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 231).

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

Absent, Excused — Garcia, M.; Horn; Wilson.

The invocation was offered by B. Leroy Patterson, pastor, Memorial Baptist Church, Houston, Texas, as follows:

Our Gracious God, our Heavenly Father, how excellent is thy name, and we come to thee at this moment to worship and to adore you, to honor and to seek more of you, and to give thanks and praise for all your blessings.

Father, thou knowest that the great task that has been thrust upon these elected few, and we pray that you shall give direction in their decision; that you shall give guidance as they give guidance to this great state; that you shall give wisdom for their lives; that you shall give courage for their conviction; that you shall give sensitivity to what is right and just for the people of Texas; that you shall give power that is beyond themselves; that you shall give them peace, and presence and power to help them realize the vastness of their task as being ultimately responsive to you; that you shall give them vision of your desire.

May today they know your forgiveness and your richest blessings upon each of them, upon their staff, upon their family, and may this be a new day and new beginning for all of us in Christ's name. Amen.

LEAVES OF ABSENCE GRANTED

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

Horn, temporarily, on motion of Khoury.
M. Garcia on motion of Rangel.
The following member was granted leave of absence for today because of illness:
Wilson on motion of Kuempel.

MESSAGE FROM THE SENATE
Austin, Texas, April 27, 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 440 by Harris and Washington, relating to regulation of horse racing and licensing of related activities and personnel and to the regulation of pari-mutuel wagering on horse racing.
SB 728 by Caperton, relating to authority of the Board of Regents of the Texas A&M University System to accept and administer donations of property.
SB 812 by Brooks, relating to the definition of certain terms and to insurance coverage for the services of certain audiologists.
SB 1298 by Leedom, relating to fees collected by the Department of Agriculture.

SCR 94 - ADOPTED
(Price - House Sponsor)

Respectfully,
Betty King
Secretary of the Senate

Representative Price moved that all necessary rules be suspended to take up and consider at this time, SCR 94.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
SCR 94, Declaring April 27, 1983, to be Arts Awards Day in Texas.
The resolution was adopted without objection.

HB 2398 - PERMISSION TO INTRODUCE

Representative Eckels moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2398.
The motion prevailed by (Record 232): 139 Yeas, 0 Nays, 1 Present, not voting.

Yea — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Cooky; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Huckney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.;
HR 114 - ADOPTED

The speaker laid before the house, as postponed business, the following complete committee substitute for HR 114 on committee report:

By Turner:

CSHR 114

WHEREAS, The House Administration Committee has established a standing subcommittee on ethical conduct; and

WHEREAS, The subcommittee has been created with the intent that it have jurisdiction over all matters pertaining to the conduct of members of the house, the establishment of guidelines and policies to aid members in the performance of their legal and constitutional duties, the establishment of guidelines and policies to aid members in interactions with state agencies and members' employees and monitoring and enforcing the application of guidelines and policies adopted by the Committee on House Administration; and

WHEREAS, The subcommittee has been charged with the duties of making reports and recommendations to the full committee and to the house on matters within its jurisdiction; and

WHEREAS, The proper administration of the duties of the subcommittee requires the adoption of a set of rules for the proper operation of the committee; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, That the following are adopted as the permanent rules of the House Administration Subcommittee on Ethics for the 68th Legislature:

RULES OF

THE HOUSE ADMINISTRATION SUBCOMMITTEE

ON ETHICS

RULE 1. GENERAL PROCEDURES

Sec. 1. The subcommittee consists of three members appointed by the chairman of the Committee on House Administration. The chairman of the subcommittee shall be designated by the chairman of the Committee on House Administration.

Sec. 2. A majority of the subcommittee constitutes a quorum.

Sec. 3. Meetings of the subcommittee shall be called by the chairman or on written request of the other two members of the subcommittee.

Sec. 4. Notice of meetings of the subcommittee shall be posted or announced in accordance with the House Rules.
Sec. 5. Order of Business. Questions as to the order of business and the procedure of the subcommittee shall in the first instance be decided by the chairman, subject to reversal by a vote of a majority of the subcommittee.

Sec. 6. Open and Closed Meetings. Meetings of the subcommittee shall be open to the public except that a meeting or series of meetings by the subcommittee on the same subject for a period of not more than 14 calendar days may be closed to the public on a motion made to go into closed session to discuss only whether the matters enumerated in Subdivisions (1) through (3) below would require the meeting to be closed followed immediately by a record vote in open session by a majority of the subcommittee when it is determined that the matter to be discussed or the testimony to be taken at the meeting or meetings:

(1) will tend to charge an employee with crime or misconduct, to disgrace or injure the professional standing of an employee and otherwise expose an employee to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an employee or member;

(2) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(3) will disclose any information required by state or federal law or regulation to be kept confidential by government officers and employees.

Sec. 7. In the event disorder arises during a subcommittee meeting that is open to the public or any demonstration of approval or disapproval by any person in attendance at any meeting occurs, the chair shall have the power to direct the sergeant-at-arms to clear the room until assurance of order is restored.

Sec. 8. Record of Testimony and Subcommittee Action. Records of subcommittee proceedings and testimony shall be maintained for the general public as provided by the House Rules for full committees, provided, however, the record of proceedings in executive session shall be maintained confidentially by the subcommittee. The record of a witness's testimony procured in executive session shall be made available for inspection to the particular witness or his counsel under subcommittee supervision.

Sec. 9. Confidentiality of Executive Session Testimony. All testimony and action taken in executive session shall be kept confidential and shall not be released outside the subcommittee to any individual or group, whether governmental or private, without the approval of a majority of the subcommittee.

Sec. 10. Release of Reports to Public. No information pertaining to, or copies of any subcommittee report, study, or other document that purports to express the views, findings, conclusions, or recommendations of, the subcommittee in connection with any of its activities or proceedings may be released to any individual or group, whether governmental or private, prior to formal adoption of the report by the subcommittee, without the authorization of the subcommittee. Each member of the subcommittee shall be given a reasonable opportunity to have separate views included as part of any subcommittee report.

Sec. 11. Ineligibility or Disqualification of Members and Staff. (a) A member of the subcommittee is ineligible to participate in any subcommittee proceeding that relates specifically to any of the following:

(1) the member's own conduct;

(2) the conduct of any employee or officer that the member supervises; or

(3) a complaint, sworn or unsworn, that was filed by a member or by any employee or officer that the member supervises.

(b) If any subcommittee proceeding appears to relate to a member of the subcommittee in a manner described by Subsection (a) of this section, and the chairman concludes that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason...
that it appears that the member may be ineligible to participate in it. If the member 
agrees that he is ineligible, the member shall so notify the chairman. If the member 
believes that he is not ineligible, he may explain the reasons to the chairman, and 
if the subcommittee agrees that the member is not ineligible, the member shall 
continue to serve. But if the chairman continues to believe that the member is 
ineligible, the matter shall be promptly referred to the House Committee on 
Administration for consideration. Any contested questions concerning a member's 
eligibility shall be decided by a majority vote of the committee, with the member 
in question not participating.

(c) A member may also disqualify himself from participating in a 
subcommittee proceeding in other circumstances not listed in Subsection (a) of this 
section.

(d) The chairman of the Committee on House Administration shall be given 
given written notice of the ineligibility or disqualification of any member from any initial 
review, investigation, or other proceeding requiring the appointment of another 
member in accordance with Subsection (e) of this section.

(e) If a member of the subcommittee is ineligible to participate in or 
disqualifies himself from participating in any initial review, investigation, or other 
substantial committee proceeding, another member of the House Administration 
Committee who is of the same political party shall be appointed by the chairman 
of the Committee on House Administration to serve as a member of the 
subcommittee solely for the purposes of that proceeding.

(f) A member of the subcommittee staff is ineligible to participate in any 
subcommittee proceeding that the staff director or outside counsel determines 
relates specifically to any of the following:

1. the staff member's own conduct;
2. the conduct of any employee that the staff member supervises;
3. the conduct of any member, officer, or employee for whom the staff 
   member has worked for any substantial period; or
4. a complaint, sworn or unsworn, that was filed by the staff member.

Sec. 12. Subcommittee Use of Services or Employees of the Legislative 
Council. The subcommittee may utilize the facilities and the services of the staff of 
the Texas Legislative Council whenever the chairman of the subcommittee 
determines that action to be necessary and appropriate.

RULE 2. PROCEDURES FOR SWORN COMPLAINTS

Sec. 1. Sworn Complaints. Any person may file a sworn complaint with the 
subcommittee, alleging that any member of the house or officer or employee of the 
house has violated a law or any rule or regulation of the house relating to the 
conduct of any individual in the performance of his duty as a member, officer, or 
employee of the house, or has engaged in improper conduct relating to the 
performance of his duty as a member, officer, or employee of the house.

Sec. 2. Form and Content of Complaints. (a) A complaint filed under 
Section 1 of this rule must be in writing and under oath, and must set forth in simple, 
conce, and direct statements:

1. the name and legal address of the party filing the complaint (hereinafter, 
   the complainant);
2. the name and position or title of each member, officer, or employee of the 
   house who is specifically alleged to have engaged in the improper conduct or 
   committed the violation (hereinafter, the respondent);
3. the nature of the alleged improper conduct or violation, including if 
   possible the specific provision of law, rule, or regulation alleged to have been 
   violated; and
4. a statement of the facts within the personal knowledge of the complainant 
   that are alleged to constitute the improper conduct or violation; the term "personal
knowledge” is not intended to and does not limit the complainant's statement to situations that he personally witnessed or to activities in which the complainant was a participant.

(b) If allegations in the sworn complaint are made on the information and belief of the complainant, the complaint must state that fact and must set forth the basis for the information and belief.

(c) The complainant must swear that all of the information contained in the complaint is either true or was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information to reasonably believe that it is true. The complainant may swear to those facts either by oath or by affirmation before a notary public or other authorized official.

(d) All documents in the possession of the complainant relevant to or in support of his allegations may be appended to the complaint.

Sec. 3. Processing of Sworn Complaints. (a) When the subcommittee receives a sworn complaint against a member, officer, or employee of the house, it shall determine by majority vote whether the complaint is in substantial compliance with Section 2 of this rule.

(b) If it is determined by the subcommittee that a sworn complaint does not substantially comply with the requirements of Section 2, the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the subcommittee may in its discretion process the complaint in accordance with Rule

(c) A sworn complaint against any member, officer, or employee of the house that is determined by the subcommittee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the subcommittee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the subcommittee. A copy of the rules of the subcommittee shall be supplied with the notice.

RULE 3. PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT: PRELIMINARY INQUIRY

Sec. 1. Unsworn Allegations or Information. (a) Any member or staff member of the subcommittee shall report to the subcommittee, and any other person may report to the subcommittee, any credible information available to him that indicates that any named or unnamed member, officer, or employee of the house may have:

(1) violated a law;
(2) violated any rule or regulation of the house relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the house; or
(3) engaged in improper conduct that may reflect upon the house.

(b) The allegations or information may be reported to the chairman or a subcommittee member.

Sec. 2. Sources of Unsworn Allegations or Information. The information to be reported to the subcommittee under Section 1 of this rule may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;
(2) anonymous or informal complaints, whether or not in compliance with Rule 2;
(3) information developed during a study or inquiry by the subcommittee or other committees or subcommittees of the house, including information obtained in connection with legislative or general oversight hearings;
(4) information reported by the news media; or
(5) information obtained from any individual, agency, or department of the executive branch of the state government.

Sec. 3. Preliminary Inquiry. (a) If information is presented to the subcommittee pursuant to Section 1 of this rule, it shall immediately be transmitted to the chairman.
(b) The chairman may conduct, or may direct the subcommittee staff to conduct, a preliminary inquiry.
(c) The chairman may present the allegations or information received directly to the subcommittee for it to determine whether an initial review should be undertaken.
(d) A preliminary inquiry may include any inquiries or interviews that the chairman deems necessary or appropriate. In particular, the preliminary inquiry may seek independent credible evidence that tends to corroborate the information received and may also include discussions or correspondence with the complainant, if any, and the respondent, if any.
(e) At the conclusion of a preliminary inquiry, the subcommittee shall receive a full report of their findings. The subcommittee shall then determine what further action, if any, is appropriate in the particular case, including any of the following:
(1) no further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the subcommittee;
(2) no further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or
(3) the unsworn allegations or information, and a report on the preliminary inquiry, should be evaluated by the subcommittee to determine whether an initial review should be undertaken.
(f) A preliminary inquiry shall be completed within 60 days after the unsworn allegations or information were received by the chairman. The 60-day period may be extended for a specified period by the subcommittee. A preliminary inquiry is completed when the subcommittee has made the determination required by Subsection (c) of this section.

Sec. 4. Determination Whether to Conduct an Initial Review. (a) If the preliminary inquiry warrants further action, the subcommittee shall determine whether an initial review should be undertaken.
(b) An initial review shall be undertaken when:
(1) there is reason to believe on the basis of the information before the subcommittee that the possible improper conduct or violation may be within the jurisdiction of the subcommittee; and
(2) there is reason to believe on the basis of the information before the subcommittee that the improper conduct or violation may have occurred.
(c) The determination whether to undertake an initial review shall be made by recorded vote within 30 days following the subcommittee's receipt of the unsworn allegations or information from the chairman or at the first meeting of the subcommittee thereafter, if none occurs within 30 days, unless this time is extended for a specified period by the subcommittee.
(d) The subcommittee may determine that an initial review is not warranted because:
(1) there is no reason to believe on the basis of the information before the subcommittee that the improper conduct or violation may have occurred; or
(2) the improper conduct or violation, even if proven, is not within the jurisdiction of the subcommittee.
(e) If the subcommittee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(f) If there is a complainant, he may also be invited to submit additional information, and be notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he submits a sworn complaint, it shall be handled in accordance with Rule 2.

(g) The subcommittee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the subcommittee, and that an initial review must therefore be conducted.

(h) If the subcommittee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any. The notice shall include a general statement of the information or allegations before the subcommittee, and a statement that the subcommittee will immediately begin an initial review of the complaint. A copy of the rules of the subcommittee shall be supplied with the notice.

(i) If a member of the subcommittee believes that the preliminary inquiry has provided sufficient information for the subcommittee to determine whether there is substantial credible evidence that provides substantial cause for the subcommittee to conclude that a violation within the jurisdiction of the subcommittee has occurred, the member may move that the subcommittee dispense with the initial review and move directly to the determinations described in Section 5 of Rule 4. The subcommittee may adopt the motion by majority vote of the subcommittee.

RULE 4. PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

Sec. 1. Basis for Initial Review. The subcommittee shall promptly commence an initial review whenever it has received either:

1. a sworn complaint that the subcommittee has determined is in substantial compliance with the requirements of Rule 2; or

2. unsworn allegations or information that have caused the subcommittee to determine in accordance with Rule 3 that an initial review must be conducted.

Sec. 2. Scope of Initial Review. (a) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence that provides substantial cause for the subcommittee to conclude that a violation within the jurisdiction of the subcommittee has occurred.

(b) The initial review may include any inquiries or interviews that the subcommittee deems appropriate to obtain the evidence on which to make the determination required by Subsection (a) of this section, including the taking of sworn statements and the use of subpoenas.

Sec. 3. Opportunity for Response. An initial review may include an opportunity for any known respondent or his designated representative to present either a written or oral statement, or to respond orally to questions from the subcommittee. The oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

Sec. 4. Final Report. When the initial review is completed, the subcommittee shall make a confidential report on its findings and recommendations.

Sec. 5. Committee Action. As soon as practicable following the preparation of the report on the initial review, the subcommittee shall determine by a recorded vote whether there is substantial credible evidence that provides substantial cause for the subcommittee to conclude that a violation within the jurisdiction of the subcommittee has occurred. The subcommittee may make any of the following determinations:
(1) The subcommittee may determine that there is not such substantial credible evidence. In this case, the subcommittee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the subcommittee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The subcommittee may determine that there is such substantial credible evidence, but that the alleged violation is technical or otherwise of a de minimis nature. In this case, the subcommittee may attempt to correct or to prevent the violation by informal methods. The subcommittee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The subcommittee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify formal censure or expulsion or, for an officer or employee, suspension or dismissal. In this case, the subcommittee, by the recorded affirmative vote of a majority of the subcommittee, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the subcommittee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Legislative Reference Library.

(4) The subcommittee may determine, by recorded affirmative vote of at least two members, that there is such substantial credible evidence, and also either:
   (A) that the violation, if proven, would be sufficiently serious to justify formal censure or expulsion or, for an officer or employee, suspension or dismissal; or
   (B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in Subdivision (3) of this section. In either case, the subcommittee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5. PROCEDURES FOR CONDUCTING AN INVESTIGATION

Sec. 1. Definition of Investigation. An "investigation" is a proceeding undertaken by the subcommittee, by recorded affirmative vote of a majority of the subcommittee, after a finding on the basis of an initial review that there is substantial credible evidence that provides substantial cause for the subcommittee to conclude that a violation within its jurisdiction has occurred.

Sec. 2. Scope of Investigation. When the subcommittee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the subcommittee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, the subcommittee or its designated outside counsel, or if the subcommittee determines not to use outside counsel, the subcommittee staff may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the subcommittee deems appropriate to secure the evidence necessary to make this determination.

