The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 27).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrker; Cary; Cava锥os; Ceverha; Clark; Clemons; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Garcia, T.; Gavin; Geistweidt; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lancy; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlacter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vales; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Davis; Evans, L.; Wallace.

Absent — Colbert; Gibson, B.; Moreno, P.; Peveto.

The invocation was offered by Reverend James Hatley, executive director of missions for Austin Baptist Association of Churches.

LEAVES OF ABSENCE GRANTED

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

Davis on motion of Patronella.

L. Evans on motion of E. F. Lee.

MESSAGE FROM THE SENATE

Austin, Texas, February 14, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:
SCR 4 by Caperton, directing the Department of Health to continue program of reporting birth defects on birth certificates.
SB 79 by Brooks, relating to the rights of grandparents to have access to their grandchildren.
SB 138 by Doggett, relating to certain court costs and fees imposed to fund the Compensation to Victims of Crime Fund.
SB 171 by Doggett, relating to working hours of patrolmen in certain cities.
SB 173 by Parker, relating to an aggravated or deadly assault on a jailer or a guard.
SB 228 by Blake, relating to the exemptions from identification requirements for certain state-owned vehicles.
SB 239 by Parmer, relating to the authority of the attorney general to sue to restrain or enjoin violations of certain consumer protection laws.
SB 373 by Blake, relating to supplemental appropriations to the senate and State Purchasing and General Services Commission.

Respectfully,
Betty King
Secretary of the Senate

MESSAGE FROM THE GOVERNOR

The speaker laid before the house and had read the following message from the governor:

Austin, Texas
February 14, 1983

TO THE HOUSE OF REPRESENTATIVES OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

Because of the unavoidable delay in preparing tax rolls in some Texas counties due to circumstances beyond their control, I, Mark White, Governor of Texas, pursuant to Article III, Section 5, of the Texas Constitution, do hereby submit the following emergency matter for immediate consideration by the 68th Legislature, now convened:

Legislation extending the discount period for property tax payers in certain circumstances and legislation allowing counties to borrow money under certain conditions.

Also the following legislation:

HB 691 by Finnell relating to the enforcement of certain vehicle weight limitations; and
SB 307 by Sharp and HB 165 by DeLay relating to the conveyance of certain state-owned real property in Fort Bend County.

Respectfully submitted,
Mark White
Governor

SENATE BILL ON FIRST READING

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

SB 307 to Committee on State Affairs.
RESOLUTIONS REFERRED TO COMMITTEES

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

SCR 26, In memory of former state Representative John A. Atchison.
To Committee on Rules and Resolutions.

By Wieting:
HCR 44, Honoring the Texas 4-H program.
To Committee on Rules and Resolutions.

By Kemp:
HCR 46, Granting D. Dave Bentrup and Verla A. Bentrup permission to sue the state.
To Committee on Judicial Affairs.

By Pennington:
HCR 47, Creating a special joint legislative interim committee to assess the ecology of Clear Lake.
To Committee on Natural Resources.

By Staniswalis:
HCR 48, Requesting the State Board of Education to encourage school districts to provide course work on conservation of natural resources.
To Committee on Public Education.

By Edwards:
HCR 49, Granting Onoray Davis and Onoray Davis Trucking Company, Inc., permission to sue the state.
To Committee on Judicial Affairs.

By G. Hill:
HCR 50, Commending Edward F. Riedel.
To Committee on Rules and Resolutions.

By G. Hill:
HCR 52, Designating February 9, 1983, as “Bob Armstrong Day in Texas.”
To Committee on Rules and Resolutions.

By E. Barton, et al.:
HCR 54, Commending Dr. Thomas M. Spencer.
To Committee on Rules and Resolutions.

By Kemp, et al.:
HCR 55, Commending the Willowridge High School football team.
To Committee on Rules and Resolutions.

By C. Evans:
HCR 56, Granting permission to Pierce Contractors, Inc.-Dallas, to sue the state.
To Committee on Judicial Affairs.

