

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTEENTH DAY — WEDNESDAY, FEBRUARY 8, 1995

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 22).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goolsby; Greenberg; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Absent, Excused — Gray; Haggerty.

Absent — Gallego; Goodman; Holzheuser.

The invocation was offered by Reverend William Sipes, North Mesquite Assembly of God, Mesquite, as follows:

Our Heavenly Father, we pause in this legislative session to give you thanks for all your bountiful blessings bestowed on us.

We thank you that we live in a country such as America. The joy of freedom is something that those in other parts of the world do not know. We especially thank you that we live in the great State of Texas with its many opportunities. We thank you for our homes; our families; and, our religious heritage. We cannot find enough words to thank you for all of the blessings you have given us.

We ask today that you grant to those here in session wisdom, courage, and guidance. Wisdom to make decisions that are morally in accord with your Word and your principles; courage to make those decisions even though others may think it foolish or unwise; guidance as they prayerfully seek your face as to what is the right decision; not what someone may try to influence them to vote for or against.

We pray that integrity will be the motivating characteristic in each

legislator's actions and voting. May they continue to be concerned about the responsibility of any and all actions they take in light of the needs of families in our great state.

We ask your continued blessings upon our new governor; many newly elected representatives; and all those who bear our trust in leadership. We ask all these things in the name of our Lord and Saviour Jesus Christ. Amen.

LEAVES OF ABSENCE GRANTED

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

Gray on motion of Hightower.

Haggerty on motion of Carona.

MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1995

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 6 by Glaze (Sponsor-Cain), designating Wills Point as the Bluebird Capital of Texas.

SCR 40 by Cain, designating Wills Point as the Bluebird Capital of Texas.

SB 319 by Armbrister, et al., relating to a nonsubstantive recodification of the Public Utility Regulatory Act.

Respectfully,
Betty King
Secretary of the Senate

HR 139 - ADOPTED

Representative Van de Putte moved to suspend all necessary rules to take up and consider at this time **HR 139**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Van de Putte,

HR 139, Congratulating the Honorable John Longoria on the occasion of his 50th birthday.

The resolution was read and was adopted without objection.

On motion of Representative Corte, the names of all the members of the house were added to **HR 139** as signers thereof.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. John Roland of Fort Worth as the "Doctor for the Day."

The house welcomed Dr. Roland and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVE OF ABSENCE GRANTED

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

Gallego on motion of Delisi.

HR 137 - ADOPTED

Representative Willis moved to suspend all necessary rules to take up and consider at this time **HR 137**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Willis,

HR 137, Recognizing February 8, 1995, as American Association of Retired Persons Day at the Capitol.

The resolution was read and was adopted without objection.

HR 108 - ADOPTED

Representative McCoulskey moved to suspend all necessary rules to take up and consider at this time **HR 108**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McCoulskey, et al.,

HR 108, Recognizing the many fine accomplishments of Leadership 2000 and Leadership Fort Bend on the occasion of their 1995 symposium in Austin.

(Holzheuser now present)

The resolution was read and was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Conley on motion of Hernandez.

HR 122 - ADOPTED

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 122**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Torres,

HR 122, Honoring Barney and Wanda Snell on the occasion of their 50th wedding anniversary.

The resolution was adopted without objection.

HR 120 - ADOPTED

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 120**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Counts,

HR 120, Encouraging state government and business leaders to support and attend the Texas Prayer Breakfast.

The resolution was read and was adopted without objection.

SCR 44 - ADOPTED
(Heflin - House Sponsor)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **SCR 44**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 44, Commending Hugh Powers for his many contributions to the Houston Chronicle.

The resolution was adopted without objection.

HR 119 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 119**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

HR 119, Honoring the Arp Independent School District Board of Trustees.

The resolution was adopted without objection.

HCR 68 - ADOPTED

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HCR 68**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Pitts,

HCR 68, Honoring Will Bond.

The resolution was adopted without objection.

(Goodman now present)

On motion of Representative Ramsay, the names of all the members of the house were added to **HCR 68** as signers thereof.

HCR 8 - ADOPTED

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HCR 8**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Allen,

HCR 8, Designating February 8, 1995, as Crime Victims Day.

The resolution was read and was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HCR 8** as signers thereof.

SIGNED BY THE SPEAKER

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

HCR 7

RULES SUSPENDED

Representative Ogden moved to suspend the 5-day posting rule to allow the Committee on Appropriations, Subcommittee on Education, to hear testimony from the commissioner of education concerning issues that had arisen in previous day's testimony.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, Subcommittee on General Government, Natural Resources, and Business and Economic Development, on adjournment today, E1.032, Capitol Extension, to consider the budget.

