The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 223).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrick; Cary; Cavazos; Cervera; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Crass; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikeren; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisam; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hill; A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polombo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudy; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Turner; Uher; Valles; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent — Berlanga; Garcia, M.; Gibson, B.; Hernandez, Martinez, R.; Shaw; Tow; Vowell; Wallace.

The invocation was offered by Rt. Reverend Roger Cilley, Bishop, Suffragan Episcopal Diocese of Texas, as follows:

O Lord, our God,
You who have taught us, in your Holy Word, that in serving your children, we are serving you.
Give your blessing to each and every member of this house—as they face the decisions, the responsibilities, and the necessary actions of this day.
May they ever be mindful of the trust that has been placed in them.
May they ever use their lives in the service of their fellowmen.
And, may they ever set the general welfare and the common good above all self-interest and self-seeking.
May their integrity be such that one day they may stand before you: upright and unafraid.
And now, O Lord:
What they know not, teach them;
What they have not, give them;
And, what they are not, make them;
By the power of your love and grace. Amen.

(Hernandez and Berlanga now present)
MESSAGE FROM THE SENATE

Austin, Texas, April 26, 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 106** by Howard, relating to the continuation of the State Securities Board.
**SB 622** by McFarland, relating to the pre-parole transfer of prisoners to community residential facilities and to certain powers and duties of the Texas Department of Corrections.
**SB 654** by Traeger, relating to the exemptions from identification requirements for state-owned vehicles.
**SB 744** by Kothmann, relating to the establishment of a regional historical resource depository for south central Texas.
**SB 752** by Uribe, relating to the financing of hospital equipment; and declaring an emergency.
**SB 911** by Farabee, relating to creation of a Criminal Justice Policy Council.
**SB 970** by Henderson, relating to financing, constructing, and operating certain causeways, bridges, and tunnels by certain counties.

Respectfully,

Betty King
Secretary of the Senate

**HR 270 - ADOPTED**

Representative T. Smith moved that all necessary rules be suspended to take up and consider at this time, **HR 270**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By T. Smith:

**HR 270**, Inviting Arnold Palmer to appear before the house.

The resolution was read and was adopted without objection.

On motion of Representative Khoury, the names of all the members of the house were added to **HR 270** as signers thereof.

**INTRODUCTION OF ARNOLD PALMER**

Speaker Lewis recognized Representative T. Smith who addressed the house and introduced Arnold Palmer to the house.

Mr. Palmer addressed the house briefly.

Speaker Lewis presented Mr. Palmer with a gavel.

**HR 291 - ADOPTED**

Representative T. Hall moved that all necessary rules be suspended to take up and consider at this time, **HR 291**.

The motion prevailed without objection.
The speaker laid before the house the following resolution:

By T. Hall:

HR 291

WHEREAS, On this 26th day of April, 1983, the members of the House of Representatives have reason to note an auspicious event in the life of the Honorable Bill Presnal; this day marks the 51st anniversary of his birth, and it provides the house an excellent opportunity to honor a fine colleague; and

WHEREAS, This distinguished eight-term lawmaker, who represents District 14, has held the position of chairman of the Committee on Appropriations since 1975; and

WHEREAS, Representative Presnal also serves as a member of the Legislative Budget Board, the Legislative Audit Committee, and the Legislative Reference Library Committee; he is active in the Southern Legislative Conference and is immediate past-chairman of the Science and Technology Committee of the National Conference on State Legislatures; and

WHEREAS, Representative Presnal has served the people of his district and of the entire state with utmost integrity and dedication; his presence and leadership in the house have earned him the respect, friendship, and admiration of each member; now, therefore, be it

RESOLVED, That the members of the House of Representatives of the 68th Legislature hereby congratulate Representative Bill Presnal on the occasion of his birthday, and wish him an enjoyable celebration of the event; and, be it further

RESOLVED, That a copy of this resolution be prepared for Mr. Presnal as a memento of this day and a token of the good wishes of the members of the House of Representatives.

The resolution was read and was adopted without objection.

On motion of Representative Wieting, the names of all the members of the house were added to HR 291 as signers thereof.

(Vowell now present)

LEAVES OF ABSENCE GRANTED

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

M. Garcia on motion of Rangel.

The following member was granted leave of absence for today because of personal business.

Cain on motion of Short.

HR 280 - ADOPTED

Representative L. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 280.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By L. Evans:

HR 280, Proclaiming the week of April 24 through 30, 1983, as Professional Secretaries Week.
The resolution was adopted without objection.

**SCR 90 - ADOPTED**  
(Hury - House Sponsor)

Representative Hury moved that all necessary rules be suspended to take up and consider at this time, SCR 90.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 90, Extending greetings to Mrs. Rosalynn Carter.**

The resolution was adopted without objection.

**SCR 91 - ADOPTED**  
(Hury - House Sponsor)

Representative Hury moved that all necessary rules be suspended to take up and consider at this time, SCR 91.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 91, Recognizing the Mental Health Association for the dedicated service it provides to mentally ill persons.**

The resolution was adopted without objection.

**SENATE BILL ON FIRST READING**

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

**SB 961 to Committee on Insurance.**

**RESOLUTION SIGNED BY THE SPEAKER**

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

**HCR 164**

**LEAVE OF ABSENCE GRANTED**

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

L. Hall on motion of G. Thompson.

(B. Gibson now present)

**HB 701 ON THIRD READING**

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

**HB 701, A bill to be entitled An Act relating to the control of brucellosis and other animal diseases; providing penalties.**

The bill was read third time.

Representative Crockett offered the following amendment to the bill:

Amend HB 701, Section 163.066 on page 7 after line 27 by adding:

(c) Any restriction on the movement of cattle imposed under provisions of this Act may be modified or set aside by the commission upon application by the
cattle owner, provided that the owner can show impending unusual hardship resulting from such restriction. Contributory factors may include but not be limited to prolonged drought, inadequacy of pasture or usual feed supply resulting from disaster or other unforeseeable circumstance, or economic hardship of the cattle owner; provided that individual animals under restriction be handled in a manner to be prescribed by the commission.

The amendment was adopted without objection.

(Tow, R. Martinez, and Wallace now present)

A record vote was requested.

The bill, as amended, was passed by (Record 224): 88 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Agnich; Arnold; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Burnett; Carriker; Clark; Colbert; Connelly; Coody; Craddick; Criss; Danburg; Davis; Denton; Eckels; Eikenburg; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Gibson, B.; Gibson, J.; Gilley; Grisham; Hackney; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hernandez; Hightower; Hilbert; Hill, G.; Hill, P.; Hollowell; Hudson, D.; Hury; Jones; Keller; Khoury; Laney; Lee; D.; Lee, E. F.; Leonard; McKenna; Madla; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Patronella; Pennington; Polk; Polumbo; Presnal; Price; Robnett; Rudd; Russell; Salinas; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Starnes; Sutton; Tejeda; Thompson, G.; Tow; Vowell; Wallace; Watson; Whaley; Wieting; Willis; Word; Wright.