Sec. 3. Notice to Respondent. The subcommittee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the subcommittee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The subcommittee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the subcommittee or the subcommittee staff.

Sec. 4. Right to a Hearing. The subcommittee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the house.
Sec. 5. Progress Reports to Subcommittee. The subcommittee staff shall periodically report to the subcommittee concerning the progress of the investigation. The reports shall be delivered to the subcommittee in the form and according to the schedule prescribed by the subcommittee, and shall be confidential.

Sec. 6. Report of Investigation. (a) On completion of an investigation, including any hearings held pursuant to Rule 6, the staff shall submit a confidential written report to the subcommittee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(b) The subcommittee shall consider the report of the staff or outside counsel promptly following its submission. The subcommittee shall prepare and submit a report to the house, including a recommendation to the House Committee on Administration concerning disciplinary action, if appropriate. A report shall be issued stating in detail the subcommittee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the subcommittee's recommendation concerning disciplinary action, if any. No recommendations or resolution of the subcommittee concerning the investigation of a member, officer, or employee of the house may be approved except by the affirmative recorded vote of a majority of the subcommittee and a majority vote of the Committee on House Administration. Following adoption of the report by the Committee on House Administration, the report shall be laid before the full house for adoption.

(c) Promptly after the conclusion of the investigation, the subcommittee's report and recommendation shall be forwarded to the complainant and the respondent. The full report and recommendation shall be printed and made public. However, if the subcommittee and the Committee on House Administration determine that the report will have the result described by Subdivision 1, Section 6, Rule 1, then those committees by majority vote may determine that it should remain confidential.

RULE 6. PROCEDURES FOR HEARINGS

Sec. 1. Right to a Hearing. The subcommittee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The subcommittee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the house.

Sec. 2. Nonpublic Hearings. The subcommittee may at any time during a hearing determine in accordance with Section 6, Rule 1, whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he must notify the subcommittee of the preference at least five days before he is scheduled to testify.

Sec. 3. Adjudicatory Hearings. The subcommittee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing, and any hearing that is concerned with possible disciplinary action against a respondent or respondents designated by the subcommittee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described by Section 10 of this rule apply.

Sec. 4. Subpoena Power. The subcommittee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of correspondence, books, papers, documents, or other items as it deems advisable.

Sec. 5. Notice of Hearings. The subcommittee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Section 4, Rule 1.

Sec. 6. Presiding Officer. The chairman shall preside over the hearings. If the chairman is absent, a subcommittee member designated by the chairman shall
preside. If an oath or affirmation is required, it shall be administered to a witness by the presiding officer, or in his absence, by any subcommittee member.

Sec. 7. Witnesses. (a) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his scheduled appearance to allow the witness a reasonable period, as determined by the subcommittee, to prepare for the hearing and to employ counsel if desired.

(b) The subcommittee may, by majority vote, rule that no member of the subcommittee or staff may make public the name of any witness subpoenaed by the subcommittee before the date of that witness's scheduled appearance, except as specifically authorized by the chairman.

(c) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of the statement with the subcommittee at least two working days in advance of the hearing at which the statement is to be presented. The chairman shall determine whether the statement may be read or placed in the record of the hearing.

(d) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he desires to do so.

Sec. 8. Right to Testify. (a) Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a subcommittee member, staff member, or any witness, and who reasonably believes that the statement tends to adversely affect his reputation may:

(1) request to appear personally before the subcommittee to testify in his own behalf; or

(2) file a sworn statement of facts relevant to the testimony or other evidence or statement of which he complained.

(b) The request or statement shall be submitted to the subcommittee for its consideration and action.

Sec. 9. Conduct of Witnesses and Other Attendees. The presiding officer may punish any breaches of order and decorum by censure or exclusion from the hearings. The subcommittee, by majority vote, may recommend to the house that the offender be cited for contempt of the house.

Sec. 10. Adjudicatory Hearing Procedures. (a) Notice of Hearings. A copy of the public announcement of an adjudicatory hearing, required by Section 5 of this rule, shall be furnished together with a copy of these rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(b) Preparation for Adjudicatory Hearings. At least five working days prior to the commencement of an adjudicatory hearing, the subcommittee shall provide the following information and documents, if any, to the respondent:

(1) a list of proposed witnesses to be called at the hearing;

(2) copies of all documents expected to be introduced as exhibits at the hearing; and

(3) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(c) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described by Subsection (b) of this section to the subcommittee.

(d) At the discretion of the subcommittee, any information and documents to be exchanged under this section that would have the result described by Subdivision 1, Section 6, Rule 1, shall be subject to an appropriate agreement limiting access and disclosure.

(e) If a respondent refuses to provide the information and documents to the subcommittee or if a respondent or other individual violates an agreement limiting access and disclosure, the subcommittee, by majority vote, may recommend to the house that the offender be cited for contempt of the house.
(f) Swearing of Witnesses. All witnesses who testify at adjudicatory hearings shall be sworn or affirmed.

(g) Right to Counsel. Any witness at an adjudicatory hearing may be accompanied by counsel of his own choosing, who shall be permitted to advise the witness of his legal rights during the testimony.

(h) Right to Cross-Examine and Call Witnesses. (1) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the subcommittee, may personally or through counsel cross-examine witnesses called by the subcommittee and may call witnesses in his own behalf.

(2) A respondent may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. An application shall be approved on a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the chairman.

(3) With respect to witnesses called by a respondent, or by another individual given permission by the subcommittee, each witness shall first be examined by the party who called the witness or by the party's counsel.

(4) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the subcommittee written questions proposed to be asked of that witness. If the subcommittee determines that it is necessary, the questions may be asked by any member of the subcommittee, or by any subcommittee staff member if directed by a subcommittee member.

(i) Admissibility of Evidence. (1) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Texas Rules of Evidence. Rules of evidence shall not be applied strictly, but the presiding officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(2) The presiding officer shall rule on any question of the admissibility of testimony or other evidence presented to the subcommittee. The rulings are final unless reversed or modified by a majority vote of the subcommittee before the recess of that day's hearing.

(j) Supplementary Hearing Procedures. The subcommittee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of the supplementary procedures shall be furnished to witnesses and respondents, and shall be made available on request to any member of the public.

Sec. 11. Transcripts. An accurate electronic recording shall be made of all public and executive hearings. Any member of the subcommittee, subcommittee staff member, or witness may examine the recording retained by the subcommittee of his own remarks. If the testimony was given in executive session, the member or witness may only inspect the recording at a location determined by the chairman. Any questions arising with respect to the processing or accuracy of recordings shall be decided by the subcommittee.

RULE 7. SUBPOENAS
Sec. 1. Procedure. (a) Subpoenas may be issued by majority vote of the subcommittee.

(b) All subpoenas shall be signed by the chairman and may be served by any person 18 years of age or older who is designated by the chairman. Each subpoena shall be served with a copy of the rules of the subcommittee and a brief statement of the purpose of the initial review, investigation, or other proceeding.

(c) Subpoena Power. The subcommittee is authorized to sit and act at such times and places as it deems advisable in accordance with the rules of the house.
The subcommittee is similarly authorized to require by subpoena or otherwise the attendance of witnesses or the production of correspondence, books, papers, documents, or other items as it deems advisable.

(d) Withdrawal of Subpoena. The subcommittee may, by majority vote, withdraw any subpoena issued by it or issued by the chairman. The chairman may withdraw any subpoena issued by him.

RULE 8. VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

Sec. 1. Violations of Law. If the subcommittee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report the possible violation to the proper state or federal authorities.

Sec. 2. Perjury. Any person who knowingly or intentionally swears falsely to a sworn complaint or any other sworn statement to the subcommittee does so under penalty of perjury. The subcommittee may refer any such case to the Travis County district attorney for prosecution.

Sec. 3. Legislative Recommendations. The subcommittee shall recommend to the house by report or resolution any additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by members, officers, or employees of the house. The subcommittee may conduct any inquiries it deems necessary to prepare the report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The subcommittee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

Sec. 4. The subcommittee may promulgate guidelines and ethical considerations for informational assistance to the members of the house.

Sec. 5. Applicable Rules and Standards of Conduct. No initial review or investigation may be made of an alleged violation of any law, rule, or regulation of the house that was not in effect at the time the alleged violation occurred.

RULE 9. PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

Sec. 1. Procedures for Handling Subcommittee Sensitive Materials. (a) "Subcommittee sensitive information or material" is information or material in the possession of the subcommittee that pertains to illegal or improper conduct by a present or former member, officer, or employee of the house; to allegations or accusations of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the subcommittee into the allegations or conduct; or to the investigative techniques and procedures of the subcommittee.

(b) The chairman of the subcommittee shall establish procedures as may be necessary to prevent the unauthorized disclosure of subcommittee sensitive information in the possession of the subcommittee or its staff. Procedures for protecting subcommittee sensitive materials shall be in writing and shall be given to each subcommittee staff member.

Sec. 2. Procedures for Handling Committee Sensitive Documents. (a) Subcommittee sensitive documents and materials shall be segregated in secure filing safes. Removal from the House Administration Committee offices of the documents or materials is prohibited except as necessary for use in, or preparation for, interviews or subcommittee meetings, including the taking of testimony, or as otherwise specifically approved by the chairman.

(b) Each member of the subcommittee shall have access to all materials in the subcommittee's possession. The staffs of members may not have access to subcommittee sensitive documents and materials. Members may examine the materials in the House Administration Committee offices. If necessary, requested
materials may be taken by a member of the subcommittee staff to the office of a
can member of the subcommittee for his examination, but the subcommittee staff
member shall remain with the subcommittee sensitive documents or materials at
all times except as specifically authorized by the chairman.
(c) Any member of the house who is not a member of the subcommittee and
who seeks access to any subcommittee sensitive documents or materials, other than
documents or materials that are matters of public record, must request access in
writing. The subcommittee shall decide by majority vote whether to make
documents or materials available. If access is granted, the member may not disclose
the information except as authorized by the subcommittee.
(d) Whenever the subcommittee makes subcommittee sensitive documents
or materials available to any member of the house who is not a member of the
subcommittee, or to a staff person of a subcommittee member in response to a
specific request to the chairman, a written record shall be made identifying the
member of the house requesting the documents or materials and describing what
was made available and to whom.
Sec. 3. Nondisclosure Policy and Agreement. (a) Except as provided in the
last sentence of this subsection, no member of the subcommittee, its staff, or any
person engaged by contract or otherwise to perform services for the subcommittee,
shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any
way, in whole, or in part, or by way of summary, during tenure with the
subcommittee or any time thereafter, any testimony given before the subcommittee
in executive session (including the name of any witness who appeared or was called
to appear in executive session); any subcommittee sensitive information, document,
or material, received or generated by the subcommittee; or any classified or
subcommittee sensitive information that may come into the possession of such
person during tenure with the subcommittee or its staff. The information,
documents, or material may be released to an official of the executive branch
properly cleared for access with a need-to-know or the district attorney for Travis
County for any purpose, or in connection
with any proceeding, judicial or
otherwise, as authorized by the subcommittee, or in the event of termination of the
subcommittee, in the manner determined by its successor or by the house.
(b) No member of the subcommittee staff or any person engaged by contract
or otherwise to perform services for the subcommittee may
be granted access to
subcommittee sensitive information or material in the possession of the
subcommittee unless and until the person agrees in writing, as a condition of
employment, to the nondisclosure policy. The agreement becomes effective when
signed by the chairman on behalf of the subcommittee.
RULE 10. BROADCASTING AND NEWS COVERAGE OF
COMMITTEE PROCEEDINGS. Photographers and reporters covering committee
proceedings using mechanical recording, filming, or broadcasting apparatus must
position their equipment so as not to interfere with the seating, vision, and hearing
of the subcommittee members and staff, or with the orderly process of the meeting
or hearing.
RULE 11. PROCEDURES FOR ADVISORY OPINIONS
Sec. 1. When Advisory Opinions are Rendered. The subcommittee shall
render an advisory opinion in writing, within a reasonable time, in response to a
written request by a member or officer of the house concerning the application of
any law, or any rule or regulation of the house within the subcommittee's
jurisdiction, to a specific factual situation pertinent to the conduct or proposed
conduct of the person seeking the advisory opinion.
Sec. 2. Form of Request. A request for an advisory opinion must be directed
in writing to the chairman of the subcommittee and shall include a complete and
accurate statement of the specific factual situation with respect to which the request
is made as well as the specific question or questions that the requester wishes the subcommittee to address.

Sec. 3. Opportunity for Comment. (a) The subcommittee shall provide an opportunity for any interested party to comment on a request for an advisory opinion:

(1) that requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(2) when the subcommittee determines that comments from interested parties would be of assistance.

(b) Notice of any request for an advisory opinion shall be published in the House Journal, with appropriate deletions to ensure confidentiality, and interested parties will be asked to submit their comments in writing to the subcommittee within 10 days.

(c) All relevant comments received on a timely basis will be considered.

Sec. 4. Issuance of an Advisory Opinion. (a) The subcommittee staff shall prepare a proposed advisory opinion in draft form, which will first be reviewed and approved by the chairman, and will be presented to the subcommittee for final action.

(b) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the subcommittee.

(c) Each advisory opinion issued by the subcommittee shall be promptly transmitted for publication in the House Journal after appropriate deletions are made to ensure confidentiality. The subcommittee may be relied on by:

(1) any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered, if the request for the advisory opinion included a complete and accurate statement of the specific factual situation; and

(2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

(d) Any person who relies on any provision or finding of an advisory opinion, and of the rules, and who acts in good faith in accordance with the provisions and findings of the advisory opinion, is not, as a result of any such act, subject to any sanction by the house.

RULE 12. PROCEDURES FOR INTERPRETATIVE RULINGS

Sec. 1. The subcommittee may issue interpretative rulings explaining and clarifying the application of any law or any rule or regulation of the house within its jurisdiction. The subcommittee also may issue rulings clarifying or explaining any advisory opinion or guideline of the subcommittee.

Sec. 2. Request for Ruling. A request for a ruling must be directed in writing to the chairman of the subcommittee.

Sec. 3. Adoption of Ruling. A ruling must be adopted by a majority of the subcommittee members and the ruling shall then be issued by the chairman.

Sec. 4. Publication of Rulings. The subcommittee shall publish in the House Journal, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this rule that the subcommittee determines may be of assistance or guidance to other members, officers, or employees. The subcommittee may at any time revise, withdraw, or elaborate on interpretative rulings.

Sec. 5. Reliance on Rulings. Whenever an individual can demonstrate to the subcommittee's satisfaction that his conduct was in good faith reliance on an interpretative ruling issued in accordance with this rule, the subcommittee may not recommend sanctions to the house as a result of the conduct.
RULE 13. COMMITTEE STAFF
Sec. 1. The staffing for the subcommittee shall be provided by the Texas Legislative Council and the House Administration Committee.
Sec. 2. Any person serving as a staff member of the subcommittee shall perform all official duties in a nonpartisan manner and shall comply with all rules pertaining to members of the house.
Sec. 3. No person serving as staff may accept public speaking engagements or write for publication on any subject that is in any way related to his employment or duties with the subcommittee without specific advance permission from the chairman.
Sec. 4. The subcommittee is authorized to retain and compensate counsel not employed by the House of Representatives (or any department or agency of state government) whenever the subcommittee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the subcommittee, is more appropriately conducted by counsel not employed by the government of the State of Texas as a regular employee. The subcommittee may retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint if the subcommittee determines that the use of outside counsel is appropriate in the particular case.

The resolution was on the calendar on April 21 and was postponed until 10 a.m. today.

Representative Turner offered the following amendment to CSHR 114:

Amend CSHR 114 by striking the entire resolution and substituting the following:

WHEREAS, The House Administration Committee has established a standing committee [subcommittee] on ethical conduct; and
WHEREAS, The committee [subcommittee] has been created with the intent that it have jurisdiction over all matters pertaining to the conduct of members of the house, the establishment of guidelines and policies to aid members in the performance of their legal and constitutional duties, the establishment of guidelines and policies to aid members in interactions with state agencies and members' employees and monitoring and enforcing the application of guidelines and policies adopted by the [Committee on] House Committee on Ethics [Administration]; and
WHEREAS, The committee [subcommittee] has been charged with the duties of making reports and recommendations to the full committee and to the house on matters within its jurisdiction; and
WHEREAS, The proper administration of the duties of the committee [subcommittee] requires the adoption of a set of rules for the proper operation of the committee; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, That the following are adopted as the permanent rules of the House Committee [Administration Subcommittee] on Ethics for the 68th Legislature:

RULES OF
THE HOUSE COMMITTEE [ADMINISTRATION SUBCOMMITTEE] ON ETHICS

RULE 1. GENERAL PROCEDURES
Sec. 1. The committee consists of nine members of the House Administration Committee. The chairman of the committee is elected by the committee.

[Sec. 1. The subcommittee consists of three members appointed by the chairman of the Committee on House Administration. The chairman of the]
subcommittee shall be designated by the chairman of the Committee on House Administration:

Sec. 2. A majority of the committee [subcommittee] constitutes a quorum.