Civil Practices, on adjournment today, E2.026, Capitol Extension.

PROVIDING FOR ADJOURNMENT

Representative Finnell moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of the Honorable Joe Ed Thompson, county judge of Throckmorton County.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

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

By R. Lewis,

HB 1026, A bill to be entitled An Act relating to procedures for the removal of organs or tissues from decedents when an inquest is required.

To Committee on Public Health.

By Oliveira,

HB 1027, A bill to be entitled An Act relating to certain eligibility conditions for receipt of unemployment compensation benefits.

To Committee on Economic Development.

By Oliveira,

HB 1028, A bill to be entitled An Act relating to the enforcement of certain regulations regarding the employment of children.

To Committee on Economic Development.

By Oliveira,

HB 1029, A bill to be entitled An Act relating to the operation and administration of the state unemployment compensation system.

To Committee on Economic Development.

By Oliveira,

HB 1030, A bill to be entitled An Act relating to extended benefits for unemployment compensation.

To Committee on Economic Development.

By Oliveira,

HB 1031, A bill to be entitled An Act relating to the collection of certain unpaid wages.

To Committee on Economic Development.

By Raymond,

HB 1032, A bill to be entitled An Act relating to studying and improving the structure and use of state agency field offices.

To Committee on State Affairs.

By Maxey and Raymond,

HB 1033, A bill to be entitled An Act relating to health and workers' compensation insurance coverage providing benefits to employees of the state and local governments.

To Committee on Pensions and Investments.

By Maxey and Raymond,

HB 1034, A bill to be entitled An Act relating to health insurance coverage under the Texas Employees Uniform Group Insurance Benefits Act.

To Committee on Pensions and Investments.

By Hamric,

HB 1035, A bill to be entitled An Act relating to school district employees who are arrested for felonies or offenses involving moral turpitude.

To Committee on Public Education.

By McCoulskey,

HB 1036, A bill to be entitled An Act relating to the authority to abolish the position of marshal in a Type B general law city.

To Committee on Urban Affairs.

By Dukes, Tillery, Maxey, Naishtat, Coleman, et al.,

HB 1037, A bill to be entitled An Act relating to the disposition of a juvenile who damages property with graffiti, to law enforcement records relating to a child who uses a graffiti tag, and to the criminal responsibility of a parent for a child's criminal mischief involving graffiti; providing a penalty.

To Committee on Juvenile Justice and Family Issues.

By Bailey,

HB 1038, A bill to be entitled An Act relating to indemnification provisions in certain municipal contracts.

To Committee on Business and Industry.

By Bailey,

HB 1039, A bill to be entitled An Act relating to civil service systems for municipal and county law enforcement agencies.

To Committee on Urban Affairs.

By Pitts,

HB 1040, A bill to be entitled An Act relating to the jurisdiction, adjudication, and disposition of certain children who engage in certain conduct.

To Committee on Juvenile Justice and Family Issues.

By Madden,

HB 1041, A bill to be entitled An Act relating to the filing of a late application for a residence homestead exemption from ad valorem taxation.

To Committee on Ways and Means.

By Thompson, Hill, et al.,

HB 1042, A bill to be entitled An Act relating to spousal maintenance after the dissolution of certain marriages or putative marriages.

To Committee on Juvenile Justice and Family Issues.

By McDonald, et al.,

HB 1043, A bill to be entitled An Act relating to the testimony of an accomplice in a criminal proceeding.

To Committee on Criminal Jurisprudence.

By Coleman and Romo,

HB 1044, A bill to be entitled An Act relating to allowing a political subdivision to create a program to assist historically underutilized businesses.

To Committee on State Affairs.

By Coleman and Romo,

HB 1045, A bill to be entitled An Act relating to the use of historically underutilized businesses as subcontractors on state purchasing contracts.

To Committee on State Affairs.

By Coleman and Farrar,

HB 1046, A bill to be entitled An Act relating to the definition of a historically underutilized business in the enabling law of the General Services Commission.

To Committee on State Affairs.

By Coleman and Romo,

HB 1047, A bill to be entitled An Act relating to rule-making authority under the state's program to assist historically underutilized businesses to transact business with the state.

To Committee on State Affairs.

By Maxey, Berlanga, Hirschi, McDonald, Delisi, et al.,

HB 1048, A bill to be entitled An Act relating to the creation of the Texas Health Care Information Office and the Texas Health Care Information Council; providing civil penalties.

To Committee on Public Health.

By B. Hunter,

HB 1049, A bill to be entitled An Act Relating to an alternative selection system for filling beginning positions in police departments.

To Committee on Urban Affairs.

By Tillery,

HB 1050, A bill to be entitled An Act relating to the appointment of a guardian with limited authority over a minor.