Nays — Armbrister; Barrientos; Cavazos; Cervera; Clemons; Collazo; Crockett; Delay; Delco; Edwards; Garcia, A.; Gavin; Geistweidt; Glossbrenner; Granoff; Haley; Hall, W.; Hill, A.; Hinojosa; Horn; Hudson, S.; Jackson; Kuempel; McWilliams; Martinez, R.; Moreno, P.; Oliveira; Oliver; Patrick; Patterson; Pierce; Ragasthan; Rangel; Robinson; Saunders; Schlueter; Stiles; Thompson, S.; Toomey; Turner; Uber; Wilson.

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

Absent, Excused — Cain; Garcia, M.; Hall, L.

Absent — Bomer; Bush; Cary; Emmett; English; Green; Kemp; Luna; Parker; Peveto; Schlueter; Shaw; Valles; Waldrop; Wolens.

STATEMENT BY REPRESENTATIVE SHAW

On record 224 (HB 701) I was in Gov. White's office on official state business. Had I been present, I would have voted yes on this bill and did on second reading the previous day.

Shaw

HB 521 ON THIRD READING

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

HB 521, A bill to be entitled An Act relating to application of the workers' compensation law to farm and ranch laborers.

A record vote was requested.

The bill was read third time and failed to pass by (Record 225): 63 Yeas, 72 Nays, 1 Present, not voting.
Yeas — Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cavazos; Clemons; Colbert; Collazo; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Evans, J.; Gamez; Gandy; Garcia, A.; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hammond; Hernandez; Hightower; Hill, G.; Hinojosa; Hudson, S.; Hury; Jackson; Kemp; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Messer; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Smith, T.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Wallace; Watson; Willis; Wilson.

Nays — Aglich; Armbrister; Arnold; Blanton; Buchanan; Burnett; Carriker; Ceverha; Clark; Connelly; Coody; Craddick; DeLay; Eckels; Eikenburg; Evans, C.; Fennell; Fox; Gavin; Geistweidt; Gibson, J.; Grisham; Haley; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hedin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Hudson, D.; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; Leonard; McKenna; Mankins; Millsap; Patrick; Patterson; Pennington; Pierce; Pressak; Robinson; Robnett; Rudd; Russell; Saunders; Schoelcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Wiceting; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cain; Garcia, M.; Hall, L.

Absent — Bomer; Cary; Emmett; English; McWilliams; Parker; Peveto; Schlueter; Shaw; Stiles; Valles.

STATEMENT BY REPRESENTATIVE SALINAS

Machine malfunctioned showed me voting yes—should have shown no on HB 521.

Salinas

STATEMENT BY REPRESENTATIVE SHAW

On record 225 (HB 521) I was in Gov. Whit's office on official state business. Had I been present, I would have voted no on this bill and did vote no on the previous day on second reading of HB 521.

Shaw

HB 859 ON THIRD READING

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

HB 859, A bill to be entitled An Act relating to a requirement that a law enforcement agency that transfers a defendant to the custody of the Texas Department of Corrections provide the department with a written description of the offense for which the defendant was sentenced.

The bill was read third time and was passed.

HB 520 ON THIRD READING

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

HB 520, A bill to be entitled An Act relating to dismissal of certain misdemeanor charges on completion of a driving safety course.

The bill was read third time.

Representative Staniswalis moved that consideration of HB 520 be postponed until 10:50 a.m. today.
The motion prevailed without objection.

HB 1406 ON THIRD READING

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

HB 1406, A bill to be entitled An Act relating to the possession and display of certain documents relating to the origin and status of redfish and speckled sea trout; providing a penalty.

The bill was read third time.

Representative Wright offered the following amendment to the bill:

Amend HB 1406 in the following manner:

On page 1, Section 1, add a new subsection (c) to read as follows:

“(c) A culpable mental state is intended to be dispensed with for an offense under this Section.”

The amendment was adopted without objection.

HB 1406, as amended, was passed. (Barrientos, D. Lee, Watson, Wieting, and Uher recorded voting no)

HB 634 ON THIRD READING

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

HB 634, A bill to be entitled An Act relating to a substantive revision of the laws concerning creation, consolidation, and abolition of school districts.

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

HB 149 ON THIRD READING

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

HB 149, A bill to be entitled An Act relating to bidding procedures under the state employees group insurance program.

The bill was read third time.

Representative Coody offered the following amendment to the bill:

Amend HB 149 by adding a new subsection (d) to Section 1 to read as follows:

“(d) Upon completion of the competitive bidding process each institution must submit the names of the lowest five bidders to each person, company, and/or agency submitting competitive bids.”

The amendment was adopted without objection.

HB 149, as amended, was passed.

(Shaw now present)

HB 520 ON THIRD READING

The speaker laid before the house, as postponed business, on its final passage.

HB 520.

The bill was read third time today and postponed until this time.

Representative Staniswalis offered the following amendment to the bill:

Amend HB 520 by reinstating the stricken language on page 2, lines 2 & 3, 2nd reading engrossment.
The amendment was adopted without objection.
A record vote was requested.

The bill, as amended, was passed by (Record 226): 76 Yeas, 62 Nays, 1 Present, not voting.

Yea — Agnich; Armbrister; Arnold; Barton, E.; Blanton; Buchanan; Burnett; Ceverha; Colbert; Connelly; Craddick; Danburg; Davis; Del Lay; Eckels; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Gavin; Geistweitl; Gibson, B.; Glossbrenner; Grisham; Ham mond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Jackson; Jones; Khoury; Kublak; Kuempel; Leonard; McKenna; McWilliams; Mankins; Messer; Patrick; Patterson; Pennington; Pierce; Poluomo; Pothermal; Robinson; Robnett; Rudd; Saunders; Sooklauf; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Stanswalt; Stiles; Thompson, G.; Toomey; Tow; Vowell; Waldrop; Whaley; Wieting; Wolens; Word; Wright.

Nay — Barrientos; Barton, B.; Bomer; Bush; Carriker; Cavazos; Clark; Clemons; Collazo; Goody; Criss; Crockett; Delco; Denton; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Gibson, J.; Gilley; Granoff; Green; Hackney; Hall, T.; Hall, W.; Hernandez; Hinojosa; Hudson, S.; Hury; Kemp; Laney; Lee, D.; Lee, E. F.; Luna; Madia; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Peveto; Price; Ragdale; Rangel; Russell; Salinas; Shaw; Short; Sutton; Tieda; Thompson, S.; Turner; Uher; Wallace; Watson; Willis; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cain; Garcia, M.; Hall, L.

Absent — Berlanga; Cary; English; Haley; Keller; Polk; Schlueter; Valles.

HB 1828 ON THIRD READING

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

HB 1828, A bill to be entitled An Act relating to the maximum interest rate on certain school district obligations.

The bill was read third time and was passed. (Patterson, Robnett, Wieting, and Uher recorded voting no)

HB 1505 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1505.

CSHB 1505

A BILL TO BE ENTITLED
AN ACT
relating to housing projects subject to the jurisdiction of a housing authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 13a, Housing Authorities Law (Article 1269k, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:
(d) For purposes of the public meeting requirements of this section, "housing project" means, in addition to the definition prescribed in Subsection (i) of Section 3 of this Act:
(1) any work or undertaking that is financed in any way by public funds or tax-exempt revenue bonds and undertaken for any of the reasons listed in Subsection (i) of Section 3; or
(2) a building that has any part reserved for occupancy by persons receiving income or rental supplements from a governmental entity or that is provided for persons of low or moderate income.

