THIRTY-THIRD DAY — THURSDAY, MARCH 10, 1983

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 58).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Ceverha; Clark; Clemmons; Colbert; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinjosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, F.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; 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; Uber; Vowell; Waidrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Cavazos; Collazo; Delco; Gavin; Hury; Kemp; Parker; Price.

Absent — Presnal; Thompson, G.; Valles.

The invocation was offered by Pastor John W. Auer, St. Martin’s Lutheran Church, Austin, Texas, as follows:

Dear Father, we ask your blessing on all who are in authority in the government of this great state. Not only the governor and those within this hall, but also those who have responsibility in every county and municipality, that they may with wisdom and discretion meet the tasks of this day in a way that is pleasing to you.

Help the speaker and every member of this house of representatives to look beyond the lines in the budget, beyond the words of debate, beyond self-interest, or anything else that may stand in their way of seeing and knowing that they are first of all your servants and stewards of this great government which you have given us under your hand of grace and blessing.

May this house be diligent in their deliberations, mindful of your mercy, aware of your presence, and determined to serve all the people of Texas to your honor and praise.

Hear our prayer, O Lord, even as you have promised, for we call upon you in the name of Jesus Christ our Lord. Amen.
LEAVES OF ABSENCE GRANTED

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

Parker on motion of Robinson.
Hury on motion of Robinson.

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

Gavin on motion of Burnett.

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

Cavazos on motion of R. Martinez.
Kemp on motion of Davis.

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

Price on motion of Berlanga.

(Presnal now present)

INTRODUCTION OF MAYOR LATIMER

Speaker Lewis introduced George Latimer, mayor of St. Paul, Minnesota, and Mrs. Latimer to the house. Mayor Latimer is in Austin as a guest of Representative G. Thompson. Mayor Latimer addressed the house briefly.

HR 105 - ADOPTED

Representative Granoff moved that all necessary rules be suspended to take up HR 105.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Granoff:

HR 105, Welcoming the Talented and Gifted class from San Jacinto Elementary School in Dallas.

The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to HR 105 as signers thereof.

LEAVES OF ABSENCE GRANTED

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

Collazo on motion of G. Hill.

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

Delco on motion of G. Hill.
The following house bills were today laid before the house, read first time and referred to committees:

By Schlueter:
HB 1051, A bill to be entitled An Act relating to limitations on the collection and refunds of state taxes administered by the comptroller and to the filing and release of state tax liens.
To Committee on Ways and Means.

By Mankins:
HB 1052, A bill to be entitled An Act relating to six-person juries in district court civil cases.
To Committee on Judicial Affairs.

By Berlanga:
HB 1053, A bill to be entitled An Act relating to the issuance of warrants to persons owing certain delinquent taxes.
To Committee on Ways and Means.

By Messer:
HB 1054, A bill to be entitled An Act relating to the regulation of credit unions; providing penalties.
To Committee on Financial Institutions.

By Keller:
HB 1055, 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 Keller:
HB 1056, A bill to be entitled An Act relating to specific enforcement of agreements to arbitrate future disputes.
To Committee on Business and Commerce.

By Keller:
HB 1057, A bill to be entitled An Act relating to the payment of attorney’s fees by the State Board of Pharmacy in proceedings instituted to take disciplinary action against a licensee or applicant for a license.
To Committee on Public Health.

By Oliveira:
HB 1058, A bill to be entitled An Act relating to fines for contempt imposed on persons who refuse to testify before a grand jury.
To Committee on Criminal Jurisprudence.

By Turner:
HB 1059, A bill to be entitled An Act relating to the application of the Texas Sunset Act to the State Property Tax Board.
To Committee on Ways and Means.

By Armbrister:
HB 1060, A bill to be entitled An Act relating to an exemption from tuition and certain fees for a teacher enrolled in certain courses at an institution of higher education.
To Committee on Higher Education.
By Collazo:

HB 1061, A bill to be entitled An Act relating to the collection of information about certain persons by the Bureau of Identification and Records.
To Committee on Law Enforcement.

