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 110).

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

Absent, Excused — Delco; English; Fox; Wallace.

Absent — Colbert; Hackney; Hury; Luna; Moreno, P.; Valles; Wright.

The invocation was offered by Dr. L. F. Chaney, pastor, Damascus Missionary Baptist Church, Houston, Texas.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

English on motion of Saunders.

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

Delco on motion of G. Thompson.

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

Fox on motion of Schlueter.

(Hury and Wright now present)
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:

SB 370 by Williams, relating to reports concerning veterans who may have been exposed to certain chemical defoliants.
SB 389 by Whitmire, et al., relating to the classification and promotion policies for members of police departments in certain cities.
SB 458 by Lyon, relating to physical examinations of children in cases of reported child abuse.
SB 578 by Caperton, relating to the authority of the Board of Regents of The Texas A&M University System.
SB 579 by Leedom, relating to the regulation and licensing of migrant labor housing facilities.
SB 739 by Sims, relating to the method of sale and bonus and royalty bids for oil and gas leases on Permanent University Fund lands by the board for Lease of University Lands; and declaring an emergency.
SB 763 by Parker and Montford, relating to contracting to provide for the transportation of public school students.
SB 985 by Glasgow, relating to the time periods for filing sales and use taxes.
SB 988 by Glasgow, relating to the due dates for certain taxes, reports, and estimated taxes and to forfeitures.
SB 1100 by Doggett, relating to exemption from regulations of certain audiologists making earmold impressions.
SB 1190 by Farabee, relating to required notice of intent to take default judgments against the State of Texas.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 4, HCR 14, HCR 144
(Hackney now present)

HR 216 - ADOPTED

Representative Polk moved that all necessary rules be suspended to take up and consider at this time, HR 216.

The motion prevailed without objection.

The speaker laid before the house the following resolution:
By Polk:

HR 216

WHEREAS, This 6th day of April, 1983, is the birthday of the Honorable Al Price, a distinguished member of the house of representatives and a native son of Texas; and

WHEREAS, It is with great pleasure that his colleagues join with this outstanding Beaumont citizen in celebrating the 43rd anniversary of his birth; and

WHEREAS, Representative Price is currently serving his fourth term in the house, representing District 22 in Jefferson County; and

WHEREAS, His presence and contributions in the house of representatives have earned him the respect, friendship, and admiration of all his colleagues, and it is appropriate that they acknowledge this special day in his life; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby wish the Honorable Al Price a Happy Birthday and many more years of exemplary service to the state; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Representative Price as a memento of this day and as a token of the good wishes from his friends in the house of representatives.

The resolution was read and was adopted without objection.

On motion of Speaker Lewis, the names of all the members of the house were added to HR 216 as signers thereof.

HR 57 - ADOPTED

Representative Burnett moved that all necessary rules be suspended to take up and consider at this time, HR 57.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Burnett:

HR 57, Designating Wednesday, April 6, 1983, as “San Angelo Day in Austin.”

The resolution was read and was adopted without objection.

On motion of Representative Madla, the names of all the members of the house were added to HR 57 as signers thereof.

HR 212 - ADOPTED

Representative Madla moved that all necessary rules be suspended to take up and consider at this time, HR 212.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Madla, et al.:

HR 212, In memory of Dr. Bill Crane.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative W. Hall, the names of all the members of the house were added to HR 212 as signers thereof.
HB 2339 - PERMISSION TO INTRODUCE

Representative W. Harrison moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2339.

The motion prevailed by (Record 111): 127 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientez; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Carriker; Cary; Cavazos; Ceverha; Clark; Colazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hightower; Hibbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubaiak; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Mankins; Martinez, W.; Messer; Millspa; Moreno, A.; Oliver; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Agnich; Smith, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delco; English; Fox.

Absent — Bush; Cain; Clemons; Colbert; Gibson, J.; Hernandez; Lee, D.; Luna; Martinez, R.; Moreno, P.; Oliveira; Parker; Patrick; Russell; Short; Valles; Wallace.

(Colbert now present)

HB 480 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 480, A bill to be entitled An Act relating to research and management of alligators, fur-bearing animals, and other wildlife resources, and to the removal of alligators and fur-bearing animals from wildlife management areas.

The bill was read third time and was passed.

HB 410 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 410, A bill to be entitled An Act relating to the purchase of firearms from the state by retiring state peace officers or survivors of state peace officers.

(Luna now present)

A record vote was requested.

The bill was read third time and was passed by (Record 112): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientez; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Carriker; Cary; Cavazos; Ceverha;
Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluster; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Vowell; Waldrop; Watson; Whaley; Wieting; Wilhs; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).
Absent, Excused — Delco; English; Fox.
Absent — Bush; Cain; Gibson, J.; Hall, W.; Hernandez; Hury; Jones; Lee, D.; Luna; Messer; Moreno, P.; Parker; Peveto; Valles; Wallace.

HB 276 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 276, A bill to be entitled An Act relating to the persons authorized to request an autopsy.

The bill was read third time and was passed. (Collazo recorded voting no)

HB 622 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 622, A bill to be entitled An Act relating to nonprofit corporations a purpose of which is to assist a state agency.

The bill was read third time and was passed.

LEAVE OF ABSENCE GRANTED

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

Wallace on motion of Danburg.

HB 15 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 15, A bill to be entitled An Act relating to the temporary employment of persons in certain fire departments and police departments.

The bill was read third time and was passed.

HB 229 ON THIRD READING

The speaker laid before the house on its third reading and final passage.

HB 229, A bill to be entitled An Act relating to acknowledgements of paternity on birth certificates.

The bill was read third time and was passed.
HB 943 ON THIRD READING
The speaker laid before the house on its third reading and final passage, HB 943, A bill to be entitled An Act relating to write-in voting in an election for the office of trustee of an independent school district.
The bill was read third time and was passed.

HB 376 ON THIRD READING
The speaker laid before the house on its third reading and final passage, HB 376, A bill to be entitled An Act relating to the liability of certain personal representatives for attorney’s fees.
The bill was read third time and was passed.

HB 464 ON THIRD READING
The speaker laid before the house on its third reading and final passage, HB 464, A bill to be entitled An Act relating to coordination of benefits between certain insurance policies.
The bill was read third time and was passed.

SB 121 ON THIRD READING
(Saunders - House Sponsor)
The speaker laid before the house on its third reading and final passage, SB 121, A bill to be entitled An Act relating to the creation of a judicial district composed of the counties of Washington, Lee, Bastrop, and Burleson and an appropriation for the salary and expenses of the judge of the court; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon’s Texas Civil Statutes), by adding Section 3.130.
A record vote was requested.
The bill was read third time and was passed by (Record 113): 136 Yeas, 0 Nays, 1 Present, not voting.
Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrker; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddock; Cris; Crockett; Danburg; Davis; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Moreno, A.; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.
Present, not voting — Mr. Speaker(C).
Absent, Excused — Delco; English; Fox; Wallace.
Absent — Gibson, J.; Hall, W.; Lee, D.; Millsap; Moreno, P.; Oliveira; Parker; Rangel; Valles.