By S. Hudson
HCR 57, Commending Capitol Security Officers James Mitchell, Joel Quintanilla, Arthur Patterson, and Wilfred Spinks.
To Committee on Rules and Resolutions.
By B. Barton:

HCR 58, Congratulating the Southwest Texas State University Bobcats.
To Committee on Rules and Resolutions.

By Gavin:
HCR 59, Paying tribute to Marjorie Booker.
To Committee on Rules and Resolutions.

By Waldrop:

HCR 60, Granting permission to Arbra Johnson and Pearl Johnson to sue the state.
To Committee on Judicial Affairs.

By Grisham:

HCR 61, In memory of O. H. (Muggie) Schram.
To Committee on Rules and Resolutions.

By Green:

HCR 62, Creating a special interim committee to study the issue of fire protection.
To Committee on Insurance.

By B. Gibson:

HCR 63, Commending Clyde H. Wells.
To Committee on Rules and Resolutions.

By Blanton:

HCR 64, Creating an advisory committee under the Texas Legislative Council to provide ongoing review of the Texas Education Code.
To Committee on Public Education.

By Bomer:

HCR 65, Designating March as “Texas Book Month.”
To Committee on Cultural and Historical Resources.

By G. Hill:

HCR 66, Granting permission to Kathleen L. Joki, Warren G. Hamill, Bonny L. Keyes, Gregory L. Gregory, James W. Curry, E. Jack Blanton, Elizabeth A. Pfeil, and Catherine E. Wall to sue the state.
To Committee on Judicial Affairs.

By Carriker:

HCR 67, Petitioning Congress to eliminate the authority of the Internal Revenue Service to withhold from the earnings of savers and investors.
To Committee on State Affairs.

By E. Barton, et al.:
HR 44, In memory of Josephine Cox.
To Committee on Rules and Resolutions.

By Ragsdale:

HR 46, Congratulating the D. W. Carter High School football team of Dallas.
To Committee on Rules and Resolutions.

By Burnett:

HR 47, Commending F. E. Boyd.
To Committee on Rules and Resolutions.
By Burnett:
HR 48, Commending Shad Bryson.
To Committee on Rules and Resolutions.

By Haley:
HR 50, Recognizing the week of February 6-12, 1983, as Vocational Education Week.
To Committee on Public Education.

By Gilley:
HR 51, In memory of Arnold Alsobrooks.
To Committee on Rules and Resolutions.

By Luna:
HR 52, Commending Ida Mae Blasingame.
To Committee on Rules and Resolutions.

By Oliveira:
HR 53, In memory of Eutimio Hernandez, Jr.
To Committee on Rules and Resolutions.

By Khoury:
HR 54, Congratulating Mr. and Mrs. William Andrew McAllister.
To Committee on Rules and Resolutions.

By Burnett:
HR 57, Designating Wednesday, April 6, 1983, as “San Angelo Day in Austin.”
To Committee on Rules and Resolutions.

By G. Thompson:
HR 58, Congratulating the Episcopal Church of the Heavenly Rest of Abilene, Texas, and commending the Reverend James Folts.
To Committee on Rules and Resolutions.

By Pierce:
HR 59, Congratulating Mrs. Sadie Ray Graff.
To Committee on Rules and Resolutions.

HOUSE BILLS ON FIRST READING

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

By G. Thompson:
HB 351, A bill to be entitled An Act relating to the membership, administration, and continuation of the Texas Commission on the Arts and to the responsibilities of the commission and other entities for the governor’s mansion and adjacent grounds.
To Committee on Cultural and Historical Resources.

By G. Thompson:
HB 352, A bill to be entitled An Act relating to the membership, administration, and continuation of the Texas Historical Commission.
To Committee on Cultural and Historical Resources.

By G. Thompson:
HB 353, A bill to be entitled An Act relating to the continuation and operations of the Texas Advisory Commission on Intergovernmental Relations.
To Committee on Regions, Compacts, and Districts.
By Willis:
HB 354, A bill to be entitled An Act relating to heart and lung disease death or disability benefits for certain firemen.
To Committee on Urban Affairs.

