

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

TWENTIETH DAY — TUESDAY, FEBRUARY 16, 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 20).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; 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; Grusendorf; 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; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Chisum; Shields.

Absent — Wilson.

The invocation was offered by Mr. Glenn Pipes, First Baptist Church of Odessa, Odessa, as follows:

Good morning, Lord. Isn't it great to be alive and well on this another beautiful day? Let us always be mindful of the great and wonderful things that you do for us each and every day. Lord, keep us a humble people, always striving to put you and others first.

I am reminded of your faithful servant, Saint Francis of Assisi, when he penned these beautiful words:

Lord, make me an instrument of your peace.

Where there is hatred, let me sow love;

Where there is injury, pardon;

Where there is doubt, faith;

Where there is despair, hope;

Where there is darkness, light;

And where there is sadness, joy.

Oh, divine master, grant that I may not so much seek

To be consoled, as to console;

To be understood, as to understand;  
 To be loved, as to love.  
 For it is in giving that we receive;  
 It is in pardoning that we are pardoned;  
 And it is in dying that we are born to eternal life.

Grant your tender mercies, wisdom, and courage on these, your servants of the great and sovereign State of Texas, as they go about the business of your children here on earth. And when that great roll is called in heaven, may we and you both be truly pleased with the words of our mouths and the works of our hands. Guard us and keep us from the influence of the "evil one" and forgive us when we fail. We say these things in the name of our lord and savior, Jesus Christ. Amen.

### **LEAVES OF ABSENCE GRANTED**

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

Shields on motion of Talton.

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

Chisum on motion of Kuempel.

### **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).

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 10).

### **HR 92 - ADOPTED (by Clark)**

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 92**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 92**, In recognition of the Denison Leadership Institute.

**HR 92** was read and was adopted without objection.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Luna who presented Dr. Rick Edwards of Corpus Christi as the "Doctor for the Day."

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

**HCR 56 - ADOPTED**  
**(by Clark)**

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HCR 56**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 56**, Commemorating the sesquicentennial of Austin College.

**HCR 56** was adopted without objection.

**HR 137 - ADOPTED**  
**(by Pitts)**

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

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 137**, Recognizing the Lake Whitney All Branch Law Enforcement Awards Banquet on February 20, 1999.

**HR 137** was adopted without objection.

**SCR 19 - ADOPTED**  
**(Yarbrough - House Sponsor)**

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **SCR 19**.

The motion prevailed without objection.

The following resolution was laid before the house:

**SCR 19**, Granting the Texas DeMolay Association permission to use the chambers of the senate and house of representatives on February 20 and 21, 1999, and February 19 and 20, 2000, for its legislative seminar.

**SCR 19** was adopted without objection.

(Wilson now present)

**HR 203 - ADOPTED**  
**(by Junell)**

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 203**, Congratulating Nathan John Webb, Blake Van Richard Williams, and Christopher Daniel Bosma for designing an award-winning computer web page.

**HR 203** was read and was adopted without objection.

**HR 154 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 154**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 154**, Honoring Citizens Medical Center for promoting community partnerships benefiting children.

**HR 154** was adopted without objection.

**HR 201 - ADOPTED**  
**(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 201**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 201**, Commemorating "Will Jennings Day" at Stephen F. Austin State University.

**HR 201** was adopted without objection.

**HR 143 - ADOPTED**  
**(by Counts)**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 143**, Honoring the Sweetwater Jaycees and commemorating the 41st annual World's Largest Rattlesnake Round-Up.

**HR 143** was read and was adopted without objection.

**HCR 86 - ADOPTED**  
**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HCR 86**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 86**, Commemorating the 76th Texas Legislature's Military Appreciation Day.

**HCR 86** was adopted without objection.

On motion of Representative B. Turner, the names of all the members of the house were added to **HCR 86** as signers thereof.

**HR 152 - ADOPTED**  
**(by Denny)**

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 152**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 152**, Recognizing February 16, 1999, as Rockwall County Day.

**HR 152** was read and was adopted without objection.

**HR 205 - ADOPTED**  
**(by Capelo)**

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 205**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 205**, Welcoming students from Corpus Christi's Roy Miller High School to the Capitol.

**HR 205** was read and was adopted without objection.

On motion of Representative Luna, the names of all the members of the house were added to **HR 205** as signers thereof.

**HR 207 - ADOPTED**  
**(by Flores)**

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 207**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 207**, Recognizing February as National Grapefruit Month.

**HR 207** was read and was adopted without objection.

**HR 124 - ADOPTED**  
**(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 124**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 124**, Honoring Mr. Thomas Lee Dove.