The speaker stated that SB 121 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

**SB 185 ON THIRD READING**
(Criss - House Sponsor)

The speaker laid before the house on its third reading and final passage,

SB 185, A bill to be entitled An Act relating to the responsibility of a railway corporation for obstructing a street, railway crossing, or highway, to the duties of the arresting officer, and to a magistrate's hearing; providing a penalty; amending Article 6701d-5, Revised Statutes.

The bill was read third time and was passed.

**SB 251 ON SECOND READING**
(Hightower - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading,

SB 251, A bill to be entitled An Act relating to the appointment, powers, and duties of law enforcement officers commissioned by the director of the Parks and Wildlife Department and to rewards made from the operation game thief fund; amending the Parks and Wildlife Code by amending Sections 11.018, 11.019, and 12.204, by adding Section 11.0191, and by repealing Sections 12.101 and 12.102.

The bill was read second time and was passed to third reading.

**SB 351 ON SECOND READING**
(Gavin - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading,

SB 351, A bill to be entitled An Act relating to payment of premium requirements of certain group life insurance policies; amending the Insurance Code, as amended by amending Subsections (5) and (10) of Section 1 and Section 2, Article 3.50.

The bill was read second time and was passed to third reading.

**SB 27 ON SECOND READING**
(G. Hill - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 27.

**CSSB 27**

A BILL TO BE ENTITLED
AN ACT

relating to public school textbooks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.03, Texas Education Code, is amended to read as follows:

Sec. 12.03. SPECIAL TEXTBOOKS (FOR THE BLIND AND VISUALLY HANDICAPPED). (a) The State Board of Education is authorized to acquire,
purchase, and contract for, with or without bids [subject to rules and regulations adopted by the board], free textbooks [recommended as suitable and usable as textbooks] for the education of the blind and visually handicapped [scholastics in the] public school students [systems of this state in grades one to twelve inclusive]. The textbooks shall be acquired, purchased, or contracted for as provided by Subchapter B of this chapter and by any applicable rule adopted by the State Board of Education. The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to Public Law 922, 84th Congress, or as amended, for use by students enrolled in public or private non-profit schools. The agreements may include the purchase of textbooks for blind and visually handicapped students attending private, non-profit schools if no state funds except for administrative cost are involved.

(b) For purposes of this section, a blind and/or visually handicapped scholastic means and includes any pupil whose visual acuity is impaired to the extent that he is unable to read the print in regularly adopted textbooks used in the subject class.

(c) For purposes of this section, “textbook” means and includes books in Braille, large type or any other medium or any apparatus which conveys information to the scholastic or otherwise contributes to the learning process.

(d) The State Board of Education shall solicit bids for and shall purchase or otherwise acquire textbooks and supporting media to be used free of charge by students in bilingual education classes in public schools. The textbooks shall be acquired as provided by Subchapter B of this chapter and by any applicable rule adopted by the State Board of Education. [All textbooks for the blind and visually handicapped available and submitted on invitation shall be examined by the State Textbook Committee for its recommendation as to their suitability and usability as textbooks for the blind and visually handicapped in the public school systems.

(e) Textbooks for the blind and visually handicapped and teacher copies requisitioned and purchased by the board pursuant to contract signed by the chairman thereof and the costs of administration thereof shall be paid out of the textbook fund of this state as are textbooks for pupils of normal vision.

(f) Textbooks for the blind and visually handicapped may be obtained and distributed by the Central Education Agency pursuant to rules and regulations adopted by the State Board of Education as it may act on recommendations of the State Textbook Committee and commissioner of education.

(g) All textbooks acquired by the provisions of this section shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations.

SECTION 2. Section 12.11(a), Texas Education Code, is amended to read as follows:

(a) The commissioner of education, annually at a meeting of the State Board of Education held on a date specified by the board [or before the second Saturday in May], shall recommend one person from each congressional district in this state [the names of 15 persons, no two of whom shall live in the same congressional district] for appointment to the textbook committee for a one-year term.

SECTION 3. Section 12.11(d), Texas Education Code, is amended to read as follows:

(d) The State Board of Education shall approve or reject the nominations; and if any name is rejected, the commissioner of education shall nominate others until one person has [15 persons have] been selected from each; no two of whom shall live in the same congressional district in this state, who shall be named by the State Board of Education to membership on the textbook committee.
SECTION 4. Section 12.11(f), Texas Education Code, is amended to read as follows:

(f) The textbook committee shall hold its meetings where and when the State Board of Education shall determine; its members shall receive an honorarium and [no salary but] shall be reimbursed for [all] expenses as provided by rules adopted by the State Board of Education [incurred in attending meetings and/or appeals involving the committee].

SECTION 5. Section 12.14, Texas Education Code, is amended to read as follows:

Sec. 12.14. MULTIPLE LIST FOR ELEMENTARY GRADES. (a) [As used in this section:

[(f)] "Textbooks" shall be consistent with the definition in legal use prior to the adoption of this section:

[(2)] "Learning systems" means a coordinated system of instructional materials in one or more media that conveys to the pupil information on a subject comparable to that contained in the approved textbooks:

[(3)] "Supplementary materials" means instructional materials in any medium that are used as an adjunct to a specific adopted textbook:

[(b)] The State Board of Education shall select and adopt a multiple list of textbooks for use in the elementary grades, including kindergarten, and the secondary grades of the public schools of Texas.

[(b)] The multiple list shall consist of not less than two [three] nor more than five textbooks for each subject matter or course designated by the board to implement Section 21.101 of this code.

[(c)] The board may also select and adopt textbooks for any additional subjects approved by the State Department of Education for teaching in the elementary schools; including but not limited to the foreign languages of German, Bohemian, Spanish, French, Latin, or Greek:

[(d)] The board may select and adopt supplementary materials to be used in conjunction with approved textbooks:

[(g)] The board may select and adopt a multiple list of not less than two nor more than three learning systems in those subject areas it deems appropriate.

[(e)] [(f)] No book adopted shall contain anything of a partisan or sectarian character.

SECTION 6. Section 12.16(a), Texas Education Code, is amended to read as follows:

(a) In the event as many as two [three] suitable textbooks are not offered for adoption on any one subject matter or course, the board may select one textbook.