SECTION 2. Section 6, Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 6. INTERESTED COMMISSIONERS OR EMPLOYEES. (a) No commissioner or employee of an authority shall have [acquire] any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.

(b) A violation of Subsection (a) of this section [If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest] shall constitute misconduct in office.

(c) A commissioner or an employee who knowingly or intentionally violates Subsection (a) of this section commits an offense. An offense under this subsection is a felony of the third degree.

(d) A person finally convicted under Subsection (c) of this section is ineligible for future employment with the state, its political subdivisions, or a public corporation formed under authority of the state or a political subdivision of the state.

SECTION 3. The amendment by this Act of Section 6, Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes), does not affect any ground for removal of a commissioner of a housing authority or any criminal offense committed under that section before the effective date of this Act. A proceeding to enforce such a ground for removal or criminal penalty may be continued or may be initiated on or after the effective date of this Act as if this Act were not in force. The previous law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1505 was read second time.

Representative Pennington offered the following amendment to CSHB 1505:

Amend CSHB 1505 by adding the words “in Subsection (a)” after the word “requirements” and before the word “of” in line 8 on page 1. Also add “and in Section 6 of this Act” after the word “section” and before the comma on line 9.

The amendment was adopted without objection.

CSHB 1505, as amended, was passed to engrossment. (W. Hall, L. Evans, Criss, Danburg, Delco, Hury, Oliver, S. Thompson, and Barrientos recorded voting no)
HB 1619 ON SECOND READING

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

HB 1619, A bill to be entitled An Act relating to filing notice of a sale of real estate under a power conferred by a contract lien.

The bill was read second time.

Representative Toomey offered the following amendment to the bill:

Amend HB 1619 in the following manner:

On page 2, Section 2, line 16, after the word “effect”, delete the date “September 1, 1983” and substitute in lieu thereof the date “January 1, 1984”.

The amendment was adopted without objection.

HB 1619, as amended, was passed to engrossment. (Uper recorded voting no)

HB 2298 ON SECOND READING

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

HB 2298, A bill to be entitled An Act relating to the redesignation of County Courts at Law Numbers 4 and 6 of Bexar County as probate courts, and to the redesignation of County Court at Law Number 5 of Bexar County as County Court at Law Number 4.

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

HB 2158 ON SECOND READING

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

HB 2158, A bill to be entitled An Act relating to the enforcement and collection of the city hotel occupancy tax.

The bill was read second time.

Representative Turner offered the following amendment to the bill:

Amend HB 2158 as follows:

On line 15, after the word “filed” but before the word “both”, insert the word “or”.

The amendment was adopted without objection.

HB 2158, as amended, was passed to engrossment. (Uper recorded voting no)

HB 1344 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1344.

CSHB 1344

A BILL TO BE ENTITLED
AN ACT

relating to jurisdiction over and regulation of certain entities by the State Board of Insurance.

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

SECTION 1. Chapter 3, Insurance Code, is amended by adding Article 3.51-6B to read as follows:
Art. 3.5-6R. MULTIPLE EMPLOYER TRUSTS. (a) Except as provided in this article, a person or other entity which has contracted to provide indemnification or expense reimbursement in this state to persons domiciled in this state or for risks located in this state, whether as an insurer, administrator, funding mechanism, or by any other method, for any type of medical expenses including, but not limited to surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether this coverage is by direct payment, reimbursement, or otherwise, is presumed to be and is subject to the jurisdiction of the State Board of Insurance with respect to that activity unless the person or other entity establishes that in providing those services it is subject to the exclusive jurisdiction of the United States.

(b) A person or entity may establish that it is subject to the exclusive jurisdiction of the United States by providing to the State Board of Insurance an appropriate certificate, license, or other official authorization issued by the United States agency that permits or qualifies such person or entity to provide those services for which it is licensed or certified. If a person or entity is subject to the exclusive jurisdiction of the United States, but is unable to provide the certificate, license or other official authorization required by this section because the same is not available from the agency, it may file with the Commissioner of Insurance a certified copy of all applications, plans, or other appropriate papers it filed with said agency and if such application, plan, or other paper is valid on its face the Commissioner of Insurance may not exercise jurisdiction unless in the discretion of the Commissioner it appears the financial condition or claims practices of a plan or trust is such as to render it detrimental to the best interest of the beneficiaries.

Any person or entity aggrieved by the Commissioner's exercise of jurisdiction shall have the right to have such action reviewed by the State Board of Insurance pursuant to Article 1.04(d) of this Code. Any person or entity aggrieved by any decision of the State Board of Insurance respecting such review may appeal to the District Court of Travis County, Texas, pursuant to Article 1.04(f) of this Code.

(c) A person or entity unable to establish that it is subject to the exclusive jurisdiction of the United States, or not otherwise subject to the jurisdiction of the Commissioner of Insurance under Section (b) of this article is subject to examination by the State Board of Insurance, under Articles 1.15, 1.16, 1.17, 1.18, and 1.19 of this Code, to suits and prosecutions under Article 1.19 of this Code, and to all other provisions of this Code applicable to persons or entities of the same type which are subject to the jurisdiction of the State Board of Insurance.

(d) The State Board of Insurance shall prepare and maintain for public inspection a list of those persons or entities described in Section (a) of this article not subject to the exclusive jurisdiction of the United States which the Board has determined to be under its jurisdiction.

(e) This article does not apply to any self-administered or self-funded employee benefit plan administered by or on behalf of political subdivisions or agencies of this state or under The Interlocal Cooperation Act (Article 4413(32C), Vernon's Texas Civil Statutes). This provision does not relieve any such plan from the application of any other insurance law of this state.

SECTION 2. 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 1344 was read second time and was passed to engrossment.
HB 1128 ON SECOND READING

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

HB 1128, A bill to be entitled An Act relating to records of births, deaths, and fetal deaths, enforcement of the vital statistics law, and providing a hearing for a person whose application for a copy of a record is refused.

The bill was read second time.

Representative D. Lee offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1128 on page 1, line 20, by adding the word “only” between “father” and “if”.

Committee Amendment No. 1 was adopted without objection.

HB 1128, as amended, was passed to engrossment.

HB 1964 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1964.

CSHB 1964

A BILL TO BE ENTITLED
AN ACT
relating to the reservation of minerals by the state and other conditions for the sale, lease, and prospect of state land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 51.052, Natural Resources Code, is amended to read as follows:

Sec. 51.052. CONDITIONS FOR SALE OF LAND. (a) Land sold under the provisions of this subchapter shall be sold [only in whole tracts and] without condition of settlement and residence.

(b) A purchaser of land under this subchapter may make a down payment of an amount determined by the board and the board may set the terms and conditions of the sale, including the interest rate. On full payment and satisfaction of other conditions, the purchaser is entitled to a patent for the land. This subsection does not prevent the board from requiring a tract of land to be purchased for cash. [Tracts of less than 80 acres shall be sold for cash.]

(c) No land may be sold to corporations, and no corporation may purchase land under this subchapter.