(G. Thompson now present)

By D. Hudson:

HB 1062, A bill to be entitled An Act relating to leave for professional employees of a school district for injuries sustained in a physical assault during the performance of professional duties.
To Committee on Public Education.

By J. Gibson:

HB 1063, A bill to be entitled An Act relating to the allocation of funds appropriated to the Coordinating Board, Texas College and University System, for the compensation of resident physicians.
To Committee on Appropriations.

By Agnich:

HB 1064, A bill to be entitled An Act relating to the establishment and use of the special nongame and endangered species conservation fund.
To Committee on Environmental Affairs.

By Jackson, et al.:

HB 1065, A bill to be entitled An Act relating to the requirement of obtaining a certificate of need from the Texas Health Facilities Commission for certain proposed projects.
To Committee on Public Health.

By DeLay, et al.:

HB 1066, A bill to be entitled An Act relating to the requirement of obtaining a certificate of need from the Texas Health Facilities Commission for certain proposed projects.
To Committee on Public Health.

By Fox:

HB 1067, A bill to be entitled An Act relating to certain deductions made from the compensation of officers and employees of public school districts.
To Committee on Public Education.

By Criss, et al.:

HB 1068, A bill to be entitled An Act relating to continuing legal education for the judges and personnel of the municipal courts.
To Committee on Judiciary.

By Barrientos:

HB 1069, A bill to be entitled An Act relating to a landlord's obligation to maintain savings accounts for, to pay interest on, and to return tenant security deposits.
To Committee on Business and Commerce.

By Cary:

HB 1070, A bill to be entitled An Act relating to the pre-parole transfer of prisoners to community residential facilities.
To Committee on Law Enforcement.
By Staniswalis:
**HB 1071**, A bill to be entitled An Act relating to the regulation of circuses, carnivals, and zoos.
To Committee on Business and Commerce.

By Granoff:
**HB 1072**, A bill to be entitled An Act relating to the duty of the Texas Employment Commission to provide employment counseling to prisoners and persons released from prison.
To Committee on Labor and Employment Relations.

By Granoff:
**HB 1073**, A bill to be entitled An Act relating to the creation of a program to establish an industrial park in conjunction with the Texas Department of Corrections.
To Committee on Law Enforcement.

(Speaker pro tempore in the chair)

By Granoff:
**HB 1074**, A bill to be entitled An Act relating to the right of a mentally ill patient to be free from unnecessary and excessive medication.
To Committee on Public Health.

By W. Harrison:
**HB 1075**, A bill to be entitled An Act relating to the protection of public employees who report a violation of law.
To Committee on State Affairs.

By G. Thompson:
**HB 1076**, A bill to be entitled An Act providing for successor liability for hotel occupancy tax.
To Committee on Business and Commerce.

By Gandy:
**HB 1077**, A bill to be entitled An Act relating to exclusion of certain advertising costs from consideration in determining a utility's rates.
To Committee on State Affairs.

By Gandy:
**HB 1078**, A bill to be entitled An Act relating to a limitation on increases in county and city ad valorem taxes on the residence homestead of an elderly person or that person's surviving spouse.
To Committee on Ways and Means.

By Salinas:
**HB 1079**, A bill to be entitled An Act relating to the period of probation a defendant convicted of a misdemeanor may be required to serve.
To Committee on Criminal Jurisprudence.

By Turner:
**HB 1080**, A bill to be entitled An Act relating to the transfer of records in connection with a change of venue of certain probate proceedings.
To Committee on Judicial Affairs.
By Horn:

HB 1081, A bill to be entitled An Act relating to the raising of funds for the Department of Public Safety, and the reform of the State Motor Vehicle Inspection Program.

To Committee on Transportation.

By A. Smith:

HB 1082, A bill to be entitled An Act relating to instruction of jurors as to parole and good conduct time laws, and the publication of certain information concerning parole of prisoners.

To Committee on Criminal Jurisprudence.