By Willis, et al.:
HB 355, A bill to be entitled An Act relating to the pay of election judges and clerks.
To Committee on Elections.

By Willis:
HB 356, A bill to be entitled An Act relating to emergency child custody procedures involving a child who is the victim of sexual abuse.
To Committee on Judiciary.

By Willis:
HB 357, A bill to be entitled An Act relating to civil and criminal liability for taking or failing to take or retain possession of a child without a court order.
To Committee on Judiciary.

By Willis:
HB 358, A bill to be entitled An Act relating to child abuse investigations.
To Committee on Judiciary.

By Hinojosa, et al.:
HB 359, A bill to be entitled An Act relating to the compensation of the judges of the district courts in Hidalgo County.
To Committee on Judicial Affairs.

By Hinojosa, et al.:
HB 360, A bill to be entitled An Act relating to the selection and qualifications of jurors.
To Committee on Judiciary.

By Collazo:
HB 361, A bill to be entitled An Act relating to taxes on certain coin-operated machines and to the allocation of the revenue from those taxes.
To Committee on Ways and Means.

By Collazo:
HB 362, A bill to be entitled An Act relating to the allocation and uses of motor fuel taxes for city streets.
To Committee on Ways and Means.

By Collazo:
HB 363, A bill to be entitled An Act relating to the right to eat lunch for teachers actively engaged in the instruction of public school students.
To Committee on Public Education.

By Collazo:
HB 364, A bill to be entitled An Act relating to the authorization of a local mixed beverage gross receipts tax for the purpose of raising city revenue for city streets.
To Committee on Liquor Regulation.
By Patterson, et al.:

HB 365, A bill to be entitled An Act relating to the ownership of mineral interests by a foreign government or an organization in which a foreign government owns an interest.
To Committee on Energy.

By Patterson:
HB 366, A bill to be entitled An Act relating to special license plates for members of the Texas National Guard.
To Committee on Transportation.

By Schoolcraft:
HB 367, A bill to be entitled An Act relating to joint managing conservatorship of children.
To Committee on Judiciary.

By E. Barton:
HB 368, A bill to be entitled An Act relating to the creation of the criminal offense of tampering with food or a drug and sentencing alternatives applicable to convictions for that offense.
To Committee on Criminal Jurisprudence.

By Patterson, et al.:
HB 369, A bill to be entitled An Act relating to the creation of a farm and ranch finance program.
To Committee on Agriculture and Livestock.

By T. Smith:
HB 370, A bill to be entitled An Act relating to the election of property exemptions in bankruptcy proceedings.
To Committee on Judicial Affairs.

By Hinojosa:
HB 371, A bill to be entitled An Act relating to procedures for the administration and disbursement of block grant funds.
To Committee on State Affairs.

By G. Hill:
HB 372, A bill to be entitled An Act relating to a supplemental appropriation to the treasury department.
To Committee on Appropriations.

By Hinojosa, et al.:
HB 373, A bill to be entitled An Act relating to the terms of court of certain district courts in Hidalgo County.
To Committee on Judicial Affairs.

By Wright:
HB 374, A bill to be entitled An Act relating to the management of property recovered in a suit by the next friend of an incapacitated person.
To Committee on Judicial Affairs.

By Wright:
HB 375, A bill to be entitled An Act relating to the authority of the personal representative of a decedent to institute proceedings to determine heirship.
To Committee on Judicial Affairs.
By Wright:
HB 376, A bill to be entitled An Act relating to the liability of certain personal representatives for attorney's fees.
To Committee on Judicial Affairs.

By Wright:
HB 377, A bill to be entitled An Act relating to providing notice to heirs and beneficiaries concerning final settlements in probate proceedings.
To Committee on Judicial Affairs.