Sec. 3. Meetings of the committee [subcommittee] shall be called by the chairman or on written request of a majority of the committee [the other two members of the subcommittee].

Sec. 4. Notice of meetings of the committee [subcommittee] shall be posted or announced in accordance with the House Rules.

Sec. 5. Order of Business. Questions as to the order of business and the procedure of the committee [subcommittee] shall in the first instance be decided by the chairman, subject to reversal by a vote of a majority of the committee [subcommittee].

Sec. 6. Open and Closed Meetings. Meetings of the committee [subcommittee] shall be open to the public except that a meeting or series of meetings by the committee [subcommittee] on the same subject for a period of not more than 14 calendar days may be closed to the public on a motion made to go into closed session to discuss only whether the matters enumerated in Subdivisions (1) through (3) below would require the meeting to be closed followed immediately by a record vote in open session by a majority of the committee [subcommittee] when it is determined that the matter to be discussed or the testimony to be taken at the meeting or meetings:

1. Will represent a clearly unwarranted invasion of the privacy of a person; tend to charge an employee with crime or misconduct, to disgrace or injure the professional standing of an employee and otherwise expose an employee to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an employee or member.

2. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

3. Will disclose any information required by state or federal law or regulation to be kept confidential by government officers and employees.

Sec. 7. In the event disorder arises during a committee [subcommittee] meeting that is open to the public or any demonstration of approval or disapproval by any person in attendance at any meeting occurs, the chair shall have the power to direct the sergeant-at-arms to clear the room until assurance of order is restored.

Sec. 8. Record of Testimony and Committee [Subcommittee] Action. Records of committee [subcommittee] proceedings and testimony shall be maintained for the general public as provided by the House Rules for full committees, provided, however, the record of proceedings in executive session shall be maintained confidentially by the committee [subcommittee]. The record of a witness's testimony procured in executive session shall be made available for inspection to the particular witness or his counsel under committee [subcommittee] supervision.

Sec. 9. Confidentiality of Executive Session Testimony. All testimony and action taken in executive session shall be kept confidential and shall not be released outside the committee [subcommittee] to any individual or group, whether governmental or private, without the approval of a majority of the committee [subcommittee].

Sec. 10. Release of Reports to Public. No information pertaining to, or copies of any committee [subcommittee] report, study, or other document that purports to express the views, findings, conclusions, or recommendations of the committee [subcommittee] in connection with any of its activities or proceedings may be released to any individual or group, whether governmental or private, prior to formal adoption of the report by the committee [subcommittee], without the
authorization of the committee [subcommittee]. Each member of the committee [subcommittee] shall have the right [be given a reasonable opportunity] to have separate views included as part of any committee [subcommittee] report.

Sec. 11. Ineligibility or Disqualification of Members and Staff. (a) A member of the committee [subcommittee] is ineligible to participate in any committee [subcommittee] proceeding that relates specifically to any of the following:

1. the member's own conduct; or
2. the conduct of any employee or officer that the member supervises; or
3. a complaint, sworn or unsworn, that was filed by a member or by any employee or officer that the member supervises.

(b) If any committee [subcommittee] proceeding appears to relate to a member of the committee [subcommittee] in a manner described by Subsection (a) of this section, and the chairman concludes that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he is ineligible, the member shall so notify the chairman. If the member believes that he is not ineligible, the issue shall be determined by majority vote of the committee with the member in question not participating. But if the chairman continues to believe that the member is ineligible, the matter shall be promptly referred to the House Committee on Administration for consideration. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the committee, with the member in question not participating.

(c) A member may also disqualify himself from participating in a committee [subcommittee] proceeding in other circumstances not listed in Subsection (a) of this section.

(d) The chairman of the House Committee on Ethics [House Administration] shall be given written notice of the ineligibility or disqualification of any member from any initial review, inquiry [investigation], or other proceeding [requiring the appointment of another member in accordance with Subsection (e) of this section].

(e) If a member of the subcommittee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial committee proceeding, another member of the House Administration Committee who is of the same political party shall be appointed by the chairman of the Committee on House Administration to serve as a member of the subcommittee solely for the purposes of that proceeding.

(e) A member of the committee staff is ineligible to participate in any committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

1. the conduct of any member for whom the staff member has worked for any substantial period; or
2. a complaint that was filed by the staff member.
3. the conduct of any employee that the staff member supervises;
4. the conduct of any member, officer, or employee for whom the staff member has worked for any substantial period; or
5. a complaint, sworn or unsworn, that was filed by the staff member.
SEC. 12. Subcommittee Use of Services or Employees of the Legislative Council. The subcommittee may utilize the facilities and the services of the staff of the Texas Legislative Council whenever the chairman of the subcommittee determines that action to be necessary and appropriate.

RULE 2. PROCEDURES FOR SWORN COMPLAINTS

Sec. 1. Sworn Complaints. Any person may file a sworn complaint with the committee, alleging that any member of the house or officer or employee of the house has violated a law or any rule or regulation of the house relating to the conduct of any individual in the performance of his duty as a member or officer or employee of the house, or has engaged in improper conduct relating to the performance of his duty as a member or officer or employee of the house.

Sec. 2. Form and Content of Complaints. (a) A complaint filed under Section 1 of this rule must be in writing and under oath, and must set forth in simple, concise, and direct statements:

(1) the name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) the name and position or title of each member or officer or employee of the house who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) the nature of the alleged improper conduct or violation, including if possible the specific provision of law, rule, or regulation alleged to have been violated; and

(4) a statement of the facts (within the personal knowledge of the complainant) alleged to constitute the improper conduct or violation, [the term “personal knowledge” is not intended to and does not limit the complainant’s statement to situations that he personally witnessed or to activities in which the complainant was a participant].

(b) The complaint must be accompanied by an affidavit stating that the information contained therein is either true and correct or that the complainant has good reason to believe and does believe that the improper conduct or violation has occurred. [If allegations in the sworn complaint are made on the information and belief of the complainant, the complaint must state that fact and must set forth the basis for the information and belief.]

(c) The complainant must swear that all of the information contained in the complaint is either true or was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information to reasonably believe that it is true. The complainant may swear to those facts either by oath or by affirmation before a notary public or other authorized official.

(d) All documents in the possession of the complainant relevant to or in support of his allegations may be appended to the complaint.

Sec. 3. Processing of Sworn Complaints. (a) When the committee receives a sworn complaint against a member or officer or employee of the house, it shall determine by majority vote whether the complaint is in substantial compliance with Section 2 of this rule.

(b) If it is determined by the committee that a sworn complaint does not substantially comply with the requirements of Section 2 of the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the committee may in its discretion process the complaint in accordance with Rule 3.
(c) A sworn complaint against any member—officer, or employee of the house] that is determined by the committee [subcommittee] to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the committee [subcommittee] will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the committee [subcommittee]. A copy of the rules of the committee [subcommittee] shall be supplied with the notice.

RULE 3. PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT—PRELIMINARY INQUIRY

[Sec. 1. UNSWORN ALLEGATIONS OR INFORMATION. (a) Any member or staff member of the subcommittee shall report to the subcommittee, and any other person may report to the subcommittee, any credible information available to him that indicates that any named or unnamed member, officer, or employee of the house may have:

(i) violated a law;

(ii) violated any rule or regulation of the house relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the house; or

(iii) engaged in improper conduct that may reflect upon the house.

(b) The allegations or information may be reported to the chairman or a subcommittee member.

[Sec. 2. SOURCES OF UNSWORN ALLEGATIONS OR INFORMATION. The information to be reported to the subcommittee under Section 1 of this rule may be obtained from a variety of sources, including but not limited to the following:

(i) sworn complaints that do not satisfy all of the requirements of Rule 2;

(ii) anonymous or informal complaints, whether or not in compliance with Rule 2;

(iii) information developed during a study or inquiry by the subcommittee or other committees or subcommittees of the house, including information obtained in connection with legislative or general oversight hearings;

(iv) information reported by the news media; or

(v) information obtained from any individual, agency, or department of the executive branch of the state government.

[Sec. 3. PRELIMINARY INQUIRY. (a) If information is presented to the subcommittee pursuant to Section 1 of this rule, it shall immediately be transmitted to the chairman:

(b) The chairman may conduct, or may direct the subcommittee staff to conduct, a preliminary inquiry:

(c) The chairman may present the allegations or information received directly to the subcommittee for it to determine whether an initial review should be undertaken:

(d) A preliminary inquiry may include any inquiries or interviews that the chairman deems necessary or appropriate. In particular, the preliminary inquiry may seek independent credible evidence that tends to corroborate the information received and may also include discussions or correspondence with the complainant, if any, and the respondent, if any:

(e) At the conclusion of a preliminary inquiry, the subcommittee shall receive a full report of their findings. The subcommittee shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(i) no further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the subcommittee;
[(2)] no further action is appropriate, because there is no reason to believe that
the alleged improper conduct or violation may have occurred; or

[(3)] the unsworn allegations or information; and a report on the preliminary
inquiry, should be evaluated by the subcommittee to determine whether an initial
review should be undertaken.

[(f)] A preliminary inquiry shall be completed within 60 days after the
unsworn allegations or information were received by the chairman. The 60-day
period may be extended for a specified period by the subcommittee. A preliminary
inquiry is completed when the subcommittee has made the determination required
by Subsection (e) of this section.

[Sec. 4. - Determination Whether to Conduct an Initial Review. (a) If the
preliminary inquiry warrants further action, the subcommittee shall determine
whether an initial review should be undertaken:

[(t)] there is reason to believe on the basis of the information before the
subcommittee that the possible improper conduct or violation may be within the
jurisdiction of the subcommittee; and

[(2)] there is reason to believe on the basis of the information before the
subcommittee that the improper conduct or violation may have occurred:

[(c)] The determination whether to undertake an initial review shall be made
by recorded vote within 30 days following the subcommittee's receipt of the
unsworn allegations or information from the chairman or at the first meeting of the
subcommittee thereafter, if none occurs within 30 days, unless this time is extended
for a specified period by the subcommittee.

[(d)] The subcommittee may determine that an initial review is not warranted
because:

[(t)] there is no reason to believe on the basis of the information before the
subcommittee that the improper conduct or violation may have occurred; or

[(2)] the improper conduct or violation, even if proven, is not within the
jurisdiction of the subcommittee.

[(e)] If the subcommittee determines that an initial review is not warranted;
it shall promptly notify the complainant, if any, and any known respondent.

[(f)] If there is a complainant, he may also be invited to submit additional
information, and be notified of the procedures for filing a sworn complaint. If the
complainant later provides additional information, not in the form of a sworn
complaint, it shall be handled as a new allegation in accordance with the procedures
of Rule 3. If he submits a sworn complaint, it shall be handled in accordance with
Rule 2.

[(g)] The subcommittee may determine that there is reason to believe on the
basis of the information before it that the improper conduct or violation may have
occurred and may be within the jurisdiction of the subcommittee, and that an initial
review must therefore be conducted:

[(h)] If the subcommittee determines that an initial review will be conducted;
it shall promptly notify the complainant, if any, and the respondent, if any. The
notice shall include a general statement of the information or allegations before the
subcommittee; and a statement that the subcommittee will immediately begin an
initial review of the complaint. A copy of the rules of the subcommittee shall be
supplied with the notice.

[(i)] If a member of the subcommittee believes that the preliminary inquiry has
provided sufficient information for the subcommittee to determine whether there
is substantial credible evidence that provides substantial cause for the subcommittee
to conclude that a violation within the jurisdiction of the subcommittee has
occurred, the member may move that the subcommittee dispense with the initial
review and move directly to the determinations described in Section 5 of Rule 4.

The subcommittee may adopt the motion by majority vote of the subcommittee.]

RULE 3 [4]. PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

Sec. 1. Basis for Initial Review. The committee [subcommittee] shall promptly commence an initial review whenever it has received a sworn complaint that the committee has determined is in substantial compliance with the requirements of Rule 2, or when a majority of the members of the committee determine that there is reason to believe on the basis of information before it that improper conduct may have occurred and may be within the jurisdiction of the committee. If the committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any. The notice shall contain a statement of the information or allegations before the committee and a statement that the committee will begin an initial review. A copy of the rules of the committee shall be supplied with the notice.

[(1) a sworn complaint that the subcommittee has determined is in substantial compliance with the requirements of Rule 2; or
(2) sworn allegations or information that have caused the subcommittee to determine in accordance with Rule 3 that an initial review must be conducted.]

Sec. 2. Scope of Initial Review. (a) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence that provides substantial cause for the committee [subcommittee] to conclude that a violation within the jurisdiction of the committee [subcommittee] has occurred.

(b) The initial review may include any inquiries or interviews that the committee [subcommittee] deems appropriate to obtain the evidence on which to make the determination required by Subsection (a) of this section, including the taking of sworn statements and the use of subpoenas.

Sec. 3. Opportunity for Response. An initial review shall [may] include an opportunity for any known respondent or his designated representative to present either a written or oral statement, or to respond orally to questions from the committee [subcommittee]. The oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

Sec. 4. Final Report. When the initial review is completed, the committee [subcommittee—staff] shall make a confidential report on its findings and recommendations.

Sec. 5. Committee Action. As soon as practicable following the preparation of the report on the initial review, the committee [subcommittee] shall determine by a recorded vote whether there is substantial credible evidence that provides substantial cause for the committee [subcommittee] to conclude that a violation within the jurisdiction of the committee [subcommittee] has occurred. The committee [subcommittee] may make any of the following determinations:

(1) The committee [subcommittee] may determine that there is not such substantial credible evidence. In this case, the committee [subcommittee] shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the committee [subcommittee] desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The committee [subcommittee] may determine that there is such substantial credible evidence, but that the alleged violation is technical or otherwise of a de minimis nature. In this case, the committee [subcommittee] may attempt to correct or to prevent the violation by informal methods. The committee's [subcommittees'] final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.
(3) The committee [subcommittee] may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify formal censure or expulsion [or, for an officer or employee, suspension or dismissal]. In this case, the committee [subcommittee], by the recorded affirmative vote of a majority of the committee [subcommittee], may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the committee's [subcommittee's] conclusions and the remedy proposed and agreed to shall be filed as a public record with the Legislative Reference Library.

(4) The committee [subcommittee] may determine, by recorded affirmative vote of at least a majority of its members [two members], that there is such substantial credible evidence, and also either:

(A) that the violation, if proven, would be sufficiently serious to warrant formal censure or expulsion [or, for an officer or employee, suspension or dismissal]; or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in Subdivision (3) of this section. In either case, the committee [subcommittee] shall order that an [investigation] promptly be conducted in accordance with Rule 4 [5].

RULE 4 [5]. PROCEDURES FOR CONDUCTING AN INQUIRY [INVESTIGATION]

Sec. 1. Definition of Inquiry [Investigation]. An “inquiry [investigation]” is a proceeding undertaken by the committee [subcommittee], by recorded affirmative vote of a majority of the committee [subcommittee], after a finding on the basis of an initial review that there is substantial credible evidence that provides substantial cause for the committee [subcommittee] to conclude that a violation within its jurisdiction has occurred.

Sec. 2. Scope of Inquiry [Investigation]. When the committee [subcommittee] decides to conduct an inquiry [investigation], it shall be of such duration and scope as is necessary for the committee [subcommittee] to determine whether a violation within its jurisdiction has occurred. In the course of the inquiry [investigation], the committee [subcommittee] or its designated outside counsel, or if the subcommittee determines not to use outside counsel, the subcommittee staff] may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 5 [7], or take any other actions that the committee [subcommittee] deems appropriate to secure the evidence necessary to make this determination.

Sec. 3. Notice to Respondent. The committee [subcommittee] shall give written notice to any known respondent who is the subject of an inquiry [investigation]. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The committee [subcommittee] shall offer the respondent an opportunity to present a statement or to respond to questions from members of the committee [subcommittee] or the committee [subcommittee] staff.

Sec. 4. Right to a Hearing. The committee [subcommittee] shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the house.

[Sec. 5. Progress Reports to Subcommittee. The subcommittee staff shall periodically report to the subcommittee concerning the progress of the investigation. The reports shall be delivered to the subcommittee in the form and according to the schedule prescribed by the subcommittee, and shall be confidential.]
Sec. 5 [6]. Report of Inquiry [Investigation]. (a) On completion of an inquiry [investigation], including any hearings held pursuant to Rule 5 [6], the staff shall submit a confidential written report to the committee [subcommittee], which shall detail the factual findings of the inquiry [investigation] and which may recommend disciplinary action, if appropriate. Findings of fact of the inquiry [investigation] shall be detailed in this report whether or not disciplinary action is recommended. A copy of the report detailing factual findings of the investigation and recommending disciplinary action, if appropriate, shall be furnished to the respondent.

(b) The committee [subcommittee] shall consider the report of the staff or outside counsel promptly following its submission. The committee [subcommittee] shall prepare and submit a report to the house, including a recommendation [to the House Committee on Administration] concerning disciplinary action, if appropriate. A report shall be issued stating in detail the committee's [subcommittee's] findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the committee's [subcommittee's] recommendation concerning disciplinary action, if any. No recommendations or resolution of the committee [subcommittee] concerning the inquiry [investigation] of a member, officer, or employee of the house may be approved except by the affirmative recorded vote of a majority of the committee [subcommittee and a majority vote of the Committee on House Administration]. Following adoption of the report by the committee [Committee on House Administration], the report shall be laid before the full house for adoption.