(d) Before the land under this subchapter is sold, the appraisers for the land office must appraise the land at its market value and file a copy of the appraisal with the commissioner. No land covered by this subchapter may be sold for less than the market value that appears in the appraisal made under this subsection.

(e) The owner of land that surrounds land in a tract of 320 acres or less shall have a preference right to purchase the tract before the land is made available for sale to any other person, provided the person having the preference right pays not less than the market value for the land as determined by the board.

(f) If the surrounding land is owned by more than one person, the owners of land with a common boundary with a tract of 320 acres or less that is for sale shall have a preference right to purchase the tract before it is made available to any other person, provided the person with the preference right pays not less than the market value of the land as determined by the board and the board finds use of the
preference to be in the best interest of the state. The board shall adopt rules to implement this preference right.

SECTION 2. Subsection (a), Section 51.054, Natural Resources Code, is amended to read as follows:

(a) Land dedicated to the permanent school fund shall be sold subject to a reservation set by the School Land Board of not less than one-eighth of all sulphur and other mineral substances from which sulphur may be derived or produced and not less than one-sixteenth of all other minerals [as free-royalties] to the state; provided, that if leasing rights are retained hereunder, the reserved minerals shall be subject to lease as provided by Subchapter B, Chapter 52, Natural Resources Code, and Subchapters B and E, Chapter 53, Natural Resources Code. The mineral reservation to the state shall be determined by the board before the land is offered for sale.

SECTION 3. Section 51.056, Natural Resources Code, is amended to read as follows:

Sec. 51.056. APPLICATION TO PURCHASE LAND. (a) A person who wants to purchase public school or asylum land shall submit to the commissioner a separate written application for each tract. [applied for as a whole.]

(b) Each application shall:
   (1) designate the land to be purchased;
   (2) state the bid [price] offered;
   (3) state any mineral reservations;]
   and
   (4) include an affidavit that the purchaser is purchasing the land for himself and that no other person or corporation is either directly or indirectly interested in the purchase of the land.

(c) At the time the application is submitted, the applicant shall pay one-fifth of the aggregate price offered for the land and shall submit his obligation in an amount equal to the unpaid purchase price offered for the land: binding the purchaser to pay to the land office on November 1 of each year until the purchase price is paid one-fourth of the unpaid balance with interest on the unpaid purchase price at the rate of five percent a year.

(d) The sale of the land is effective from the date of the receipt and filing of the application, affidavit, obligation, and the payment of the initial portion [one-fifth] of the price offered.

(e) The application to purchase and the notice of award shall state that the land is sold without condition of settlement and with the reservation [of one-eighth of all sulphur and other mineral substances from which sulphur may be produced or derived and one-sixteenth] of minerals, as a free royalty to the state determined by the board.

SECTION 4. Subsection (a), Section 51.070, Natural Resources Code, is amended to read as follows:

(a) Unpaid and delinquent interest on sales of public school land shall bear interest at a rate set by the board, [of five percent] compounded annually as it accrues on the date of payment set by the board [November 1 of each year].

SECTION 5. Subsection (a), Section 51.071, Natural Resources Code, is amended to read as follows:

(a) If principal or interest on a sale of land is not paid when due, the land is subject to forfeiture by the commissioner by entry on the wrapper containing the papers "Land Forfeited" or similar words, the date of the forfeiture, and the official signature of the commissioner.

SECTION 6. Section 52.011, Natural Resources Code, is amended to read as follows:

Sec. 52.011. AREA SUBJECT TO LEASE. Under the provisions of this subchapter, the board may lease to any person for the production of oil and natural gas:
(1) islands, saltwater lakes, bays, inlets, marshes, and reefs owned by the state within tidewater limits;
(2) the portion of the Gulf of Mexico within the jurisdiction of the state;
(3) all unsold surveyed and unsurveyed public school land; and
(4) all land sold with a reservation of minerals to the state under Section 51.054 of this code in which the state has retained leasing rights.

SECTION 7. Section 53.151, Natural Resources Code, is amended to read as follows:

Sec. 53.151. LEASE OF CERTAIN AREAS. Under the provisions of this subchapter, the board may lease to any person for the production of coal, lignite, sulphur, salt and potash:
(1) islands, saltwater lakes, bays, inlets, marshes, and reefs owned by the state within tidewater limits;
(2) the portion of the Gulf of Mexico within the jurisdiction of the state;
(3) rivers and channels that belong to the state;
(4) all unsold surveyed and unsurveyed public school land; and
(5) all land sold with a reservation of minerals to the state under Section 51.054 of this code in which the state has retained leasing rights.

SECTION 8. Article 3281, Revised Statutes, is amended to read as follows:

Art. 3281. ESCHEATED LANDS DEDICATED TO THE PERMANENT FREE SCHOOL FUND, LEASE OR SALE. All lands heretofore or hereafter escheated to the State of Texas by provisions of this Title are hereby dedicated, appropriated and set apart to the Permanent Free School Fund of the State of Texas. The Clerk of the District Court in which any judgment shall be rendered for the State escheating real estate to the State, shall, within ninety (90) days of the date of said judgment, forward the Commissioner of the General Land Office at Austin, Texas, a certified copy of said judgment of escheat. The Clerk of said Court shall likewise notify the Commissioner of the General Land Office of any appeal that may be taken in said case. Upon receipt of a certified copy of judgment escheating real estate to the State from which no appeal is taken, or upon receipt of a certified copy of notice of affirmance of any judgment escheating lands to the State, from which an appeal was taken, the Commissioner of the General Land Office shall list said lands as escheated permanent free school lands. The Commissioner of the General Land Office may lease said lands for grazing purposes under existing laws relating to the leasing for grazing purposes of unsold school lands. The Commissioner of the General Land Office may lease said lands for agricultural, residential, business or other purposes for a term of not to exceed two (2) years, said rental to be payable in money, the amount of said rental and all other terms of the lease to be fixed by the Commissioner of the General Land Office. Any unsold escheated permanent free school lands shall be subject to lease for oil and gas development or subject to other mineral development under Statutes governing the leasing for mineral purposes of all other unsold permanent free school lands. Any escheated permanent free school lands may be sold by the Commissioner of the General Land Office for not less than one-tenth of the purchase price in cash and the balance of said purchase price payable in nine equal annual installments, said deferred installments to bear interest at the rate set by the School Land Board of six (6) percent per annum. Any lands so sold shall be sold to the highest bidder as are other public free school lands but no escheated lands shall be sold at a price of less than Two Dollars and Fifty Cents ($2.50) per acre. All sales of escheated permanent free school lands shall be with a reservation to the State of all the minerals in the land in favor of the Permanent Free School Fund. The mineral interests retained by the state under this article are subject to lease as provided by Subchapter B, Chapter 52, Natural Resources Code, and Subchapters B and E, Chapter 53, Natural Resources Code. All sums received from the leasing, mineral developments, or sale of
escheated lands shall be deposited in the Permanent School Fund of Texas. The Tax Assessor/Collector of each county shall take all steps necessary to identify land that may be subject to escheat and shall notify the commissioner of the General Land Office and the Attorney General so that appropriate action can be taken. The Commissioner of the General Land Office is authorized to adopt such regulations as he deems necessary to carry out this Article. Said regulations or forms adopted shall be approved by the Attorney General.

