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 171).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubikak; Kuempel; Laney; Lee, D.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Roberson; 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; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Patrick.

Absent — Clark; Gilley; Lee, E. F.; Oliver.

The invocation was offered by Reverend Keith Kellow, pastor, Park Place Methodist Church, Houston, Texas, as follows:

Most gracious God, we humbly bow before thee, whose statutes are good and whose law is truth; we beseech thee to guide and bless the legislature of this state and ask that you guide and prosper all the consultations for the good, safety, and welfare of thy people, that all things may be so ordered by the endeavors of these representatives and senators, based upon foundations that are sure to bring peace and happiness, truth and justice, in such a way as will please thee and bring the greatest welfare to the people of this state.

We invoke these blessings in thy name. Amen.

**LEAVE OF ABSENCE GRANTED**

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

Patrick on motion of Kuempel.

(Clark now present)

**COMMITTEE APPOINTED**

The speaker announced the appointment of the following committee, pursuant to SCR 39, to escort Senator Gary Hart to the speaker's rostrum: Representatives
Cain, chairman, Collazo, Criss, Crockett, Hackney, E. F. Lee, A. Moreno, Wilson, Robinson, Denton, B. Barton, Armbrister, G. Thompson, and Danburg.

(Gilley, E. F. Lee, and Oliver now present)

ADDRESS BY SENATOR GARY HART

(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of SCR 39, providing for a joint session of the senate and the house of representatives today for the purpose of hearing an address by Senator Gary Hart, Lieutenant Governor William P. Hobby and the honorable senators were announced at the door of the house and were admitted.

The Senators occupied seats arranged for them.

At 2:16 p.m., Senator Gary Hart and party, escorted by Senators Jones, Mauzy, Vale, Parmer, and Brooks, committee on the part of the senate; and Representatives Cain, chairman, Collazo, Criss, Crockett, Hackney, E. F. Lee, A. Moreno, Wilson, Robinson, Denton, B. Barton, Armbrister, G. Thompson, and Danburg, committee on the part of the house, were announced at the door of the house and, being admitted, were escorted to the speaker's rostrum.

Lieutenant Governor William P. Hobby called the senate to order.

A quorum of the senate was announced present.

The Honorable Gibson D. Lewis, speaker of the house, called the house of representatives to order.

Speaker Lewis directed all members present to register.

A quorum of the house was announced present.

Speaker Lewis stated that the two houses were in joint session for the purpose of hearing an address by the Honorable Gary Hart, senator from the State of Colorado.

Speaker Lewis recognized Senator Hugh Parmer who introduced Congressman Martin Frost to the joint session.

Speaker Lewis recognized Representative Cain who addressed the house briefly and introduced Senator Gary Hart.

Senator Hart then addressed the joint session.

SENATE RECESSES

At 2:35 p.m., Lieutenant Governor William P. Hobby stated that the business of the joint session had been accomplished and that the senate would recess until 3 p.m. today.

HOUSE AT EASE

The speaker stated that the purpose for which the joint session was called having been completed the house would stand at ease pending the departure of guests.

The speaker called the house to order at 2:46 p.m.
The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions and a bill:

**SCR 7, SCR 14, SCR 16, SCR 17, SCR 18, SCR 53, SB 186**

**MESSAGE FROM THE SENATE**

Austin, Texas, April 18, 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:

**SB 391** by Jones, relating to public school finance.

**SB 764** by Doggett, relating to student fees at The University of Texas at Austin.

**SB 769** by Edwards, relating to authority of the Midlothian Trade Zone Corporation to establish a foreign trade zone and other subzones at Midlothian.

**HCR 145** by Pennington, honoring the Sagemont Baptist Church.

**SCR 76** by Lyon, proclaiming April 18, 1983, as Peyton McKnight Day.

Respectfully,

Betty King
Secretary of the Senate

**HCR 171 - ADOPTED**

Representative Polumbo moved that all necessary rules be suspended to take up and consider at this time, HCR 171.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Polumbo, et al.:

**HCR 171**, Congratulating the San Jacinto Junior College basketball team.

The resolution was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to HCR 171 as signers thereof.

**HR 271 - ADOPTED**

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HR 271.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:


The resolution was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to HR 271 as signers thereof.
HJR 103 AND HJR 91 - RULES SUSPENDED

Representative G. Thompson moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider HJR 103 and HJR 91.

The motion prevailed without objection.

PROVIDING FOR A CONGRATULATORY
AND MEMORIAL RESOLUTIONS CALENDAR

Representative S. Hudson moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for Thursday, April 21, at 9 a.m.

The motion prevailed without objection.

PROVIDING FOR A LOCAL AND CONSENT CALENDAR
AND RESOLUTIONS CALENDAR

Representative G. Hill moved to suspend all necessary rules to set a Local and Consent Calendar and Resolutions Calendar for Thursday, April 21, at 9 a.m.

The motion prevailed without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

By unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CSHB 548 ON SECOND READING

The speaker laid before the house, as postponed business, on its passage to engrossment,

CSHB 548, A bill to be entitled An Act relating to the effect of the value of property or service stolen, damaged, or destroyed on the penalty imposed for theft, theft of service, or criminal mischief.

CSHB 548 was read second time on April 12 and was postponed until 9:30 a.m. today.

Representative T. Smith moved that consideration of CSHB 548 be postponed until Wednesday, April 20, at 10:00 a.m.

The motion prevailed without objection.

HB 610 ON SECOND READING

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

HB 610, A bill to be entitled An Act relating to certain fees imposed by county and district clerks.

The bill was on the calendar on April 11 and was postponed until 2:30 p.m., today.

Representative G. Hill moved that consideration of HB 610 be postponed until Thursday, April 21, at 10 a.m.

The motion prevailed without objection.

HB 242 ON THIRD READING

The speaker laid before the house on its third reading and final passage,
HB 242, A bill to be entitled An Act relating to the status of adult probation department personnel as state employees for certain purposes.

A record vote was requested.

The bill was read third time and was passed by (Record 172): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Arnbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Grancef; Green; Grisham; Hackney; 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.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C); Colbert.

Absent, Excused — Patrick.

Absent — Cain; Moreno, P.; Schlueter; Smith, C.; Thompson, G.; Tow.

HB 894 ON THIRD READING

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

HB 894, A bill to be entitled An Act relating to fees imposed and collected by state agencies.

The bill was read third time.

Representative Wilson offered the following amendment to the bill:

Amend HB 894 on page 2, line 22 by adding a new Section 4 and renumbering the following sections.

"Sec. 4. There will be no increase in fees at institutions of Higher Education unless a public hearing is held on the increase."

The amendment was adopted without objection.

A record vote was requested.

HB 894, as amended, was passed by (Record 173): 92 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Agnich; Arnold; Blanton; Bomer; Buchanan; Burnett; Bush; Ceverha; Clark; Connelly; Craddock; DeLay; Eckels; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, P.; Hinojosa;
Hollowell; Horn; Hudson, D.; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madia; Mankins; Messer; Millsap; Patterson; Pennington; Peveto; Pierce; Polumbo; Presnal; Robinson; Robnett; Rudd; Saunders; Schluter; Schoolcraft; Shea; Simpson; Smith, A.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Vowell; Wallace; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Cain; Carriker; Cary; Cavazos; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; English; Evans, L.; Gamez, Gandy; Glossbrenner; Granoff; Hackney; Hernandez; Hill, A.; Hill, G.; Hudson, S.; Hury; Jones; Luna; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Price; Ragsdale; Rangel; Russel; Salinas; Shaw; Short; Smith, C.; Smith, T.; Uher; Valles; Watson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patrick.

Absent — Waldrop.