(c) Promptly after the conclusion of the inquiry [investigation], the committee's [subcommittee's] report and recommendation shall be forwarded to the complainant and the respondent. The full report and recommendation shall be printed and made public. However, if the committee determines [subcommittee and the Committee on House Administration determine] that the report will have the result described by Subdivision 1, Section 6, Rule 1, then the committee [those committees] by majority vote may determine that it should remain confidential.

RULE 2 [6]. PROCEDURES FOR HEARINGS

Sec. 1. Right to a Hearing. The committee [subcommittee] may hold a public or executive hearing in any inquiry, initial review [investigation] or other proceeding. The committee [subcommittee] shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the house.

Sec. 2. Nonpublic Hearings. The committee [subcommittee] may at any time during a hearing determine in accordance with Section 6, Rule 1, whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he must notify the committee [subcommittee] of the preference at least five days before he is scheduled to testify.

Sec. 3. Adjudicatory Hearings. The committee [subcommittee] may, by majority vote, designate any public or executive hearing as an adjudicatory hearing, and any hearing that is concerned with possible disciplinary action against a respondent or respondents designated by the committee [subcommittee] shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described by Section 10 of this rule apply.

[Sec. 4. Subpoena Power. The subcommittee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of correspondence, books, papers, documents, or other items as it deems advisable.]

Sec. 4 [5]. Notice of Hearings. The committee [subcommittee] shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Section 4, Rule 1.
Sec. 5 [6]. Presiding Officer. The chairman shall preside over the hearings. If the chairman is absent, a committee [subcommittee] member designated by the chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the presiding officer, or in his absence, by any committee [subcommittee] member.

Sec. 6 [7]. Witnesses. (a) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his scheduled appearance to allow the witness a reasonable period, as determined by the committee [subcommittee], to prepare for the hearing and to employ counsel if desired.

(b) The committee [subcommittee] may, by majority vote, rule that no member of the committee [subcommittee] or staff may make public the name of any witness subpoenaed by the committee [subcommittee] before the date of that witness's scheduled appearance, except as specifically authorized by the chairman.

(c) Any witness shall be allowed [desiring] to read a prepared or written statement in executive or public hearings [shall file a copy of the statement with the subcommittee] at least two working days in advance of the hearing at which the statement is to be presented. The chairman shall determine whether the statement may be read or placed in the record of the hearing.

(d) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he desires to do so.

Sec. 7 [8]. Right to Testify. (a) Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a committee [subcommittee] member, staff member, or any witness, and who reasonably believes that the statement tends to adversely affect his reputation may:

(1) request to appear personally before the committee [subcommittee] to testify in his own behalf; or

(2) file a sworn statement of facts relevant to the testimony or other evidence or statement of which he complained.

(b) The request or statement shall be submitted to the committee [subcommittee] for its consideration and action.

Sec. 8 [9]. Conduct of Witnesses and Other Attendees. The presiding officer may punish any breaches of order and decorum by censure or exclusion from the hearings. The committee [subcommittee], by majority vote, may recommend to the house that the offender be cited for contempt of the house.

Sec. 9 [10]. Adjudicatory Hearing Procedures. (a) Notice of Hearings. A copy of the public announcement of an adjudicatory hearing, required by Section 5 of this rule, shall be furnished together with a copy of these rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(b) Preparation for Adjudicatory Hearings. At least five working days prior to the commencement of an adjudicatory hearing, the committee [subcommittee] shall provide the following information and documents, if any, to the respondent:

(1) a list of proposed witnesses to be called at the hearing;

(2) copies of all documents expected to be introduced as exhibits at the hearing; and

(3) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(c) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described by Subsection (b) of this section to the subcommittee.

(d) At the discretion of the committee [subcommittee], any information and documents to be exchanged under this section that would have the result described by Subdivision 1, Section 6, Rule 1, shall be subject to an appropriate agreement limiting access and disclosure.
(d) [ei.] If a respondent refuses to provide the information and documents to the subcommittee or if a respondent or other individual violates an agreement limiting access and disclosure, the committee, by majority vote, may recommend to the house that the offender be cited for contempt of the house. However, the respondent shall not be compelled to give evidence, testify, or furnish data that violate the respondent's right against self-incrimination under the U.S. Constitution and amendments to the U.S. Constitution or the Texas Constitution and amendments to the Texas Constitution.

(e) [(f)] Swearing of Witnesses. All witnesses who testify at adjudicatory hearings shall be sworn or affirmed.

(f) [(g)] Right to Counsel. Any witness at an adjudicatory hearing may be accompanied by counsel of his own choosing, who shall be permitted to advise the witness of his legal rights during the testimony.

(g) [(h)] Right to Cross-Examine and Call Witnesses. (1) In adjudicatory hearings, any respondent who is the subject of an inquiry [investigation], and any other person who obtains the permission of the committee, may personally or through counsel cross-examine witnesses called by the committee and may call witnesses in his own behalf.

(2) A respondent may apply to the committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. An application shall be approved on a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the chairman.

(3) With respect to witnesses called by a respondent, or by another individual given permission by the committee, each witness shall first be examined by the party who called the witness or by the party's counsel.

(4) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the committee written questions proposed to be asked of that witness. If the committee determines that it is necessary, the questions may be asked by any member of the committee, or by any committee staff member if directed by a committee member.

(h) [(i)] Admissibility of Evidence. (1) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Texas Rules of Evidence. Rules of evidence shall not be applied strictly, but the presiding officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(2) The presiding officer shall rule on any question of the admissibility of testimony or other evidence presented to the committee. The rulings are final unless reversed or modified by a majority vote of the committee before the recess of that day's hearing.

(i) [(j)] Supplementary Hearing Procedures. The committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of the supplementary procedures shall be furnished to witnesses and respondents, and shall be made available on request to any member of the public. The adjudicatory hearing to be valid must reflect in the record the presence or absence of each member of the committee, and two-thirds of the committee must be present at all times or the hearing must be recessed until a two-thirds majority is actually in attendance; otherwise, the hearing shall not be official nor its proceedings of any force or effect.

Sec. 10 [(l)]. Transcripts. An accurate electronic recording shall be made of all public and executive hearings. Any member of the committee, committee staff member, or witness may examine the
recording retained by the committee [subcommittee] of his own remarks. If the testimony was given in executive session, the member or witness may only inspect the recording at a location determined by the chairman. Any questions arising with respect to the processing or accuracy of recordings shall be decided by the committee [subcommittee].

RULE 6 [9]. SUBPOENAS
The committee shall have the same power to issue process as provided for standing committees of the house pursuant to Rule 4, Sections 22 and 23, of the Rules of the House of Representatives of the 66th Texas Legislature.

[Sec. 1. Procedure. (a) Subpoenas may be issued by majority vote of the subcommittee:

(b) All subpoenas shall be signed by the chairman and may be served by any person 18 years of age or older who is designated by the chairman. Each subpoena shall be served with a copy of the rules of the subcommittee and a brief statement of the purpose of the initial review, investigation, or other proceeding:

(c) Subpoena Power. The subcommittee is authorized to sit and act at such times and places as it deems advisable in accordance with the rules of the house. The subcommittee is similarly authorized to require by subpoena or otherwise the attendance of witnesses or the production of correspondence, books, papers, documents, or other items as it deems advisable:

(d) Withdrawal of Subpoena. The subcommittee may, by majority vote, withdraw any subpoena issued by it or issued by the chairman. The chairman may withdraw any subpoena issued by him.

RULE 7 [8]. VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

Sec. 1. Violations of Law. If the committee [subcommittee] determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report the possible violation to the proper state or federal authorities.

[Sec. 2. Perjury. Any person who knowingly or intentionally swears falsely to a sworn complaint or any other sworn statement to the subcommittee does so under penalty of perjury. The subcommittee may refer any such case to the Travis County district attorney for prosecution.]

Sec. 2 [3]. Legislative Recommendations. The committee [subcommittee] shall recommend to the house by report or resolution any additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by members, officers, or employees of the house. The committee [subcommittee] may conduct any inquiries it deems necessary to prepare the report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The committee [subcommittee] may make legislative recommendations as a result of its findings in an initial review, inquiry [investigation], or other proceeding.

Sec. 3 [4]. The committee [subcommittee] may promulgate guidelines and ethical considerations for informational assistance to the members of the house.

Sec. 4 [5]. Applicable Rules and Standards of Conduct. No initial review or inquiry [investigation] may be made of an alleged violation of any law, rule, or regulation of the house that was not in effect at the time the alleged violation occurred.

RULE 8 [9]. PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

Sec. 1. Procedures for Handling Committee [Subcommittee] Sensitive Materials. (a) "Committee [Subcommittee] sensitive information or material" is
Information or material in the possession of the committee [subcommittee] that pertains to illegal or improper conduct by a present or former member- [officer; or employee of the house]; to allegations or accusations of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the committee [subcommittee] into the allegations or conduct; or to the investigative techniques and procedures of the committee [subcommittee].

(b) The committee [chairman of the subcommittee] shall establish procedures as may be necessary to prevent the unauthorized disclosure of committee [subcommittee] sensitive information in the possession of the committee [subcommittee] or its staff. Procedures for protecting committee [subcommittee] sensitive materials shall be in writing and shall be given to each committee [subcommittee] staff member.

Sec. 2. Procedures for Handling Committee Sensitive Documents. (a) Committee [Subcommittee] sensitive documents and materials shall be segregated in secure filing safes. Removal from the House [Administration] Committee on Ethics offices of the documents or materials is prohibited except as necessary for use in, or preparation for, interviews or committee [subcommittee] meetings, including the taking of testimony, or as otherwise specifically approved by the committee by majority approval [chairman].

(b) Each member of the committee [subcommittee] shall have access to all materials in the committee’s [subcommittee’s] possession. The staff of members may not have access to committee [subcommittee] sensitive documents and materials. Members may examine the materials in the House [Administration] Committee on Ethics offices. If necessary, requested materials may be taken by a member of the committee [subcommittee] staff to the office of a member of the committee [subcommittee] for his examination, but the committee [subcommittee] staff member shall remain with the committee [subcommittee] sensitive documents or materials at all times [except as specifically authorized by the chairman].

(c) Any member of the house who is not a member of the committee [subcommittee] and who seeks access to any committee [subcommittee] sensitive documents or materials, other than documents or materials that are matters of public record, must request access in writing. The committee [subcommittee] shall decide by majority vote whether to make documents or materials available. If access is granted, the member may not disclose the information except as authorized by the subcommittee.

(d) Whenever the committee [subcommittee] makes committee [subcommittee] sensitive documents or materials available to any member of the house who is not a member of the committee [subcommittee] or to a staff person of a committee [subcommittee] member in response to a specific request to the chairman, a written record shall be made identifying the member of the house requesting the documents or materials and describing what was made available and to whom. The respondent shall be given within three days the name of the member who requested documents or materials and what was made available to whom.

Sec. 3. Nondisclosure Policy and Agreement. (a) Except as provided in the last sentence of this subsection, no member of the committee [subcommittee], its staff, or any person engaged by contract or otherwise to perform services for the committee [subcommittee], shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the committee [subcommittee] or any time thereafter, any testimony given before the committee [subcommittee] in executive session (including the name of any witness who appeared or was called to appear in executive session); any committee [subcommittee] sensitive information, document, or material, received or generated by the committee [subcommittee]; or any classified or committee [subcommittee] sensitive information that may come into the possession of such
person during tenure with the committee or its staff. The information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know or the district attorney for Travis County for any purpose, or in connection with any proceeding, judicial or otherwise, as authorized by the committee, or in the event of termination of the committee, in the manner determined by its successor or by the house.

(b) No member of the committee staff or any person engaged by contract or otherwise to perform services for the committee may be granted access to sensitive information or material in the possession of the committee unless and until the person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement becomes effective when signed by the chairman on behalf of the committee.

RULE 9 [19]. BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS. Photographers and reporters covering committee proceedings using mechanical recording, filming, or broadcasting apparatus must position their equipment so as not to interfere with the seating, vision, and hearing of the committee members and staff, or with the orderly process of the meeting or hearing.

RULE 10 [++]. PROCEDURES FOR ADVISORY OPINIONS

Sec. 1. When Advisory Opinions are Rendered. The committee shall render an advisory opinion in writing, within a reasonable time, in response to a written request by a member or officer of the house concerning the application of any law, or any rule or regulation of the house within the committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

Sec. 2. Form of Request. A request for an advisory opinion must be directed in writing to the chairman and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions that the requester wishes the committee to address.

Sec. 3. Opportunity for Comment. (a) The committee shall provide an opportunity for any interested party to comment on a request for an advisory opinion:

1. that requires an interpretation on a significant question of first impression that will affect more than a few individuals; or
2. when the committee determines that comments from interested parties would be of assistance.

(b) Notice of any request for an advisory opinion shall be published and distributed to members of the house and made public in the House Journal, with appropriate deletions to ensure confidentiality, and interested parties will be asked to submit their comments in writing to the committee within 10 days.

(c) All relevant comments received on a timely basis will be considered.

Sec. 4. Issuance of an Advisory Opinion. (a) The staff shall prepare a proposed advisory opinion in draft form, which will first be reviewed and approved by the chairman, and will be presented to the committee for final action.

(b) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the committee.

(c) Each advisory opinion issued by the committee shall be promptly transmitted for publication and distribution to members of the house and
be made public [in the House Journal] after appropriate deletions are made to ensure confidentiality. The committee [subcommittee] may be relied on by:

(1) any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered, if the request for the advisory opinion included a complete and accurate statement of the specific factual situation; and

(2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

d) Any person who relies on any provision or finding of an advisory opinion, and of the rules, and who acts in good faith in accordance with the provisions and findings of the advisory opinion, is not, as a result of any such act, subject to any sanction by the house.

RULE 11 [H2]. PROCEDURES FOR INTERPRETATIVE RULINGS

Sec. 1. The committee [subcommittee] may issue interpretative rulings explaining and clarifying the application of any law or any rule or regulation of the house within its jurisdiction. The committee [subcommittee] also may issue rulings clarifying or explaining any advisory opinion or guideline of the committee [subcommittee].

Sec. 2. Request for Ruling. A request for a ruling must be directed in writing to the chairman of the committee [subcommittee].

Sec. 3. Adoption of Ruling. A ruling must be adopted by a majority of the committee [subcommittee] members and the ruling shall then be issued by the chairman.

Sec. 4. Publication of Rulings. The committee [subcommittee] shall publish and distribute to members of the house and make public [in the House Journal], after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this rule that the committee [subcommittee] determines may be of assistance or guidance to other members, officers, or employees. The committee [subcommittee] may at any time revise, withdraw, or elaborate on interpretative rulings.

Sec. 5. Reliance on Rulings. Whenever an individual can demonstrate to the committee's [subcommittee's] satisfaction that his conduct was in good faith reliance on an interpretative ruling issued in accordance with this rule, the committee [subcommittee] may not recommend sanctions to the house as a result of the conduct.

RULE 12 [H3]. COMMITTEE STAFF

Sec. 1. The staffing for the committee [subcommittee] shall be provided by the Texas Legislative Council and the House Administration Committee.

Sec. 2. Any person serving as a staff member of the committee [subcommittee] shall perform all official duties in a nonpartisan manner and shall comply with all rules pertaining to members of the house.

Sec. 3. No person serving as staff may accept public speaking engagements or write for publication on any subject that is in any way related to his employment or duties with the committee [subcommittee] without specific advance permission from the chairman.

Sec. 4. The committee [subcommittee] is authorized to retain and compensate counsel not employed by the House of Representatives (or any department or agency of state government) whenever the committee [subcommittee] determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, inquiry [investigation], or other proceeding, which in the determination of the committee [subcommittee], is more appropriately conducted by counsel not employed by the government of the State of Texas as a regular employee. The committee [subcommittee] may retain and compensate outside counsel to conduct
any inquiry [investigation] undertaken after an initial review of a sworn complaint if the committee [subcommittee] determines that the use of outside counsel is appropriate in the particular case.

RULE 13. REFERRAL OF OPINIONS, REQUESTS, COMPLAINTS, OR OTHER MATTERS. Upon creation of a state body or commission having responsibility for interpreting or enforcing state ethics provisions, the committee shall refer advisory or interpretative opinion, requests, complaints, or other matters to this body or commission when the subject matter of the opinion request, complaint, or other matter is within the jurisdiction of the body or commission.

Representative Turner offered the following amendment to the Turner amendment:

Amend amendment to CSHR 114, on page 21, line 9, by striking the number “10” and substituting the number “9”.

Amend amendment to CSHR 114, on page 23, line 6, by striking the number “5” and substituting the number “4”.

The amendment was adopted without objection.

Representative Turner offered the following amendment to the Turner amendment:

Amend amendment to CSHR 114, on page 5, line 6, by striking the words, “sworn or unsworn”.

The amendment was adopted without objection.

