

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-THIRD DAY — MONDAY, FEBRUARY 22, 1999

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 23).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Grusendorf; Talton.

The invocation was offered by Father Herberto Diaz, Assumption Catholic Church, Harlingen.

LEAVES OF ABSENCE GRANTED

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

Grusendorf on motion of Hunter.

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

Talton on motion of Shields.

CAPITOL PHYSICIAN

The speaker recognized Representative Gutierrez who presented Dr. Efraim Vela of McAllen as the "Doctor for the Day."

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

HCR 98 - ADOPTED
(by Gallego, Denny, and Solomons)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 98**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 98, In memory of Sarah Elisabeth Worley of Denton.

HCR 98 was read and was unanimously adopted by a rising vote.

On motion of Representatives Denny and Solomons, the names of all the members of the house were added to **HCR 98** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced members of Sarah Elisabeth Worley's family.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 133 - ADOPTED
(by Deshotel and Ritter)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 133**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 133, Recognizing February 22, 1999, as Port Arthur Day at the Capitol.

HR 133 was read and was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 133** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Ritter, who introduced a delegation from Port Arthur.

HCR 82 - ADOPTED
(by Counts)

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HCR 82**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 82, Recognizing February 24, 1999, as Snyder Day at the State Capitol.

HCR 82 was adopted without objection.

HCR 60 - ADOPTED
(by Counts)

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HCR 60**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 60, Encouraging state government and business leaders to support and attend the Texas Prayer Breakfast.

(Edwards in the chair)

HCR 60 was read and was adopted without objection.

(Speaker in the chair)

HR 238 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 238**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 238, Welcoming California Assemblyman Jack Scott to the Texas Capitol.

HR 238 was read and was adopted without objection.

On motion of Representative Counts, the names of all the members of the house were added to **HR 238** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Hunter, who introduced California Assemblyman Jack Scott.

HR 239 - ADOPTED
(by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 239, Honoring Dovie Greene Ellis on her receipt of the 1998 Distinguished Former Odessan Award.

HR 239 was read and was adopted without objection.

HR 235 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 235**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 235, In memory of Phillip Wayne Dean.

HR 235 was read and was unanimously adopted by a rising vote.

The Tarrant County delegation moved that the names of all the members of the house be added to **HR 235** as signers thereof.

**HR 236 - ADOPTED
(by Palmer)**

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 236**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 236, In memory of Garry Charles Sanders.

HR 236 was read and was unanimously adopted by a rising vote.

The Tarrant County delegation moved that the names of all the members of the house be added to **HR 236** as signers thereof.

**HR 237 - ADOPTED
(by Palmer)**

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 237**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 237, In memory of Brian Collins.

HR 237 was read and was unanimously adopted by a rising vote.

The Tarrant County delegation moved that the names of all the members of the house be added to **HR 237** as signers thereof.

PROVIDING FOR ADJOURNMENT

Representative Telford 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 Pat Atkinson, wife of former house member Hamp Atkinson.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:55 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 9 (by McCall, Junell, Pitts, and Wohlgemuth), Relating to actions regarding certain computer date failures.

To Civil Practices.

HB 1559 (by J. Solis, Pickett, Cuellar, Uresti, and Isett), Relating to the creation of the high priority program development fund to support vocational and technical education.

To Higher Education.

HB 1560 (by Woolley), Relating to judicial review of the secretary of state's refusal to register or renew a trademark or service mark.

To Business & Industry.

HB 1561 (by Green), Relating to the authority of governmental entities to bring suit against a firearms or ammunition manufacturer, trade association, or seller.

To Civil Practices.

HB 1562 (by E. Reyna), Relating to matters that may be referred to a criminal law magistrate in Dallas County.

To Criminal Jurisprudence.

HB 1563 (by Bosse), Relating to prohibiting subdividing or amending in any manner the subdivision of real property if ad valorem taxes are delinquent.

To Land & Resource Management.

HB 1564 (by Oliveira and J. Solis), Relating to a feasibility study concerning major league baseball spring training in the border region.

To Economic Development.

HB 1565 (by Keel), Relating to a crime victim reporting the commission of an offense to a grand jury.

To Criminal Jurisprudence.

HB 1566 (by Maxey), Relating to certain voter registration information and procedures.