To Committee on Judicial Affairs.

By Yarbrough,

HB 1051, A bill to be entitled An Act relating to the regulation of the location of a sexually oriented business selling alcoholic beverages.

To Committee on Licensing and Administrative Procedures.

By Wilson,

HB 1052, A bill to be entitled An Act relating to the sale, resale, and purchase of lottery tickets and the validation of certain transactions involving the sale, resale, or purchase of certain lottery tickets.

To Committee on Licensing and Administrative Procedures.

By Raymond, Maxey, Naishtat, Greenberg, et al.,

HB 1053, A bill to be entitled An Act relating to funding for victims of family violence.

To Committee on Human Services.

By Hernandez, J. Jones, Pitts, et al.,

HB 1054, A bill to be entitled An Act relating to the removal of violent and disruptive students from regular public school classrooms and placement of those students in alternative education programs.

To Committee on Juvenile Justice and Family Issues.

By Munoz, Combs, Krusee, Naishtat, et al.,

HB 1055, A bill to be entitled An Act relating to credit in the Employees Retirement System of Texas for military service.

To Committee on Pensions and Investments.

By Janek,

HB 1056, A bill to be entitled An Act relating to prohibiting the provision of tobacco products in county jails and other county correctional facilities; providing a penalty.

To Committee on County Affairs.

By Janek, et al.,

HB 1057, A bill to be entitled An Act relating to freedom of choice of a health care provider by insured individuals.

To Committee on Insurance.

By Cook,

HB 1058, A bill to be entitled An Act relating to the creation of limited liability health maintenance organizations and limiting the liability of health care providers and physicians providing services through a limited liability health maintenance organization.

To Committee on Insurance.

By Chisum,

HB 1059, A bill to be entitled An Act relating to notice in county deed records of the existence of a buffer zone required as a condition of a permit issued by the Texas Natural Resource Conservation Commission.

To Committee on Land and Resource Management.

By Chisum,

HB 1060, A bill to be entitled An Act relating to the consideration of environmental externalities.

To Committee on Energy Resources.

By Telford,

HB 1061, A bill to be entitled An Act relating to membership in, contributions to, and administration of local retirement systems for fire fighters.

To Committee on Pensions and Investments.

By Raymond, Naishtat, and Maxey,

HB 1062, A bill to be entitled An Act relating to the establishment of a pilot program to develop electronic benefits transfer systems that permit the use of food stamps in farmers markets.

To Committee on Human Services.

By Raymond,

HB 1063, A bill to be entitled An Act relating to the availability under the open records law of schoolteacher evaluations.

To Committee on State Affairs.

By R. Lewis,

HB 1064, A bill to be entitled An Act relating to the management of the Edwards Aquifer and the powers and duties of the Edwards Underground Water District.

To Committee on Natural Resources.

By Brimer, et al.,

HB 1065, A bill to be entitled An Act relating to the practice of property tax consulting.

To Committee on Licensing and Administrative Procedures.

By Uher, et al.,

HB 1066, A bill to be entitled An Act relating to the rulemaking authority of the Texas Board of Chiropractic Examiners.

To Committee on Public Health.

By Dutton,

HB 1067, A bill to be entitled An Act relating to the creation of a franchise tax credit for a corporation that provides a loaned teacher to a school district.

To Committee on Ways and Means.

By Dutton,

HB 1068, A bill to be entitled An Act relating to exempting videotapes of court depositions from the sales and use tax.

To Committee on Ways and Means.

By Dutton,

HB 1069, A bill to be entitled An Act relating to the requirements for highway construction in an urban district.

To Committee on Transportation.

By Horn,

HB 1070, A bill to be entitled An Act relating to an affirmative defense for certain motor vehicle operators charged with illegal possession of a deer carcass.

To Committee on State Recreational Resources.

By Clemons,

HB 1071, A bill to be entitled An Act relating to the procedures for hiring persons in a fire or police department under municipal civil service.

To Committee on Urban Affairs.

By Clemons, et al.,

HB 1072, A bill to be entitled An Act relating to the eligibility for unemployment compensation benefits of employees of certain educational institutions.

To Committee on Economic Development.

By Naishtat,

HB 1073, A bill to be entitled An Act relating to the appellate process for applicants and recipients of certain state-administered assistance programs.

To Committee on Human Services.

By West,

HB 1074, A bill to be entitled An Act relating to the presumption for theft by check after the issuance of a stop payment order.

To Committee on Criminal Jurisprudence.

By West,

HB 1075, A bill to be entitled An Act relating to the authority of certain nonprofit charitable organizations to obtain certain criminal history record information from the Department of Public Safety.

To Committee on Public Safety.