By Wright:
HB 378, A bill to be entitled An Act relating to the distribution of small estates on affidavit.
To Committee on Judicial Affairs.

By Hollowell:
HB 379, A bill to be entitled An Act relating to the quail season in Van Zandt County.
To Committee on Environmental Affairs.

By T. Smith:
HB 380, A bill to be entitled An Act relating to the prohibition of manufacturing or selling certain beverage cans with detachable openers; providing penalties.
To Committee on Business and Commerce.

By Criss:
HB 381, A bill to be entitled An Act relating to provision of certain insurance and payment of premiums by counties and other political subdivisions of the state.
To Committee on Insurance.

By Hightower, et al.:
HB 382, A bill to be entitled An Act relating to the payment by the state of certain expenses arising from the prosecution of an inmate or employee of the department of corrections and from investigation of offenses under Section 39.021, Penal Code.
To Committee on Criminal Jurisprudence.

By S. Hudson:
HB 383, A bill to be entitled An Act relating to the disposition of certain weapons in the custody of law enforcement agencies.
To Committee on Criminal Jurisprudence.

By Blanton:
HB 384, A bill to be entitled An Act relating to the remittitur of forfeited bail bonds.
To Committee on County Affairs.

By Willis:
HB 385, A bill to be entitled An Act relating to the compensation of presiding judges of certain administrative judicial districts.
To Committee on Judicial Affairs.

By Hernandez, et al.:
HB 386, A bill to be entitled An Act relating to membership and terms of office of the Alcoholic Beverage Commission.
To Committee on Liquor Regulation.
By Edwards:

HB 387, A bill to be entitled An Act relating to the prohibition of the requirement by a business that a credit card be presented for the acceptance of a check; providing a penalty.
To Committee on Business and Commerce.

By Patterson, et al.:

HB 388, A bill to be entitled An Act relating to the ownership of agricultural land by foreign persons.
To Committee on State Affairs.

By T. Hall:

HB 389, A bill to be entitled An Act relating to the exemption from property tax of certain property owned by a religious organization.
To Committee on Ways and Means.

By Patrick:

HB 390, A bill to be entitled An Act relating to contingency reserves of mutual, level premium, legal reserve life insurance companies.
To Committee on Insurance.

By Patrick:

HB 391, A bill to be entitled An Act relating to the eligibility for probation of certain criminal defendants who use or exhibit a deadly weapon during commission or flight from commission of the offense.
To Committee on Criminal Jurisprudence.

By Wolens:

HB 392, A bill to be entitled An Act enabling the creation of municipal courts of record in the City of Dallas; prescribing the jurisdiction, administration, and procedure of the courts; providing for municipal judges and other personnel of the courts; prescribing the appeals from municipal courts of record; providing an effective date; and declaring an emergency.
To Committee on Judicial Affairs.

By Blanton:

HB 393, A bill to be entitled An Act relating to procedure for arrest, release, and appearance before a magistrate for certain misdemeanors.
To Committee on Criminal Jurisprudence.

By A. Garcia:

HB 394, A bill to be entitled An Act relating to the value of prizes awarded at a bingo game.
To Committee on State Affairs.

By A. Garcia:

HB 395, A bill to be entitled An Act relating to the civil jurisdiction of county courts at law, county courts, and other statutory courts exercising civil jurisdiction.
To Committee on Judicial Affairs.

By C. Smith:

HB 396, A bill to be entitled An Act relating to the repeal of the provision for split payment of property taxes.
To Committee on Ways and Means.
By Polumbo:
HB 397, A bill to be entitled An Act relating to disciplinary measures against and conditions of employment of peace officers.
To Committee on Urban Affairs.

By Polumbo:
HB 398, A bill to be entitled An Act relating to the use of forfeited controlled substances for law enforcement purposes.
To Committee on Criminal Jurisprudence.

By Buchanan:
HB 399, A bill to be entitled An Act relating to the name and terms of office for directors of the Ground Water Conservation District No. Two, North of the Canadian River.
To Committee on Natural Resources.

