxes on contributing employers, reimbursements of certain employers, use of the Unemployment Compensation Special Administration Fund for the payment of interest on federal advances, and disqualification periods of certain workers.
   To Committee on Labor and Employment Relations.

By Criss:
HB 897, A bill to be entitled An Act relating to the protection of consumers and regulation of manufactured housing.
   To Committee on Business and Commerce.

By Wieting:
HB 898, A bill to be entitled An Act relating to the repeal of the Texas Equal Health Standard Milk Sanitation Act of 1961 and the prohibition against manufacturing and selling filled milk.
   To Committee on Agriculture and Livestock.

By Wieting:
HB 899, A bill to be entitled An Act relating to the creation of the constitutional office of criminal district attorney of Bee County, abolishing the office of county attorney in that county, and confining the jurisdiction of the district attorney of the 36th Judicial District.
   To Committee on Judicial Affairs.

By Wieting:
HB 900, A bill to be entitled An Act relating to certain reports of the financial condition of the state required to be made by certain state officials or agencies.
   To Committee on Appropriations.

RULES SUSPENDED
Representative Coody moved to suspend the 48-hour subcommittee report rule to allow the Committee on Financial Institutions to consider the Budget and Oversight Subcommittee report.
The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS
The following committee meetings were announced:
Urban Affairs, Subcommittees on HB 194 and HJR 42, on adjournment today, Desk 56, to consider HB 194 and HJR 42.
Public Health, Subcommittee on HB 46, on adjournment today, Desk 45, to consider HB 46.
Calendars, on adjournment today, Room G-14.
Appropriations, ten minutes after adjournment today, Room 309, to consider HB 409.
Agriculture and Livestock, 2 p.m. today, Room 346.

ADJOURNMENT
Representative Clemens moved that the house adjourn until 10 a.m. tomorrow.
The motion prevailed without objection.
The house accordingly, at 10:31 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS
Favorable reports have been filed by committees on bills, as follows:
County Affairs - HB 147, HB 168, HB 333
Natural Resources - HB 188

ENROLLED
February 28 - HCR 50, HCR 57, HCR 58, HCR 59, HCR 61, HCR 63, HCR 68, HCR 70, HCR 71, HCR 76

SENT TO THE GOVERNOR
March 1 - HCR 50, HCR 57, HCR 58, HCR 59, HCR 61, HCR 63, HCR 68, HCR 70, HCR 71, HCR 76

COAUTHORS AUTHORIZED
The following members were granted permission by the authors to sign bills and resolutions as coauthors:
HB 4 - Gandy
HB 67 - Gandy
HB 105 - Gandy
HB 135 - Shaw
HB 150 - Gandy
HB 156 - DeLay
HB 171 - Shaw
HB 195 - Criss, Rangel
HB 221 - Khoury
HB 225 - Gandy
HB 227 - Khoury
HB 346 - Shaw
HB 350 - Gandy
HB 511 - Millsap
HB 604 - Khoury
HB 605 - Khoury
HB 606 - Khoury
HB 607 - Khoury
HB 632 - Green, Gilley
HB 641 - Shaw, Rangel
HB 759 - Rangel
HB 760 - Shaw
HB 795 - Patrick
HB 854 - Schlueer
HB 876 - Hilbert, B. Barton
HB 877 - D. Hudson, Patronella, Connelly, Hilbert, B. Barton
HB 886 - Rudd
HB 891 - Connelly, Hilbert
HJR 20 - Shaw
HJR 22 - Delco, A. Moreno, Sutton, Rangel, Grisham, D. Lee
HJR 38 - Rangel
HJR 44 - Rangel
HCR 67 - Rangel
HR 84 - Hury

HB 593 - COAUTHOR WITHDRAWN

In accordance with the provisions of Rule 8, Section 5 of the House Rules, the journal clerk has been notified that Representative Bomer desires to withdraw as coauthor of HB 593.