**SECTION 9.** Section 52.021, Natural Resources Code, is amended to read as follows:

Sec. 52.021. TERM OF LEASE. A lease granted under this subchapter shall be for a primary term not to exceed five years and for as long after that time as oil or gas is produced from the leased area.

**SECTION 10.** Section 52.082, Natural Resources Code, is amended to read as follows:

Sec. 52.082. TERM OF LEASE. A lease granted under this subchapter shall be for a primary term not to exceed five years and for as long after that time as oil or gas is produced from the leased area.

**SECTION 11.** Subsection (a), Section 53.016, Natural Resources Code, is amended to read as follows:

(a) The lease shall be issued by the commissioner under the provisions of this subchapter and shall be for a primary term not to exceed twenty years and as long after that time as the minerals are produced in paying quantities.

**SECTION 12.** Sections 51.0521, 51.053, and 53.014, Natural Resources Code, are repealed.

**SECTION 13.** This Act applies to land sold by the state on or after September 1, 1983. The sale of state land before that date is governed by the appropriate law in existence on the date of the sale.

**SECTION 14.** 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 1964 was read second time.

Representative Wilson raised a point of order against further consideration of CSHB 1964 on the grounds that the committee substitute violates Rule 13, Sec. 1(b) of the House Rules.

The speaker sustained the point of order.

**HB 517 ON SECOND READING**

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

HB 517, A bill to be entitled An Act relating to dismissal of certain misdemeanor charges on completion of a driving safety course.

The bill was read second time.

Representatives E. Barton and Toomey offered the following amendment to the bill:

Amend HB 517 in the following manner:

In Section 1, Subsection (c), on line 10, delete the number "Six" and substitute in lieu thereof the number "Sixteen".

In Section 1, Subsection (2), after the period on line 22, add a new Subsection (3) which shall read as follows:
(3) $10 for deposit in the Compensation to Victims Crime Fund (Article 8309-1, Section 14, Vernon’s Texas Civil Statutes), said fee to be used first to compensate claimants who suffer pecuniary loss as a victim of the offense of driving while intoxicated (Article 67011-1 and 67011-2) and, second, to compensate other victims who suffer pecuniary loss as provided for under the Crime Victims Compensation Act (Article 8309-1, Vernon’s Texas Civil Statutes). This fee is in addition to any other fee that is deposited into the fund pursuant to other provisions of the Crime Victims Compensation Act or other law.

The last sentence in Subsection (2) which reads "The remaining portion of any fee collected under this subsection may be used by the court to defray expenses incurred in administering this section." will become the last sentence in Subsection (3).

Representative Jackson raised a point of order against further consideration of E. Barton-Toomey amendment on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

HB 517 was passed to engrossment. (Uher, Ceverha, Oliver, and Clark recorded voting no)

MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1983

The Honorable Speaker of the House of Representatives
House Chamber
The Honorable
Mr. Speaker,

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 343 by: viva voce vote; SB 617 by: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

HB 25 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 25.

CSHB 25

A BILL TO BE ENTITLED
AN ACT
relating to age requirements for applicants for beginning positions within police departments covered by Article 1269m, Vernon’s Texas Civil Statutes, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 9, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 9. The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the Fire and Police Departments shall be created only as a result of such examination, which shall be based on the applicant’s knowledge of and qualifications for fire
fighting and work in the Fire Department, or for police work and work in the Police Department, as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability. Fire Department entrance examinations may be given at different locations if all applicants are given the same examination and examined in the presence of other applicants. An applicant may not take an examination unless at least one (1) other applicant being tested is present.

An applicant who has served in the armed forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades.

The Commission shall keep all eligibility lists for applicants for original positions in the Fire Department or Police Department in effect for not less than six (6) months nor more than twelve (12) months unless the names of all applicants have been referred to the appropriate Department. The Commission shall give a new examination at the end of the twelve (12) month period or sooner, if applicable, or if all names on the list have been referred to the appropriate Department. The Commission shall determine how long each eligibility list shall remain in effect within the six (6) to twelve (12) month period and shall include this information on the eligibility announcement.

Appropriate physical examinations shall be required of all applicants for beginning or promotional positions, and the examinations shall be given by a physician appointed by the Commission and paid by such city; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, whose findings shall be final. The age and physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants.

No person shall be certified as eligible for a beginning position with a Fire Department who has reached his thirty-sixth birthday. No person shall be certified as eligible for a beginning position with a Police Department who has reached his thirty-sixth birthday unless the applicant has at least five (5) years prior experience as a peace officer, or 5 years of military experience. No person shall be certified as eligible for a beginning position with a Police Department who has reached his forty-fifth birthday.

All police officers and firefighters coming under this Act must be able to intelligently read and write the English language.

When a question arises as to whether a firefighter or policeman is sufficiently physically fit to continue his duties, the employee shall submit a report from his personal physician to the Commission. If the Commission, the head of the Department, or the employee questions the report, the Commission shall appoint a physician to examine the employee and to submit a report to the Commission, to the head of the Department, and to the employee. If the appointed physician's report disagrees with the report of the employee's personal physician, the Commission shall appoint a board of three (3) physicians to examine the employee. Their findings as to the employee's fitness for duty shall determine the issue. The cost of the services of the employee's personal physician shall be paid by the employee. All other costs shall be paid by the city.

A firefighter or policeman who has been certified by a physician selected by a firemen's or policemen's relief or retirement fund as having recovered from a disability for which he has been receiving monthly disability pension shall, with the approval of the Commission and if otherwise qualified, be eligible for reappointment to the classified position that he held as of the date that he qualified for a monthly disability pension.
SECTION 2. EMERGENCY. 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 25 was read second time.

Representative Wilson raised a point of order against further consideration of CSHB 25 on the grounds that CSHB 25 violates Rule 13, Sec. 1(b) of the House Rules.

The speaker sustained the point of order.

HB 493 ON SECOND READING

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

HB 493. A bill to be entitled An Act relating to the authority of the commissioners court in certain counties to designate a stadium or airport as a wet area.

The bill was read second time and was passed to engrossment. (Wieting, Hollowell, and Patterson recorded voting no)

HB 4 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 4.

CSHB 4

A BILL TO BE ENTITLED
AN ACT
relating to the holding of elections on uniform election dates.

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

SECTION 1. Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code), is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) Except as provided in Subsections (b), [and] (e), and (f) of this section, every general (regular) or special election held by the state or by any county, city, school district, water district, or any other political subdivision or agency of this state must be held on one of the following dates: the third Saturday in January, the first Saturday in April, the second Saturday in August, or the first Tuesday after the first Monday in November. Provided, however, that in even-numbered years the only issues which may be submitted to the voters in an election held on the first Tuesday after the first Monday in November shall be the election of state and county officers, the election of officers of a general-law city or town wherein the governing body of said city finds that the religious tenets of more than 50 percent of the registered voters of said city prohibit the adherents from voting in an election held on a Saturday, the election of officers of a home-rule city with a population of less than 30,000, according to the last preceding federal census, where such city or town used, prior to 1975, the first Tuesday after the first Monday in November of even-numbered years as the date for the election of its officers, and amendments to the constitution of this state submitted to the voters by the legislature. This requirement does not apply to runoff elections, political subdivisions using the convention method of election, or [local option elections held under the Alcoholic
Bevage Code, elections for bonds and elections for school maintenance taxes.) to the
biennial party primary elections held to nominate candidates for public office;
or to confirmation elections: director elections; and maintenance tax elections; held
in conjunction with the creation of political subdivisions provided for by Article
XVI, Section 59, of the Texas Constitution, which furnish water or sewer services
to householders. An election held on an unauthorized date is void.