To Elections.

HB 1567 (by Dukes), Relating to state agency progress in meeting historically underutilized business contracting goals.

To State Affairs.

HB 1568 (by Keffer and B. Turner), Relating to school finance.

To Public Education.

HB 1569 (by Grusendorf), Relating to a franchise tax and property tax credit for certain corporations for payment of certain educational scholarships.

To Public Education.

HB 1570 (by Grusendorf), Relating to public school educator certification.

To Public Education.

HB 1571 (by Grusendorf), Relating to the appearance of the name of a surviving spouse on a grave marker.

To Judicial Affairs.

HB 1572 (by S. Turner), Relating to the authority of physicians and podiatrists to form certain jointly owned entities.

To Public Health.

HB 1573 (by Bailey), Relating to the provision of water and sewer service in populous counties; providing a penalty.

To Natural Resources.

HB 1574 (by Bosse), Relating to the permitting of discharges from certain on-site sewage disposal systems in certain counties.

To Natural Resources.

HB 1575 (by Maxey), Relating to double parking in a central business district.

To Urban Affairs.

HB 1576 (by Gallego), Relating to the repayment of student loans for certain public school teachers and college and university faculty members.

To Higher Education.

HB 1577 (by Madden), Relating to the period for early voting by personal appearance.

To Elections.

HB 1578 (by Uresti), Relating to access to a public employee's electronic mail address under the open records law.

To State Affairs.

HB 1579 (by Danburg), Relating to a change of name and vital statistics information.

To Juvenile Justice & Family Issues.

HB 1580 (by Cook), Relating to the prosecution and punishment of certain assaultive offenses.

To Criminal Jurisprudence.

HB 1581 (by Isett), Relating to park passes for volunteer youth groups.

To State Recreational Resources.

HB 1582 (by Salinas), Relating to compensation of public school teachers for a longer work day.

To Public Education.

HB 1583 (by J. Jones), Relating to the confidentiality of certain juvenile records or files.

To Juvenile Justice & Family Issues.

HB 1584 (by Naishtat), Relating to a referral to Project RIO by a local workforce development board.

To Corrections.

HB 1585 (by Naishtat), Relating to coordination of services for adults with multiple disabilities.

To Human Services.

HB 1586 (by Naishtat), Relating to the coverage by long-term care insurance policies of the parents of an insured or the parents of the spouse of an insured.

To Insurance.

HB 1587 (by Sadler), Relating to sales tax exemptions.

To Ways & Means.

HB 1588 (by Hope), Relating to providing notification of utility service connections to appraisal and emergency services districts.

To County Affairs.

HB 1589 (by Delisi), Relating to the management of a community mental health center under certain circumstances.

To Public Health.

HB 1590 (by R. Lewis), Relating to the development of water management strategies for periods of drought.

To Natural Resources.

HB 1591 (by G. Lewis), Relating to late applications for certain ad valorem tax exemptions.

To Ways & Means.

HB 1592 (by Junell), Relating to the state's share of the costs under the brush control cost-share program.

To Agriculture & Livestock.

HB 1593 (by Ellis), Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

To Land & Resource Management.

HB 1594 (by Talton), Relating to the penalty for certain intoxication offenses and the conditions for release of a defendant charged with or convicted of those offenses, including the use of an ignition interlock device.

To Criminal Jurisprudence.

HB 1595 (by Deshotel), Relating to eligibility for unemployment compensation benefits.

To Economic Development.

HB 1596 (by Deshotel), Relating to certain exemptions from hunting or fishing license fee requirements.

To State Recreational Resources.

HB 1597 (by Deshotel), Relating to computation of the maximum and minimum benefit amounts for total unemployment under the unemployment compensation system.

To Economic Development.

HB 1598 (by Danburg), Relating to the designation of certain substances as Schedule I controlled substances under the Texas Controlled Substances Act.

To Criminal Jurisprudence.

HB 1599 (by Goolsby), Relating to the fees imposed for the preservation and restoration of certain county records and county courthouses.

To County Affairs.

HB 1600 (by Palmer), Relating to the judicial review of state agency orders and decisions under the Administrative Procedure Act and to actions for a declaratory judgment that challenge the validity or applicability of a state agency rule under the Administrative Procedure Act.