SECTION 7. Section 12.16(c), Texas Education Code, is amended to read as follows:

(c) Textbooks adopted in accordance with the provisions of this section are adoptions for every public school in this state [and no public school in the state shall use any textbook unless it has previously been approved and adopted by the State Board of Education]. The board shall prescribe rules under which such textbooks adopted and approved shall be introduced or used by or in the public schools of the state.
SECTION 8. Section 12.17(a), Texas Education Code, is amended to read as follows:

(a) When textbooks are to be selected and adopted under the provisions of this code, or where a contract for a textbook then in use is about to expire, not less than two months in advance of the meeting of the State Board of Education at which the adoptions may be made, the chairman of the State Board of Education shall give public notice—

1. by having printed in the public press a notice to the effect that the meeting will be held and that adoptions will be made; and

2. by sending written notices to all persons, firms, or corporations in whose behalf the notices shall have been requested.

SECTION 9. Section 12.20, Texas Education Code, is amended to read as follows:

Sec. 12.20. AFFIDAVIT OF ELIGIBILITY AND ANTITRUST COMPLIANCE (AGENCY). (a) Each person, firm, or corporation submitting a bid on any book or books for adoption shall file with the commissioner of education on the day that the State Board of Education meets or within the last five days just preceding the date on which the board meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding, setting forth all of the facts with reference to the eligibility of the bidder to make a proposal and to compliance by the bidder with antitrust regulations under Section 12.22 of this code.

(b) In relation to a bidder's eligibility, an affidavit filed must contain the following:

1. the names of all persons employed to act for the bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of the bid or bids and supporting documents, together with the addresses of such individuals and the capacity in which each served;

2. the names of any persons who may have at any time during the preceding year received, either directly or indirectly, any money or other thing of value from the bidder by way of emolument for services rendered in this state, either directly or indirectly, in securing or attempting to secure contracts for the sale of books of the publisher or in promoting the sale of such books to the State of Texas; and

3. a statement that no member of the State Board of Education or of the State Textbook Committee is in any way interested, directly or indirectly, in the individual, firm, or corporation bidding; and

(c) In relation to a bidder's compliance with antitrust regulations, an affidavit must contain the following:

1. a statement that the person, firm, or corporation bidding is not a trust and is not connected either directly or indirectly with a trust;

2. a provision stating whether or not the person, firm, or corporation, or any member of the firm or stockholder of the corporation is acting as a director, trustee, or controlling stockholder in any other textbook publishing house, either directly or indirectly or through a third party; and

3. if the bidder is a firm, a statement showing the names of all members of the firm and stating whether any other person, firm, or corporation has any financial interest in the firm and whether any member of the firm has any financial interest in any other textbook publishing house.

(d) In the event any publisher, after filing the affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the State Board of Education, the staff disclose such employment shall be disclosed to
the board by filing a supplementary affidavit before any contract [in which he] is interested shall be awarded to the publisher.

(e) (f) A publisher who cannot or does not comply with the provisions of this section shall not be eligible to bid.

SECTION 10. Section 12.24(a), Texas Education Code, is amended to read as follows:

(a) The State Board of Education shall adopt rules to provide for [make] a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented.

SECTION 11. Section 12.24(d), Texas Education Code, is amended to read as follows:

(d) The State Board of Education shall proceed [without delay] to adopt for use in the public schools of this state textbooks on all branches authorized by this chapter; but if the bids submitted are not satisfactory, the board may postpone the selection of the books or a part of them to such time as the board may select, and after readvertising, new bids may be received and acted on by the board in the same manner as original bids.

SECTION 12. Section 12.34(k), Texas Education Code, is amended to read as follows:

(k) To insure that current material is always available to the schoolchildren of Texas and to enable the development of material in an orderly and efficient manner, the State Board of Education shall develop and implement a balanced adoption cycle for proclamation of needs for textbooks and other instructional materials. At a minimum, the adoption cycle shall:
   1. extend over a period of years determined by the State Board of Education to be the most beneficial and desirable time span to meet the textbook needs of Texas public schools;
   2. be planned on the basis of a cost to the state of not less than $15 per scholastic population for the first year of the cycle and adjusted thereafter to account for increasing costs due to inflation of the economy;
   3. be so arranged that the total cost of new adoptions shall be approximately equal for each year of the proposed cycle, except as adjusted for increasing costs and a growing scholastic population;
   4. be all-inclusive of all subjects required by statute or [approved] by the State Board of Education to be used in the public school system of Texas during the period of time encompassed by the cycle;
   5. be developed in such a manner that it will operate on a continuing basis so that providers of textbooks and other instructional materials shall be kept advised in advance of the subjects to be called for adoption each year; and
   6. provide that except under emergency conditions deemed necessary by the State Board of Education, all changes or amendments in the cycle shall be made in such manner and at such time as to give notice of the change to the providers of textbooks and other instructional materials as far in advance as possible.

SECTION 13. Section 2.08, Texas Education Code, is transferred to Subchapter B, Chapter 12, Texas Education Code, and is renumbered to read as follows:

Sec. 12.36 [2.08]. FORFEITURE OF POSITION. During the term of his employment, a trustee or teacher in any public school or institution of higher learning in Texas, county or city superintendent, university president, or college president shall not act as agent or attorney for any textbook publishing company
selling textbooks in Texas. Acceptance of the agency or attorneyship shall by operation of law forfeit his position with the public schools.

SECTION 14. Section 12.62(c), Texas Education Code, is amended to read as follows:

(c) Once textbooks are selected from the multiple lists, they shall be continued in use in that school system for the entire period of the adoption [or for a minimum period of not less than five years].

SECTION 15. The following sections of the Texas Education Code are repealed:

(1) Section 12.04, as added by Chapter 377, Acts of the 62nd Legislature, Regular Session, 1971;
(2) Section 12.04, as added by Chapter 392, Acts of the 63rd Legislature, Regular Session, 1973;
(3) Section 12.15;
(4) Section 12.16(d);
(5) Section 12.22(b);
(6) Section 12.23(d); and
(7) Sections 12.62(a) and (f).

SECTION 16. 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 its passage, and it is so enacted.

CSSB 27 was read second time.

Representative Robnett offered the following amendment to CSSB 27:

Amend CSSB 27 on page 9 by adding the following sentence after the word "presented.": "In all substantive and procedural matters relating to the textbook adoption process, all persons submitting written and/or oral commentary shall receive equal treatment."

The amendment was adopted without objection.

Representative Jackson offered the following amendment to CSSB 27:

Amend CSSB 27 by deleting the words "an honorarium" on page 3, line 27 and adding the words "compensatory per diem" in that place.

The amendment was adopted without objection.