By Presnal:
HB 400, A bill to be entitled An Act relating to an exemption from the open records requirements for personal papers and oral histories acquired by governmental bodies for research by scholars.
To Committee on State Affairs.

By Oliveira:
HB 567, A bill to be entitled An Act relating to county loans for current operating expenses.
To Committee on County Affairs.

By Finnell:
HB 691, A bill to be entitled An Act relating to the enforcement of certain vehicle weight limitations.
To Committee on Transportation.

HCR 45 - ADOPTED
Representative J. Gibson moved that all necessary rules be suspended to take up and consider at this time, HCR 45.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By J. Gibson:

HCR 45
WHEREAS, In past years, the Texas DeMolay Association has held a legislative seminar to educate its members in the process of democratic government, both in theory and in practice; and
WHEREAS, This valuable and comprehensive educational program attracts participants from throughout the state and includes area conferences conducted to determine the legislative issue to be debated and to acquaint DeMolays with legislative procedures; and
WHEREAS, The 8th and 9th Texas DeMolay Government Days are to be held in Austin on February 19-20, 1983, and on February 18-19, 1984; and
WHEREAS, The governor, lieutenant governor, speaker of the house, members of the Texas Legislature, members of the judiciary, and other elected and appointed state officials are invited to attend the seminar and encouraged to lend their leadership and expertise in the discussion of the selected issues; and
WHEREAS, A major phase of each seminar is the mock legislative session to be conducted on and during the day of February 19 and the morning of February
WHEREAS, The Texas Legislature heartily endorses the goals and ideals of the Texas DeMolay Association Government Day; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby grant permission to the Texas DeMolay Association to use the chambers of the house of representatives and senate in the State Capitol on Saturday, February 19, and Sunday, February 20, 1983, and on Saturday, February 18, and Sunday, February 19, 1984, for the association's traditional Government Day.

The resolution was adopted without objection.

HR 60 - ADOPTED

Representative Barrientos moved that all necessary rules be suspended to take up and consider at this time, HR 60.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Barrientos:

HR 60

WHEREAS, In late 1927, representatives from Hispanic organizations in the Southwest, especially in Texas, such as the Knights of America, the Sons of America, and the League of Latin American Citizens, began working towards combining and forming one organization for Hispanic Americans; and,

WHEREAS, That successful combination of members between the League of Latin American Citizens and the Sons of America took place on February 17, 1929 in Corpus Christi, Texas, forming the League of United Latin American Citizens (LULAC); and,

WHEREAS, Members of this organization must be American citizens with Hispanic birth or heritage, except for 25% of the total membership that may be American citizens, but not necessarily of Hispanic birth or heritage; and,

WHEREAS, It was an intention of the founders to bring about expansion of rights to American citizens of Hispanic heritage by trying to reduce segregation and discrimination towards them, and by trying to establish and promote availability of high quality education; and,

WHEREAS, Contemporary efforts towards educating Hispanics, LULAC members, and all citizens include gatherings in the form of symposiums, luncheons, conventions, presenting speakers and members with new ideas and news of goals accomplished; and,

WHEREAS, One week of such events, traditionally named LULAC Week, takes place annually at district, state, and national levels of LULAC making full use of knowledge and effort of LULAC members as well as that of prominent leaders of our community; and,

WHEREAS, In Austin, one week of educational and ceremonial activities will take place, presenting the topics of politics, communications, and business with focus on possibilities for present and future generations; therefore,

BE IT RESOLVED, That the House of Representatives of the State of Texas, 68th Legislature, declare February 13, through February 19, 1983, LULAC Week for the City of Austin and the State of Texas to celebrate the continued efforts towards education, elimination of discrimination, and all other goals of LULAC members; and,
BE IT FURTHER RESOLVED, That the House encourage all Texans to participate in the celebration of LULAC Week, considering the past and present contributions of this group to the State of Texas and our nation; and,

BE IT FURTHER RESOLVED, That an official copy of this resolution be prepared, under the Seal of the House, for the National President of the League of United Latin American Citizens as an expression of gratitude and esteem of the House of Representatives of Texas.