(f) A political subdivision may hold one election during each calendar year
on a date not authorized by Subsection (a) of this section for the purpose of
authorizing the issuance of bonds or other evidences of indebtedness.

SECTION 2. Section 6(c), Hospital Authority Act (Article 4437e, Vernon's
Texas Civil Statutes), is amended to read as follows:

(c) If a petition described in Subdivision (2), Subsection (b) of this section is
presented to the secretary or president of the Board of Directors before the scheduled
date of the sale, the property may be sold to a political subdivision only if an election
on the proposition is held and a majority of the qualified voters voting in the election
favor the sale. The Board shall call the election on receiving the petition or may call
the election on its own motion if no petition is filed. The Board shall determine and
the order calling the election shall specify the date, place, or places of holding
the election, the form of ballot, and the presiding judge, alternate judge, and clerks for
each voting place. Section 9b, Texas Election Code (Article 2.01h, Vernon's Texas
Election Code), applies to the election. A substantial copy of the
election order shall be
published in a newspaper or newspapers of general circulation
in the Authority once a week for
2 weeks, the first publication to appear at least 30 days before the election date. The form of the ballots at the
election shall be in conformity with
Section 61, Texas Election Code, as amended
(Article 6.05, Vernon's Texas Election Code), so that ballots may be cast for or
against the following proposition: "The sale of
.......
by the
.......
Hospital Authority." The Board shall canvass the returns and announce the results. Except
as specifically provided in this section, the election shall be governed by the Texas
Election Code.

SECTION 3. Section 18.0841(d), Water Code, is amended to read as follows:

(d) On written request of at least 25 qualified voters residing in the target area
or operational area mentioned in the notice requesting an election accompanied by
unsigned petitions, the county clerk of each county within the target area or
operational area shall certify and mark for identification petitions for circulation.
An application for a petition seeking an election to disapprove the issuance of a
permit shall be headed: "Application for Election to Disapprove a Weather
Modification Permit." The application shall contain a statement just ahead of the
signatures of the applicants stating the following: "It is the hope, purpose, and intent
of the applicants whose signatures appear on this application to see disapproved the
issuance of a permit for weather modification including hail suppression." An
application for a petition seeking an election to approve the issuance of a permit
shall be headed: "Application for Election to Approve a Weather Modification
Permit." The application shall contain a statement just ahead of the signatures of
the applicants as follows: "It is the hope, purpose, and intent of the applicants
whose signatures appear on this petition to see approved the issuance of a permit
for weather modification including hail suppression." Upon the return to the county
clerks of such petitions signed by at least 10 percent of the qualified voters residing
in each county within the target area or operational area in the notice requesting
an election the commissioners court of each county shall call and hold an election.
Notice under Chapter 549, Acts of the 60th Legislature, Regular Session, 1967
(Article 29e, Vernon's Texas Civil Statutes), of the commissioners court meeting to
call and hold the election is not required. The date of the election shall be
determined by the commissioners court in accordance with this section.
SECTION 4. Section 63.089, Water Code, is amended to read as follows:

Section 63.089. ELECTION OF COMMISSIONERS. [as amended] An election shall be held in the district in accordance with Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code), on the first Tuesday after the first Monday in November of each even-numbered year to elect the three commissioners.

[As amended] (b) Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code), requiring that certain elections be held on specified uniform dates, does not apply to the election provided for in this section.

SECTION 5. Section 130.082(i), Texas Education Code, is amended to read as follows:

(i) The governing board of a countywide junior or community college district [as amended] that contains a city with a population of more than 800,000 residents shall [as amended] set the date for an election held under [as amended] the provisions of [as amended] this section in accordance with Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code) [as amended] on any day in April by a resolution adopted not less than 90 days before the date selected; provided, however, that such election may not be held on the same date as the election of the governing board of any independent school district in such county unless the election date of all independent school districts in such county is on such date. The elections in each trustee district may be conducted jointly with another election in accordance with Section 9c, Texas Election Code (Article 2.01c, Vernon’s Texas Election Code) [as amended] the elections held in April in a city or school district in the trustee district. When a runoff election is necessary, the board may order the election for a date to coincide with the date of the runoff election for city officials, if the city is holding a runoff election; otherwise, the board shall set the date of the runoff election for not later than three weeks following the regular election. [As amended] When members of the board and municipal officers are to be elected on the same day, the governing bodies of the district and the city shall enter into an agreement governing the conduct of the joint election in accordance with the provisions of Article 978b, Revised Civil Statutes of Texas, 1923, as amended.]

SECTION 6. An election that was not subject to Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code), before the effective date of this Act is subject to Section 9b as amended by this Act.

SECTION 7. If a special election is required to be held within a particular period after the occurrence of a certain event and that event occurs before the effective date of this Act, the election shall be held on a date that complies with the law as it existed at the time the event occurred, and the prior law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 1983.

SECTION 9. 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 4 was read second time.

Representative P. Moreno offered the following amendment to CSHB 4:

Amend CSHB 4 by changing the figure “800,000” on page 5, line 27 to read “400,000”.

The amendment was adopted without objection.

CSHB 4, as amended, was passed to engrossment.

SB 660 ON THIRD READING

(G. Hill - House Sponsor)

The speaker laid before the house on its third reading and final passage, SB 660, A bill to be entitled An Act relating to certain fees imposed by county and district court clerks; amending Article 1064, Code of Criminal Procedure, 1925, as amended.

The bill was read third time and was passed.

SB 606 ON SECOND READING

(Green - House Sponsor)

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

SB 606, A bill to be entitled An Act relating to the creation, funding, dissolution, and powers and duties of a special district in counties with a population of more than 2 million and certain adjacent territory to administer a system by which the 9-1-1 telephone number is used as the primary emergency telephone number and to the powers and duties of the director and of the board of managers.

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

SB 453 ON SECOND READING

(Gavin - House Sponsor)

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

SB 453, A bill to be entitled An Act relating to regulation of certain reinsurance by the State Board of Insurance; amending Articles 5.75-1 and 6.16 and adding Article 5.75-2, Insurance Code, as amended.

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

(L. Hall now present)

SB 281 ON SECOND READING

(Waldrop - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 281.
CSSB 281

A BILL TO BE ENTITLED
AN ACT
making a supplemental appropriation to the Board of Pardons and Paroles for certain expenses associated with relocating to different office space to alleviate current overcrowded conditions.