SCR 76 - ADOPTED
(D. Hudson - House Sponsor)

Representative D. Hudson moved that all necessary rules be suspended to take up and consider at this time, SCR 76.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 76

WHEREAS, With the retirement of the Honorable Peyton McKnight from the Texas Senate, the State of Texas lost the services of a venerable statesman whose career was marked by progress and outstanding contributions to the citizens of his beloved state; and

WHEREAS, From his early boyhood years in the small East Texas towns of Alba and Quitman, Senator McKnight displayed the courage, compassion, and resoluteness of purpose that would distinguish his later career; and

WHEREAS, After his valiant service in the United States Army Air Corps during World War II flying combat missions, Senator McKnight graduated from Texas A&M University in 1947; and

WHEREAS, While a student at The University of Texas School of Law, Senator McKnight was elected to the Texas House of Representatives; a stand-out member of the freshman class of 1949, Senator McKnight effectively championed the cause of our mentally retarded as he was instrumental in establishing the Texas Department of Mental Health and Mental Retardation; and

WHEREAS, Determined to upgrade the quality of services provided the citizens of this state, Senator McKnight was an ardent advocate of prison reform and the Gilmer-Aikin program for public schools; he also helped enact the Highway Safety Code; and

WHEREAS, Appointed United States Marshal for the Eastern District of Texas in 1953 at the age of 28, Senator McKnight made history by becoming the youngest person so appointed; and

WHEREAS, A highly successful independent oil producer, Senator McKnight was selected for membership in the prestigious All-American Wildcatters Association in 1973; and
WHEREAS, A loyal and enthusiastic Aggie, Senator McKnight served a six-year term on the Texas A&M University Board of Regents prior to his election to the Texas Senate in 1972; and

WHEREAS, A dyed-in-the-wool Democrat and former member of the State Democratic Executive Committee, Senator McKnight helped create the Sabine River Authority and further served the citizens of this state as a member of the authority; and

WHEREAS, During his 10 years of service in the Texas Senate, Senator McKnight capably and conscientiously addressed the needs of his East Texas constituency; he was responsible for passing legislation changing Texas Eastern University to The University of Texas at Tyler and changing East Texas Chest Hospital to The University of Texas Health Center at Tyler; and

WHEREAS, In recognition of his untold contributions to the East Texas area and his distinguished leadership in education and service to the state, Senator McKnight received an Honorary Doctor of Laws Degree from The University of Texas at Tyler on August 3, 1979; and

WHEREAS, Senator McKnight effectively steered the course of the Senate Subcommittee on Nominations as chairman and was a highly respected member of the State Affairs, Economic Development, and Finance committees; and

WHEREAS, Senator McKnight's oil expertise was valued by the Texas Energy and Natural Resources Advisory Council and the Regulatory Practices Committee of the Interstate Oil Compact Commission which he served on during his legislative career; and

WHEREAS, An active member of the Christ Episcopal Church in Tyler, Senator McKnight is involved in numerous community organizations throughout the East Texas area; and

WHEREAS, Senator McKnight's accomplishments would not have been possible without the love and encouragement of his lovely wife, Ann, his two daughters, and his three grandchildren; and

WHEREAS, The long and distinguished career of the esteemed former Senator from Tyler, the Honorable Peyton McKnight, is truly worthy of legislative recognition and commendation; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 68th Legislature, the House of Representatives concurring, That April 18, 1983, be proclaimed Peyton McKnight Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Peyton McKnight as an expression of highest regard and esteem from the Texas Legislature.

The resolution was read and was adopted without objection.

INTRODUCTION OF SENATOR PEYTON MCKNIGHT

Speaker Lewis recognized Representative D. Hudson who introduced Senator Peyton McKnight to the house.

Senator McKnight addressed the house briefly and introduced members of his family.

HB 706 ON THIRD READING

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

HB 706, A bill to be entitled An Act relating to the issuance of daily temporary mixed beverage permits.

The bill was read third time and was passed. (Hollowell and Schlueter recorded voting no)
HB 1487 ON THIRD READING

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

HB 1487, A bill to be entitled An Act relating to procedures for the consideration and adoption of certain rules and rates specified in Chapter 5, Insurance Code.

A record vote was requested.

The bill was read third time and was passed by (Record 174): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cain; Carricker; Cary; Cavazos; Ceovera; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavrin; Geistwedel; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliver; Parker; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoo; Saslaw; Schull; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Bush; Criss; Denton; Smith, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patrick.

Absent — Granoff; Moreno, P.; Oliveira; Peveto.

SB 165 ON THIRD READING
(Robnett - House Sponsor)

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

SB 165, A bill to be entitled An Act relating to regulation of dental health service corporations; amending Subsection (1), Section A, Chapter 162, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 1396-2.01, Vernon's Texas Civil Statutes).

The bill was read third time and was passed.

SB 218 ON THIRD READING
(C. Evans - House Sponsor)

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

SB 218, A bill to be entitled An Act relating to the effect of confinement in another penal institution on certain defendant's eligibility for parole and to certain duties of the Board of Pardons and Paroles; amending Section 12 and Subsection (a), Section 15, Article 42.12, Code of Criminal Procedure, 1965, and amending Article 42.09, Code of Criminal Procedure, 1965, by adding Section 7.
A record vote was requested.

The bill was read third time and was passed by (Record 175): 142 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Fox; Hollowell; Jackson; Patterson; Smith, C.

Present, not voting — Mr. Speaker(C); McKenna.

Absent, Excused — Patrick.

SB 275 ON THIRD READING
(Wolens - House Sponsor)

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

SB 275, A bill to be entitled An Act relating to the authority of certain domestic insurance companies to reinsure risks involving defined aircraft and defined space equipment; amending the Insurance Code by adding Article 5.75-3 to Chapter 5 and by amending Article 3.54.

The bill was read third time and was passed.

HB 1474 ON SECOND READING

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

HB 1474, A bill to be entitled An Act relating to the provision of dangerous drugs by licensed physicians who practice in rural areas.

The bill was read second time.

Representative Craddick offered the following amendment to the bill:

Amend the quoted subsection (c) of the quoted Section 33 of Section 1 of HB 1474 to read as follows:

"(c) A licensed physician who practices medicine in a rural area in which there is no pharmacy may maintain a supply of dangerous drugs in the office of the physician to dispense to the physician’s patients, and may charge a separate fee for those drugs, without obtaining a license under this Act. Such physician shall comply
with all appropriate labelling and record-keeping sections applicable to this class of drugs. For the purposes of this subsection:

(1) the term 'rural area' means territory outside the limits of an incorporated city or town, or inside the limits of an incorporated city or town, with a population of less than 2500, according to the most recent federal census; and

(2) the term 'separate fee' shall mean an additional charge separate from that made for the physician's professional services which includes the cost of the drug product and all other costs to the physician incidental to providing the dispensing service but not including a separate fee for the act of dispensing the drug product itself."

The amendment was adopted without objection.

Representative Craddick offered the following amendment to the bill:

Amend HB 1474 by inserting a new Section 2, and renumbering the remaining sections accordingly, to read as follows:

"Section 2. Section 5.09, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 5.09. AUTHORITY TO SUPPLY DRUGS. (a) A person licensed to practice medicine under this Act is authorized to supply the needs of his patients with any drugs or remedies as are necessary to meet the patients' immediate needs; provided, however, this section does not permit the physician (practitioner) to operate a retail pharmacy without first complying with the Texas Pharmacy Act.

(b) A licensed physician who practices medicine in a rural area in which there is no pharmacy may maintain a supply of dangerous drugs in the office of the physician to dispense to the physician's patients and may charge a separate fee for those drugs, without obtaining a license under the Texas Pharmacy Act (Article 4542a-l, Vernon's Texas Civil Statutes). Such physician shall comply with all appropriate labelling and record-keeping sections applicable to this class of drugs under the Texas Pharmacy Act. For the purposes of this subsection:

(1) the term 'rural area' means territory outside the limits of an incorporated city or town, or inside the limits of an incorporated city or town, with a population of less than 2500, according to the most recent federal census; and

(2) the term 'separate fee' shall mean an additional charge separate from that made for the physician's professional services which includes the cost of the drug product and all other costs to the physician incidental to providing the dispensing service but does not include a separate fee for the act of dispensing the drug product itself."
The bill was read second time.

Representative Peveto offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend HB 382 on page 1, line 9, by striking the section beginning on line 9, page 1 through line 3, page 3 and inserting the following:

Art. 1036. COST OF STATEMENT OF FACTS AND TRANSCRIPT. (a) In a prosecution of an offense committed while the actor was a prisoner in the custody of the department of corrections or while the actor was an employee of the department of corrections in the discharge of his official duties, the state shall reimburse the county for expenses incurred by the county, in an amount that the court determines to be reasonable, for payment of:

1. salaries and expenses of foreign language interpreters and interpreters for deaf persons whose services are necessary to the prosecution;
2. consultation fees of experts whose assistance is directly related to the prosecution;
3. travel expenses for witnesses;
4. expenses for the food and lodging of jurors;
5. compensation of witnesses;
6. the cost of preparation of a statement of facts and a transcript of the trial for purposes of appeal;
7. if the death of a person is an element of the offense, expenses of an inquest relating to the death;
8. food, lodging, per diem, and travel expenses incurred by the prosecutor's staff during travel essential to the prosecution of the offense;
9. court reporter's fees; and
10. the cost of special security officers.