Representative Turner offered the following amendment to the Turner amendment:

On page 5, line 6, after the word “sworn” but before the word “that” by removing the words “or unsworn”.

The amendment was adopted without objection.

Representative Turner offered the following amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114, on page 27, by striking on line 14 the word “perjury”.

The amendment was adopted without objection.

Representative Turner offered the following amendment to the Turner amendment:

Amend amendment to CSHR 114 by striking lines 11 through 24, on page 8, and substituting the following:

“(b) The complaint must be accompanied by an affidavit stating that the information contained therein is either true and correct or that the complainant has good reason to believe and does believe that the improper conduct or violation has occurred. In the event the complaint is based on information and belief the complaint shall state the source and basis of the information and belief. The complainant may swear to the facts either by oath or by affirmation before a notary public or other authorized official.”

and reletter the sections of Rule 2 to conform thereto.

The amendment was adopted without objection.

Representative Eikenburg offered the following amendment to the Turner amendment:
Amend Amendment No. 1 to CSHR 114, on page 25, lines 11 and 12, RULE 5., Sec. 9 (g), (4) by striking the words "or by any committee [subcommittee] staff member if directed by a committee [subcommittee] member".

The amendment was adopted without objection.

Representative Bush offered the following amendment to the Turner amendment:

Amend amendment to CSHR 114 by striking all of Section 1 of Rule 1 on page 2, after line 4, and substitute the following:

Sec. 1. The committee shall consist of nine (9) members as follows:
(a) five of the members shall be the same individuals serving as members of the House General Investigating Committee;
(b) the remaining four members shall be elected by a vote of the majority of the House in an election supervised and conducted by the chief clerk with voting by secret ballot.
(c) the committee shall be composed in such manner to provide for not less than one each of the following: one Republican, one Democrat, one woman, one black, and one Hispanic.
(d) the committee shall thereafter, at its first organizational meeting, elect a chairman by a majority vote.

The amendment failed of adoption.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 90, SCR 91, SB 127, SB 214, SB 282, SB 358, SB 445, SB 467, SB 660, SB 203

CSHR 114 - (consideration continued)

Representative Bush offered the following amendment to the Turner amendment:

Amend the floor substitute for CSHR 114 by striking all of Section 1 of Rule 1 on page 2 after line 4 and substitute the following:

Sec. 1. The committee shall consist of nine (9) members as follows:
(a) five of the members shall be the same individuals serving as the members of the House General Investigating Committee;
(b) the remaining four members shall be elected by a majority vote of the members designated in Subsection (a) above.
(c) The committee shall be composed in such manner to provide for not less than one each of the following: one Republican, one Democrat, one woman, one black, and one Hispanic.
(d) the committee shall thereafter, at its first organizational meeting, elect a chair by a majority vote.

Representative Bush offered the following amendment to the Bush amendment to the Turner amendment:

Amend the floor substitute for CSHR 114 by striking all of Section 1 of Rule 1 on page 2 after line 4 and substitute the following:

Sec. 1. The committee shall consist of nine (9) members as follows:
(a) five of the members shall be the same individuals serving as the members of the House General Investigating Committee;
(b) the remaining four members shall be elected by a majority vote of the members designated in Subsection (a) above.

(c) The committee shall be composed in such manner to provide for not less than one each of the following:

one Republican, one Democrat, one woman, one black, and one Hispanic.

The amendment was adopted without objection.

The Bush amendment, as amended, was adopted without objection.

Representative Eikenburg offered the following amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114 as follows:

(1) On page 19, line 10, insert a period after “inquiry” and strike the remainder of the sentence and the sentence beginning on line 11 and ending on line 13.

(2) On page 19, line 14, strike “and”.

(3) On page 19, line 15, strike “recommending disciplinary action, if appropriate.”

The amendment was adopted without objection.

Representative G. Thompson offered the following amendment to the Turner amendment:

Amend CSHR 114 by striking on pages 36 and 37, Sec. 3. (a) and substituting the following:

“Sec. 3. Nondisclosure Policy and Agreement. (a) Except as provided in the last sentence of this subsection, no member of the committee [subcommittee], its staff, or any person engaged by contract or otherwise to perform services for the committee [subcommittee] shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the committee [subcommittee] or any time thereafter, any testimony given before the committee [subcommittee] in executive session (including the name of any witness who appeared or was called to appear in executive session); any committee [subcommittee] sensitive information, document, or material, received or generated by the committee [subcommittee]; or any classified or committee [subcommittee] sensitive information that may come into the possession of such person during tenure with the committee [subcommittee] or its staff. The information documents, or material may be released to the committee [subcommittee] or its staff. The information, documents, or material may be released to the district attorney for Travis County pursuant to a request by a grand jury or in connection with any judicial proceeding, as authorized by the committee, or in the event of termination of the committee, in the manner determined by its successor or by the house.”

The amendment was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 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 95 by Santiesteban, commending Mrs. Lady Bird Johnson.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 98 by the following vote: 29 yeas, 0 nays.

Respectfully,
Betty King
Secretary of the Senate

CSHR 114 - (consideration continued)

Representative Schlueter offered the following amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114 on page 20, between lines 15 and 16 by inserting a new Rule 4a to read as follows:

RULE 4a, RESTRICTION ON TIMING OF REVIEW OR HEARING
An initial review or inquiry under these rules may not be held 120 days before any election pertaining to a member of the house unless the member requests the review or inquiry.

Representative Geistweidt offered the following amendment to the Schlueter amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114 on page 20, between lines 15 and 16 by inserting a new Rule 4a to read as follows:

RULE 4a, RESTRICTION ON TIMING OF REVIEW OR HEARING
A review or inquiry under these rules may not be initiated within 120 days before any election pertaining to a member of the house unless the member requests the review or inquiry.

The amendment was adopted without objection.

The Schlueter amendment, as amended, was adopted without objection.

Representative Schlueter offered the following amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114 as follows:

(1) On page 31, between lines 22 and 23 insert the following:
Sec. 4. Notwithstanding any other provision of these rules, all documents and copies of documents pertaining to a hearing or inquiry conducted under these rules shall be returned to the member who was the subject of the inquiry or hearing within 24 hours after the inquiry or hearing was terminated.

The amendment was adopted without objection.

Representative Schlueter offered the following amendment to the Turner amendment:

Amend Amendment No. 1 to CSHR 114 as follows:

(1) On page 31, line 22, after the period insert "Any person who releases information or materials in violation of this section or that are otherwise deemed confidential shall be immediately dismissed from his employment."

The amendment was adopted without objection.
Representative Price offered the following amendment to the Turner amendment:

On page 14 add at the end of Rule 3, Sec. 1, the following sentence, “An initial review shall also be commenced upon the request of any member accused in the media of improper conduct relating to the performance of his duties as a member.”

The amendment was adopted without objection.

The Turner amendment, as amended, was adopted.

Representative Ceverha moved that consideration of CSHR 114 be postponed until Monday, May 2 at 2 p.m.

The motion to postpone was lost.

CSHR 114, as amended, was adopted. (Rudd, Vowell, Watson, and Bush recorded voting no)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Retirement and Aging, Subcommittee on HB 1092 and HB 1305, on noon recess today, Desk 64, to consider HB 1092 and HB 1305.

Natural Resources, Subcommittee on HB 487, on noon recess today, Desk 30, to consider HB 487.

Business and Commerce, on noon recess today, Desk 95, to consider HB 1986.

County Affairs, on noon recess today, Desk 99.

Human Services, Subcommittee on HB 1274, on noon recess today, Desk 125, to consider HB 1274.

RECESS

Representative Watson moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:45 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

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

SENATE JOINT RESOLUTION ON FIRST READING

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

SJR 16 to Committee on Regions, Compacts, and Districts.

SENATE BILLS ON FIRST READING

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

SB 26 to Committee on Public Education.

SB 62 to Committee on Elections.

SB 106 to Committee on Financial Institutions.
SB 336 to Committee on Public Education.
SB 440 to Committee on Urban Affairs.
SB 487 to Committee on Business and Commerce.
SB 541 to Committee on Ways and Means.
SB 557 to Committee on Criminal Jurisprudence.
SB 576 to Committee on Regions, Compacts, and Districts.
SB 618 to Committee on Natural Resources.
SB 622 to Committee on Law Enforcement.
SB 654 to Committee on Transportation.
SB 676 to Committee on Liquor Regulation.
SB 698 to Committee on Human Services.
SB 711 to Committee on State Affairs.
SB 728 to Committee on Higher Education.
SB 744 to Committee on Cultural and Historical Resources.
SB 752 to Committee on State Affairs.
SB 786 to Committee on Law Enforcement.
SB 812 to Committee on Insurance.
SB 858 to Committee on Elections.
SB 891 to Committee on Higher Education.
SB 911 to Committee on Criminal Jurisprudence.
SB 940 to Committee on Appropriations.
SB 946 to Committee on Energy.
SB 958 to Committee on Urban Affairs.
SB 970 to Committee on Urban Affairs.
SB 971 to Committee on Higher Education.
SB 996 to Committee on Insurance.
SB 997 to Committee on Judiciary.
SB 1082 to Committee on Judicial Affairs.
SB 1088 to Committee on Higher Education.
SB 1102 to Committee on Business and Commerce.
SB 1104 to Committee on Criminal Jurisprudence.
SB 1140 to Committee on State Affairs.
SB 1144 to Committee on Judicial Affairs.
SB 1152 to Committee on Law Enforcement.
SB 1205 to Committee on Transportation.
SB 1207 to Committee on Public Education.
SB 1208 to Committee on Transportation.
SB 1228 to Committee on Elections.
SB 1261 to Committee on Natural Resources.
SB 1267 to Committee on County Affairs.
SB 1268 to Committee on County Affairs.
SB 1269 to Committee on Natural Resources.
SB 1285 to Committee on Judicial Affairs.
SB 1286 to Committee on Judicial Affairs.
SB 1298 to Committee on Appropriations.

HOUSE JOINT RESOLUTIONS ON FIRST READING
The following house joint resolutions were today laid before the house, read first time and referred to committees:

By Polk:
HJR 112, A joint resolution proposing a constitutional amendment to prohibit the legislature from enacting a law restricting the sale of merchandise on consecutive Saturdays and Sundays.
To Committee on Business and Commerce.

By G. Thompson:
HJR 113, A joint resolution proposing a constitutional amendment allowing the legislature to assemble for organizational purposes before each regular session convenes.
To Committee on State Affairs.

By Price:
HJR 114, A joint resolution proposing a constitutional amendment to permit the legislature to authorize money to be deposited to the credit of the available school fund that would otherwise become part of the permanent school fund.
To Committee on Public Education.

HOUSE BILLS ON FIRST READING
The following house bills were today laid before the house, read first time and referred to committees:

By G. Thompson:
HB 2384, A bill to be entitled An Act relating to supplemental compensation of the justices of the Eleventh Supreme Judicial District.
To Committee on Judicial Affairs.

By McWilliams:
HB 2385, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Harrison County.
To Committee on Judicial Affairs.

HB 2386 was read first time and referred to Committee on Natural Resources on April 25.
By Glossbrenner:
HB 2387, A bill to be entitled An Act relating to the escheat and disposition of abandoned property in a safe deposit box or other safekeeping repository.
To Committee on Financial Institutions.

By Collazo:
HB 2388, A bill to be entitled An Act relating to the conveyance of certain state real property in Jefferson County to the city of Port Arthur.
To Committee on State Affairs.

By Price:
HB 2389, A bill to be entitled An Act relating to the composition of the permanent school fund.
To Committee on Public Education.

By Bush:
HB 2390, A bill to be entitled An Act relating to fees for child support collections in Collin County.
To Committee on County Affairs.

By Shea, et al.:
HB 2391, A bill to be entitled An Act relating to the reorganization, boundaries, administration, powers, duties, and financing of Irving Flood Control District Section III and validating certain actions of and matters relating to that district.
To Committee on Natural Resources.

By Stiles:
HB 2392, A bill to be entitled An Act relating to the appointment of court administrators and masters for certain courts in Jefferson County.
To Committee on Judicial Affairs.

By B. Barton:
HB 2393, A bill to be entitled An Act relating to the abolition of the office of county auditor in Llano County.
To Committee on County Affairs.

By B. Barton:
HB 2394, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Blanco County Hospital District.
To Committee on County Affairs.

HB 2395 was read first time and referred to Committee on Judicial Affairs on April 26.

By Patterson:
HB 2396, A bill to be entitled An Act relating to the rate of taxes on beer.
To Committee on Liquor Regulation.

By G. Thompson:
HB 2397, A bill to be entitled An Act relating to the creation of a judicial district, composed of Taylor County, and to the compensation of the judges of the district courts in Taylor County.
To Committee on Judicial Affairs.
RESOLUTIONS REFERRED TO COMMITTEES

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

SCR 58, Urging the Texas Department of Human Resources to provide by contract for the Attorney General to assume operation of the Child Support Enforcement Program.
   To Committee on Human Services.

SCR 59, Granting Sheila A. Jones permission to sue The Texas A&M University System.
   To Committee on Judicial Affairs.

SCR 63, Granting Estefana S. Peters permission to sue the state.
   To Committee on Judicial Affairs.

   To Committee on Rules and Resolutions.

By E. Barton:
HCR 177, Declaring the week of May 8-14, 1983, as “Senior Citizens Centers Week”
   To Committee on Retirement and Aging.

By L. Evans:
HCR 180, Memorializing Congress to establish by statute the authority of the Consumer Product Safety Commission’s jurisdiction over tobacco products.
   To Committee on Insurance.

By Hernandez, et al.:
HCR 181, Requesting the Texas delegation to support the proposed Railroad Retirement Solvency Act of 1983.
   To Committee on Business and Commerce.

By Polumbo, et al.:
HCR 182, Creating a joint interim committee to study procedures for investigating, reporting, and prosecuting rape cases.
   To Committee on Criminal Jurisprudence.

By Polumbo:
HCR 183, Creating a joint interim committee to study revision of the Texas Family Code.
   To Committee on Judiciary.

By Armbrister:
HCR 184, Granting Charles White permission to sue the state.
   To Committee on Judicial Affairs.

By Hightower:
HCR 185, Granting John W. Haney permission to sue the state.
   To Committee on Judicial Affairs.

By G. Hill:
HCR 189, Granting Ericelda Flores permission to sue the state.
   To Committee on Judicial Affairs.
By Bomer:
HCR 190, Accepting a plaque from the Dogwood Trails Board for placement on the Capitol grounds.
To Committee on State Affairs.

By Presnal:
HCR 191, Creating a special joint interim committee to study technological research and development.
To Committee on Business and Commerce.

By Hury:
HCR 192, Declaring May to be Mental Health Month in Texas.
To Committee on Public Health.

By Hury:
HCR 193, Welcoming Mrs. Rosalynn Carter.
To Committee on Rules and Resolutions.

By D. Hudson:
HCR 194, Directing the Coordinating Board to study junior college boundary changes.
To Committee on Higher Education.

By Gilley:
HCR 195, Creating a special joint committee to study telecommunication services and marketing.
To Committee on State Affairs.

By Rudd:
HR 278, Establishing a special interim committee to study higher education endowment funding.
To Committee on Higher Education.

By T. Smith:
HR 285, Inviting Arnold Palmer to address the house on April 26, 1983.
To Committee on Rules and Resolutions.

By Denton:
HR 286, In memory of Ernest B. People.
To Committee on Rules and Resolutions.

By Mankins:
HR 287, Welcoming Stroh Brewery Company to this state.
To Committee on Liquor Regulation.

By Hury:
HR 288, Commending Chen Li Zhong.
To Committee on Rules and Resolutions.

By Hury:
HR 289, Commending Wu Li Jitu.
To Committee on Rules and Resolutions.

By Hury:
HR 293, Commending Johnny Fong.
To Committee on Rules and Resolutions.

By Hury:
HR 294, Commending Peter Fong.
To Committee on Rules and Resolutions.
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By C. Evans:

HR 296, Commending Patsy Alenik.

To Committee on Rules and Resolutions.

HB 2400 - PERMISSION TO INTRODUCE

Representative Wieting moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2400.

The motion prevailed by (Record 233): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas - Armbrister; Arnold; Barrientos; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Carriker; Cavazos; Ceveha; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards, Eikenburg; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; 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; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khouy; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Messer; Milbrand; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnall; Price; Ragsdale; Rangel; Robnett; Rudd; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Sheh; Simpson; Smith, A.; Smith, C.; Smith, T.; Starnes; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker.


Absent — Agnich; Agnih; Barton, B.; Cain; Cary; Clark; Crockett; Emmett; Granoff; Horn; McWilliams; Mankins; Patrick; Robinson; Russell; Short; Thompson, G.; Willis; Wolens.

SB 606 ON THIRD READING

(Green - House Sponsor)

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

SB 606, A bill to 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 third time.

Representative Green offered the following amendment to the bill:

Amend SB 606 on Third Reading by striking Section 26 of the bill and adding new Sections 26 and 27 to read as follows:

SECTION 26. EFFECTIVE DATE. This Act takes effect July 1, 1983.

SECTION 27. 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 according to its terms, and it is so enacted.

The amendment was adopted without objection.

SB 606, as amended, was passed.