By West,

HB 1076, A bill to be entitled An Act relating to authorizing certain local governments to regulate the accessibility of certain glues and paints to business patrons.

To Committee on County Affairs.

By West,

HB 1077, A bill to be entitled An Act relating to the regulation of the public possession, consumption, purchase, or sale of alcoholic beverages on county property.

To Committee on Licensing and Administrative Procedures.

By West and Yarbrough,

HB 1078, A bill to be entitled An Act relating to the authority of a county to regulate the use or sale of fireworks.

To Committee on State Affairs.

By West, et al.,

HB 1079, A bill to be entitled An Act relating to prosecution of the offense of tampering with or fabricating physical evidence.

To Committee on Criminal Jurisprudence.

By Romo,

HB 1080, A bill to be entitled An Act relating to audits of fees and surcharges collected to provide 9-1-1 services.

To Committee on Public Safety.

By Romo,

HB 1081, A bill to be entitled An Act relating to the powers and duties of peace officers commissioned by certain hospital districts.

To Committee on Public Safety.

By Tillery,

HB 1082, A bill to be entitled An Act relating to persons eligible to hold an auction on behalf of the state, state agencies, and certain state financial institutions.

To Committee on State Affairs.

By De La Garza,

HB 1083, A bill to be entitled An Act relating to the eligibility of an area with a history of and continuing problem with gang activity to be included in an enterprise zone.

To Committee on Economic Development.

By Goodman,

HB 1084, A bill to be entitled An Act relating to the disclosure of certain veterinarian records to public health authorities for rabies and zoonosis control.

To Committee on Public Health.

By Reyna, et al.,

HB 1085, A bill to be entitled An Act relating to authorizing certain counties to contract with a private entity for the collection of child support.

To Committee on County Affairs.

HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Ramsay,

HJR 8, A joint resolution proposing a constitutional amendment to allow the abolition of the office of county treasurer in Red River County.

To Committee on County Affairs.

RESOLUTIONS REFERRED TO COMMITTEE

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

By Madden,

HCR 59, Recognizing February 22, 1995, as Collin County Day.

To Committee on Rules and Resolutions.

By Kamel, et al.,

HCR 60, Declaring February 28 and March 1, 1995, as Longview-Tyler Days at the State Capitol.

To Committee on Rules and Resolutions.

By Sadler,

HCR 61, Designating February 22, 1995, as Rusk County Day.

To Committee on Rules and Resolutions.

By Sadler,

HCR 62, Designating March 8 and 9, 1995, as Marshall Days.

To Committee on Rules and Resolutions.

By Sadler,

HCR 63, Designating February 23, 1995, as Panola County Day.

To Committee on Rules and Resolutions.

By Pitts,

HR 117, Honoring Ann Wright for her contributions to the Waxahachie business community.

To Committee on Rules and Resolutions.

By Rusling,

HR 118, Commending Bernard Rapoport for his service to the community.

To Committee on Rules and Resolutions.

By Laney,

HR 123, Honoring Dr. Gerald Mann for his service as chaplain of the house of representatives.

To Committee on Rules and Resolutions.

By Eiland,

HR 124, Commemorating the birth of Cole Alexander Guidroz.

To Committee on Rules and Resolutions.

By Corte,

HR 125, Commending the San Antonio Pest Control Association for its support of the Children's Shelter of San Antonio.

To Committee on Rules and Resolutions.

By Clemons,

HR 126, Congratulating Rayburn and Marie Richardson on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Clemons,

HR 127, Congratulating Wilbur and Otha Lee on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

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

SB 95 to Committee on Urban Affairs.

SB 99 to Committee on Urban Affairs.

SB 240 to Committee on Judicial Affairs.

SB 285 to Committee on Criminal Jurisprudence.

SB 286 to Committee on Criminal Jurisprudence.

RESOLUTION REFERRED TO COMMITTEE

The following resolution was laid before the house and referred to committee:

SCR 3, Encouraging the community justice assistance division of the Texas Department of Criminal Justice and the Texas Council on Family Violence to issue a directive that local community supervision and correctional departments work with battering intervention and prevention programs to ensure that each community has a system for receiving referrals and reporting violations.

To Committee on Corrections.

CORRECTIONS IN REFERRAL

HB 378, relating to prescription drugs dispensed under the Medicaid program, was inadvertently referred to the Committee on Human Services. **HB 997**, relating to the same subject matter, was referred to the Committee on Public Health. The chair, after consultation with the author and chairmen of the respective committees, now corrects the referral of **HB 378** to the Committee on Public Health.

ADJOURNMENT

In accordance with a previous motion, the house, at 10:50 a.m., adjourned until 10 a.m. tomorrow.

APPENDIX

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