(b) If there is a change of venue, then the court may, in its discretion, determine that a special prosecutor should be hired for the prosecution of an offense described in Section (a) of this article, the state shall reimburse the county for the salary and expenses of the special prosecutor if the court determines that the hiring of the special prosecutor was reasonable. The amount of reimbursement may not exceed an amount that the court determines to be reasonable.

(c) The state shall reimburse the county for expenses incurred by the county for the investigation of an offense described in Section (a) of this article, whether or not the investigation results in the prosecution of an offense.

(d) The court shall certify the amount of reimbursement for expenses under Sections (a) and (b) of this article to the comptroller of public accounts. The comptroller shall issue a warrant in that amount to the commissioners court of the county.

(e) The commissioners court of the county shall certify the amount of reimbursement for expenses under Section (c) of this article to the comptroller of public accounts. The comptroller shall issue a warrant in that amount to the commissioners court or, if the comptroller determines that the amount certified by the commissioners court is unreasonable, in an amount that the comptroller determines to be reasonable.

Committee Amendment No. 1 was adopted without objection.

Representative Wilson offered the following amendment to the bill:

Amend HB 382 by inserting the following on page 3, line 6, after the period at the end of Section 2:

Sections (a) and (b) of Article 1036, Code of Criminal Procedure, 1925, as enacted by this Act, do not apply to the reimbursement of expenses incurred in the
prosecution of an offense for which the indictment was presented to or the information was filed with the court before the effective date of this Act.

The amendment was adopted without objection.

HB 382, as amended, was passed to engrossment.

HB 2018 ON SECOND READING

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

HB 2018, A bill to be entitled An Act relating to the administration and provision of drugs by a licensed veterinarian or by a person designated by a licensed veterinarian.

The bill was read second time.

Representative Uher offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. I

Amend HB 2018 on page 1, line 11 by striking the following language “for a fee separate from the practitioner’s fee” and substituting the following: “or patients, and may itemize and be compensated for such administration or provision performed in the course of treating a patient or patients”.

Committee Amendment No. I was adopted without objection.

HB 2018, as amended, was passed to engrossment.

HB 1507 ON SECOND READING

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

HB 1507, A bill to be entitled An Act relating to the requirement that a municipal court juror live within the municipality in which the court is established.

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

HB 559 ON SECOND READING

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

HB 559, A bill to be entitled An Act relating to the contents of an appellate record in a criminal case.

The bill was read second time and was passed to engrossment. (Ceverha recorded voting no)

HB 1426 ON SECOND READING

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

HB 1426, A bill to be entitled An Act relating to structure and operation of lawyer referral services.

The bill was read second time.
Representative Armbrister offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1426 by adding the following at the end of Section 1:

(3) A person may sue to enjoin violation of this subsection. The plaintiff is entitled to an injunction on a showing that a violation has occurred.

Committee Amendment No. 1 was adopted without objection.

HB 1426, as amended, was passed to engrossment. (Vowell and Ceverha recorded voting no)

(D. Hudson in the chair)

HB 637 ON SECOND READING

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

HB 637, A bill to be entitled An Act relating to the statewide assignment of judges of the statutory probate courts.

The bill was read second time.

Representative Armbrister offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 637 as follows:

(1) Insert a new Section 14 to read as follows:

SECTION 14. EFFECTIVE DATE. This Act becomes effective only if a constitutional amendment authorizing the legislature to enact laws providing for assignment of judges of statutory courts to other statutory county courts with probate jurisdiction and to county courts is proposed by the 68th Legislature and adopted by the voters. This Act is effective on the date the amendment becomes a part of the Texas Constitution.

(2) Renumber the current Section 14 to read as Section 15.

Committee Amendment No. 1 was adopted without objection.

Representative Wright offered the following amendment to the bill:

Amend HB 637 on page 3 by striking line 26 and substituting “in which the assigned judge served immediately preceding his retirement.”

The amendment was adopted without objection.

HB 637, as amended, was passed to engrossment. (Ceverha recorded voting no)

HB 1064 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1064.

CSHB 1064

A BILL TO BE ENTITLED
AN ACT
relating to the establishment and use of the special nongame and endangered species conservation fund.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 11, Parks and Wildlife Code, is amended by adding
Subchapter D to read as follows:
SUBCHAPTER D. SPECIAL NONGAME AND ENDANGERED SPECIES
CONSERVATION FUND
Sec. 11.051. DEFINITIONS. In this subchapter:
(1) "Nongame" means those species of vertebrate and invertebrate
wildlife that are not classified as game animals, game birds, game fish, fur-bearing
animals, endangered species, alligators, marine penaeid shrimp, or oysters.
(2) "Endangered species" means those species listed as provided by
Section 68.002 of this code.
Sec. 11.052. SPECIAL NONGAME AND ENDANGERED SPECIES
CONSERVATION FUND. There is in the state treasury a special fund called the
"special nongame and endangered species conservation fund."
Sec. 11.053. SOURCES OF FUND. (a) The department shall deposit to the
credit of the special nongame and endangered species conservation fund all money
received from:
(1) private contributions, grants, and donations made to the special
nongame and endangered species conservation fund;
(2) the net proceeds from the sale under this chapter of wildlife art
prints, decals, and stamps;
(3) interest income from the investment of money collected under
this section; and
(4) income from entrance fees, easements, mineral leases, grazing
leases, and sale of products from lands purchased with funds from the special
nongame and endangered species conservation fund.
(b) The department may accept private contributions, grants, and donations
made to the special nongame and endangered species conservation fund.
Sec. 11.054. USES OF FUND. (a) The special nongame and endangered
species conservation fund may be used only for the following purposes:
(1) dissemination of information pertaining to nongame and
endangered species conservation. management, and values;
(2) scientific investigation and survey of nongame and endangered
species for better protection and conservation;
(3) propagation, distribution, protection, and restoration of
nongame and endangered species;
(4) research and management of nongame and endangered species;
(5) development of habitats for nongame and endangered species;
(6) acquisition of habitats for nongame and endangered species; and
(7) matching of funds available to the department under federal
programs for projects and activities authorized under this section.
(b) Appropriations from the special nongame and endangered species
conservation fund are supplemental, and other funds may be appropriated for the
purposes for which the fund was established.
Sec. 11.055. WILDLIFE ART PRINTS, DECALS, AND STAMPS. (a) The
commission may contract with and pay a person for designing and producing the
wildlife art prints, decals, and stamps authorized by this subchapter.
(b) The commission may authorize an agent, including a nonprofit wildlife
conservation organization. to sell the wildlife art prints, decals, and stamps, and
shall provide for the widespread availability of those items to the public.
Sec. 11.056. COSTS OF WILDLIFE ART PRINTS, DECALS, AND
STAMPS. (a) The price of a wildlife art decal or stamp sold under this subchapter
is $5.00.
(b) The department shall establish the royalty and a reasonable price to be paid for a wildlife art print sold under this subchapter.

c) An authorized agent of the department, other than a department employee, who sells the wildlife art decals or stamps may retain 50 cents of each item sold as a collection fee.

SECTION 2. The Parks and Wildlife Department shall evaluate the effectiveness of the nongame and endangered species conservation program established by this Act and shall investigate other sources of funding for the program. The study must be completed and a report published not later than December 31, 1986.

SECTION 3. 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 1064 was read second time and was passed to engrossment. (Staniswalis recorded voting yes)

HB 603 ON SECOND READING

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

HB 603, A bill to be entitled An Act relating to the destruction of an industrial die, mold, or form.

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

(Hackney in the chair)

HB 729 ON SECOND READING

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

HB 729, A bill to be entitled An Act relating to the limitations period for filing an application for compensation under the Crime Victims Compensation Act.

The bill was read second time and was passed to engrossment. (Jackson recorded voting no)

HB 2194 ON SECOND READING

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

HB 2194, A bill to be entitled An Act relating to the power of the railroad commission to review and approve, for purposes of the Outer Continental Shelf Lands Act Amendments of 1978 and any other federal authorities, applications for the purchase of natural gas by public utilities subject to the authority of the railroad commission.

The bill was read second time and was passed to engrossment. (Bush recorded voting no)

HB 1874 ON SECOND READING

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

HB 1874, A bill to be entitled An Act relating to the duty of a city to maintain or improve certain property dedicated to public use, and declaring an emergency.
A record vote was requested.

The bill was read second time and failed to pass to engrossment by (Record 176): 51 Yeas, 94 Nays, 3 Present, not voting.