**HR 124** was adopted without objection.

**HCR 67 - ADOPTED**  
**(by J. Jones and Pitts)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HCR 67**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 67**, Commemorating Law Enforcement Officer Recognition Week in Texas.

**HCR 67** was adopted 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.)

**COMMITTEE MEETING ANNOUNCEMENT**

Representative Smithee announced that the Committee on Insurance would not meet today.

**MILITARY APPRECIATION DAY CEREMONY**  
**(The House of Representatives and the Senate in Joint Session)**

In accordance with the provisions of **HCR 27**, providing for a joint session of the senate and the house of representatives at 11 a.m. today, for the purpose of military appreciation day, the Honorable Rick Perry, lieutenant governor of the State of Texas and the honorable senators were announced at the door of the house and were admitted.

The senators occupied seats arranged for them.

Lieutenant Governor Rick Perry was escorted to a seat on the speaker's rostrum.

The Honorable George W. Bush, governor of the State of Texas, and his party were announced at the door of the house and were admitted. Governor Bush and his party were escorted to the speaker's podium by Senator Truan and Representatives Hunter and Goolsby.

The Honorable James E. "Pete" Laney, speaker of the house, called the house of representatives to order.

A quorum of the house was announced present.

Lieutenant Governor Perry called the senate to order.

A quorum of the senate was announced present.

Lieutenant Governor Perry stated that the house and senate were in joint session pursuant to **HCR 27**, in honor of military appreciation day.

The joint session and gallery rose for the posting of the colors.

Lieutenant Governor Perry presented Major General Daniel James III, adjutant general of Texas, who led the pledge of allegiance and the salute to the Texas flag.

Speaker Laney presented Colonel Rodney Coleman, state chaplain, Texas National Guard, who offered the invocation.

Speaker Laney requested the reading clerk to read **HCR 86**.

**HCR 86**, commemorating the 76th Legislature's Military Appreciation Day, having been previously adopted, was read.

Speaker Laney recognized the Honorable Bob Hunter, chair of the house Committee on State, Federal, and International Relations, who introduced members of the Texas Strategic Military Planning Commission, state officials, and commanding officers.

Governor Bush and Representative Goolsby presented citations to commanding officers of the military bases in the State of Texas.

Representative Hunter recognized Dr. Charles Hines, Chairman of the Texas Strategic Military Planning Commission and President of Prairie View A&M University, who introduced the Honorable George W. Bush, governor of the State of Texas.

Having introduced Lieutenant General Bob Foley, Medal of Honor recipient, Governor Bush addressed the joint session.

Lieutenant Governor Perry recognized the Honorable Carlos Truan, chair of the senate Committee on Veteran Affairs and Military Installations, who introduced the soldiers, sailors, and airmen of the year from each military base in Texas.

Governor Bush and Representative Goolsby presented citations to each of the soldiers, sailors, and airmen of the year.

Lieutenant Governor Perry presented Dr. James Mayfield, chaplain of the senate, who offered the benediction.

### **SENATE ADJOURNS**

At 11:54 a.m., Lieutenant Governor Perry stated that the purpose for which the joint session was called had been completed, and that the senate would, in accordance with a previous motion, stand adjourned until 10 a.m. tomorrow.

### **HOUSE AT EASE**

At 11:55 a.m., the speaker announced that the house would stand at ease pending the departure of guests.

The speaker called the house to order at 12:02 p.m.

### **RULES SUSPENDED**

Representative Glaze moved to suspend the 5-day posting rule to allow the Committee on Appropriations, Subcommittee on Health and Human

Services, to consider long term care overview today and for a briefing on bonds by the Texas Public Finance Authority tomorrow.

The motion prevailed without objection.

### ADJOURNMENT

Representative Gray moved that the house adjourn until 10 a.m. tomorrow in memory of Edward J. Harris who died February 10.

The motion prevailed without objection.

The house accordingly, at 12:03 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### 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 1377** (by Naishtat), Relating to facilities and functions of facilities under the jurisdiction of the Texas Department of Mental Health and Mental Retardation.

To Public Health.

**HB 1378** (by Naishtat), Relating to a study and report on the development of an information system relating to the use of certain pesticides that may affect sources of drinking water.

To Natural Resources.

**HB 1379** (by Allen), Relating to the information about an inmate of the Texas Department of Criminal Justice that is subject to public disclosure or excepted from public disclosure.

To Corrections.

**HB 1380** (by Allen), Relating to venue projects that may be authorized by a municipality.

To Urban Affairs.