CSSB 27, as amended, was passed to third reading. (Leonard, T. Hall, Mankins, Salinas, Hollowell, Presnal, and Staniswalski recorded voting no)

SB 10 ON SECOND READING
(A. Hill - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading.

SB 10, A bill to be entitled An Act relating to authorization of counties to establish and finance alternative systems for resolving citizen disputes.

The bill was read second time.

Representative A. Hill offered the following amendment to the bill:

Amend SB 10 on page 1, line 17, after "treasurer" by inserting: "or, if the county does not have a county treasurer, to the county officer who succeeds to the treasurer's functions".
The amendment was adopted without objection.

SB 10, as amended, was passed to third reading. (Millsap, T. Hall, and Hollowell recorded voting no)

SB 98 ON SECOND READING

(T. Smith - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading.

SB 98, A bill to be entitled An Act relating to the composition, powers, and duties of the Texas Board of Health, the Commissioner of Health, and the Texas Department of Health and the authority of the county commissioners court to expend money for its county's public health and sanitation; amending Title 71, Revised Statutes, as amended, by adding Article 4414b; repealing Sections 1, 1a, 2, 3, 4, 5, 6, 10, and 10A, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Articles 4414a, 4414aa, 4415a, 4416a, 4417a, 4418a, 4418d, 4418f, and 4418g, Vernon's Texas Civil Statutes), and Articles 4419 and 4420, Revised Statutes.

The bill was read second time.

Representative Eikenburg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 98 on page 5, line 23, by adding the words "the Texas Department of Health," after the phrase "the State Department of Health."

Committee Amendment No. 1 was adopted without objection.

Representative Eikenburg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend SB 98 on page 2, line 15 by placing a period after appointment and deleting the words one of whom must be a doctor of osteopathy.

Committee Amendment No. 2 was adopted without objection. (Heflin recorded voting no)

(Valles now present)

Representative Barrientos offered the following amendment to the bill:

Amend SB 98 as follows:

1. On page 5, at the end of line 20 add the following sentence: Any person affected may appeal to the board any decision made by the commissioner under this Act.

2. On page 7, at the end of line 15 add the following sentence: This ratification is not intended to remove the right of appeal to the board of any decision made by the commissioner under this Act by any person affected by that decision.

(Luna in the chair)

Representative T. Smith moved to table the Barrientos amendment.

A record vote was requested.
The motion to table prevailed by (Record 114): 75 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Agnich; Arnold; Blanton; Bomer; Buchanan; Burnett; Ceverha; Clark; Clemmons; Colbert; Connelly; Craddick; DeLay; Denton; Eckels; Eikenburg; Emmett; Finnell; Gavin; Geistweidt; Gibson, B.; Grisham; Haley; Hall, L.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hibbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Hury; Jackson; Keller; Khoury; Kubak; Kuempel; Laney; Leonard; McKenna; McWilliams; Mankins; Messe; Millsap; Patterson; Pennington; Peveto; Pierce; Presnal; Rudd; Russell; Saunders; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Sules; Thompson, G.; Toomey; Tow; Turner; Vowell; Waldrop; Whaley; Wieting; Wolens; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cain; Carriker; Cary; Cavazos; Collazo; Coody; Criss; Crockett; Danburg; Davis; Edwards; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Giley; Glossbrenner; Granoff; Green; Hackney; Hall, T.; Hall, W.; Hernandez; Hinojosa; Horn; Hudson, D.; Hudson, S.; Jones; Kemp; Luna(C); Madia; Martinez, R.; Martinez, W.; Moreno, A.; Oliveira; Oliver; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Salinas; Schlueter; Shaw; Smith, C.; Tejeda; Thompson, S.; Valles; Watson; Willis; Wilson.

Present, not voting — Mr. Speaker.

Absent, Excused — Delco; English; Fox; Wallace.

Absent — Gibson, J.; Lee, D.; Lee, E. F.; Moreno, P.; Parker, Patrick; Robnett; Sutton; Ulher.

Representative Polk offered the following amendment to the bill:

Amend SB 98 on page 5, line 16 by adding the words “in writing” after the word “delegate”.

The amendment was adopted without objection.

SB 98, as amended, was passed to third reading. (Barrientos, Collazo, Shaw, Carriker, E. Barton, Madia, and Watson recorded voting no)

SB 236 ON SECOND READING
(Berlanga - House Sponsor)

The chair laid before the house on its second reading and passage to third reading.

SB 236, A bill to be entitled An Act relating to the Texas 1986 Sesquicentennial Commission; amending Section 7, Chapter 84, Acts of the 66th Legislature, Regular Session, 1979 (Article 6145-11, Vernon’s Texas Civil Statutes).

The bill was read second time and was passed to third reading.

SB 249 ON SECOND READING
(Armbrister - House Sponsor)

The chair laid before the house on its second reading and passage to third reading.

SB 249, A bill to be entitled An Act relating to the Matagorda Island State Park and Wildlife Management Area; amending Section 22.201, Parks and Wildlife Code.
(Speaker in the chair)

The bill was read second time and was passed to third reading. (C. Smith recorded voting no)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 23, SCR 28, SB 101, SB 114, SB 132, SB 136, SB 171, SB 209, SB 256, SB 374, SB 434, SB 452

HB 1174 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment,

HB 1174, A bill to be entitled An Act relating to mutual consent voluntary adoption registries and the maintenance and confidentiality of, and access to, adoption records and birth certificates; providing penalties.

The bill was read second time.

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1174, page 2, by adding the following language after the sentence ending on line 11:

"It is not the purpose of this chapter to inhibit or prohibit persons from locating each other through other legal means, nor to inhibit or affect in any way the provision of post-adoptive services and education, by adoption agencies or others, which go further than the procedures set out for registries established pursuant to this chapter."

Committee Amendment No. 1 was adopted without objection.

Representative Tow offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend HB 1174 by striking “25” and substituting “21” therefor, on page 2, line 16; page 9, line 14; page 9, line 26; page 12, line 5; and page 16, line 23.

Committee Amendment No. 2 was adopted without objection.

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend HB 1174, page 11 by adding the following language after subsection (11),

"(12) a statement that the adoptee applicant either does or does not desire to be informed that registry records indicate that the applicant has a preadoptive sibling who has registered under this chapter."

Committee Amendment No. 3 was adopted without objection.

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 4

Amend HB 1174, page 21, by striking in its entirety the last sentence on the page.
Committee Amendment No. 4 was adopted without objection.

Representative E. Barton offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 5

Amend HB 1174, page 24, lines 13-27, by striking all the language contained therein and substituting the following:

"(c) A person commits an offense if he, in violation of this chapter, knowingly or recklessly discloses information from registry applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry. This subsection shall not be construed to penalize the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a felony of the second degree.