Yeas — Agnich; Blanton; Bomer; Burnett; Ceverha; Clark; Connelly; Craddick; DeLay; Eckels; Eikenburg; Emmett; Geistweidt; Gibson, B.; Gibson, J.; Grisham; Hall, L.; Hall, T.; Hammond; Hanna; Hilbert; Horn; Jackson; Keller; Kubiak; Kuempel; Leonard; Luna; McKenna; Mankins; Messer; Millsap; Parker; Pierce; Presnal; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Word; Wright.

Nays — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Bush; Cain; Carriker; Cary; Cavazos; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gilley; Glossbrenner; Granoff; Green; Haley; Hall, W.; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Lane; Lee, D.; Lee, E. F.; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Patterson; Peveto; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Salinas; Shaw; Smith, C.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker; Hackney(C); Khoury.

Absent, Excused — Patrick.

Absent — Pennington.

STATEMENT BY REPRESENTATIVE KELLER

On HB 1874, I voted no on this vote but my machine recorded aye.

Keller

Representative Wilson moved to reconsider the vote by which HB 1874 failed to pass to engrossment and to table the motion to reconsider.

A record vote was requested.

The motion to table prevailed by (Record 177): 75 Yeas, 66 Nays, 3 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Bush; Carriker; Cary; Cavazos; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Gibson, B.; Gilley; Granoff; Green; Haley; Hall, W.; Harrison, D.; Hernandez; Hightower; Hall, A.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Peveto; Polumbo; Price; Ragsdale; Rangel; Robinson; Russell; Shaw; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Arnold; Blanton; Bomer; Burnett; Cain; Ceverha; Clark; Connelly; Craddick; DeLay; Edwards; Eikenburg; English; Evans, C.; Fox; Garcia, M.; Geistweidt; Gibson, J.; Glossbrenner; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Heflin; Hilbert; Hill, G.; Hill, P.;
Present, not voting — Mr. Speaker; Hackney(C); Khoury.

Absent, Excused — Patrick.

Absent — Emmett; Grisham; Keller; McWilliams; Uher.

HB 1848 ON SECOND READING

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

HB 1848, A bill to be entitled An Act relating to authorizing the governing body of any independent school district to sell surplus real property of such district and, additionally, at its option, to issue revenue obligations payable from the proceeds of any such sale; enacting other provisions relating to the subject; and declaring an emergency.

The bill was read second time.

(Oliver in the chair)

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1848, Section 2, page 3 by adding a new Subsection (d) to read as follows:

(d) Prior to selling the real property, such sale shall have been approved by a majority of the qualified voters of the district voting at an election held in the district at which a proposition to ascertain such approval is submitted; provided, however, that no such election shall be required if the board finds and determines by order duly passed that the proceeds from the sale of the real property are required and will be used (i) for the construction and/or equipment of, or (ii) for the payment or principal of, and interest and premium, if any, on bonds issued pursuant to this act for the purpose of construction and or equipment of, a school building or school buildings which is or are to be constructed pursuant to or in accordance with an order or judgment entered by a United States District Judge in any action or cause in which the district is a party.

Committee Amendment No. 1 was adopted without objection.

Representative Haley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend HB 1848, Section 4, page 3 by striking the following words: “After approval of a construction project by the voters of a district,” and by beginning the sentence with “The”.

Committee Amendment No. 2 was adopted without objection.

HB 1848, as amended, was passed to engrossment.

HB 415 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment,
HB 415, A bill to be entitled An Act relating to special license plates for persons born in Texas.

The bill was read second time.

Representative Jackson moved to table HB 415.

The motion to table prevailed.

(Speaker in the chair)

HB 897 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 897.

CSHB 897

A BILL TO BE ENTITLED
AN ACT

relating to the protection of consumers and regulation of manufactured housing.

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

SECTION 1. The purposes of this Act are to amend the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) to conform with amendments to federal law and regulations, to encourage the cooperation of local building officials and the Texas Department of Labor & Standards for the local inspection and enforcement of applicable building codes and regulations relating to manufactured housing, and to add certain additional regulations for the protection of the public health, safety and welfare. Due to the significantly increasing number of manufactured homes being constructed and purchased, it is the intent of the Legislature that the Texas Department of Labor & Standards shall perform inspection and enforcement activities at manufacturing plants and facilities and that, to the extent practical and feasible, municipalities shall perform inspection and enforcement at the local level.

SECTION 2. Section 4, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by repealing subdivision (3) of Subsection (b) and by adding a new Subsection (f), to read as follows:

- The department may cooperate with all units of local government within this state in the establishment of inspection training programs, and when requested, may authorize local units of government to make and perform inspection and enforcement activities related to the installation of manufactured housing pursuant to contracts or other official designations and the rules and regulations of the department.

- The department shall cooperate with all units of local government within this state and shall authorize local units of government, on request, to make and perform inspection and enforcement activities related to the construction of foundation systems and the erection and installation of manufactured housing at the homesite pursuant to contracts or other official designations and the rules and regulations of the department. The department shall encourage local building inspection officials to perform enforcement and inspection activities for manufactured housing installed within the local governmental unit and may establish cooperative inspection training programs. The department may withdraw the authorization if the local governmental unit fails to follow the rules, regulations, interpretations and written instructions of the department.

SECTION 3. Section 4, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by amending subdivisions (2) and (3) of Subsection (a) to read as follows:
(2) The department shall adopt standards and requirements for the construction of HUD-code manufactured mobile homes in compliance with the federal standards and requirements established under Title VI of the Housing and Community Development Act of 1974, entitled the National Manufactured Mobile Home Construction and Safety Standards Act of 1974.

(3) The department shall adopt standards and requirements for the construction of modular homes and modular components which, from an engineering performance standpoint, shall not be substantially equivalent to the standards and requirements contained in the Standard Southern Building Code or the Uniform Building Code and the National Electrical Code as those codes existed on January 1, 1983 for the construction of residential dwellings. If these codes are revised after January 1, 1983, the department shall appropriately revise the standards and requirements to conform with those revisions if such revisions are in the public interest and consistent with the purposes of this Act.

SECTION 4. Section 6, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and by adding Subsections (g), (h), (i), (j) and (k) to read as follows:

(a) It is unlawful for any manufacturer to construct HUD-code manufactured mobile homes in this state for sale or resale unless such manufacturer has supplied the department with proof of acceptance by a Design Approval Primary Inspection Agency authorized by the Department of Housing and Urban Development, has purchased the required labels, and has all HUD-code manufactured mobile homes manufactured in this state inspected by an accepted In-Plant Inspection Agency authorized by the Department of Housing and Urban Development. It is unlawful for a manufacturer to ship HUD-code manufactured mobile homes into the state for sale or resale unless the manufacturer has complied with all requirements of the National Manufactured Mobile Home Construction and Safety Standards Act of 1974 and all standards, rules, and regulations of the Department of Housing and Urban Development.

(b) It is unlawful for any manufacturer to construct modular homes or modular components in the state or to ship modular homes or modular components into the state for sale or resale unless constructed to the code and unless the manufacturer has received approval by the department of the design and specifications for the construction of its modular homes or modular components and of its quality control program to assure compliance with the requirements and standards of the Texas Manufactured Housing Standards Code, has purchased the required decals, and has the modular homes or modular components inspected pursuant to the regulations of the department.

(g) A person may not make any announcement concerning the sale, exchange, or lease-purchase, nor offer to sell, exchange, or lease-purchase a manufactured home to consumers in this state through any form of advertising unless such person is a duly registered manufacturer, retailer or broker. This prohibition against advertising shall not apply to a person to whom a certificate or document of title has been issued showing such person to be the owner of the home, provided that such person does not offer to sell, exchange, or lease-purchase two or more manufactured homes in any consecutive 12-month period. This prohibition also shall not apply to the advertising of real estate on which a manufactured home has been permanently attached and affixed.

(h) It is unlawful for a retailer to purchase for resale to a consumer, or to sell, exchange, or lease-purchase or offer to sell, exchange, or lease-purchase any new manufactured home which was not constructed by a registered manufacturer.

(i) It is unlawful for any manufacturer, retailer, or installer to purchase, use or possess any recycled or used tires, wheels and axles for manufactured homes
except those acquired from a person registered with the department as an approved recycler.

(j) It is unlawful for a retailer or broker to use the phrases "no down payment," or "nothing down," or any similar phrase or term in any advertisement without identifying in the advertisement the specific source of the funds for the loan or credit advance and setting forth the conditions of qualification of the purchaser for approval of the loan or credit advance without down payment. This prohibition shall not apply to credit transactions to be guaranteed by the Veterans Administration of the United States provided that the phrase or term includes the words, "to qualified veterans."