By Connelly:

HB 1083, A bill to be entitled An Act relating to the offering for sale, sale, possession, and use of certain fireworks in certain counties; providing penalties.

To Committee on State Affairs.

By Jackson:

HB 1084, A bill to be entitled An Act relating to local government cooperation to enforce traffic fines and motor vehicle taxes through administration of motor vehicle registration.

To Committee on Transportation.

By G. Thompson:

HB 1085, A bill to be entitled An Act relating to the creation of the office of budget officer in certain counties.

To Committee on County Affairs.

By Cain:

HB 1086, A bill to be entitled An Act relating to administrative proceedings involving the Texas Department of Human Resources.

To Committee on Human Services.

By Cain:

HB 1087, A bill to be entitled An Act relating to jurisdiction of the municipal courts; amending Article 1195, Revised Civil Statutes of Texas, 1925; amending Article 4.14, Code of Criminal Procedure, 1965; amending Article 1011, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Judicial Affairs.

By Cain:

HB 1088, A bill to be entitled An Act relating to appropriations to the attorney general's office for general operating purposes and for legal work relating to highways.

To Committee on Appropriations.

By Keller:

HB 1089, A bill to be entitled An Act relating to the pre-parole transfer of prisoners to community residential facilities.

To Committee on Law Enforcement.

By Mankins:

HB 1090, A bill to be entitled An Act relating to the interest rate ceiling.

To Committee on Financial Institutions.
By Hilbert:
HB 1091, A bill to be entitled An Act relating to the authority of certain counties to regulate signs; providing penalties.
To Committee on State Affairs.

By C. Evans:
HB 1092, A bill to be entitled An Act relating to persons who do not have to obtain a license as a home health agency.
To Committee on Retirement and Aging.

By Armbrister:
HB 1093, A bill to be entitled An Act relating to the authority of a peace officer to carry a firearm.
To Committee on Law Enforcement.

By Madla:
HB 1094, A bill to be entitled An Act relating to prehospital and emergency medical services; providing penalties.
To Committee on Public Health.

By R. Martinez, et al.:
HB 1095, A bill to be entitled An Act relating to hearings on, and grounds for refusal of, applications for alcoholic beverage licenses.
To Committee on Liquor Regulation.

By D. Hudson, et al.:
HB 1096, A bill to be entitled An Act relating to the admissibility at a criminal trial of the failure of a defendant to submit to a chemical test of his breath for intoxication.
To Committee on Criminal Jurisprudence.

By T. Smith:
HB 1097, A bill to be entitled An Act relating to the definition of "patently offensive" applicable to certain offenses involving obscenity.
To Committee on Criminal Jurisprudence.

By T. Smith:
HB 1098, A bill to be entitled An Act relating to fees imposed on proprietary schools and their representatives.
To Committee on Public Education.

By T. Smith:
HB 1099, A bill to be entitled An Act relating to correction of a defect in an indictment or information and to waiver of the defendant’s right to object to a defect in an indictment or information.
To Committee on Criminal Jurisprudence.

By E. Barton:
HB 1100, A bill to be entitled An Act relating to branch offices for absentee voting in certain counties.
To Committee on Elections.

By Rudd, et al.:
HB 1153, A bill to be entitled An Act relating to the salaries of school district personnel.
To Committee on Public Education.
By Haley:
HB 1258, A bill to be entitled An Act relating to public school finance.
To Committee on Public Education.

By M. Garcia:
HB 1319, A bill to be entitled An Act relating to the salaries of school district personnel.
To Committee on Public Education.

By DeLay:
HB 1330, A bill to be entitled An Act relating to the administration, powers, duties, and continuation of the Railroad Commission of Texas; providing penalties.
To Committee on Energy.

By Uher, et al.:
HB 1389, A bill to be entitled An Act relating to apportionment of the state into representative districts.
To Committee on Regions, Compacts, and Districts.

By Colbert:
HB 1489, A bill to be entitled An Act relating to public school finance.
To Committee on Public Education.