(d) A person commits an offense if he, in violation of this chapter, by criminal negligence causes or permits the disclosure of information from registry applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry. This subsection shall not be construed to penalize the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a Class A misdemeanor.

(e) A person commits an offense if he impersonates an adoptee, birth parent, or preadoptive sibling with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

(f) A person commits an offense if he impersonates an administrator, agent, or employee of a registry with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

Committee Amendment No. 5 was adopted without objection.

Representative L. Evans offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 6

Amend HB 1174, Section 4, which begins on page 26, in the following manner:

(a) on page 26, line 25, strike the word “a” and replace it with the word “any”
(b) on page 26, line 27, strike the words “having legal” and replace them with the words “who places”
(c) on page 27, line 1, strike the words “authority over” and insert the words “for adoption” after the word “child”
(d) on page 28, line 7, strike the entire line and substitute the following: “person or entity who places the child for adoption shall, at or”
(e) on page 28, strike all of the language found in lines 22-24 and replace it with the following: “prior adoption, the person or entity who places the child for adoption shall file the report and a copy of the report summary submitted to the child’s adoptive parents with the department, which shall retain such copies for a period of 99 years.”

Committee Amendment No. 6 was adopted without objection.
Representative Clemons offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 7

Amend HB 1174, page 31, line 15, by striking the period (.) at the end of the sentence and replacing it with a comma (,) followed by the following language: “except as hereinafter provided.”

Representative Schlueter offered the following amendment to Committee Amendment No. 7:

Amend HB 1174, page 31, line 15, by striking the period (.) at the end of the sentence and replacing it with a comma (,) followed by the following language: “notwithstanding the venue provisions of Article 1995, except as hereinafter provided.”

The amendment was adopted without objection.

Committee Amendment No. 7, as amended, was adopted without objection.

Representative Clemons offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 8

Amend HB 1174, page 32 by deleting all of the underlined language and substituting therefor the following:

“Provided further, that a person seeking access to the original certificate of birth and the documents filed upon which the supplementary certificate is based shall be entitled to know the identity and location of the court that granted the adoption. Provided further that if such information is not on file, then the director of the bureau of vital statistics shall provide such person with an affidavit stating that the state registrar does not have on file information regarding the identity and location of the court that granted the adoption in question. Such person may then present such affidavit to any court of competent jurisdiction in connection with his or her application to gain access to the original birth certificate, and that court shall have jurisdiction to order such access, notwithstanding anything to the contrary in this article.”

Committee Amendment No. 8 was adopted without objection.

Representative Clemons offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 9

Amend HB 1174 on page 1, line 6, by striking “Subtitle B” and substituting therefor “Subtitle D”.

Committee Amendment No. 9 was adopted without objection.

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 10

Amend HB 1174 on page 29 by adding a new subsection (1) at line 21, such subsection reading as follows:

“(1) The department, authorized agency, parent, guardian, person or entity who prepares and files the original report and summary is required to furnish supplemental medical information to the adoptive parents should it become available, and to file such supplemental information where the original report and
summary are filed, where it shall be retained for as long as the original report and summary are required to be retained.

Committee Amendment No. 10 was adopted without objection.

Representative Schlueter offered the following amendment to the bill:

Amend HB 1174, Section 1, Subsection 49.003(d) and Subsections 49.005(b) and (c) by inserting new subsections (7) and (8) set out below and renumber the remaining subsections sequentially:

"(7) the date of, and ground for termination of the birth mother's parental rights;

(8) the date of, and ground for, termination of the parental rights of the birth father or the legal relationship and rights of a man executing an affidavit of waiver of interest in the child;"

The amendment was adopted without objection.

Representative Schlueter offered the following amendment to the bill:

Amend HB 1174 as follows:

(1) On page 15, line 8, insert the following between the period after “registry,” and “No”:
The department shall collect from each registrant a registration fee of $15 or an amount set as provided under H.B. No. 894, Acts of the 68th Legislature, Regular Session, 1983, whichever amount is the larger. The fee collected by the department shall be deposited in the state treasury to the credit of a special fund that may be appropriated only for the administration of the central registry.

(2) On page 32, renumber Sections 6, 7, and 8, and add a new Section 6 to read as follows:

SECTION 6, Title 61, Revised Statutes, is amended by adding Article 3927c to read as follows:

Art. 3927c ADDITIONAL FILING FEE—ADOPTIONS. The clerk of the district court, or other court having jurisdiction of a suit affecting the parent-child relationship under Title 2, Family Code, shall on the filing of any suit affecting the parent-child relationship in which the adoption of a child is sought, collect an additional fee of $15. The clerk shall send the fees collected under this article to the Texas Department of Human Resources. The Texas Department of Human Resources shall deposit the fees received under this article to the credit of a special fund in the state treasury. The legislature may appropriate the money in the special fund only for the operation of the central record file under Section 11.17, Family Code, and for the administration of the central registry under Chapter 49, Human Resources Code.

The amendment was adopted without objection.

Representative Pennington offered the following amendment to the bill:

Amend HB 1174 on page 6, line 3, change the word "shall" to "may." On page 6, line 7, change the word "shall" to "may."

Representative Schlueter moved to table the Pennington amendment.

The motion to table prevailed.

Representative Ceverha offered the following amendment to the bill:

Amend HB 1174, Section 1 in the following manner:

(a) On page 2, line 2, delete the word "PREADOPTIVE" and replace it with "BIOLOGICAL."
(b) On page 2, line 10, delete the word “preadoptive” and replace it with the word “biological.”

(c) On page 4, insert a new subsection (9) as follows, delete all of existing subsection 10 and renumber the remaining subsections accordingly:

“(9) ‘Biological siblings’ means siblings who share a common birth parent.”

(d) On page 9, line 26, and on page 9, line 27, delete the word “preadoptive” and replace it with the word “biological.”

(e) On page 10, lines 2, 4, 8 and 23, delete the word “preadoptive” and replace it with the word “biological.”

(f) On page 13, lines 3, 5, 12, and 23, delete the word “preadoptive” and replace it with the word “biological.”

(g) On page 16, lines 16, 20, and 27, delete the word “preadoptive” and replace it with the word “biological.”

(h) On page 17, lines 6, 13, 15, 19, and 26, delete the word “preadoptive” and replace it with the word “biological.”

(i) On page 21, line 22, delete the word “PREADOPTIVE” and replace it with the word “BIOLOGICAL.”

(j) On page 22, line 22, delete the word “preadoptive” and replace it with the word “biological.”

(k) On page 23, line 15, delete the word “preadoptive” and replace it with the word “biological.”

(l) On page 24, lines 2, 5, and 22, delete the word “preadoptive” and replace it with the word “biological.”