SB 453 ON THIRD READING
(Gavin - House Sponsor)

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

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.

A record vote was requested.

The bill was read third time and was passed by (Record 234): 129 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cavazos; Cervera; Clemmons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamer; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hilbert; 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; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswais; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tov; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Word; Wright.

Nays — Green; Smith, C.

Present, not voting — Mr. Speaker.

Absent — Agnih; Cain; Carriker; Cary; Clark; Granoff; Hightower; Hill, A.; Horn; McWilliams; Mankins; Patrick; Polumbo; Robinson; Thompson, G.; Wolens.

SB 281 ON THIRD READING
(L. Hall - House Sponsor)

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

SB 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.

A record vote was requested.

The bill was read third time and was passed by (Record 235): 110 Yeas, 23 Nays, 1 Present, not voting.
Yeas - Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Burnett; Bush; Cavazos; Clark; Clemmons; Colbert; Collazo; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubiak; Laney; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, C.; Smith, T.; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tov; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Word; Wright.

Nays - Buchanan; Ceverha; Connelly; Eckels; Fox; Gandy; Hammond; Heflin; Hilbert; Hill, P.; Jones; Kuempel; Leonard; McKenna; Parker; Pennington; Shea; Smith, A.; Staniswalis; Stiles; Toomey; Whaley; Wolens.

Present, not voting — Mr. Speaker.


Absent — Agnich; Cain; Carriker; Cary; Granoff; Hackney; Hill, A.; Horn; McWilliams; Mankins; Patrick; Robinson; Schlueter; Willis.

The chair stated that SB 281 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

On motion of Representative Waldrop and by unanimous consent, the caption of SB 281 was ordered amended to conform to the body of the bill.

**SB 1112 ON THIRD READING**

(Saunders - House Sponsor)

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

**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 lands; giving the comptroller of public accounts certain responsibilities and duties.

A record vote was requested.

The bill was read third time and was passed by (Record 236): 133 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; 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; 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; Robnett; Rudd; Russell; Salinas; Saunders;
SB 33 ON SECOND READING
(E. Barton - House Sponsor)

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

SB 33, A bill to be entitled An Act relating to rights, powers, duties, and functions of the Texas Rehabilitation Commission; providing for a right of subrogation for the cost of services provided; amending the Human Resources Code by amending Sections 111.002, 111.052, and 111.053, by adding Section 111.059; and by repealing Subchapter D, Chapter 111.

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

(Messer in the chair)

SB 606 - VOTE RECONSIDERED

Representative Green moved to reconsider the vote by which SB 606, as amended, was passed earlier today.

The motion to reconsider prevailed.

SB 606 ON THIRD READING
(Green - House Sponsor)

The chair laid before the house on its final passage, SB 606.

A record vote was requested.

The bill, as amended, was passed by (Record 237): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delay; Deleo; Denton; Eckels; Edwards; Eikenburg; Emmett; English: Evans, C.; Evans, L.; Fennell; Fox; Gamez; Garcia, A.; Gavin; Geistwiedt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heffin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khourey; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martine, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas
Present, not voting — Mr. Speaker; Messer(C).


Absent — Barton, B.; Carriker; Gandy; Parker; Patrick; Patronella; Robinson; Wallace.

On motion of Representative Green and by unanimous consent, the caption of SB 606 was ordered amended to conform to the body of the bill.

**SB 339 ON SECOND READING**  
(Berlanga - House Sponsor)

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

SB 339, A bill to be entitled An Act relating to the powers of navigation districts; amending Section 60.101, Water Code.

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

(Speaker pro tempore in the chair)

**SB 454 ON SECOND READING**  
(DeLay - House Sponsor)

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

SB 454, A bill to be entitled An Act relating to compensation of the members of the governing body of the Fort Bend County Drainage District.

Representative DeLay offered the following amendment to the bill:

Amend SB 454 by substituting the following:

relating to the powers and duties of the Fort Bend County Drainage District.

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

SECTION 1. Chapter 303, Acts of the 51st Legislature, Regular Session, 1949, is amended by adding Sections 3A through 3L to read as follows:

Sec. 3A. In Sections 3B-3L of this Act:
(1) "Groundwater" means water located beneath the earth's surface within the District but does not include water produced with oil in the production of oil and gas.
(2) "Well" means any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.
(3) "Groundwater-withdrawal year" means the period beginning January 1 of one year and ending December 31 of that same year.
(4) "Withdraw" means the act of extracting groundwater by pumping or some other method.
(5) "Drill" means drilling, equipping, or completing wells or substantially altering the size of wells or well pumps.
(6) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

Sec. 3B. (a) The Fort Bend County Drainage District may implement and carry out the powers and duties under Sections 3C-3L of this Act only if the
proposition provided by Subsection (d) of this section is approved by the voters at the election to be called and held under this section. The District may implement and begin to carry out the powers and duties under Sections 3C-3L of this Act on entry of the declaration of the election results approving the proposition in the minutes of the Commissioners Court.

(b) The Commissioners Court shall call an election to be held within one (1) year from the effective date of this section within the boundaries of the District to approve the exercise by the District of the powers granted in Sections 3C-3L of this Act.

(c) Notice of the election shall state the day and places for holding the election and the proposition to be voted on. The Commissioners Court shall publish the notice once in a newspaper of general circulation in the District. The notice must be published at least thirty-five (35) days before the date set for the election.

(d) The ballot for the election shall be printed to provide for voting for or against the proposition: “Authorizing the Fort Bend County Drainage District to exercise groundwater management powers to control and prevent subsidence in the district.”

(e) Immediately after the election, the presiding judge of each polling place shall make returns of the result to the Commissioners Court, and the Commissioners Court shall canvass the returns and declare the result.

(f) If a majority of the votes cast at the election favor the proposition, the Commissioners Court shall declare that the District may exercise the powers provided by Sections 3C-3L of this Act and shall enter the results in its minutes. If a majority of the votes cast at the election are against the proposition, the Commissioners Court shall declare that the District may not exercise the powers provided by Sections 3C-3L of this Act and shall enter the results in its minutes. In either case, the Commissioners Court shall file a copy of the election results with the Texas Department of Water Resources.

Sec. 3C. (a) The District may regulate withdrawals of groundwater as provided by this section and Sections 3D-3L of this Act taking into account all factors including availability of surface water, economic impact on persons and the community, degree and effect of subsidence on the surface of land, and differing topographical and geophysical characteristics of land areas within the District.

(b) To carry out the authority under Subsection (a) of this section and Sections 3D-3L of this Act, the Commissioners Court may issue rules, regulations, orders, and permits.

Sec. 3D. (a) After notice and hearing, the Commissioners Court shall formulate and adopt a plan to control and prevent subsidence within the District. The plan shall accomplish this purpose by the reduction of groundwater withdrawals to amounts that will restore and maintain sufficient artesian pressure to control and prevent subsidence.

(b) The plan shall specify in as much detail as practicable the acts, procedures, performance, and avoidance that are necessary to control and prevent subsidence in the District.

(c) Included in the information to be gathered for formulation of the plan shall be:

(1) a list of all wells in the District that will be subject to regulation;

(2) an accurate estimate of groundwater production from each well or proposed well in the District;

(3) an accurate estimate of the amount of groundwater that may be produced from each well and each area in the District without causing drawdown of the water table and reduction of artesian pressure that will lead to subsidence within the District.
(d) an accurate estimate of the current and future water needs of each well owner in the District;
(5) an accurate estimate of the groundwater production capacity of each well in the District;
(6) a list of all available sources of water in the area of the District other than groundwater;
(7) the purpose for which the water is currently used and for which it is proposed to be used in the future;
(8) information relating to formulation of a permit system; and
(9) other necessary information and material to carry out the management of groundwater in the District.
(d) The plan must be formulated within twelve (12) months after the date of the election in Section 3B of this Act, and must be reviewed by the Commissioners Court and adopted within sixty (60) days after it is formulated.
(e) After the hearing on the plan, the Commissioners Court shall make any changes it considers necessary based on evidence and material presented at the hearing and shall adopt the plan.
(f) The plan adopted under this section may be amended or repealed and a new plan adopted in the manner provided in this section for the adoption of the original plan. A plan, once adopted, shall remain in effect until the adoption of a new plan.
(g) During the period in which the Commissioners Court is formulating and adopting the plan, the Commissioners Court shall adopt temporary rules and regulations relating to the withdrawal of groundwater that are necessary to control subsidence in the District.
Sec. 3E. (a) Before a well located within the boundaries of the District that is used or to be used for the purpose of withdrawing groundwater may be operated or drilled for that purpose, the owner of the well must obtain a permit from the Commissioners Court in the manner provided in this section.
(b) Permits issued under this section are for a term of one year from the date of their issuance unless a longer term is specified by the Commissioners Court. The Commissioners Court may issue a permit for a term longer than one (1) year, but not to exceed five (5) years, whenever to do so would aid the District in the effective and expeditious performance of its duties and would not impair the ability of the District to control and prevent subsidence within the District.
(c) A permit does not become a vested right in the holder and may be revoked or suspended, or its terms may be modified or amended after notice and hearing, whenever reasonably necessary to prevent or control subsidence.
(d) Permits for wells under this section may be renewed by the Commissioners Court in the manner provided for obtaining the original permit.
(e) A person who desires to obtain a permit under this section shall submit to the Commissioners Court an application. The application must state:
(1) the name of the person requesting the permit;
(2) the address of the person requesting the permit;
(3) the location and wellhead elevation of the well or proposed well;
(4) the amount of water being produced or proposed to be produced, and
(5) any other information necessary for the Commissioners Court to control and prevent subsidence in the District.
(f) The application for a permit must be accompanied by a reasonable application fee determined by the Commissioners Court to be used for processing the application.
(g) On receiving an application for a permit, the Commissioners Court shall issue notice and set a time for a hearing on the application. Notice of the date, time, and location of the hearing shall be given by the Commissioners Court to the
applicant by certified mail, return receipt requested, not less than twenty (20) days before the day of the hearing. The Commissioners Court may consider as many applications for permits as it thinks necessary at any one hearing.

(b) Not later than thirty-five (35) days after the hearing, the Commissioners Court shall decide whether to issue a permit and, if so, shall determine the terms of the permit. In deciding whether to issue a permit and in setting the terms of the permit, the Commissioners Court shall consider, along with all other relevant factors:

(1) the District plan;
(2) the quality, quantity, and availability of surface water at prices competitive with those charged by suppliers of surface water within the District; and
(3) the economic impact on the applicant from the grant or denial of the permit, or the terms prescribed by a permit, in relation to the effect on subsidence that would result.

(i) The Commissioners Court shall grant a permit to an applicant whenever it is found upon presentation of adequate proof that there is no other adequate and available substitute or supplemental source of surface water at prices competitive with those charged by suppliers of surface water within the District and that denial of a permit will result in an arbitrary taking of property or in the practical closing and elimination of any lawful business, occupation, or activity, in either case without sufficient corresponding benefit or advantage to the people.

(j) If the Commissioners Court decides to issue the permit, the Commissioners Court shall issue the permit to the applicant stating the terms it considers necessary and shall include in the permit the following:

(1) the name and address of the person to whom the permit is issued;
(2) the location of the well;
(3) the date the permit is to expire;
(4) conditions and restrictions placed on the withdrawal of groundwater; and
(5) any other terms and conditions necessary to control and prevent subsidence.

(k) A permit issued under this section is not transferable, and any person who becomes the owner of a well for which a permit is required must make application for a permit in the manner provided by this section.

(l) A well that is operating or being drilled on the effective date of this section may continue to operate or to be drilled until a permit is obtained as provided by this section. If a permit is denied, drilling or operation of the well shall cease immediately. The owner of the well must apply for a permit before September 30, 1983.

Sec. 3F. (a) Before January 1 of each year, each owner of a well who holds a permit shall submit to the Commissioners Court a report stating the following:

(1) the name of the owner of the well;
(2) the location of the well;
(3) the total amount of groundwater produced by the well during the immediately preceding groundwater-withdrawal year;
(4) the total amount of groundwater produced by the well during each separate month of the immediately preceding groundwater-withdrawal year;
(5) the purpose for which the groundwater was used;
(6) the date on which the permit for the well will expire; and
(7) any other information necessary for the Commissioners Court to control and prevent subsidence within the District.

(b) For the groundwater-withdrawal year in which a permit is issued, the information required in Subdivisions (3) and (4) of Subsection (a) of this section need only cover the months for which the permit was issued.
(c) At least once each year and at any other time that the Commissioners Court considers necessary, the Commissioners Court shall have its staff and the staff of the Texas Department of Water Resources, if necessary, make a complete study of the groundwater situation within the District and determine the water level, rates of withdrawal, amounts of withdrawal, and other information relating to the withdrawal of groundwater that may affect the subsidence of land within the District.

(d) Before March 31 of each year, the Commissioners Court shall hold a hearing to determine the effects of groundwater withdrawal during the preceding groundwater-withdrawal year on the subsidence of land within the District. At the hearing, the Commissioners Court shall consider information developed under Subsections (a) and (c) of this section in addition to information presented by persons appearing before the Commissioners Court.

(e) After the hearing, the Commissioners Court shall consider all information presented to it and shall make determinations of groundwater withdrawal in the District during the just preceding groundwater-withdrawal year and shall make findings of the effects of groundwater withdrawal during the just preceding groundwater-withdrawal year on the subsidence of land within the District. Those findings and determinations shall be included in a report adopted by the Commissioners Court and shall be made available for examination by any interested persons.

Sec. 3G. (a) In order to minimize as far as practicable the drawdown of the water table and the reduction of artesian pressure and to control and prevent subsidence, the Commissioners Court may provide for the spacing of wells and regulate the production of groundwater from the wells, taking into consideration, among other relevant factors, the economic impact on well owners and the resulting effect on subsidence. Before issuing any order, rule, or regulation under this subsection, the Commissioners Court shall set a hearing on the proposed order, rule, or regulation and issue notice of the hearing.

(b) After notice and hearing, the Commissioners Court may adopt an order requiring a water-metering device to be placed on each well.

Sec. 3H. (a) To carry out technical and other investigations necessary to the control and prevention of subsidence, the Commissioners Court and its agents and employees are entitled to access to all property within the District. Before entering property for the purposes stated in this subsection, the person seeking access shall give notice to the owner of the property in the manner provided in the rules and regulations of the District and shall present proper credentials. The Commissioners Court, and its agents and employees who enter private property, shall observe the establishment’s rules and regulations concerning safety, internal security, and fire protection.

(b) The District may use subsidence compaction monitors, water-level observation wells, and other materials and equipment to determine the amount of groundwater that may be produced while at the same time allowing the rebound and stabilization of groundwater to a level that will halt subsidence.

(c) The District may conduct any studies and research that the Commissioners Court considers necessary to control and prevent subsidence, and the District may use the services of geologists, hydrologists, registered professional engineers, or other expert personnel to accomplish the purposes of this section.

(d) The Commissioners Court may cooperate with and request the assistance of the Texas Department of Water Resources, the United States Geological Survey, local governments, and other agencies of the United States and the State of Texas in implementing this Act.

Sec. 3I. (a) At the time of issuance or renewal of a permit, the Commissioners Court shall collect from the permittee a permit fee, established by schedule, based
on the term of the permit and the maximum annual amount of groundwater authorized by the Commissioners Court to be withdrawn from the well.

(b) The rate of the fee collected by the Commissioners Court under this section shall be determined by the Commissioners Court after a hearing.

(c) The funds obtained from permit fees collected under this section shall be used to cover the costs of the District in issuing permits and performing other regulatory functions in the control and prevention of subsidence.

(d) The District may not issue bonds or assess, levy, and collect property taxes to carry out the powers, duties, and functions under Sections 3A-3L of this Act.

Sec. 3J. (a) The ownership and rights of the owner of land and his lessees and assigns in groundwater are recognized, and nothing in Sections 3A-3L of this Act may be construed as depriving or divesting the owner or his lessees and assigns of the ownership or rights, subject to rules, regulations, orders, and other official actions of the District.

(b) The laws and administrative rules relating to the use of surface water do not apply to groundwater.

Sec. 3K. Sections 3A-3L of this Act do not apply to:

(1) wells regulated under Chapter 27, Water Code;

(2) shallow wells, commonly known as relief wells, producing water solely to prevent hazardous sand boils, dewater surface construction sites, or relieve hydrostatic uplift on permanent structures and not used to provide a water supply for human consumption, agricultural use, manufacturing or industrial use, or water injection;

(3) those persons owning only one (1) well within the District, which well has a casing diameter of five (5) inches or less; and

(4) other wells with a casing diameter of five (5) inches or less that serve a single-family dwelling and that have a negligible effect upon subsidence within the District, provided that an exemption under this subdivision may be allowed only on application in the manner and according to the form prescribed by the Commissioners Court for applications.

Sec. 3L. (a) If it appears that a person has violated or is violating or threatening to violate Sections 3C-3K of this Act or any rule, regulation, permit, or order of the District, the District may have a civil suit instituted in a District Court within the District:

(1) for injunctive relief to restrain the person from continuing the violation or threat of violation;

(2) for the assessment and recovery of a civil penalty of not less than Fifty Dollars ($50) nor more than Five Thousand Dollars ($5,000) for each violation and for each day of violation; or

(3) for both injunctive relief and civil penalties.