The resolution was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Wallace on motion of Hackney.

SB 213 ON SECOND READING
(Hury - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 213.

CSSB 213

A BILL TO BE ENTITLED
AN ACT
relating to the requirements for a Certificate of Medical Examination for Mental Illness and to notice and probable cause hearings in connection with orders of protective custody; amending Article 5547-8 and 5547-66 and Subsections (b) and (d), Article 5547-67, Texas Mental Health Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Article 5547-66, Texas Mental Health Code, as amended, is amended to read as follows:

(a) If in the county court in which an Application for Temporary Hospitalization or a Petition for Indefinite Commitment is pending, a Certificate of Medical Examination for Mental Illness is filed showing that the proposed patient has been examined within five (5) days of the filing of a sworn [the] Certificate and stating the opinion of the examining physician and the factual basis for that opinion that the proposed patient is mentally ill and because of his mental illness presents a substantial risk of serious harm [is likely to cause injury] to himself or others if not immediately restrained, the judge may order any health or peace officer to take the proposed patient into protective custody and immediately transport him to a designated mental hospital or other suitable place and detain him pending a probable cause hearing [order of the court]. When an order for protective custody is signed, the presiding judge shall simultaneously appoint an attorney ad litem, if there is no attorney representing the proposed patient.

"(b) The proposed patient and his attorney or attorney ad litem shall be served as soon as possible but no later than twenty-four (24) hours prior to the time of the hearing with written notice that the patient has been placed under an order of protective custody, the reasons why such order was issued, and the time and place of a hearing to establish probable cause to believe that the patient is mentally ill and presents a substantial risk of serious harm to himself or others such that he cannot be at liberty pending the commitment hearing. Such notice shall be provided by the court ordering protective custody.

"(c) A probable cause hearing shall be held within seventy-two (72) hours of the time detention begins pursuant to the order for protective custody; provided,
however, that if the seventy-two (72) hour period ends on a Saturday or Sunday or a legal holiday, the probable cause hearing shall be held on the first succeeding business day. The hearing shall be before a magistrate or, at the discretion of the presiding judge, before a master appointed by the presiding judge. The master shall receive reasonable compensation. At the hearing, the patient and his attorney or attorney ad litem shall have an opportunity to appear and present evidence to challenge the allegation that the patient presents a substantial risk of serious harm to himself or others. The magistrate or master may consider evidence including letters, affidavits, and other material that may not be admissible or sufficient in a subsequent commitment hearing. The state may prove its case on the physician's certificate filed in support of the initial detention.

"(d) If after the hearing the magistrate or master determines that no probable cause exists to believe that the proposed patient presents a substantial risk of serious harm to himself or others, he shall order the patient's release. Arrangements shall be made for the return of the patient to the location of his apprehension or to his place of residence within the state or some other suitable place. If after the hearing the magistrate or master determines that an adequate factual basis exists for probable cause to believe that the proposed patient presents a substantial risk of serious harm to himself or others, such that he cannot be at liberty pending the commitment hearing, the patient's detention in protective custody shall continue subject to the provisions of Article 5547-67. If the protective custody is to continue, the magistrate or master shall arrange for the patient to be returned to the mental hospital or other suitable place along with copies of the certificate, affidavits, and other material submitted as evidence and a Notification of Probable Cause Hearing which shall read as follows:

NOTIFICATION OF PROBABLE CAUSE HEARING

(Style of Case)
On this the _____ day of ____________, 19___ the undersigned hearing officer heard evidence concerning the need for protective custody of

(proposed patient)
The proposed patient __________________________ was

(name of proposed patient)
given the opportunity to challenge the allegations that (s)he presents a substantial risk of serious harm to self or others,

(proposed patient)
and his attorney

(attorney)

(proposed patient)
have been given written notice that

(proposed patient)
protective custody and the reasons for such order on

(date of notice)
I have examined the certificate of medical examination for mental illness and

(other evidence considered)
Based upon this evidence, I find that there is probable cause to believe that

(proposed patient)
risk of serious harm to himself or others such that (s)he cannot be at liberty pending final hearing because

(reasons for finding)
A copy of the Notification of Probable Cause Hearing and the supporting evidence shall also be filed with the county court which entered the original Order of Protective Custody."