(m) On page 25, lines 11, 17, and 22, delete the word “preadoptive” and replace it with the word “biological.”

(n) In Section I, Subsection 49.006(e)(12), delete the word “preadoptive” and replace it with the word “biological.”

The amendment was adopted without objection.

Representative Ceverha offered the following amendment to the bill:

Amend HB 1174 on page 7, line 1 by striking the word “may” and substituting the word “shall”.

Representative Schlueter moved to table the Ceverha amendment.

The motion to table prevailed.

Representative Ceverha offered the following amendment to the bill:

Amend HB 1174 on page 9, line 13 by inserting “or siblings” after the word “parents” and before the period (.)

Representative Schlueter moved to table the Ceverha amendment.

The motion to table prevailed.

Representative Ceverha offered the following amendment to the bill:

Amend HB 1174 on page 10, line 24, by striking “the central registry only” and substituting “one or more registries.”

Representative Schlueter moved to table the Ceverha amendment.

The motion to table prevailed.

Representative Ceverha offered the following amendment to the bill:

Amend HB 1174, Section 49.022, subsection (a), which begins on page 23, in the following manner:
In a county with a population of two million or more according to the 1980 federal census, the county school trustees are elected as independent candidates at the general election for state and county officers, and the office of county school trustee is considered a county office for purposes of election and for the commencement of the term of office.
April 6, 1983

HOUSE JOURNAL

(b) To the extent practicable, the provisions of the Texas Election Code relating to independent candidates in the general election for state and county officers apply to independent candidates for the office of county school trustee.

c) The minimum number of signatures that must appear on the application for a place on the ballot of a candidate for a trustee to be elected at large is the lesser of 2,500 or five percent of the total vote received in the county by all candidates for governor in the most recent gubernatorial general election. The minimum number of signatures that must appear on the application of a candidate for a trustee to be elected from a commissioners precinct is the lesser of 500 or five percent of the total vote received in the precinct by all candidates for governor in the most recent gubernatorial general election.

d) The names of the candidates and the office titles for the county school trustee races shall appear on the general election ballot after any proposed constitutional amendments.

e) The school district is not liable for any of the expenses of the election.

SECTION 2. (a) Each position on the board of county school trustees in a county with a population of two million or more shall be filled at the general election for state and county officers to be held November 6, 1984. The initial terms of the trustees elected from commissioners precincts 2 and 4 expire January 1, 1986. The initial terms of the trustees elected from commissioners precincts 1 and 3 and of one of the trustees elected at large expire January 1, 1988. The initial terms of the remaining two trustees elected at large expire January 1, 1990. The trustees elected at large shall draw lots to determine which terms they serve.

(b) The regular term for the office of county school trustee in a county covered by Subsection (a) of this section begins on January 1 immediately following the general election in accordance with Article 17, Revised Statutes, and the terms of the county school trustees elected or appointed before November 6, 1984, are shortened accordingly or are subject to the hold-over requirement prescribed by Article XVI, Section 17, of the Texas Constitution, as applicable.

SECTION 3. This Act takes effect September 1, 1983.

SECTION 4. 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.

CSHB 1020 was read second time.

Representatives Green, Patronella, Luna, Eckels, Connelly, Hilbert, Hackney, Watson, E. Barton, and R. Martinez offered the following amendment to CSHB 1020:

Substitute the following for CSHB 1020:

relating to nomination for and election to the office of county school trustee in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Texas Education Code is amended by amending Section 17.03 and adding Section 17.031 to read as follows:

Sec. 17.03. ELECTIONS. (a) This section does not apply to the election of county school trustees in a county with a population of two million or more according to the most recent federal census.

(b) (22) Elections of county school trustees or members of the county board of education [and district trustees] shall be held in accordance with Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code) on the first Saturday in April, except that in counties having a population of 500,000 or more;
according to the last preceding federal census, such elections may be held on any other Saturday the trustees or board members may select by official resolution.

(c) [(b)] Election officers appointed to hold the election for district trustees in each school district shall hold the regular election for county school trustees or county board members.

(d) [(e)] In elections for county school trustees or county board members, all candidate applications for a place on the ballot must be filed with the county judge not less than 30 days prior to the day of election.

(e) [(d)] The order for such elections must be made by the county judge at least 30 days prior to election day and must designate as voting places within each common or independent school district the same places at which votes are cast for the district trustees.

(f) [(f)] It shall be no valid objection that the voters of a commissioners precinct are required by operation of this section to cast their ballots at a polling place outside the commissioners precinct of their residence.

(g) [(g)] Election returns shall be made to the county clerk within five days after the election is held. Such returns shall be delivered by the clerk to the commissioners court at its first meeting thereafter, and that body shall canvass the returns and declare the results as in other elections.

(h) [(g)] After the newly-elected trustees or county board members have taken and filed with the county clerk the official oath of office, the clerk shall issue their commissions impressed with the seal of the commissioners court.

Sec. 17.031. ELECTIONS IN COUNTIES OF TWO MILLION OR MORE. In a county with a population of two million or more, according to the most recent federal census, the county school trustees are elected at the general election for state and county officers, and the office of county school trustee is considered a county office for purposes of nomination and election and for the commencement of the term of office.

SECTION 2. Subdivision 1(a), Section 61c, Texas Election Code (Article 6.05c, Vernon's Texas Election Code), is amended to read as follows:

(a) Whenever there are to appear on the ballot for any general, special, or primary election, two or more office titles of offices which are regularly filled at the general election provided for in Section 9 of this code (Article 2.01, Vernon's Texas Election Code), they shall be listed on the ballot in the following relative order:

Federal offices:
- President and Vice President
- United States Senator
- Congressman-at-Large
- United States Representative (district office)

State offices:
- Lieutenant Governor
- Attorney General
- Comptroller of Public Accounts
- State Treasurer
- Commissioner of General Land Office
- Commissioner of Agriculture
- Railroad Commissioner
- Chief Justice, Supreme Court
- Justice, Supreme Court
- Presiding Judge, Court of Criminal Appeals
- Judge, Court of Criminal Appeals
(2) District offices
State Senator
State Representative
Member, State Board of Education
Chief Justice, Court of Appeals
Associate Justice, Court of Appeals
District Judge
Criminal District Judge
District Attorney
Criminal District Attorney

(3) County offices
County Judge
Judge, County Court-at-Law
Judge, County Criminal Court
Judge, County Probate Court
County Attorney
District Clerk
District and County Clerk
County Clerk
Sheriff
Sheriff and Tax Assessor-Collector
County Tax Assessor-Collector
County Treasurer
County School Superintendent
County School Trustee (county with population of two million or more, according to the most recent federal census.)

County Surveyor
Inspector of Hides and Animals

(4) Precinct offices
County Commissioner
Justice of the Peace
Constable
Public Weigher.