By C. Evans:
HB 1512, A bill to be entitled An Act relating to the salaries of public school personnel.
To Committee on Public Education.

By Cavazos:
HB 1527, A bill to be entitled An Act relating to public schools and the financing of public schools.
To Committee on Public Education.

RESOLUTIONS REFERRED TO COMMITTEES
The following resolutions were laid before the house and referred to committees:

By S. Thompson:
HR 95, Congratulating Charlotte Klebanoff, Sheila E. Lichacz and Anastasia Sams.
To Committee on Rules and Resolutions.

By W. Harrison, et al.:
HR 96, Congratulating the William Benton Ray High School football team.
To Committee on Rules and Resolutions.

By Robnett:
HR 97, Congratulating R. P. (Bob) Fuller.
To Committee on Rules and Resolutions.

By Burnett:
HR 98, In memory of Tol Terrell.
To Committee on Rules and Resolutions.

By McWilliams:
HR 99, Commending Max Sims Lale.
To Committee on Rules and Resolutions.
By D. Lee:
HR 102, Congratulating Loyd and Faye Smith.
To Committee on Rules and Resolutions.

By S. Hudson:
HR 103, Commending Murdine Berry.
To Committee on Rules and Resolutions.

By Delco:
HR 104, Commending the students and teachers of the Lanier High School Vocational Agriculture Department.
To Committee on Rules and Resolutions.

By Hackney:
HR 106, Congratulating Henry Ellis and Thelma Hatchett.
To Committee on Rules and Resolutions.

By Hackney:
HR 107, Commending William Boaz.
To Committee on Rules and Resolutions.

By Criss:
HR 108, Congratulating Jeanette Lipson.
To Committee on Rules and Resolutions.

By W. Harrison:
HR 109, In memory of Carroll Keach.
To Committee on Rules and Resolutions.

By D. Lee:
HR 112, Congratulating Billy and Pamela Mitchell.
To Committee on Rules and Resolutions.

By Barrientos:
HR 113, Commending John Trevino, Jr.
To Committee on Rules and Resolutions.

By Turner:
HR 114, Adopting the permanent rules of the House Administration Subcommittee on Ethics.
To Committee on House Administration.

By Hinojosa:
HCR 98, Commending Maurice S. Pipkin.
To Committee on Rules and Resolutions.

By C. Smith:
HCR 101, Commending Lee D. Herring.
To Committee on Rules and Resolutions.

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

The chair laid before the house the following congratulatory and memorial resolutions:

By Russell:
HCR 90, Commending Martha Matilda Hamilton Williams.
The resolution was adopted without objection.
By Glossbrenner, et al.:
**HCR 91**, In memory of Herminia L. Rangel.
The resolution was unanimously adopted by a rising vote.

On motion of Representatives D. Hudson and Wieting, the names of all the members of the house were added to **HCR 91** as signers thereof.

**HCR 94** was withdrawn by the author.

By G. Hill, et al.:
**HCR 95**, Honoring Karen Thompson.
The resolution was adopted without objection.

By T. Smith:
**HR 81**, Congratulating the Westlake Blue Soccer Team.
The resolution was adopted without objection.

By Mankins:
**HR 82**, In memory of Anthony Wayne Pennington.
The resolution was unanimously adopted by a rising vote.

On motion of Representative De Lay, the names of all the members of the house were added to **HR 82** as signers thereof.

By Cavazos, et al.:
**HR 85**, Congratulating the Mary Carroll High School football team.
Representative Cavazos offered the following amendment to the resolution:

To amend line 2 by striking out "co-regional" and add "co-district champions, bi-district champions, regional champions and area finalist"

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

By Polumbo:
The resolution was adopted without objection.

By Willis:
**HR 88**, In memory of Joe E. Standifer.
The resolution was unanimously adopted by a rising vote.

(Valles now present)

By Kuempel:
**HR 90**, Commending Eddie Leal.
The resolution was adopted without objection.