SECTION 2. Subsections (b) and (d), Article 5547-67, Texas Mental Health Code, as amended, are amended to read as follows:

"(b) No person may be detained in protective custody in a non-medical facility used for the detention of persons charged with or convicted of a crime except because of and during an extreme emergency and in no case for a period of more than 72 hours [seven days], provided, however, that if the seventy-two (72) hour period ends on a Saturday, Sunday, or legal holiday, the person may be detained in such a facility until the first succeeding business day."

"(d) Patients placed in a mental hospital in protective custody pending a hearing upon an Application for Temporary Hospitalization or a Petition for Indefinite Commitment may be discharged by the head of the mental hospital if a final commitment order has not been entered by the court after the expiration of fourteen days in the case of an application for Temporary Hospitalization or after the expiration of thirty days in the case of a Petition for Indefinite Commitment. If the hospital does not receive notice that a probable cause hearing has been held within seventy-two (72) hours of the time detention begins pursuant to the order for protective custody, excepting weekends and holidays, authorizing the protective custody to continue, the head of the mental hospital shall immediately release the patient from custody."

SECTION 3. Article 5547-8, Texas Mental Health Code, as amended, is amended to read as follows:

"Article 5547-8. Certificate of Medical Examination for Mental Illness

A sworn Certificate of Medical Examination for Mental Illness shall be dated and signed by the examining physician, and shall state:

"(a) The name and address of the examining physician;

"(b) The name and address of the person examined;

"(c) The date and place of the examination;

"(d) A brief diagnosis of the physical and mental condition of the person examined;

"(e) The period of time, if any, that the person examined has been under the care of the examining physician; and

"(f) The opinion of the examining physician and the factual basis for that opinion as to whether the person examined is mentally ill, and if so —

"(1) whether he requires observation and treatment in a mental hospital; or

"(2) whether he requires hospitalization in a mental hospital; and

"(g) An accurate description of the type or kind of treatment, if any, given or administered by or under the direction of the examining physician or the head of the hospital."

SECTION 4. This Act expires August 31, 1983.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after March 1, 1983, and it is so enacted.

The bill was read second time and was passed to third reading. (McWilliams recorded voting no)
(Colbert now present)

**ADJOURNMENT**

Representative Russell moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Sidney Latham.

The motion prevailed without objection.

The house accordingly, at 2:33 p.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

**SENT TO THE GOVERNOR**

February 10 - HCR 53

**RECOMMENDATION OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER**

The following recommendation of the Texas Water Commission was filed with the speaker:

February 11 - HB 399

**COAUTHORS AUTHORIZED**

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

- **HJR 19** - Davis, Armbrister, Robinson
- **HB 36** - Mankins
- **HB 72** - Denton
- **HB 195** - Sutton
- **HB 218** - Oliveira
- **HB 221** - Armbrister
- **HB 222** - Hury
- **HB 223** - Armbrister
- **HB 224** - Armbrister
- **HB 225** - Hury
- **HB 226** - Price
- **HB 227** - Armbrister
- **HB 308** - Armbrister
- **HB 355** - Collazo
- **HB 359** - A. Moreno
- **HB 360** - D. Hudson
- **HB 365** - Carriker, D. Hudson, Sutton
- **HB 369** - Carriker, D. Hudson, Stiles, Waldrop, Grisham, Collazo, B. Barton, Russell, Kubiak, Gilley
HB 373 - A. Moreno
HB 382 - Davis
HB 386 - M. Garcia
HCR 40 - Kuempel