(k) It is unlawful for a retailer or broker to fail to comply with the requirements and provisions of the Texas Credit Code or the Federal Truth-in-Lending Act or to advertise any interest rate or finance charge which is not expressed as an annual percentage rate.

(l) It is unlawful for a retailer to set forth in any retail installment sales contract or other credit document any down payment unless all of the down payment has actually been received by the retailer at the time of execution of the contract or document. If any part of the down payment is represented by a loan, trade-in, or any consideration other than cash, this fact shall be expressly set forth on the retail installment sales contract or credit document. No amount of the cash down payment shall be from any rebate or other consideration received by, or to be given to, the consumer from the retailer.

SECTION 5. Section 7 of the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by amending Subsections (d) and (j) and by adding new Subsections (m), (n), and (o), to read as follows:

(d) A person may not perform any installation functions on manufactured housing in the state, unless the person possesses a valid installer's certificate of registration and files proof of insurance as required by the department. The department may issue a temporary installer's certificate of registration to a homeowner for the installation of the owner's home in accordance with applicable requirements, standards, and regulations of the department, on application and payment of the required fee and on submission of proof of insurance by the owner as required by the department.

(j) While acting as an agent for a registrant, an employee is covered by the business entity's certificate of registration and is not required to be individually registered. An independent contractor or business entity may not operate under the certificate of registration of another business entity except as an agent or subcontractor of a registered installer who shall remain fully responsible for all installation functions performed by such agent as subcontractor except as provided in Subsection (m) of this Section.

(m) A retailer or an installer may not contract with any person for the installation of any air-conditioning equipment, devices or components in connection with the installation of a manufactured home unless the person is registered as an installer with the department or is otherwise licensed by the state as an air-conditioning contractor. This subsection shall not apply to a new manufactured home being installed on a permanent foundation within a municipality which regulates air-conditioning contractors unless some other state statute provides otherwise.

(n) A person may not act as a salesperson of manufactured housing unless the person is registered with the department. Each applicant for a certificate of registration shall file with the department an application giving such information as the department deems necessary and pay the required fee. The owner of a sole proprietorship, a partner in a partnership, or an officer of a corporation which is duly registered as a retailer or broker does not have to register as a salesperson so
long as such individual is properly listed in the retailer's or broker's application for
registration. The salesperson is the agent of the retailer or broker, and the
department may require the execution of an appropriate agency designation.

c. A person may not acquire or purchase, or sell or offer to sell, any recycled
or used tires, wheels or axles for manufactured homes unless the person is duly
registered with the department. Each applicant for a certificate of registration shall
file with the department an application giving the information as the department
deems necessary and pay the required fee.

SECTION 6. Section 9 of the Texas Manufactured Housing Standards Act
(Article 5221f, Vernon's Texas Civil Statutes) is amended by amending Subsections
(b) and (c) and by adding new Subsections (n) and (o), as follows:

(b) The department shall adopt rules and regulations, promulgate
administrative orders, and take all action necessary to assure compliance with the
intent and purpose of this Act to effectuate and to provide for uniform enforcement
of all provisions of this Act and the Texas Manufactured Housing Standards Code.
The department shall make and enforce rules and regulations reasonably required
to effectuate the notification and correction procedures provided in Section 15 of
the National Manufactured [Mobile] Home Construction and Safety Standards Act
of 1974.

c. The department shall adopt rules and regulations, promulgate
administrative orders, and take all actions necessary to comply with the provisions
of the National Manufactured [Mobile] Home Construction and Safety Standards
Act of 1974 and to provide for the effective enforcement of all manufactured
[mobile] home construction and safety standards in order to have its state plan
approved by the Secretary of the United States Department of Housing and Urban
Development.

(n) The department may inspect manufactured homes at the borders of this
state and adopt rules and regulations necessary for the inspection of all
manufactured homes entering this state to assure compliance with the National
Manufactured Home Construction and Safety Standards Act, the Texas
Manufactured Housing Standards Code, and the rules and regulations of the
department, and to assure payment of any use tax which may be due the State of
Texas.

(o) The department shall establish rules and regulations necessary for the
business conduct of those persons required to be registered under this Act in order
to protect the public health, safety, and welfare.

SECTION 7. Section 11, Texas Manufactured Housing Standards Act
(Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:
Sec. 11. FEES. (a) There shall be a fee [of $5] in an amount set by the
commissioner for the inspection of the installation of mobile and HUD-code
manufactured homes which shall be paid by the installer of the [mobile] home. Said
fee shall be paid to the state and shall accompany notification to the department of
the exact location of the [mobile] home. The department shall make appropriate
fee distributions to local governmental units [subdivisions] performing inspections
pursuant to contracts or other official designations.

(b) Looking for guidance to the rules and regulations promulgated under Title
VI of the Housing and Community Development Act of 1974 and to the Act itself,
the commissioner shall set fees for the following functions:

1) There shall be a schedule of fees for the review of HUD-code
manufactured [mobile] home blueprints and supporting data when the department
acts as a Design Approval Primary Inspection Agency. This fee shall be paid by the
manufacturer seeking approval.

2) There shall be an inspection fee on all HUD-code manufactured [mobile]
homes manufactured or assembled within the State of Texas. This fee shall be paid
by the manufacturer of the home. The manufacturer shall also be charged for the actual cost of travel for representatives of the department to and from the manufacturing facility.

(3) The fees in Subsections (1) and (2) shall not be applicable when an accepted inspection agency authorized by the Department of Housing and Urban Development, other than the department, acts as the Design Approval Primary Inspection Agency or the In-Plant Inspection Agency.

(4) There shall be a fee for inspections of used mobile and HUD-code manufactured homes at retailer locations to check compliance with the code and to determine if the mobile home has been damaged in transit. This fee shall be paid by the retailer in possession of the mobile home at the time the inspection was made. For any given mobile home at a retailer location, this fee may not be assessed more than once.

(5) There shall be a fee charged on an hourly basis for inspection of alterations made upon the structure, plumbing, heating, or electrical systems of HUD-code manufactured mobile homes. This fee shall be paid by the person making the alteration. The person shall also be charged for the actual cost of travel for representatives of the department to and from the place of inspection.

(6) There shall be a fee for the issuance of seals for used mobile or HUD-code manufactured homes which shall be paid by the retailer or broker.

(c) The installer of a modular home shall pay to the state a fee set by the commissioner for the inspection of the installation of the modular home. Before installation the installer shall notify the department of the exact location of the modular home and shall pay the fee. The department shall make appropriate fee distributions to each local governmental unit performing inspections pursuant to contracts or other official designations or the department may waive the inspection fee if the installer has paid applicable inspection fees to the appropriate local government officials.

(d) Following a hearing pursuant to the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), the commissioner shall set fees for the following functions:

(1) a fee paid by the manufacturer for the review of modular home and modular component designs, blueprints, and specifications;

(2) an inspection fee paid by the manufacturer for all modular homes manufactured in the state and for all modular homes manufactured outside of the state to be transported to retailers or consumers in the state;

(3) a fee charged on an hourly basis and paid by the person making the alteration for an inspection of the alterations made on a modular home after construction and certification by the manufacturer and before the closing of a sale to the consumer;

(4) annual fees for the issuance and renewal of manufacturers', retailers', brokers', salespersons', recyclers', and installers' certificates of registration; and

(5) a fee for the issuance of decals that shall be paid by the manufacturer.

(e) The person required to pay an inspection fee set in accordance with Subsection (d) of this section shall pay the cost of travel to and from the place of inspection for representatives of the department who make the inspection.

(f) All fees assessed under this Act shall be paid to the State Treasurer and placed in the General Revenue Fund; except the inspection fees paid pursuant to Subsections (a) and (c) of this Section. Those fees shall be placed in a special manufactured housing inspection fund created in the state treasury which shall be used by the department as may be appropriated for the costs of inspections and fee distributions to local governmental entities performing inspections pursuant to contracts or other official designations.
The fees charged by the department in effect August 31, 1983, shall remain in effect until the new schedule of fees set forth in this Section has been promulgated and adopted.

The commissioner shall set each fee imposed under this section in an amount that is reasonable and necessary to defray the costs of administering this Act.