The headings “federal offices” and “state offices” and the subheadings under “state offices” shall not be printed on the ballot.

SECTION 3. (a) Each position on the board of county school trustees in a county with a population of two million or more shall be filled at the general election for state and county officers to be held November 6, 1984. The initial terms of the trustees elected from commissioners precincts 2 and 4 expire January 1, 1986. The initial terms of the trustees elected from commissioners precincts 1 and 3 and of one of the trustees elected at large expire January 1, 1988. The initial terms of the remaining two trustees elected at large expire January 1, 1990. The trustees elected at large shall draw lots to determine which terms they serve.

(b) The regular term for the office of county school trustee in a county covered by Subsection (a) of this section begins on January 1 immediately following the general election in accordance with Article 17, Revised Statutes, and the terms of the county school trustees elected or appointed before November 6, 1984, are shortened accordingly or are subject to the hold-over requirement prescribed by Article XVI, Section 17, of the Texas Constitution, as applicable.

SECTION 4. This Act takes effect September 1, 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.
The amendment was adopted. (Staniswalis recorded voting no)

CSHB 1020, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, April 6, 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 concurred in House Amendments to SB 220 by: Viva Voce Vote.

Respectfully,
Betty King
Secretary of the Senate

HB 1352 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1352.

CSHB 1352

A BILL TO BE ENTITLED
AN ACT
relating to levying a surtax on employers for the payment of interest owed to the federal unemployment trust fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. In addition to the tax levied under the Texas Unemployment Compensation Act (Article 5221b-1 et seq., Vernon’s Texas Civil Statutes), for the calendar year 1983, a separate and additional tax is levied on each employer which was entitled to an experience rating during calendar year 1982 and which is liable to payments under Section 7 of the said Act with respect to the first calendar quarter of 1983. The amount of this additional tax is five percent (5%) of the amount of taxes paid by the employer for that portion of the calendar year 1982 for which the employer was entitled to an experience rating.

SECTION 2. The tax levied by this Act is separate from, and additional to, any tax levied under the Texas Unemployment Compensation Act (Article 5221b-1 et seq., Vernon’s Texas Civil Statutes) or Chapter 2, Acts of the 67th Legislature, 3rd Called Session, 1982.

SECTION 3. The tax levied by this Act is due on August 1, 1983 and shall be collected in the same manner as the employer’s unemployment tax and is subject to the same penalty for late payment.

SECTION 4. Receipts from the tax levied by this Act shall be deposited to the credit of the advance interest trust fund established under Section 9c, Texas Unemployment Compensation Act (Article 5221b-1, et seq., Vernon’s Texas Civil Statutes).

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 its passage, and it is so enacted.

CSHB 1352 was read second time and was passed to engrossment. (Staniswalis, Rudd, and Schlueter recorded voting no)
HB 1346 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment,

HB 1346, A bill to be entitled An Act relating to regulation of the in situ recovery of tar sands.

The bill was read second time and was passed to engrossment.

HB 825 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 825.

CSHB 825

A BILL TO BE ENTITLED
AN ACT
relating to the definitions, registration, and certification of motorcycles, motor-driven cycles, and mopeds.
SECTION 6. Section 1, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Subsection (t) to read as follows:

(t) "Motor-driven cycle" has the meaning assigned by Section 2(i), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

SECTION 7. Section 12(e), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(e)(1) The Department may issue a special restricted operator's license to any person between the ages of fifteen (15) and eighteen (18) years to operate only a motorcycle or motor-driven cycle, with not more than one hundred twenty-five (125) cc piston displacement; provided

(2) The Department is hereby required to certify motorcycles, motor scooters or motor-driven cycles, motorized bicycles, or motor-assisted bicycles, to ascertain whether they exceed one hundred twenty-five (125) cc piston displacement as required by this section. The Department is further authorized to establish the procedure which shall be followed to determine the cc piston displacement of the motorcycles, motor scooters, or motor-driven cycles, motorized bicycles, as required by this section. The Department shall cause such test to be made at its own expense and returned to the person submitting the same. The Department shall examine applicants for that type of license by administering to them a written examination concerning traffic laws applicable to the operation of motorcycles, motor scooters, or motorized bicycles. The Department shall examine applicants for that type of license by administering to them a written examination concerning traffic laws applicable to the operation of motorcycles, motor scooters, or motorized bicycles. Any person, firm or corporation may submit to the Department any such motorcycle, motor scooter, or motor-driven cycle, motorized bicycle and make application that the same be tested as to conformity with the regulations of the Department. Upon such application being made, the Department shall cause such test to be made as may be necessary to determine whether the motorcycle, motor scooter, or motor-driven cycle, motorized bicycle, exceeds one hundred twenty-five (125) cc piston displacement. Each such applicant shall pay to the Department a fee of fifty cents (50c). All such fees shall be paid to the Department into the State Treasury to be deposited to the credit of the General Revenue Fund. Every model of motorcycles, motor scooters, or motorized bicycles certified by the Department shall carry a metal tag, showing that the Department has certified it as not exceeding one hundred (100) cc piston displacement. When the Department has reason to believe that a certified model of motorcycle or motor-driven cycle, motorized bicycles, motor scooter, or motorized bicycle being sold...
commercially exceeds one hundred twenty-five (125) [1000] cc displacement, the Department may conduct a hearing as prescribed under Subsection (f). Section 108, Uniform Act Regulating Traffic on Highways [Subsections (g) and (h), Section 108B, Chapter 303, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Subsections [d] and [e] of Section 108B)] (Article 6701d, Vernon's Texas Civil Statutes). The Department shall compile a list naming each model and make of motorcycles, motor scooters, and motor driven cycles [motorized bicycles] certified by the Department as not exceeding one hundred twenty-five (125) [1000] cc piston displacement and make the list available upon request of the public and to persons who sell motorcycles, motor scooters and motor driven cycles [motorized bicycles]. Any peace officer may stop and detain any motorcycle, motor scooter or motorized bicycle for the purpose of inspecting the motorcycle, motor scooter or motorized bicycle to determine if the motorcycle, motor scooter or motorized bicycle is of a model and make certified by the Department.

(3) The Department is also required to certify whether vehicles which are purport to be motorcycles, motor scooters or motorized bicycles conform to the definition of that vehicle. The Department shall certify those vehicles for the same fee and under the same procedure as it certifies motorcycles, motor scooters and motor driven cycles [motorized bicycles]. The Department shall compile a list of models of mopeds [motor assisted bicycles] which have been certified. Every model of motor assisted bicycle certified by the Department shall carry a metal tag showing that the Department has certified that the vehicle conforms to the definition of a motor assisted bicycle. Any peace officer may stop and detain a person operating a motorcycle, motor driven cycle, or moped [motor assisted bicycle] to determine if the vehicle is of a model and make certified by the Department.