(b) On application for injunctive relief and a finding that a person is violating or threatening to violate this Act or any rule, permit, or other order of the District, the District Court may grant the injunctive relief as the facts may warrant.

(c) At the request of the District, the Attorney General shall institute and conduct a suit in the name of the District for injunctive relief or to recover a civil penalty or for both injunctive relief and civil penalty as authorized by Subsection (a) of this section.

(d) The Commissioners Court is not required to post bond or other security with the court under this section.

SECTION 2. This Act takes effect September 1, 1983.

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.
SB 454, as amended, was read second time and was passed to third reading.

**SB 565 ON SECOND READING**

(Polk - House Sponsor)

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

SB 565, A bill to be entitled An Act relating to the certification of court reporters, deputy court reporters, and persons who engage in the practice of shorthand reporting in courts of this state, to the creation, membership, and powers and duties of the Court Reporters Certification Board, and to the powers and duties of the supreme court relating to the certifications of court reporters; amending Sections 1, 4, 5, 11, 13, 16, Subsections (b) and (d), Section 12, and adding Sections 5A and 16A, Chapter 438, Acts of the 65th Legislature, Regular Session, 1977 (Article 2324b, Vernon’s Texas Civil Statutes).

The bill was read second time.

(Speaker in the chair)

Representative Emmett offered the following amendment to the bill:

Amend SB 565 on p. 3 by striking:

“Appointments to the board shall be made with due regard to the race, creed, sex, religion and national origin of the appointees and geographical distribution of the members of the board.”

And substituting the following:

“Appointments to the board shall be made without regard to the race, creed, sex, religion or national origin of the appointees.”

(W. Hall in the chair)

The amendment was adopted without objection.

SB 565, as amended, was passed to third reading.

**SB 288 ON SECOND READING**

(Presnal - House Sponsor)

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

SB 288, A bill to be entitled An Act relating to an increase and/or change in the computation of fees, imposed or authorized, charges, assessments, deposits, and penalties charged and collected in connection with the powers and duties of certain state agencies, including the following: Texas Board of Private Investigators and Private Security Agencies; Railroad Commission of Texas; Texas Board of Architectural Examiners; State Board of Trustees, Teacher Retirement System of Texas; Texas Cosmetology Commission; Board of Tax Assessor Examiners; Commission on Fire Protection Personnel Standards and Education; Texas Department of Water Resources; State Department of Highways and Public Transportation; Texas Department of Labor and Standards; Texas Department of Health; Texas Department of Human Resources; Texas Structural Pest Control Board; Texas Motor Vehicle Commission; Department of Public Safety; State Board of Barber Examiners; General Land Office; School Land Board; Veterans Land Board; Texas Department of Mental Health and Mental Retardation; eliminating certain fees.

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

**COMMITTEE AMENDMENT NO. 1**

Amend SB 288 by deleting Section 3(a) and substituting in lieu thereof the following:

SECTION 3. (a) Title 112, Revised Statutes, is amended by adding Article 6447b to read as follows:

"Article 6447b. RECORDS RESEARCH FEE. The commission shall charge a person who requests an examination or search of commission records $5 for each one-half hour or fraction of one-half hour that a commission employee spends in the examination or search, unless the person requesting the search is representing the state or a county."

Committee Amendment No. 1 was adopted without objection.

Representative Geistweidt offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 2**

Amend SB 288 as follows:

(1) Adding new subsections (j) and (k) to Section 10 of the bill to read as follows:

(j) Section D, Article 6701-1/2, Revised Statutes, is amended to read as follows:

D. There shall also accompany the application for the permit a fee of Five Dollars ($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 made by cashiers or certified check, postal or express money order.]

(k) Section D, Article 6701a-2, Revised Statutes, is amended to read as follows:

D. There shall also accompany the application for permit a fee of $5, which fee shall be deposited by the [highway] department in the State Treasury to the credit of the State Highway Fund. [Said fee shall be paid by cashier's or certified check or postal or express money order.]

(2) Redesignate current subsections (j) and (k) of Section 10 of this bill as Subsections (l) and (m).

Committee Amendment No. 2 was adopted without objection.

Representative Pressmal offered the following amendment to the bill:

Amend SB 288 pg. 56-57 by striking subsections (b) and (c) of SECTION 20 and inserting in lieu thereof the following; and relettering subsection (d) of SECTION 20 as subsection (e):

"(b) Sections 4, 5, and 6, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes), are amended to read as follows:

Section 4. [(a)] The department shall make the safety standards it prescribes for protective headgear available to each manufacturer of protective headgear upon request of the manufacturer.

[(b)] Any manufacturer of protective headgear may apply to the department, on an application form prescribed by the department, for approval of the design specifications of protective headgear. The application shall be accompanied by a deposit of $15 for each design or model to be approved."
[(c) The department shall grant an application for approval of protective headgear if the specifications of the headgear conform to the standards prescribed under Section 6 of this Act. The department may recognize the American Association of Motor Vehicle Administrators Certificate of Equipment Approval as evidence that the minimum standards prescribed by the United States of America Standards Institute have been satisfied.

(d) When the department has reason to believe that an approved style or make of headgear being sold commercially does not comply with the standards prescribed under Section 6 of this Act, the department, to determine compliance with the standards, may conduct a hearing as prescribed under Subsections (d) and (e), Section 108B, Chapter 303, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d, Vernon’s Texas Civil Statutes).

Section 5. [The department shall compile a list naming each style and make of protective headgear approved by the department and make the list available upon request to the public and to persons who sell protective headgear.

Section 6.] Any peace officer may stop and detain any motorcycle operator or passenger for the purpose of inspecting his protective headgear to determine if the headgear is of a style and make that meets standards adopted by the department.

(c) If an application for approval of protective headgear is filed with the Department of Public Safety before the effective date of this section but is not approved before that date, the fee which accompanied the application shall be refunded to the applicant.

The amendment was adopted without objection.

SB 288, as amended, was passed to third reading. (Eikenburg, Uher, Ragsdale, Fox, and Schlueter recorded voting no)

SB 427 ON SECOND READING
(Bomer - House Sponsor)

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

SB 427, A bill to be entitled An Act relating to the continuation, operations, membership, grounds of removal of members, and powers and duties of the Texas State Library and Archives Commission, to the establishment and membership of the Records Management and Preservation Advisory Committee, to the establishment and funding of regional library systems, and to the abolition of the Records Preservation Advisory Committee; amending Title 89, Revised Statutes, as amended, by amending Articles 5434, 5434a, and 5435 and adding Articles 5435a and 5435b; amending Section 4, Preservation of Essential Records Act, as amended (Article 5441d, Vernon’s Texas Civil Statutes); amending Sections 2, 7, 8, and 9; Subsection (b), Section 14; Subsection (e), Section 17; adding Section 10A and changing the names of Chapters C and D, Library Systems Act, as amended (Article 5446a, Vernon’s Texas Civil Statutes).

(Speaker in the chair)

The bill was read second time.

Representative Heflin offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 427, by amending Sec. 1(a) lines 16 through 18 to read as follows: Appointments to the Commission shall be made without regard for the race, creed, sex, religion or national origin of the appointees.
Representative Bomer offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 427 to read as follows:
Amend SB 427 by striking lines 16-18 on page 2 and substituting the following:

Appointments to the Commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Representative Bomer offered the following amendment to the bill:

Amend SB 427 by striking, on page 14, line 14, "a majority" and substituting "two-thirds".

The amendment was adopted without objection.

Representative Bomer offered the following amendment to the bill:

Amend SB 427 by striking lines 22-26 on page 7 and lines 1-3 on page 8 and substituting the following:

"(1) each of the following officers or his designee:
(A) the Secretary of State;
(B) the State Auditor;
(C) the State Comptroller of Public Accounts;
(D) the Attorney General;
(E) the State Archivist; and
(F) the Executive Director of the State Purchasing and General Services Commission; and

(2) the executive head or, if the executive head so elects.

The amendment was adopted without objection.

Representative Bomer offered the following amendment to the bill:

Amend SB 427 as follows:

1. After Section 7, insert a new section, appropriately numbered, to read as follows:

SECTION ______. Section 15, Library Systems Act (Article 5446a, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Commission shall provide in its rules and regulations requirements that ensure that both the population served and the constituent member libraries are adequately represented in the conduct of system business relating to activities involved in the development of a plan of service and adequately represented on each major resource system advisory council. Rules and regulations adopted as required by this subsection do not apply to the governing board or board of directors of a regional library system, which boards are governed by applicable requirements of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes)."

2. Renumber subsequent sections accordingly.

The amendment was adopted without objection.
Representative Ragsdale offered the following amendment to the bill:

Amend SB 427, page 6, by adding a new subsection (c) to proposed Section 5 of Article 5435 to read as follows:

(c) The Commission shall prepare and maintain a written plan to assure the implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, age or national origin. The plan shall include:

1. a comprehensive analysis of all employees by race, sex, ethnic origin, class of position and salary or wage;
2. plans for recruitment, evaluation, selection, appointment, training, promotion, and other personnel policies;
3. steps reasonably designed to overcome any identified underutilization of minorities and women in the agency's workforce; and
4. objectives and goals, timetables for the achievement of those objectives and goals and assignments of responsibility for their achievement. The plan shall be filed with the Governor's office within sixty days of the effective date of this Act, cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor's office within thirty days of November 1 and April 1 of each year and shall include the steps taken by the agency during the reporting period to comply with the requirements of this subsection.

The amendment was adopted without objection.

Representative T. Smith offered the following amendment to the bill:

Amend SB 427 by inserting between "industry" and the period on page 2, line 26, "but is not prohibited from holding office in a professional archival association".

The amendment was adopted without objection.

SB 427, as amended, was passed to third reading. (A. Smith and Fox recorded voting no)

SB 368 ON SECOND READING

(Polk - House Sponsor)

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

SB 368, A bill to be entitled An Act relating to the continuation, administration, membership, and grounds for removal of members of the Council for Social Work Certification, to certain certification qualifications, and to powers and duties of the Texas Department of Human Resources; amending the Human Resources Code by amending Sections 50.004, 50.009, 50.015, 50.016, 50.019, 50.021, 50.023, and 50.032; by adding Subsections (d) and (e) to Section 50.006; and Sections 50.034 and 50.0061 to Chapter 50; and Subsection (c) to Section 50.014; and by repealing Subsection (b) of Section 50.017 and Subsection (b) of Section 50.022.

The bill was read second time.

Representative Tow offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 368 on page 5, line 2, by adding the following language:

"If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Resources."
Committee Amendment No. 1 was adopted without objection.

SB 368, as amended, was passed to third reading. (A. Smith recorded voting no; B. Barton recorded voting yes)

**HB 1505 ON THIRD READING**

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

**HB 1505**, A bill to be entitled An Act relating to housing projects subject to the jurisdiction of a housing authority; creating a penalty.

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

**HB 1619 ON THIRD READING**

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

**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 third time.

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

Amend **HB 1619** beginning on page 2, line 14, by deleting “promptly record notices filed under Subsection (a) of this article” and substituting “keep all notices filed under Subsection (a) of this article in a convenient file that is available to the public for examination during normal business hours. The clerk may dispose of the notices after the date of sale specified in the notice has passed”.

The amendment was adopted without objection.

**HB 1619**, as amended, was passed. (Hightower and Uher recorded voting no)

**HB 2298 ON THIRD READING**

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

**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.

A record vote was requested.

The bill was read third time and was passed by (Record 238): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Cervilla; Clark; Clemmons; Colbert; Collazo; Connolly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Gavín; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurty; Jackson; Jones; Keller; Kemp; Khourey; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKennna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millspa; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel;
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Robinson; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C); Hernandez.
Absent — Carriker; Emmett; Martinez, W.; Patrick; Robnett; Wallace.

**HB 2158 ON THIRD READING**

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

**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 third time and was passed. (Uher recorded voting no)

**HB 1344 ON THIRD READING**

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

**HB 1344**, A bill to be entitled An Act relating to jurisdiction over and regulation of certain entities by the State Board of Insurance.

A record vote was requested.

The bill was read third time and was passed by (Record 239): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnish; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomar; Buchanon; Burnett; Bush; Cain; Cary; Cavaos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delex; Denton; Eckels; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistwcidt; Gibson, B.; Gitson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Halcy; 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.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney, Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Raggsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).
Absent — Berlanga; Carriker; Edwards; Emmett; Parker; Patrick.

**HB 1128 ON THIRD READING**

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

**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.
A record vote was requested.

The bill was read third time and was passed by (Record 240): 142 Yeas, 0 Nays, I Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos, Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett, English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Gistweldt; Gibson, B.; Gibson, J.; Gille; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heil; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; 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; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswals; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).


Absent — Berlanga; Carriker; Danburg; Patrick; Rudd.

HB 517 ON THIRD READING

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

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 third time and was passed. (Oliver and Uher recorded voting no)

HB 493 ON THIRD READING

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

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 third time and was passed. (Patterson, G. Thompson, Wieting, McWilliams, Schluter, Hollowell, and Kubak recorded voting no)

HB 4 ON THIRD READING

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

HB 4, A bill to be entitled An Act relating to the holding of elections on uniform election dates.

The bill was read third time.
Representatives Willis, C. Evans, L. Hall, and Millsap offered the following amendment to the bill:

Amend HB 4, second reading engrossment, on page 5, line 27, by striking "400,000" and inserting "375,000".

The amendment was adopted without objection.

HB 4, as amended, was passed.

HB 1488 ON SECOND READING

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

HB 1488, A bill to be entitled An Act relating to the regulation of the formation and operation of risk retention groups; providing penalties.

The bill was read second time.

Representative Gavin offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1488 at the end of Sec. 4(a) of SECTION 1 of the bill on page 3, by striking the word "and" on line 24 and inserting the following new subsections after subsection 5:

(6) file with the commissioner not more than 30 days after filing with the insurance commissioner of another state in which it is chartered or of another state conducting any examination or investigation of its financial condition or impairment a copy of each and every document filed by it in connection with the examination or investigation; and

(7) file with the commissioner not more than 30 days after filing with the commissioner of another state in which it is chartered any document concerning its financial condition.

Committee Amendment No. 1 was adopted without objection.

Representative Wolens offered the following amendment to the bill:

Amend HB 1488 on page 4 line 19 by deleting the word "and" and replacing it with the word "or".

The amendment was adopted without objection.

HB 1488, as amended, was passed to engrossment.

HB 1068 ON SECOND READING

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

HB 1068, A bill to be entitled An Act relating to continuing legal education for the judges and personnel of the municipal courts.

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

HB 827 ON SECOND READING

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

HB 827, A bill to be entitled An Act relating to the disposition of interest earned on the separate fund accounts in the state treasury of public institutions of higher education.
The bill was read second time.

Representative Presnal offered the following amendment to the bill:

Amend HB 827 by adding thereto SECTION 2 as follows, and renumbering the subsequent SECTION 2 as SECTION 3:

"SECTION 2. Section 51.008(b), Texas Education Code, is amended to read as follows:

(b) The governing board of every state institution of higher education shall deposit in the state treasury all cash receipts accruing to any college or university under its control that may be derived from all sources except auxiliary enterprises, noninstructional services, agency, designated and restricted funds, endowment and other gift funds, student loan funds, and Constitutional College Building Amendment funds. The state treasurer is directed to credit such receipts deposited by each such institution to a separate fund account for the institution depositing the receipts, but he shall not be required to keep separate accounts of types of funds deposited by each institution. For the purpose of facilitating the transferring of such institutional receipts to the state treasury, each institution shall open in a local depository bank a clearing account to which it shall deposit daily all such receipts, and shall, not less often than every seven days, make remittances therefrom to the state treasurer of all except $500 of the total balance in said clearing account, such remittances to be in the form of checks drawn on the clearing account by the duly authorized officers of the institution, and no disbursements other than remittances to the state treasury shall be made from such clearing account. All money so deposited in the state treasury shall be paid out on warrants drawn by the comptroller of public accounts as provided by law."

The amendment was adopted without objection.

HB 827, as amended, was passed to engrossment.

HB 1677 ON SECOND READING

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

HB 1677, A bill to be entitled An Act relating to the protection of parental rights and to the standard of proof in suits affecting the parent-child relationship in which termination of the parent-child relationship is sought.

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

HB 544 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 544.

CSHB 544

A BILL TO BE ENTITLED
AN ACT
relating to liability for interference with child custody and to court orders providing for possession of or access to a child.

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

SECTION 1. Subtitle C, Title 2, Family Code, is amended by adding Chapter 36 to read as follows:
CHAPTER 36. CIVIL LIABILITY FOR INTERFERENCE WITH CHILD CUSTODY

Sec. 36.01. DEFINITIONS. In this chapter:
(1) "Court order" includes provisions in a decree or judgment and temporary and permanent orders of the courts of this and other states and nations.
(2) "Possessory interest in a child" means a right of possession of or access to a child and includes custody and visitation rights.