SECTION 8. Section 13, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) is amended by amending Subsections (e), (f), (g), (h), and (i), to read as follows:

(e) The bond, cash deposit, or other security shall be to the state for the use by a consumer, the state, or any political subdivision thereof who secures any judgment against a manufacturer, retailer, broker, or installer [or salesperson] for damages, restitution, or expenses including reasonable attorney's fees resulting from a cause of action connected with the sale, lease-purchase, exchange, brokerage, or installation of a manufactured home, including but not limited to:

(1) retention or conversion of money, property, or any other thing of value from consumers in the form of down payments, any sales and use taxes, deposits, or insurance premiums;

(2) failure to give proper title documents or certificates of title to consumers;

(3) failure to comply with the requirements of the Texas Credit Code or of the Federal Truth-in-Lending Act; violating any requirements of the Texas Credit Code or of the federal Truth-in-Lending Act; or

(4) engaging in any false, misleading, or deceptive acts or practices as the term is set forth in and as those acts or practices are declared unlawful by the provisions of Chapter 17, Subchapter E, Business & Commerce Code. The bond or other security shall not be liable for judgments resulting from tort claims, except as expressly set forth hereinabove, nor for any punitive, exemplary, or treble damages.

A consumer, the state, or any political subdivision thereof may recover against the principal or surety jointly and severally for such damages, restitution, or expenses; provided, however, that in no event shall a surety or the cash deposit or other security posted under this Section be liable for an amount in excess of actual damages, restitution, or expenses, including reasonable attorney's fees. Any judgment obtained against a principal is conclusive against the surety or other security if notice of filing of suit is given as required by this Section. The bond or other security shall be open to successive claims up to the amount of face value of the bond or other required security. The surety shall not be liable for successive claims in excess of the bond amount, regardless of the number of years the bond remains in force.

(f) A consumer shall inform the manufacturer, retailer, or installer, [or salesperson] and the department of any claim against the bond or security no later than two years after the purchase of the mobile home. Whenever the department receives notice of a claim against a bond, the department shall promptly notify the bonding company involved. If the consumer claim results in a private lawsuit being filed by the consumer, the consumer shall notify the Attorney General's office and the surety company by certified mail of the filing of the lawsuit. At the time of sale or delivery of a manufactured home to a consumer, the consumer must be given conspicuous written notification of this two-year limit and the notice requirements.

(g) Any manufacturer, retailer, broker or installer who maintains a place of business at one or more locations shall file with the department a separate bond or other security for each location. Property used for the business that is not contiguous to a bonded location requires a separate bond. Any location at which a manufactured home is shown to the public or is offered for sale, exchange or lease-purchase by a retailer to consumers is a location which is required to be bonded. A manufactured home installed on a permanent foundation system and
offered for sale as real estate is not a business location that requires a bond. A temporary location for a bona fide trade show sponsored by a non-profit corporation which qualifies for tax exemption pursuant to Section 501(c) of the U.S. Internal Revenue Code is not a location which requires a bond.

(h) A manufacturer shall be bonded, supply a cash deposit or other security in the amount of $100,000. A retailer shall be bonded, supply a cash deposit or other security in the amount of $25,668. A salesperson shall be bonded, supply a cash deposit or other security in the amount of $40,000. A broker shall be bonded, supply a cash deposit or other security in the amount of $40,000. A installer shall be bonded, supply a cash deposit or other security in the amount of $10,000. Retailers, brokers, and installers registered with the department and bonded prior to September 1, 1983 shall have until January 1, 1984 to provide the additional amount of bond, cash deposit or other security required by this Act. A retailer holding a valid certificate of registration shall not be required to be bonded or file any security to secure a certificate of registration as a broker or an installer.

(i) The bonding company must provide written notification to the department at least 60 days prior to the cancellation of any bond required by this Act. Any cash deposit or other security on file with the department shall remain on file with the department two years after the person ceases business as a manufacturer, retailer, broker, or installer or at such time as the department may determine that no claims exist against the cash deposit or security.

SECTION 9. Section 14, Texas Manufactured Housing Standards Act (Article 5221f, Vernon’s Texas Civil Statutes), is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) For all secondary installations not covered by the new home warranty as set forth in Subsection (c) of this Section, the installer shall give each manufactured homeowner a written warranty that the installation of the home was done in accordance with all standards, requirements, rules, regulations, and administrative orders of the department.

(f) If the new manufactured home is moved from the initial installation site during the term of the warranty period, the new home warranty shall not apply to any defect or damage caused by the move. Conspicuous notice of this provision shall be given the consumer at the time of sale. The burden of proof is placed on the warrantor to establish that the defect is caused by the move.

SECTION 10. Section 17, Texas Manufactured Housing Standards Act (Article 5221f, Vernon’s Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) Civil suits filed pursuant to this Section shall be filed in a district court in Travis County, Texas, or in the county in which the violation, or threat of violation, occurred.

SECTION 11. Section 3, Texas Manufactured Housing Standards Act (Article 5221f, Vernon’s Texas Civil Statutes), is amended by amending Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q), and adding Subsections (u), (v), and (w) to read as follows:

(a) “Mobile home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems [contained therein].

(f) “Broker” means a person engaged by one or more other persons [others] to negotiate or offer to negotiate bargains or contracts for the sale, exchange, or lease-purchase of a [their] manufactured home [homes at the site where installed]
to which a certificate or document of title has been issued and is outstanding. A broker may or may not be an agent of any party involved in the transaction. A person who maintains a location for the display of manufactured homes is not a broker but is a retailer. The term shall not apply if the manufactured home is affixed to a permanent foundation, the manufacturer’s certificate or the document of title is cancelled, and the home is offered as real estate; however, the provisions of the Real Estate License Act, Article 6573a, Vernon’s Texas Civil Statutes, shall apply.

(f) “Dealer” means a device or insignia issued by the department that is permanently affixed to each transportable section or modular component of each modular home to indicate compliance with the standards, rules, and regulations established by the department.

(i) “Label” means a device or insignia issued by the Department of Housing and Urban Development, and is permanently affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.

(k) “Installation,” when used in reference to manufactured housing, means the transporting of manufactured homes or manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, and the installation of air-conditioning units and minor adjustments.

(o) “Modular home” means a dwelling that is constructed in one or more modules at a location other than the homesite, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the homesite; and the modules are joined together, erected and installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. It is expressly provided, however, that the term modular home shall not mean nor apply to: (i) housing constructed of sectional or panelized systems not utilizing modular components; (ii) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; and (iii) any dwelling constructed incorporating concrete as the basic and predominant structural component.

(s) “Manufactured housing” or “manufactured home” means a HUD-code manufactured home, a mobile home, or a modular home, and collectively means and refers to all three.

(u) “HUD-code manufactured home” means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Affairs, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a
permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(v) "Advertising" or "advertisement" means any commercial message which promotes the sale, exchange, or lease-purchase of manufactured homes and which appears in, or is presented on, radio, television, a public address system, newspapers, magazines, leaflets, flyers, catalogs, direct mail literature, other printed material, an inside or outside sign or window display, or in point-of-sale literature or price tags. Materials which are educational or that may be required by law do not constitute advertising. Any advertisement relating to manufactured housing shall be considered as an offer to sell, exchange or lease-purchase to consumers.

(w) "Modular component" means a structural portion of a residential dwelling that is constructed at a location other than the homesite in such a manner that its construction cannot be adequately inspected for code compliance at the homesite without damage or without removal of a part thereof and reconstruction.

SECTION 12. Section 18, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by amending Subsection (d) and adding a new Subsection (g), to read as follows:

(d) If a retailer, broker, salesperson, or installer does not possess a valid certificate of registration at the time of entering into any contract with a consumer, the contract between the consumer and the retailer, broker, salesperson, or installer is voidable at the option of the consumer. A consumer's contract for the purchase, exchange or lease-purchase of a new manufactured home is also voidable if the retailer purchased the home from an unregistered manufacturer in violation of Section 6, Subsection (h) of this Act.

(g) A local governmental unit may not require any permit, fee, bond, or insurance for the installation of manufactured housing by a registered installer except as may be approved by the department.

SECTION 13. Article 5069-6A.05, Vernon's Texas Civil Statutes, is amended by amending Subsection (7) to read as follows:

(7) (a) If a consumer desires to order from a creditor a manufactured home that is not in the inventory of the creditor and must be ordered from the manufacturer, or if a consumer desires that the creditor hold a particular manufactured home that is in inventory for a period of 30 days or more for purchase by the consumer at a later time; and the consumer desires to make the purchase by entering into a credit transaction under this chapter, the creditor may require the consumer to pay a deposit that may not exceed five percent of the estimated cash price. On arrival of the specially ordered manufactured home on the last day that the creditor is obligated to hold the manufactured home, the consumer shall execute a credit document under this chapter and the creditor shall apply the deposit toward payment of the cash price. Before the execution of the credit document, the consumer may cancel the purchase or hold order. If the order is cancelled, the creditor may retain all or any portion of the deposit, and the consumer is not responsible for any costs or expenses other than the forfeited deposit. A creditor who is an arranger of credit and who has failed to qualify the consumer for a loan or credit sale may not retain more than 10 percent of the total deposit or $100 ($50), whichever is less. If the creditor fails to order or fails to hold the manufactured home in accordance with a deposit agreement, the creditor forfeits and shall pay to the consumer an amount equal to two times the amount of the deposit.