SECTION 8. Section 2, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. The term "motor vehicle" means every kind of motor driven or propelled vehicle [now or hereafter] required to be registered or licensed under the laws of this state, including trailers, house trailers, and semi-trailers, and shall also include motorcycles, motor driven cycles, and mopeds, whether required to be registered or not, except motorcycles, motor driven cycles, and mopeds designed for and used exclusively on golf courses. ["Motor vehicle" does not include a motor assisted bicycle as defined in the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes)].

SECTION 9. Section 2d, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2d. The term "motorcycle" means every motor vehicle designed to propel itself with [on] not more than three wheels in contact with the ground but excluding a tractor.

SECTION 10. Section 1, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. In this Act, "motorcycle" means every motor vehicle having a [seat or] saddle for the use of the rider and designed to propel itself with [travel on] not more than three wheels in contact with the ground, but excluding a tractor or any three-wheeled vehicle equipped with a cab, seat and seat belt and designed to contain the operator of the vehicle within the cab. "Motorcycle" does not include a moped [motor assisted bicycle] as defined in the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes).

SECTION 11. Section 2(c), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to propel itself with [travel on] not more than three (3) wheels in contact with the ground but excluding a tractor [or motor assisted bicycle].
SECTION 12. Section 2(i), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(i) "Motor driven Cycle" means every motorcycle[,] including every motor scooter[,] with a motor which has an engine piston displacement of not more than one hundred twenty-five (125) cc [produces not to exceed 5-brake horsepower (brake horsepower developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached other than a motor-assisted bicycle].

SECTION 13. Section 2(n), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(n) "Moped" means a motor-driven cycle whose speed attainable in one mile is not more than 30 mph and that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston displacement may not exceed 50cc and the power drive system may not require the operator to shift gears. ["Motor-assisted bicycle" means a bicycle which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than sixty (60) cubic centimeters piston displacement, which is capable of a maximum speed of not more than twenty (20) miles per hour on a flat surface with not more than one (1) percent grade in any direction when the motor is engaged.]

SECTION 14. Section 140(f), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) All mopeds [and no peds] shall be subject to annual inspection in the same manner as are motorcycles and the fee for inspection shall be as provided in Section 141 of this Act and shall be used for the purposes prescribed by law. The only items of equipment required to be inspected are the brakes, headlamps, rear lamps, and reflectors, which are required to comply with the standards prescribed in Section 139F [104] of this Act for motorcycles and motor-driven cycles. The Department shall promulgate rules and regulations relating to the inspection of mopeds and no peds and the issuance and display of inspection certificates with respect to those vehicles.

SECTION 15. Section 13(h), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-13, Vernon's Texas Civil Statutes), as added by this Act, applies to mopeds registered in this state after January 1, 1984. The State Department of Highways and Public Transportation by rule shall set the date in 1984 by which a moped owner must register his moped and display license plates.

SECTION 16. 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 its passage, and it is so enacted.

A record vote was requested.

CSHB 825 was read second time and was passed to engrossment by (Record 115): 89 Yeas, 41 Nays, 3 Present, not voting.

Yea's — Armbrister; Barrientos; Barton, B.; Barton, E.; Blanton; Bomar; Bush; Cain; Carriker; Cary; Clark; Clemons; Colbert; Collazo; Criss; Crockett; Danburg; Davis; Delay; Denton; Eckels; Edwards; Emmett; Evans, C.; Evans, L.; Finney; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Harrison, W.; Hellin; Hernandez; High tower; Hilbert; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Kubiak; Lee, E. F.; Leonard; Luna; McWilliams; Mankins; Martinez, R.; Messer;
STATEMENT BY REPRESENTATIVE KUEMPEL

On HB 825, I inadvertently voted no when I intended to vote yes.

Kuempel

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Commerce, Subcommittee on HB 1056, on adjournment today, Desk 15, to consider HB 1056.

Judicial Affairs, on adjournment today, Desk 102, to consider HCR 118.

Judiciary, 2 p.m. today, Old Supreme Court room, to consider HB 1169, HB 1677, HJR 105, and HB 1164.

Appropriations, 1:30 p.m. today, Room 309, to consider HB 409.

State Affairs, Subcommittee on HB 832, on adjournment today, back hall, to consider HB 832.

Public Education, Subcommittee on HB 1538 and HB 1147, on adjournment today, Desk 34, to consider HB 1538 and HB 1147.

Environmental Affairs, Subcommittees on HB 1376, HB 1403, HB 1406, HB 1491, HB 1573, and HB 2012, on adjournment today, Room G-61-B, to consider, HB 1376, HB 1403, HB 1406, HB 1491, HB 1573, and HB 2012.

Criminal Jurisprudence, Subcommittee on HB 1197, on adjournment today, Desk 141, to consider HB 1197.

Criminal Jurisprudence, Subcommittee on HB 224, on adjournment today, Desk 127, to consider HB 224.

County Affairs, Subcommittee on HB 755, on adjournment today, Desk 20, to consider HB 755.

Business and Commerce, Subcommittee on HB 423, on adjournment today, Desk 15, to consider HB 1056.

Criminal Jurisprudence, Subcommittee on HB 852, on adjournment today, Desk 120, to consider HB 852.

Rules and Resolutions, on adjournment today, Desk 146, to consider setting a Congratulatory and Memorial Resolutions Calendar.
Representative McKenna moved that the house adjourn until 9 a.m. tomorrow in memory of Jerry Mebus.

The motion prevailed without objection.

The house accordingly, at 12:21 p.m., adjourned until 9 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

- Appropriations - HB 401, HB 484, HB 894, SB 186
- County Affairs - HB 697, HB 970
- Criminal Jurisprudence - HB 328, HB 382
- Law Enforcement - HB 307, HB 667, SB 127
- Natural Resources - HB 1345
- Public Education - HB 723, HB 1848
- Regions, Compacts, and Districts - HB 1389

ENROLLED

April 5 - HCR 4, HCR 14, HCR 144

COAUTHORS AUTHORIZED

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

- HB 2 - Toomey
- HB 139 - Danburg
- HB 159 - W. Harrison
- HB 410 - W. Harrison
- HB 572 - C. Smith
- HB 632 - Wieting
- HB 911 - Hackney
- HB 1184 - Millsap
- HB 1212 - Toomey
- HB 2232 - Jackson
- HB 2316 - Toomey
- HB 2320 - Schlueter
- HJR 1 - Toomey
- HJR 105 - Bush
- HCR 144 - G. Hill, Delco, T. Smith, B. Barton