To Judicial Affairs.

HB 1601 (by Ehrhardt), Relating to a determination of mental competency in the prosecution of criminal cases and to the disposition of defendants found to be incompetent before trial or after conviction.

To Criminal Jurisprudence.

HB 1602 (by R. Lewis), Relating to the exclusion of land or other property from a district with outstanding bond debt.

To Natural Resources.

HB 1603 (by Thompson), Relating to the power of a court to defer adjudication in cases involving misdemeanors punishable by fine only and payment of all court costs.

To Judicial Affairs.

HB 1604 (by Thompson), Relating to certain procedures involving the ad valorem taxation of property owned or acquired by a religious organization.

To Ways & Means.

HB 1605 (by Thompson), Relating to the transfer of cases by statutory probate courts.

To Judicial Affairs.

HB 1606 (by Thompson), Relating to the assignment of visiting judges in certain county courts.

To Judicial Affairs.

HB 1607 (by Thompson), Relating to the assignment of a statutory probate court judge to hear a contested probate matter.

To Judicial Affairs.

HB 1608 (by Thompson), Relating to the authority of certain county judges to engage in the private practice of law.

To Judicial Affairs.

HB 1609 (by Thompson), Relating to certain electronically created records used in a justice or municipal court.

To Judicial Affairs.

HCR 92 (by West, Craddick, and B. Turner), Designating February 23, 1999, as Midland/Odessa Legislative Day at the Capitol.

To Rules & Resolutions.

HCR 93 (by A. Reyna), Congratulating Ricardo Romo on his appointment as president of The University of Texas at San Antonio.

To Rules & Resolutions.

HCR 94 (by Wohlgemuth), In memory of Dr. Jack Burton.

To Rules & Resolutions.

HJR 55 (by Hupp), Proposing a constitutional amendment to abolish the office of constable in San Saba County.

To County Affairs.

HJR 56 (by Wilson), Proposing a constitutional amendment prohibiting the state from requiring a woman to complete a pregnancy.

To State Affairs.

HJR 57 (by Danburg and Chisum), Proposing a constitutional amendment permitting an equity loan to be secured by one or more lots containing all or part of an urban homestead plus other real property; relating to when payment may be required on a reverse mortgage; and authorizing the legislature to provide for the interpretation of the home equity lending law by a state agency.

To Financial Institutions.

HJR 58 (by Junell), Proposing a constitutional amendment revising the provisions for funding capital improvements and acquisitions by institutions of higher education.

To Appropriations.

HJR 59 (by Dutton), Proposing a constitutional amendment to authorize school districts to purchase personal injury protection insurance to cover students who are injured while riding as passengers in a vehicle operated by or for the school district.

To Public Education.

HR 227 (by George), Congratulating Anne Jernberg and Chris Tomlinson on being named Youth of the Month for January 1999 by the Exchange Club of Lake Highlands.

To Rules & Resolutions.

HR 228 (by Sadler), Recognizing February 23-24, 1999, as Panola County Days at the State Capitol.

To Rules & Resolutions.

HR 231 (by Solomons, Denny, and Crownover), In memory of A. E. Wyatt.

To Rules & Resolutions.

HR 232 (by Naishtat), Granting permission for the South Central Texas District of Optimist International to use the house chamber on March 3, 1999.

To House Administration.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, February 22, 1999

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 67 Jones, Jesse SPONSOR: West
Commemorating Law Enforcement Officer Recognition Week in Texas.

HCR 91 Counts SPONSOR: Bernsen
Celebrating the 60th birthday of Ray Stoker, Jr.

SB 1 Bivins
Relating to the promotion of public school students based on satisfactory performance on certain assessment instruments and to programs to assist students in achieving satisfactory performance.

SCR 31 Nelson
Recognizing Byron and Peggy Nelson for their meritorious community service.

SCR 32 Duncan
Recognizing James Calvin Pigg for his outstanding contributions to the betterment of Texas agriculture.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

ENROLLED

February 18 - HCR 28, HCR 56, HCR 84, HCR 86

SENT TO THE GOVERNOR

February 18 - HCR 28, HCR 56, HCR 84, HCR 86

RECOMMENDATIONS FILED WITH THE SPEAKER

February 18 - HB 694, HB 847