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

SECTION 1. In addition to sums previously appropriated, the sum of $218,000 is appropriated to the Board of Pardons and Paroles from the General Revenue Fund for the period ending August 31, 1983, for the following purposes:

1. $93,000 to lease office space at a new location from June 1, 1983, through August 31, 1983, in order to alleviate current overcrowded conditions;
2. $90,000 to procure and install a telephone system at the office's new location; and
3. $35,000 for relocation expenses.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSSB 281 was read second time and was passed to third reading. (Toomey, Fox, McKenna, Eckels, and Ceverha recorded voting no)

LEAVE OF ABSENCE GRANTED

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

English on motion of Mankins.

SB 1112 ON SECOND READING
(Saunders - House Sponsor)

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

SB 1112, A bill to be entitled An Act relating to the distribution to political subdivisions and use of money received from the use and development of federal public land; giving the comptroller of public accounts certain responsibilities and duties.

The bill was read second time.

Representative Polk offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1112 as follows:
1. On page 1, line 13, strike "sales."
2. On page 1, lines 13-14, strike "Section 191 or".
3. On page 1, line 18, strike "Section 191 or".
4. On page 1, line 25, strike "sales."

Committee Amendment No. 1 was adopted without objection.
Representative Polk offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend SB 1112 as follows:
(1) On page 1, line 22, after the period, insert: “Money in the fund that is not required to be distributed to an eligible county may be used by the state.”
(2) On page 1, line 24, strike “all” and substitute “one-half”. Committee Amendment No. 2 was adopted without objection.

SB 1112, as amended, was passed to third reading. (Fox recorded voting no)

HB 1255 - VOTE RECONSIDERED

Representative Agnich moved to suspend all necessary rules to reconsider the vote by which HB 1255 was tabled on its final passage on April 13.

The motion prevailed without objection.

HB 1255 ON THIRD READING

The speaker laid before the house on its final passage.

HB 1255, A bill to be entitled An Act relating to the powers of an electric cooperative corporation.

Representative Haley offered the following amendment to the bill:

SECTION 1. The Electric Cooperative Corporation Act (Article 1528b, Vernon’s Texas Civil Statute), is amended by adding Section 4A to read as follows:

SECTION 4A. Additional powers notwithstanding any other provision of this Article, a corporation has authority to generate, manufacture, purchase, acquire and accumulate electric energy and to transmit, distribute, sell, furnish and dispose of such electric energy to the following entities if the same are engaged in the generation and transmission of electricity for resale:

(1) Firms, associations, corporations, except those who meet the criteria for a small power production facility and/or a co-generation facility under Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).
(2) Federal Agency.
(3) State or political subdivision of a state with an installed generation capacity in excess of a 500MW, or
(4) A municipal power agency which is a co-owner with such corporation of a jointly owned electric generation facility.

A corporation may also sell, furnish and dispose of the electric energy to a political subdivision of the state which is engaged in the generation, transmission, or distribution of electricity for resale and to which the corporation was selling and furnishing electric energy on December 31, 1982.

The members’ only requirement of Section 4 (4) of this Article shall continue to apply to all sales by a corporation to other persons and entities.

The amendment was adopted without objection.

HB 1255, as amended, was passed.

HB 2232 AND HB 1165 - RULES SUSPENDED

Representative Keller moved to suspend the 48-hour subcommittee report rule to allow the Committee on State Affairs to consider HB 2232 and HB 1165.

The motion prevailed without objection.
HB 660 - RULES SUSPENDED
Representative Russell moved to suspend the 48-hour subcommittee report rule to allow the Committee on Elections to consider HB 660.
The motion prevailed without objection.

HB 2005 - RULES SUSPENDED
Representative Agnich moved to suspend the 48-hour subcommittee report rule to allow the Committee on Energy to consider HB 2005.
The motion prevailed without objection.

HB 1039 - RULES SUSPENDED
Representative Patronella moved to suspend the 48-hour subcommittee report rule to allow the Committee on Elections to consider HB 1039.
The motion prevailed without objection.

HB 804 - RULES SUSPENDED
Representative Whaley moved to suspend the 48-hour subcommittee report rule to allow the Committee on County Affairs to consider HB 804.
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 9 a.m., Friday, April 29.
The motion prevailed without objection.

PROVIDING FOR A LOCAL AND CONSENT CALENDAR AND A RESOLUTIONS CALENDAR
Representative G. Hill moved to suspend all necessary rules to set a Local and Consent Calendar and Resolutions Calendar for 9 a.m., Friday, April 29.
The motion prevailed without objection.

HB 1608 AND HB 1751 - RULES SUSPENDED
Representative Hanna moved to suspend the 5-day posting rule to allow the Committee on Energy to consider HB 1608 and HB 1751.
The motion prevailed without objection.

HB 2005 AND HB 1277 - RULES SUSPENDED
Representative Hanna moved to suspend the 48-hour subcommittee report rule to allow the Committee on Energy to consider HB 2005 and HB 1277.
The motion prevailed without objection.

HB 2348 AND HB 2330 - RULES SUSPENDED
Representative Gilley moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HB 2348 and HB 2330.
The motion prevailed without objection.
HB 2395 - RULES SUSPENDED

Representative Gilley moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HB 2395.

The motion prevailed without objection.

HB 570 - RULES SUSPENDED

Representative Word moved to suspend the 48-hour subcommittee report rule to allow the Committee on County Affairs to consider HB 570.

The motion prevailed without objection.

HB 33 - RULES SUSPENDED

Representative L. Evans moved to suspend the 48-hour subcommittee report rule to allow the Committee on Judicial Affairs to consider HB 33.

The motion prevailed without objection.

HB 1433, HB 1276, AND HB 2330 - RULES SUSPENDED

Representative Tejeda moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HB 1433, HB 1276, and HB 2330.

The motion prevailed without objection.

HB 2396 - PERMISSION TO INTRODUCE

Representative Patterson moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2396.

The motion prevailed by (Record 227): 111 Yeas, 20 Nays, 4 Present, not voting.

Yeas — Barrientos; Barton, B.; Blanton; Boner; Buchanan; Burnett; Bush; Carrker; Cavazos; Cervera; Clark; Clemens; Colbert; Connelly; Coody; Cress; Crockett; Davis; DeLay; Denton; Eckels; Emmett; Evans, C.; Evans, L.; Fennell; Gamez; Garcia, A.; Gavin; Geistwedt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hur; Jackson; Keller; Kemp; Khourey; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Saunders; Schoolcraft; Shea; Simpson; Smith, C.; Smith, T.; Stiles; Sutton; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Wallace; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Agnich; Armbrister; Barton, E.; Craddock; Eikenburg; Fox; Gandy; Granoff; Hackney; Heflin; Horn; Jones; Madla; Martinez, R.; Oliver; Patrick; Smith, A.; Staniswalis; Tejeda; Watson.

Present, not voting — Mr. Speaker(C); Cary; Delco; Harrison, W.

Absent, Excused — Cain; English; Garcia, M.

Absent — Arnold; Berlanga; Collazo; Danburg; Edwards; Rudd; Schlueter; Shaw, Short; Thompson, G.; Valles; Waldrop.
BILLS SIGNED BY THE SPEAKER

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

SB 89, SB 176, SB 302, SB 316, SB 332, SB 333, SB 506, SB 531, SB 595, SB 658, SB 664, SB 989, SB 1095

HB 521 - VOTE RECONSIDERED

Representative Wolens moved to reconsider the vote by which HB 521 failed to pass earlier today.