**HB 1381** (by Isett), Relating to the immunization registry maintained by the Texas Department of Health.

To Public Health.

**HB 1382** (by Isett), Relating to the death to or injury of an unborn child; providing penalties.

To State Affairs.

**HB 1383** (by Isett), Relating to a refund of the state inheritance tax.

To Ways & Means.



**HB 1384** (by Keffer), Relating to a disqualification for unemployment benefits for claimants who have received certain post-termination payments.

To Economic Development.

**HB 1385** (by Keffer), Relating to a disqualification of eligibility for unemployment compensation benefits for periods of unpaid disciplinary suspensions.

To Economic Development.

**HB 1386** (by Keffer), Relating to the refund of certain overpaid unemployment compensation benefits by the recipients of those benefits.

To Economic Development.

**HB 1387** (by Van de Putte), Relating to investigating certain deaths and performing autopsies on certain bodies.

To Juvenile Justice & Family Issues.

**HB 1388** (by Van de Putte), Relating to a peer health outreach and education pilot program.

To Public Health.

**HB 1389** (by Wilson), Relating to the creation of the offense of fighting between a dog and a hog.

To Criminal Jurisprudence.

**HB 1390** (by West), Relating to the penalty for certain interstate shipment of alcoholic beverages.

To Licensing & Administrative Procedures.

**HB 1391** (by Kuempel), Relating to the regulation of alarm systems under the Private Investigators and Private Security Agencies Act.

To Public Safety.

**HB 1392** (by Kuempel and Telford), Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

To Pensions & Investments.

**HB 1393** (by Solomons), Relating to regulation of the location of certain alcohol-related businesses.

To Licensing & Administrative Procedures.

**HB 1394** (by Wilson), Relating to information submitted to a governmental entity by a potential vendor or contractor in connection with an application for certification as a historically underutilized or disadvantaged business.

To State Affairs.

**HB 1395** (by Dunnam and Averitt), Relating to residents' voting rights and the right to file for candidacy after an area is annexed by certain small and medium sized municipalities.

To Land & Resource Management.

**HB 1396** (by Maxey), Relating to the development of a licensing model for intermediate care facilities for the mentally retarded.

To Public Health.

**HB 1397** (by Pitts), Relating to the validity of an unrecorded instrument conveying an interest in real property.

To Business & Industry.

**HB 1398** (by Coleman), Relating to indigent health care.

To Public Health.

**HB 1399** (by Coleman), Relating to the Teach for Texas Program.

To Public Education.

**HB 1400** (by Gray), Relating to the continuation and functions of the Texas Commission for the Blind.

To Human Services.

**HB 1401** (by Gray), Relating to the continuation and functions of the Texas Commission for the Deaf and Hard of Hearing.

To Human Services.

**HB 1402** (by Gray), Relating to the continuation and functions of the Texas Rehabilitation Commission.

To Human Services.

**HB 1403** (by Puente), Relating to the probation ordered for certain delinquent conduct and the waiver and transfer of jurisdiction by a juvenile court.

To Juvenile Justice & Family Issues.

**HB 1404** (by McReynolds), Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas Department of Insurance or the state fire marshal.

To Pensions & Investments.

**HB 1405** (by McReynolds), Relating to the regulation of secondhand metal dealers.

To Business & Industry.

**HB 1406** (by Coleman), Relating to health benefit plan coverage for certain serious mental illnesses in children.

To Insurance.

**HB 1407** (by Coleman), Relating to the creation of the self-sufficiency fund to develop job training for certain recipients of Temporary Assistance for Needy Families.

To Economic Development.

**HB 1408** (by Wilson), Relating to grounds for refusing an application for a liquor retailer.

To Licensing & Administrative Procedures.

**HB 1409** (by Junell), Relating to eligibility to conduct a mental and physical examination of a school bus operator.

To Public Safety.

**HB 1410** (by Junell), Relating to eligibility for appointment to an appraisal review board.

To Ways & Means.

**HB 1411** (by Naishtat), Relating to the conservatorship of and access to certain children by parents having a history of family violence.

To Juvenile Justice & Family Issues.

**HB 1412** (by Naishtat), Relating to the application for, issuance of, and contents of a protective order.

To Juvenile Justice & Family Issues.

**HB 1413** (by Ehrhardt, Hill, Clark, and Giddings), Relating to the sale of land by a municipality to organizations providing housing for low-income families and individuals.

To Urban Affairs.

**HB 1414** (by Uher), Relating to assessment of damages in a condemnation proceeding.

To Land & Resource Management.

**HB 1415** (by Uher), Relating to theft of cable television services; providing penalties.

To Criminal Jurisprudence.