By Barrientos:
**HR 92**, Commending the South Austin Youth Soccer Association Mustangs.
The resolution was adopted without objection.

By Robnett:
**HR 94**, Commending the J. T. Hutchinson Junior High 9th Grade basketball team.
The resolution was adopted without objection.
RULES SUSPENDED

Representative Haley moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider HB 1153, HB 1258, HB 1319, HB 1527, HB 1512, and HB 1489.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judicial Affairs, Subcommittee on HB 106, on adjournment today, Desk 147, to consider HB 106.

Criminal Jurisprudence, Subcommittee on HB 481 and HB 516, on adjournment today, Desk 4, to consider HB 481 and HB 516.

Criminal Jurisprudence, Subcommittee on HB 172, on adjournment today, Desk 127, to consider HB 172.

Criminal Jurisprudence, Subcommittee on HB 328, on adjournment today, Desk 141, to consider HB 328.

Elections, Subcommittee on SB 120, on adjournment today, Desk 82, to consider SB 120.

Insurance, Subcommittee on Life and Health, on adjournment today, Desk 132, to consider HB 842.

Judiciary, Subcommittee on HB 40 and HB 41, on adjournment today, Desk 149, to consider HB 40 and HB 41.

Transportation, Subcommittee on HB 196 and SB 339, on adjournment today, Desk 122.

Criminal Jurisprudence, Subcommittee on HB 438, on adjournment today, Desk 127, to consider HB 438.

 Appropriations, 11 a.m. today, Room 309, to consider HB 409.

Business and Commerce, Subcommittee on HB 622, on adjournment today, Desk 15, to consider HB 622.

SCR 39 - ADOPTED

(Cain - House Sponsor)

Representative Cain moved that all necessary rules be suspended to take up and consider at this time, SCR 39.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 39

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 2 p.m., April 18, 1983; and be it further

RESOLVED, That the Honorable Gary Hart, Senator from the State of Colorado, be, and he is hereby, invited to address the Regular Session of the 68th Legislature in Joint Session at that time.

The resolution was adopted without objection.
ADJOURNMENT

Representative Glossbrenner moved that the house adjourn until 2 p.m. Monday in memory of Euna Mae Matthews.

The motion prevailed without objection.

The house accordingly, at 10:50 a.m., adjourned until 2 p.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

County Affairs - HB 186, HB 187, HB 433, HB 672, SB 10
Criminal Jurisprudence - HB 276
Elections - HB 718, SB 67
Insurance - HB 797, SB 136, SB 334
Judicial Affairs - HB 218, HB 373, HCR 43, HCR 56
Natural Resources - SB 182, SB 452
State, Federal, and International Relations - SB 114
Transportation - HB 691

SENT TO THE GOVERNOR
March 10 - HB 426, HCR 80, HCR 89

COAUTHORS AUTHORIZED

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

HB 7 - L. Hall
HB 96 - Stiles
HB 105 - W. Martinez, Kubiak, L. Hall
HB 195 - S. Thompson
HB 294 - S. Thompson
HB 397 - E. Barton
HB 455 - Edwards
HB 558 - R. Martinez, Hackney, Edwards, E. Barton
HB 560 - S. Thompson
HB 641 - Carriker, Bush, S. Hudson
HB 667 - Gandy
HB 911 - E. Barton, A. Smith, Hilbert
HB 946 - S. Thompson
HB 947 - S. Thompson
HB 972 - Edwards
HB 977 - P. Hill
HB 1020 - Heflin
HB 1065 - DeLay
HB 1066 - Jackson
HB 1068 - Edwards
HB 1095 - Eckels, Patronella, D. Hudson
HB 1096 - Toomey, G. Thompson, A. Hill, Coody, Hollowell, Heflin
HB 1153 - Haley
HB 1319 - Gamez, W. Martinez
HB 1389 - Berlanga, Ragsdale
HJR 44 - Bush, S. Hudson
HR 96 - Cavazos, Berlanga