A record vote was requested.

The motion to reconsider prevailed by (Record 228): 89 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Burnett; Bush; Carrker; Cary; Cavazos; Clark; Clemmons; Colbert; Collazo; Criss; Crockett; Danburg; Davis; DeLeo; Denton; Edwards; Emmett; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, L.; Hall, W.; Hammond; Harrison, D.; Hernandez; Hightower; Hilbert; Hill, G.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patroneilla; Peaveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Saunders; Schluter; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Vowell; Wallace; Watson; Willis; Wolens.

Nays — Blanton; Buchanan; Cevcrha; Connelly; Coody; Craddick; DeLay; Eckels; Eikenburg; Finnell; Fox; Gavin; Geistweidt; Gibson, J.; Grisham; Hall, T.; Hanna; Harrison, W.; Heflin; Hill, A.; Hill, P.; Hollowell; Jones; Keller; Khoury; Kuempel; Laney; Leonard; McKenna; Mankins; Patrick; Patterson; Pennington; Presnal; Robinson; Robnett; Rudd; Russell; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Toomey; Turner; Uher; Whaley; Wieting; Word; Wright.

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

Absent, Excused — Cain; English; Garcia, M.

Absent — Arnold; Valles; Waldrop; Wilson.

STATEMENT BY REPRESENTATIVE AGNICH

I wish to be recorded as voting no on Record Vote 228, motion to reconsider the vote by which HB 521 failed to pass. My machine malfunctioned.

Agnich

STATEMENT BY REPRESENTATIVE HORN

I wish to be recorded as voting no on Record Vote 228, motion to reconsider, vote by which HB 521 failed to pass. Apparently my machine malfunctioned.

Horn

HB 521 ON THIRD READING

The speaker laid before the house on its final passage,

HB 521, A bill to be entitled An Act relating to application of the workers' compensation law to farm and ranch laborers.
Representative Carriker offered the following amendment to the bill:

Amend line 6 of committee amendment to read: ($50,000) or less or who employed twelve (12) or fewer employees.

The amendment was adopted.

A record vote was requested.

The bill, as amended, was passed by (Record 229): 83 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Carriker; Cary; Cervantes; Clemens; Colbert; Collazo; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Emmett; Evans, L.; Gamez; Gandy; Garcia, A.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, W.; Hammond; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martin, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Peavoy; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Saunders; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Vowell; Wallace; Watson; Willis; Wilson; Wolens.

Nays — Agnish; Arnold; Blanton; Bomer; Buchanan; Burnett; Ceverha; Connelly; Coody; Craddock; DeLay; Eckels; Eikenburg; Finnell; Fox; Geistweidt; Gibson, J.; Grisham; Haley; Hall, T.; Hanna; Harrison, W.; Heflin; Hilbert; Hollowell; Horn; Keller; Khoury; Kuempel; Laney; Leonard; McKenna; McWilliams; Mankins; Patrick; Patterson; Pennington; Presnal; Robinson; Robnett; Rudd; Russell; Salinas; Schlueter; Schueller; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Toomey; Turner; Uher; Waldrep; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent. Excused — Cain; English; Garcia, M.

Absent — Clark; Evans, C.; Harrison, D.; Valles.

HB 2397 - PERMISSION TO INTRODUCE

Representative G. Thompson moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2397.

The motion prevailed by (Record 230): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Banton; Buchanan; Burnett; Cary; Cervantes; Cervera; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; 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.; Martin, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peavoy; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas;
Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Wallace; Watson; Wieting; Willis; Wilson; Wolens; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cain; English; Garcia, M.

Absent — Agnich; Bomer; Bush; Carriker; Fox; Garcia, A.; Heflin; Horn; Robinson; Schlueter; Shea; Smith, C.; Valles; Waldrop; Whaley; Wright.

HOUSE BILL ON FIRST READING

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

By Haley:

HB 2395, A bill to be entitled An Act relating to the creation of the County Court at Law of Panola County.

To Committee on Judicial Affairs.

HR 295 - ADOPTED

Representative Price moved that all necessary rules be suspended to take up and consider at this time. HR 295.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Price:

HR 295, Welcoming the distinguished members of the consular corps of Texas.

The resolution was adopted.

HCR 121 AND HCR 134 - RULES SUSPENDED

Representative Tejeda moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HCR 121 and HCR 134.

The motion prevailed without objection.

HB 2310 - RULES SUSPENDED

Representative Armbrister moved to suspend the 48-hour subcommittee report rule to allow the Committee on Judicial Affairs to consider HB 2310.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:
SCR 94 by Parmer, declaring April 27 to be Arts Awards Day in Texas.
Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, 4 p.m. today, Room G-14, Capitol, to set calendar.

County Affairs, Subcommittee on HB 1523, on adjournment today, Desk 30, to consider HB 1523.

Urban Affairs, Subcommittee on HB 591, on adjournment today, Desk 8, to consider HB 591.

Labor and Employment Relations, Subcommittee on HB 896, on adjournment today, Room 154-H, Capitol, to consider HB 896.

Judicial Affairs, Subcommittee on HB 2310, 3 p.m. today, Room 416C, Capitol, to consider HB 2310.

Judiciary, Subcommittee on HB 122, on adjournment today, Desk 137, to consider HB 122.

Insurance, Subcommittee on Property and Casualty, on adjournment today, Desk 18, to consider SB 353, HB 1839, and HB 1786.

Elections, Subcommittee on HB 1561, on adjournment today, Desk 144, to consider HB 1561.

Elections, Subcommittee on HB 660, on adjournment today, back hall, to consider HB 660.

Criminal Jurisprudence, Subcommittee on HB 1191, on adjournment today, Desk 4, to consider HB 1191.

Business and Commerce, Subcommittee on HB 1868, 5:40 p.m. today, Room B, Reagan Building, to consider HB 1868.

Business and Commerce, Subcommittee on SB 559, on adjournment today, Desk 126, to consider SB 559.

ADJOURNMENT

Representative Hilbert moved that the house adjourn until 10 a.m. tomorrow. The motion prevailed without objection.

The house accordingly, at 12:39 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture and Livestock - HB 1279
Higher Education - HB 100, HB 101
Judicial Affairs - HB 1668
Law Enforcement - HB 1690
Natural Resources - HB 2112
Public Education - HB 1336, HB 2077, HCR 69

ENGROSSED


April 25 - HB 296, HB 355, HB 723, HB 1147, HB 1775, HB 859

ENROLLED

April 21 - HB 166, HB 600, HB 687, HB 691, HB 1214, HCR 43, HCR 49, HCR 66, HCR 74, HCR 155, HCR 150, HCR 167, HCR 168, HCR 169

April 25 - HCR 164

COAUTHORS AUTHORIZED

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

HB 859 - Toomey
HB 1909 - Collazo
HB 1978 - Oliver, S. Hudson

RECOMMENDATIONS OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER

The following recommendations of the Texas Water Commission were filed with the speaker:

April 25 - HB 2315, HB 2323