**HB 1416** (by Uher and Ehrhardt), Relating to the civil liability of charitable organizations that are chambers of commerce.

To Civil Practices.

**HB 1417** (by Seaman), Relating to the regulation of mariculture facilities in Aransas County.

To Land & Resource Management.

**HB 1418** (by Seaman), Relating to optional career and technology education programs offered by public school districts.

To Public Education.

**HB 1419** (by Hinojosa), Relating to the collection, use, and distribution of delinquent county education district taxes.

To Public Education.

**HB 1420** (by Alvarado), Relating to complaints filed with the Texas State Board of Podiatric Medical Examiners.

To Public Health.

**HB 1421** (by Madden), Relating to limits on certain political contributions and to disclosure limits in the reporting of political contributions and expenditures.

To Elections.

**HB 1422** (by Madden), Relating to disclosure of contracts between candidates for or holders of certain public offices and governmental entities; providing civil and criminal penalties.

To State Affairs.

**HB 1423** (by Madden), Relating to the abolition of the office of inspector of hides and animals in each county in the state.

To County Affairs.

**HB 1424** (by Madden), Relating to the abolition of the office of county surveyor in each county in the state.

To County Affairs.

**HB 1425** (by Staples), Relating to the notice to appear issued for a traffic offense committed in a construction or maintenance work zone.

To Transportation.

**HB 1426** (by Staples), Relating to eligibility for appointment to certain appraisal review boards.

To Ways & Means.

**HB 1427** (by Staples), Relating to the limitations period for filing a suit for unpaid court-ordered child support.

To Juvenile Justice & Family Issues.

**HB 1428** (by Staples), Relating to the prosecution of and the punishment for the offense of unlawful restraint.

To Criminal Jurisprudence.

**HB 1429** (by Merritt, Christian, et al.), Relating to a physician's statement required to obtain disabled parking privileges.

To Transportation.

**HB 1430** (by Christian), Relating to TANF and Medicaid benefits for additional children born to TANF recipients.

To Human Services.

**HB 1431** (by Averitt), Relating to payment of an administering insurer or third party administrator by the Texas Health Insurance Risk Pool.

To Insurance.

**HB 1432** (by Grusendorf and Dukes), Relating to the authority of the Texas Department of Public Safety to charge a fee for processing certain inquiries for certain sex offender registration information.

To Public Safety.

**HB 1433** (by Hunter), Relating to expanding the TexShare library consortium.

To State, Federal & International Relations.

**HB 1434** (by Counts), Relating to providing tuition payment assistance to certain members of the state military forces attending public institutions of higher education.

To Higher Education.

**HB 1435** (by Janek), Relating to charges for title fees, property taxes, and registration fees for leased vehicles.

To Business & Industry.

**HB 1436** (by Salinas), Relating to designating Farm-to-Market Road 1931 in Alice as Lucien Flournoy Parkway.

To Transportation.

**HB 1437** (by Krusee), Relating to the powers of the Lower Colorado River Authority to provide water services in Williamson County.  
To Natural Resources.

**HJR 10** (by Culberson and Uher), Proposing a constitutional amendment relating to the support and maintenance and an efficient system of public schools.  
To Public Education.

**HJR 46** (by Yarbrough), Proposing a constitutional amendment prohibiting an encumbrance to be fixed on or executed against homestead property for an obligation to pay certain property owners' association fees.  
To Financial Institutions.

**HJR 47** (by Chisum), Proposing a constitutional amendment to abolish the office of constable in Lipscomb County.  
To County Affairs.

**HJR 48** (by Gallego), Proposing a constitutional amendment to abolish the Judicial Districts Board.  
To Judicial Affairs.

**HJR 49** (by Hupp), Proposing a constitutional amendment providing for gubernatorial appointment from a list of judicial selection committee nominees to fill vacancies in the offices of justices of the supreme court and judges of the court of criminal appeals, and for nonpartisan retention elections for those justices and judges.  
To Judicial Affairs.

**HJR 50** (by Hupp), Proposing a constitutional amendment to abolish the office of constable in McCulloch County.  
To County Affairs.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 10**

**HCR 36, HCR 52**

**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

Tuesday, February 16, 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:

**SCR 19** Whitmire

Granting the Texas DeMolay Association permission to use the chambers of the senate and house of representatives on February 20 and 21, 1999, and February 19 and 20, 2000, for its legislative seminar.

**SCR 27** Cain

Honoring Major General and Mrs. Billie Gene Hollowell on the special occasion of their marriage.

Respectfully,

Betty King

Secretary of the Senate