(b) If a consumer desires that a creditor hold a particular manufactured home that is in inventory for a period of 20 days or more for purchase by the consumer at the later time, the creditor may require the consumer to pay a deposit that may not exceed $200. On or before the last day that the creditor is obligated to hold the manufactured home, the consumer shall execute a credit document under this
chapter and the creditor shall apply the deposit toward payment of the cash price. Before the execution of the credit document the consumer may cancel the agreement to purchase and the hold order. If the order is cancelled, the creditor may retain all of the deposit, and the consumer is not responsible for any costs or expenses other than the forfeited deposit.

(c) If the creditor fails to order or fails to hold the manufactured home in inventory in accordance with the deposit agreement, or retains a deposit in excess of that authorized by this section, the creditor forfeits the deposit and in addition shall pay three times the amount of the deposit.

(d) The consumer shall be given conspicuous written notice of the deposit requirements of this section in a type size equal to at least eight point. The consumer must sign the notice and receive a copy.

SECTION 14. Article 5069-6A.03, Vernon’s Texas Civil Statutes, is amended by adding a new Subsection (8) to read as follows:

(8) In a transaction not involving real estate, no documentary fee for the preparation of credit documents shall be charged to the consumer and the only official fees which can be charged to the consumer are (i) the title fee and (ii) the installation fee, both as set by the Commissioner of the Department of Labor & Standards, and (iii) the permit fee for highway movement to the installation site as paid to the Department of Highways and Public Transportation.

SECTION 15. Article 6701 1/2, Vernon’s Texas Civil Statutes, is amended to read as follows:

A. Manufactured housing as defined by Article 522lf, Vernon’s Texas Civil Statutes, which is in excess of eight feet in width or sixty-five feet in length, in combination with the towing vehicle, shall not be moved over the highways, roads and streets in this state except in accordance with permits issued by the State Department of Highways and Public Transportation. Local political subdivisions may designate to said Department the routes to be used within such subdivision; however, no additional fee or license may be required by the local political subdivisions. When any person, firm, or corporation shall desire to move over a state highway a mobile home and/or a component part thereof, which in combination with the towing vehicle, is in excess of the legal length or width provided by law, the State Highway Department may, upon application, issue a permit for the movement of said equipment. Provided, however, that all cities and towns having a state highway within their limits shall designate to the State Highway Department the route within the city or town to be used by said equipment moving over the state highways. When so designated, the route shall be shown on said maps routing said equipment by the State Highway Department. In the event a route is not so designated by a city or town, the State Highway Department shall determine the route on the state highway for equipment within such cities or towns. No fee or license shall be required by any city or town for movement of said oversized mobile homes and/or component parts thereof on the route of a state highway designated by the State Highway Department or on said special route designated by a city or town.

B. The application for a permit and the permit shall be in the form as prescribed by the State Department of Highways and Public Transportation; however, the application and permit must contain the length, width and height of the manufactured home and the over all length and width of the towing vehicle and the manufactured home in combination. The length and width of the manufactured home shall be measured in accordance with the rules and regulations of the Department of Labor and Standards relating to the titling of the manufactured home. The over-all combined length of the manufactured home and the towing vehicle shall include the length of the hitch or towing device. The height shall be measured from the roadbed to the highest elevation of the manufactured home. The
permit shall contain the route for the transportation of the manufactured home from the point of origin to the point of destination. The route shall be the shortest distance practical taking into account the conditions of the highways, roads, and streets and the length, width and height of the manufactured home. The application for a permit as provided for in this Article shall be in writing and contain the following:

[(1)] The make and model of the mobile home, the over-all length and width; the make and model of the towing vehicle, the length and width of the towing vehicle and the overall length and width of the combined mobile home and/or component part thereof and towing vehicle;

[(2)] The highways or highways over which the same is to be moved, indicating the point of origin and destination;

[(3)] The date shall be signed by the applicant.

C. The Department of Highways and Public Transportation shall not issue a permit to any person which is not registered with the Department of Labor and Standards or which is not certificated for the transportation of manufactured housing by the Texas Railroad Commission or the Interstate Commerce Commission. The registration number or the certificate number of the person to whom the permit is issued shall be affixed to the rear of the manufactured home during transportation with letters and numbers which are at least eight inches in height. Said special permits shall be issued by the Highway Department through the agent or agents in each county designated for that purpose as set out in Article 6701a, Section 1-17.

D. There shall also accompany the application for permit a fee of Ten [Five] Dollars ($10) [($5)], which fee shall be by the State [Highway] Department of Highways and Public Transportation deposited in the Treasury of the State of Texas to the credit of the State Highway Fund. Said fee shall be paid [made] by cashier or certified check, postal or express money order. On application said Department shall issue permit books or packets containing fifty or one hundred individual permits provided that the aggregate fee of Ten Dollars ($10) per permit is received with such application.

E. If the width or overall length of the manufactured home and the towing vehicle in combination is in excess of sixteen feet or one hundred feet, respectively, the State Department of Highways and Public Transportation shall require one or more escort vehicles as necessary for traffic safety, and the Department may require proof of property damage or liability insurance in an amount sufficient to cover any damage to the highway, roads, and streets or property of the state or local subdivisions as a result of the transportation of the manufactured home. Permits issued by the State Highway Department as provided for under this Article shall be substantially in the following form:

[(1)] It shall contain the name of the applicant and shall be dated and signed by the State Highway Engineer, a Division Engineer or a designated agent:

[(2)] It shall state the make and model of the mobile home and/or component part to be transported over the highways, the make and model of the towing vehicle, the combined overall length and width of the mobile home and/or component part thereof and towing vehicle;

[(3)] It shall state the highway and/or highways over which the same is to be moved;

F. The [Said special] permits shall be good for a period of ten (10) days and valid only for a single continuous movement.

G. Movements authorized by said [special] permits shall be made during daylight hours only. The Department of Highways and Public Transportation may also limit the hours for travel on certain routes because of heavy traffic conditions.
[H:—The term “mobile home” as used in this Article means “manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act; as amended (Article 5221f, Vernon’s Texas Civil Statutes).]

SECTION 16. Article 6701d-11, Vernon’s Texas Civil Statutes is amended by adding a new Subsection IA to read as follows:

IA. “Manufactured Housing” as defined by Article 5221f, Vernon’s Texas Civil Statutes, is not a “vehicle” subject to this Article.

SECTION 17. Article 6675a-1, Vernon’s Texas Civil Statutes, is amended by adding a new subsection (u) to read as follows:

(u). “Manufactured Housing” as defined by Article 5221f, Vernon’s Texas Civil Statutes, is not a “vehicle” subject to this Article.

SECTION 18. Article 6701d, Vernon’s Texas Civil Statutes, is amended by adding a new section 20J to Article I, Subdivision IV, as follows:

20J. “Manufactured Housing” as defined by Article 5221f, Vernon’s Texas Civil Statutes, is not a “vehicle” subject to this Article.

SECTION 19. This Act takes effect September 1, 1983.

SECTION 20. 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 897 was read second time.

Representative B. Gibson offered the following amendment to CSHB 897:

Amend CSHB 897 by amending line 19 of page 3 of the printed bill (1st Printing) to read as follows:

“(h), (i), (j), (k) and (l) to read as follows:”

The amendment was adopted without objection.

Representative B. Gibson offered the following amendment to CSHB 897:

Amend CSHB 897 (1st printing) by deleting lines 6 through 9 on page 9 and substituting therefor the following:

“(o) In order to protect the public health, safety and welfare, and to assure the availability of low cost manufactured housing for all consumers, the department shall establish rules and regulations for the protection of the interests of consumers who occupy or desire to purchase manufactured housing and for the business conduct of those persons required to be registered under this Article.”

The amendment was adopted without objection.

Representative B. Gibson offered the following amendment to CSHB 897:

Amend CSHB 897 by renumbering SECTION 19 and SECTION 20 to SECTION 20 and SECTION 21, respectively, and by adding a new SECTION 19 to read as follows:

“SECTION 19. Section 14, Texas Manufactured Housing Standards Act (Article 5221f, Vernon’s Texas Civil Statutes) is amended by adding Subsection (g) to read as follows:

(g) In any action brought against a registrant for failure to perform warranty service or repairs, the $1,000 limitation set forth in Section 17.50 (b)(1) of Subchapter E, Chapter 17, Business and Commerce Code shall be adjusted to reflect changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1967—100, compiled by the Bureau of Labor Statistics, United States Department of Labor. The $1,000 limitation shall be increased or decreased by multiplying the $1,000 limitation by the percentage
of increase or decrease in the Consumer Price Index from the 1967 base of 100 to the time at which damages are awarded by final judgment or settlement and adding or subtracting such resulting amount to or from the $1,000 limitation."

The amendment was adopted without objection. (Toomey and Khoury recorded voting no)

Representative Schlueter offered the following amendment to CSHB 897:

Amend CSHB 897 by adding the following new Section 19 and renumbering existing Sections 19 and 20 accordingly:

SECTION 19. Nothing in this act shall be construed to affect the principles enunciated by the Texas Supreme Court in Comeau v. City of Brookside Village, 633 S.W.2d 790 (Tex. 1982), relating to the authority of municipalities to regulate the location of mobile homes, nor to otherwise affect or diminish the authority of municipalities to limit the location of manufactured homes, HUD-code manufactured homes, or mobile homes.

The amendment was adopted without objection. (Toomey and Khoury recorded voting no)

CSHB 897, as amended, was passed to engrossment. (Gilley, Ccverha, and Rudd recorded voting no)

SB 671 - RULES SUSPENDED

Representative Laney moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider SB 671.

The motion prevailed without objection.

HB 2375 - PERMISSION TO INTRODUCE

Representative Hackney moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2375.

The motion prevailed by (Record 178): 134 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Banton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Hackney; 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; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Schlueter; Schookraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Wright.

Nays — Agnich; Horn.

Present, not voting — Mr. Speaker(C).
Absent, Excused — Patrick.

Absent — Ceverha; Criss; Emmett; Glossbrenner; Grisham; Khoury; McWilliams; Mankins; Saunders; Staniswalis; Vowell; Word.

HB 2376 - PERMISSION TO INTRODUCE

Representative Presnal moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2376.

The motion prevailed by (Record 179): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connely; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; 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; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw, Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Tjedda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Patrick.

Absent — Agnich; Criss; Emmett; Grisham; Hackney; Hury; Khoury; McWilliams; Pennington; Schlueter; Staniswalis; Wright.

HB 771 - RULES SUSPENDED

Representative Simpson moved to suspend the 48-hour subcommittee report rule to allow the Committee on Insurance to consider HB 771.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, on adjournment today, Room 309, Capitol, to consider HB 409.

Local and Consent Calendars, on adjournment today, Room G-14, Capitol.

Business and Commerce, Subcommittee on HB 1969, on adjournment today, Desk 15.

Criminal Jurisprudence, Subcommittee on HB 500, on adjournment today, Old Supreme Court room, to consider HB 500.

Criminal Jurisprudence, Subcommittee on HB 450, on adjournment today, Old Supreme Court room, to consider HB 450.
Criminal Jurisprudence, Subcommittee on HB 82, HB 167, HB 607, HB 1099, HB 1713, HJR 63, and HJR 95, on adjournment today, Old Supreme Court room, to consider HB 82, HB 167, HB 607, HB 1099, HB 1713, HJR 63, and HJR 95.

Energy, Subcommittee on HB 1956, on adjournment today, Desk 70, to consider HB 1956.

Law Enforcement, Subcommittee on HB 1339, on adjournment today, Desk 141, to consider HB 1339.

Public Health, Subcommittee on SB 126, on adjournment today, Desk 51, to consider SB 126.

Public Health, Subcommittee on HB 1050, on adjournment today, Desk 51, to consider HB 1050.

State Affairs, Subcommittee on HB 1909, 9:30 a.m. tomorrow, Room 109-B, Capitol, to consider HB 1909.

Urban Affairs, Subcommittee on HB 594, HB 1383, and HB 1563, on adjournment today, Room 109-D, Capitol, to consider HB 594, HB 1383, and HB 1563.

Urban Affairs, Subcommittee on HB 1524, on adjournment today, speakers committee room, to consider HB 1524.

SENATE BILLS ON FIRST READING

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

SB 319 to Committee on State Affairs.
SB 612 to Committee on Financial Institutions.

RESOLUTIONS REFERRED TO COMMITTEE

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

SCR 55, In memory of E. W. Rowland.
To Committee on Rules and Resolutions.

By Schlueter:
HCR 172, Welcoming the National Grange Convention to be held in San Antonio from November 7 to November 21, 1983.
To Committee on Rules and Resolutions.

By Mankins:
HCR 175, Commending the KYKX Radio Station in Longview.
To Committee on Rules and Resolutions.

By Mankins:
HCR 176, Congratulating the Stoudt Distributing Company.
To Committee on Rules and Resolutions.

By Clemons:
HR 254, Congratulating the Sabine County Reporter.
To Committee on Rules and Resolutions.
By W. Hall:
To Committee on Rules and Resolutions.

By Polumbo, et al.:
HR 257, Congratulating Mrs. Sandy Sheats.
To Committee on Rules and Resolutions.

By Delco:
HR 258, Honoring Elspeth Davies Rostow.
To Committee on Rules and Resolutions.

By A. Moreno:
HR 262, In memory of Raymundo (Ray) Hernandez.
To Committee on Rules and Resolutions.

By A. Moreno:
HR 263, Congratulating Julian Garcia.
To Committee on Rules and Resolutions.

By Edwards:
HR 264, Congratulating the Honorable Harold Washington.
To Committee on Rules and Resolutions.

By Glossbrenner:
HR 265, Commending Raul G. Salinas.
To Committee on Rules and Resolutions.

By Waldrop:
HR 266, Congratulating the Corsicana High School football team.
To Committee on Rules and Resolutions.

By Hammond:
HR 267, Commending John L. Stallings.
To Committee on Rules and Resolutions.

By Denton:
HR 268, In memory of Edward Johnson.
To Committee on Rules and Resolutions.

By Robinson:
HR 269, Commending Charlie Faupel.
To Committee on Rules and Resolutions.

**HOUSE BILL ON FIRST READING**

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

By Hackney:
HB 2375, A bill to be entitled An Act relating to benefits for emergency medical personnel, peace officers, and fire fighters who are exposed to contagious diseases in the course of their employment.
To Committee on Business and Commerce.

**ADJOURNMENT**

Representative Crockett moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.
The house accordingly, at 4:48 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

County Affairs - HB 755, HB 777, HB 1085, HB 1475, HB 1743, HB 2301, HB 2306, SB 506

Criminal Jurisprudence - HB 128, HB 129, SB 283, SB 396

Energy - SB 617, SB 739

Environmental Affairs - HB 1376, HB 1403, HB 1406, HB 1491, HB 1573, HB 2012

Higher Education - HB 178

Insurance - HB 2143, SB 168

Judicial Affairs - HB 1667, HB 2298

Labor and Employment Relations - HB 1072, HCR 123

Law Enforcement - HB 411, HB 859, HB 994

Liquor Regulation - HB 686, HB 1310, HB 1618, HB 1678

Natural Resources - HB 1585, HB 1953, HB 1970, HB 2292, HB 2304, HJR 49

Public Health - HB 1032

State, Federal, and International Relations - HB 1329, SB 1112

Transportation - HB 517, HB 675, SB 1095

Urban Affairs - HB 1505

ENGROSSED

April 14 - HB 359, HB 697, HB 1011, HB 1031, HB 1243, HB 1250, HB 1254, HB 1440, HB 1444, HB 401, HB 430, HB 455, HB 484, HB 501, HB 524, HB 553, HB 618, HB 724, HB 954, HB 970, HB 1013, HB 1111, HB 1212, HB 1341, HB 1368, HB 1725, HB 1845, HB 593, HB 1046, HB 2, HB 369, HB 555, HB 741, HB 1148, HB 1445, HJR 59, HJR 105

COAUTHORS AUTHORIZED

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

HB 1438 - Hilbert

HB 1727 - Watson

HB 2117 - Hinojosa

HJR 91 - Geistweidt

HR 257 - Watson, E. Barton, Emmett
BILLS TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59

The following house bills were transmitted by the chief clerk to the governor:

April 14 - HB 2368
April 18 - HB 2374