Sec. 36.02. LIABILITY FOR INTERFERENCE WITH CHILD CUSTODY. (a) A person who takes or retains possession of a child or who conceals the whereabouts of a child in violation of a court order that provides for possessory interests in a child may be liable for damages to the person who is denied a possessory interest in the child.
(b) The taking or retention of possession of a child or the child's concealment is a violation of a court order if it occurs at any time during which a person other than the person committing the act is entitled under the court order to a possessory interest in a child.
(c) Each person who aids or assists in conduct for which a cause of action is authorized by Subsection (a) of this section is jointly and severally liable for damages.
(d) A person who was not a party to the suit in which a court order was issued providing for possessory interests in a child is not liable under this chapter for a violation of the court order unless the person at the time of the violation:
(1) had actual notice of the existence and contents of the order; or
(2) had reasonable cause to believe that the child was the subject of a court order and that his actions were likely to violate the order.

Sec. 36.03. DAMAGES. (a) Damages under this chapter may include:
(1) the actual costs and expenses of the petitioner in locating a child who is the subject of the court order;
(2) the actual costs and expenses of the petitioner in recovering possession of the child, if the petitioner is entitled to possession of the child;
(3) the actual costs and expenses, including attorney's fees, of the petitioner in enforcing the court order that was violated;
(4) the actual costs and expenses, including attorney's fees, of bringing the suit under this chapter; and
(5) the value of mental suffering and anguish incurred by the petitioner because of a violation of the court order.
(b) If liability arises under Section 36.02 of this code and the person liable acted with malice or an intent to cause harm to the person who is denied a possessory interest in the child, the court or jury may award exemplary damages.

Sec. 36.04. AFFIRMATIVE DEFENSE. Affirmative defenses under this chapter include:
(1) that the person violated the order with the express consent of the petitioner; and
(2) that after receiving notice of violation under this section, the person promptly and fully complied with the order.

Sec. 36.05. VENUE. A suit under this chapter may be brought in any county where the petitioner or the respondent resides or in which a suit affecting the parent-child relationship concerning the child who is the subject of the court order may be brought.

Sec. 36.06. REMEDIES OF CHILD NOT AFFECTED. This Chapter does not affect any remedy available to the child for interference with child custody nor the power of a parent to represent the interest of a child in any suit brought on behalf of the child.
Sec. 36.07. NOTICE. (a) As a prerequisite to the filing of suit under this chapter, a person who has been denied a possessory interest in a child in violation of a court order shall give written notice of the specific violation of the order to the person violating the order.

(b) The notice shall be by certified or registered mail, return receipt requested, to the last known address of the person alleged to be in violation of the order.

(c) The notice shall include a statement of the intention of the sender to file suit no less than 30 days after the date of mailing unless the order is promptly and fully complied with.

(d) Notice need not be given to persons aiding or assisting in conduct for which a cause of action is authorized under this section.

(e) Evidence that notice has been given under this subsection may be introduced in any proceeding under this section.

Sec. 36.08. FRIVOLOUS SUITS. A person sued for damages under this section is entitled to recover attorney's fees and court costs if:

(1) the claim for damages is dismissed or judgment is awarded to the defendant; and

(2) the court or jury finds that the claim for damages is frivolous, unreasonable, or without foundation.

SECTION 2. Section 14.03, Family Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) In any decree providing for possessory interests in a child the court may, if it finds that it is in the best interests of the child because of a history of conflicts and difficulties in resolving the issue of conservatorship or possession of or access to the child, order any party to participate in counseling with persons appointed or approved by the court for the purpose of facilitating compliance with the court order. The court may order the party to pay the costs of counseling.

(f) On the motion of any party or on the court’s own motion, the court may order any person who has possessory interests in a child, and who the court finds may violate the court order relating to the possessory interests in a child, to file a bond or to place security with the court in an amount set by the court and conditioned on the faithful performance of the person's duties and obligations under the court order with respect to the possessory interests in a child.

SECTION 3. Section 14.09, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A suit for damages under Chapter 36 of this code may be joined with any proceeding under this section for the enforcement of a court order relating to the possession of or access to a child.

SECTION 4. Section 46.004, Human Resources Code, is amended to read as follows:

Sec. 46.004. SERVICES FOR PERSONS NOT RECEIVING ASSISTANCE (FEES). (a) The department, on request may provide parent locator, child support collection, or paternity determination services available to a person other than an applicant for or recipient of financial assistance under Chapter 31 of this code. The department may charge a reasonable application fee and recover costs for the services provided.

(b) In its administration of the federal Parent Locator Service for the enforcement or determination of child custody in cases of parental kidnapping of a child, the department shall provide parent locator services to a person who presents evidence to the department showing that the person is entitled to possession of a child under a court order but is unable to locate the child because of the taking or retaining of possession of the child or concealment of the whereabouts of the child in violation of the court order. The department may charge a reasonable application fee and recover costs for the services provided.
SECTION 5. This Act takes effect September 1, 1983.

SECTION 6. 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 544 was read second time.

Representative Bush offered the following amendment to CSHB 544:

Amend CSHB 544 in the following manner:
1. On page 3, line 15, delete "OF CHILD".
2. On page 3, line 16, insert "other civil or criminal" after "any".
3. On page 3, line 16, insert "any person, including" after "to" and ",," after "child".
4. On page 3, line 17, insert "does it affect" after "nor".

The amendment was adopted without objection.

CSHB 544, as amended, was passed to engrossment.

HB 547 - POSTPONED

Representative Bush moved that consideration of HB 547 be postponed until Friday, April 29, at 9 a.m.

The motion prevailed without objection.

HB 1213 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1213.

CSHB 1213

A BILL TO BE ENTITLED
AN ACT
relating to political contributions involving certain judicial offices.

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

SECTION 1. Chapter 14, Texas Election Code, is amended by adding Section 239d to read as follows:

239d. RESTRICTION ON CONTRIBUTIONS INVOLVING JUDICIAL OFFICES. (a) This section applies to contributions involving the office of judge or justice of any appellate court, district court, statutory county court, or constitutional county court performing judicial functions.

(b) It is unlawful for a person to make a contribution to a candidate for a judicial office covered by this section, or to a specific-purpose political committee that supports such a candidate, at a time other than during the period beginning October 1 of the year immediately preceding the year of the election for the office and ending December 31 of the election year.

(c) It is unlawful for a candidate for a judicial office covered by this section or a specific-purpose political committee that supports such a candidate to accept a contribution at a time other than during the period prescribed by Subsection (b) of this section.

SECTION 2. Section 239b, Texas Election Code (Article 14.03b, Vernon's Texas Election Code), is amended by adding Subsection (d) to read as follows:

(d) This section does not apply to contributions involving the offices of chief justice or justice, supreme court, or presiding judge or judge, court of criminal appeals.
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.

(Speaker pro tempore in the chair)

CSHB 1213 was read second time and was passed to engrossment. (Hernandez and Barrientos recorded voting no)

HB 1056 ON SECOND READING

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

HB 1056, A bill to be entitled An Act relating to specific enforcement of agreements to arbitrate future disputes.

The bill was read second time.

Representative Keller offered the following amendment to the bill:

Amend HB 1056 by adding a new SECTION 3 immediately after SECTION 2 to read as follows and renumber the succeeding SECTIONS in consecutive numerical sequence:

"SECTION 3. The provisions of this Act apply only to written arbitration agreements between members of associations or corporations which are exempt from the payment of federal income taxes pursuant to SECTION 501(c) of the U.S. Internal Revenue Code."

The amendment was adopted without objection.

HB 1056, as amended, was passed to engrossment. (Bush recorded voting no)

HB 1409 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1409.

CSHB 1409

A BILL TO BE ENTITLED
AN ACT
relating to the authority of certain cities to impose a hotel occupancy tax; providing for authorized uses of revenues derived from the tax imposed; amending Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended, (Article 1269j-4.1, Vernon's Texas Civil Statutes) is amended by adding a new Section 3g to read as follows:

"Sec. 3g. (a) For purposes of this section and in addition to the definitions contained in Section 3d of this Act which apply to this section:

(1) "City" means any city having a population of at least 900,000, according to the last preceding federal census, that has adopted a council-manager form of government.

(2) "Convention Center Complex" means public structures, such as civic centers, civic center buildings, auditoriums, exhibition halls, coliseums, or other city buildings, that are suitable for use as convention and exposition facilities, and parking facilities, located at or in the immediate vicinity of such public
structures, to be used in connection with those public structures for off-street parking or storage of motor vehicles or other conveyances.

(b) In lieu of the taxes authorized by Section 3a of this Act, the city may levy by ordinance on the cost of occupancy of any sleeping room furnished by any hotel, in which the cost of occupancy is $2 or more a day, a tax not to exceed five percent of the consideration paid by the occupant of the sleeping room to the hotel.

(c) If the city levies and collects a tax in excess of four percent under the provisions of this section, it shall reserve that portion of the tax revenues which are derived from the percentage of the tax in excess of four percent solely for the following purposes:

1. No more than 65 percent to:
   (A) constructing, improving, enlarging, equipping, and repairing the Convention Center Complex; or
   (B) pledging payment of revenue bonds and revenue refunding bonds issued pursuant to this Act for the Convention Center Complex;

2. At least 35 percent to advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities and promoting tourism and advertising of the city either by the city or through contract with persons or organizations selected by the city.

(d) Revenue received under this section not in excess of four percent may be used by the city as provided by Section 3c of this Act.

Sec. 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 1409 was read second time.

Representative Jackson offered the following amendment to CSHB 1409:

Amend CSHB 1409 as follows:

1. On page 2, line 1, strike “In lieu of” and substitute “The City is not authorized to levy”.

2. On page 2, line 2, strike “the city” and substitute “but instead”.

The amendment was adopted without objection.

Representatives Pennington and Green offered the following amendment to CSHB 1409:

On Page 1, line 15 insert a period after the word “census” and the words that follow in line 15 and 16.

On page 2, after line 25, insert the following as a part of Section 1.

1. An eligible city may not pledge to the payment of revenue bonds and revenue refunding bonds issued pursuant to this Act all or any portion of the revenues derived from the occupancy tax described heretofore unless such bonds have been authorized by a majority vote of the qualified voters of the eligible city voting in an election called and held for that purpose.

2. An eligible city is prohibited from allocating, spending, or using all or any portion of revenues derived from the General Revenue Fund for the establishment, acquisition, purchase, construction, improvement, enlargement, equipment, repair, operation, or maintenance of convention and exposition facilities.

Representative Jackson moved to table the Pennington-Green amendment. The motion to table prevailed.
Representative Whaley offered the following amendment to CSHB 1409:
Amend CSHB 1409 by striking the figure “900,000” on page 1, line 15 and substituting the figure “100”.

Representative Jackson moved to table the Whaley amendment.

The motion to table prevailed.

CSHB 1409, as amended, was passed to engrossment. (A. Smith recorded voting no)

HB 470 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 470.

CSHB 470

A BILL TO BE ENTITLED
AN ACT

relating to registration of antique motor vehicles.

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

SECTION 1. Section 5a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5a. Passenger cars and trucks that were manufactured in 1925 or before, or which become twenty-five (25) [thirty-five (35)] or more years old, shall be excepted from the annual license fee for registration otherwise provided by law upon written, sworn application by the owner thereof on a form furnished by the Department. Such application shall show the make, body style, motor number, age of such passenger car or truck, and any other information required by the Department, and shall also state that the passenger car or truck is a collector's item and will be used solely for exhibitions, club activities, parades, and other functions of public interest, and in no case for regular transportation, and will carry no advertising. The [Provided that this Act shall become effective April 1, 1928, and the] Department shall issue license plates which shall contain the words “Antique Auto” or “Antique Truck” and which are valid for a maximum period of [to be renewed every] five (5) years thereafte]. Alternatively, the Department may allow antique license plates to be used on an antique car or truck if the owner of the car or truck presents the antique license plates to the Department for approval and the antique license plates were issued by this state in the same year as the model year of the car or truck. If antique license plates are used on a car or truck, the Department shall issue to the owner a symbol, valid for a maximum period of five (5) years, to be placed on one of the license plates, as determined by the Department, designating the year in which the car or truck was registered under this section. The registration fee for the five (5) year period for passenger cars and trucks qualifying under this Act which were manufactured in 1921 and subsequent years shall be Twenty-five Dollars ($25.00) and shall be reduced Five Dollars ($5.00) for each year of the period that has fully expired at the time of the application, and the fee for the registration of cars and trucks manufactured in 1920 and prior years shall be Fifteen Dollars ($15.00) for the five year period and shall be reduced Three Dollars ($3.00) for each year of the five year period that has fully expired at the time of the application. Provided further, that upon such application and upon payment of the proper fee to the County Tax Assessor-Collector of the county in which the owner resides, the Department shall furnish such license plates or a symbol and receipts which shall be issued to the owner and such plates or symbol shall be valid without
renewal for the period for which the car or truck is registered [until the expiration date shown upon the plates], provided such vehicle continues to be owned by the same owner. It is further provided that in the event the vehicle is transferred to another owner, or is junked, destroyed, or otherwise ceases to exist, the registration and plates or symbol shall become null and void and any plates or symbol issued under this section shall be sent immediately to the Department. It is further provided that the Tax Assessor-Collector shall not renew the registration of any such vehicle until the registered owner surrenders to him any [the] license plates or symbol and receipt that were issued for such vehicle for the previous period. In the event [the] license plates issued under this section become lost, stolen, or mutilated, the owner may secure replacement plates by executing an affidavit and application on a form furnished by the Department and by the payment of the fee prescribed in Section 13a of this Act [this section]. Any owner of a passenger car or truck registered under the provisions of this section who violates any of the provisions herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars ($5.00) and not more than Two Hundred Dollars ($200.00).

SECTION 2. This Act takes effect September 1, 1983.

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.

CSHB 470 was read second time and was passed to engrossment.

HB 720 ON SECOND READING

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

HB 720, A bill to be entitled An Act relating to the microfilm preservation of records made or received by local governments.

The bill was read second time.

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

COMMITTEE AMENDMENT NO. 1

Amend HB 720 by striking Section 11 and substituting in lieu thereof the following:

"Sec. 11 [(a)] (a) All laws in conflict with the provisions of this Act are hereby repealed to the extent of the [such] conflict.

(b) Section 8 of Article 5442c, Vernon's Texas Civil Statutes, is hereby repealed."

Committee Amendment No. 1 was adopted without objection.

Representative Hilbert offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend HB 720, Sec. 1. (8), as follows:

Sec. 1. (8) "Security copy" means the original camera microfilm negative that conforms to the specifications of the American National Standards Institute for archival quality and that is preserved as a master copy in a location, separate from the location of the original record and duplicate microfilm copies, that is secure from fire and burglary and in which constant archival environmental conditions are maintained.

Committee Amendment No. 2 was adopted without objection.
Representative A. Hill offered the following committee amendment to the bill:

COMMITEE AMENDMENT NO. 3

Amend HB 720, Sec. 5. (a), as follows:

Sec. 5. (a) County Commissioners, city councils, the other custodians of public records, and private parties may offer, and the Texas Library and Historical Commission may accept, historical resources for preservation and retention in a depository. Documents filed as exhibits or discovery instruments in county, district, or justice courts, and recorded instruments not created for the purpose of being maintained in a county or district office, which are undeliverable to the parties entitled to take possession of them, may be transferred to the State Library or destroyed after the period of time set by law.

Committee Amendment No. 3 was adopted without objection.

HB 720, as amended, was passed to engrossment.

HB 736 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 736.

CSHB 736

A BILL TO BE ENTITLED
AN ACT
relating to evidence of, exemptions from, and disposition of fees collected as a result of compulsory liability insurance for certain vehicles.

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

SECTION 1. Sections 1A, 1B, 1D, 1F, and 1G, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon’s Texas Civil Statutes), are amended to read as follows:

Sec. 1A. (a) On and after January 1, 1982, no motor vehicle may be operated in this State unless a policy of automobile liability insurance in at least the minimum amounts to provide evidence of financial responsibility under this Act is in effect to insure against potential losses which may arise out of the operation of that vehicle.

(b) The following vehicles are exempt from the requirement of Subsection (a) of this section:

(1) vehicles exempt by Section 33 of this Act;

(2) vehicles for which a bond or certificate of deposit of money or securities in the minimum amount of Twenty-five Thousand Dollars ($25,000) is on file with the Department as provided by Section 24 of this Act, or for which a certificate has been obtained from the State Treasurer stating that the owner and/or operator has deposited with the State Treasurer Twenty-five Thousand Dollars ($25,000) in cash or securities as provided by Section 25 of this Act. Such bond or deposit may be filed in lieu of carrying automobile liability insurance where proof is required;

(3) vehicles that are self-insured under Section 34 of this Act;

(4) vehicles that are both registered to and operated by persons who are residents of this State, except for those vehicles that are primarily operated in this State; and

(5) implements of husbandry.

(c) An out-of-state vehicle or driver exempt from the compulsory insurance requirement by Subsection (b) of this section may be proceeded against under this Act after involvement in an accident in this State in which death, personal injury, or damage to the property of any person other than himself or herself is sustained.
Sec. 1B. (a) On and after January 1, 1982, every owner and/or operator in the State of Texas shall be required, as a condition of driving, to furnish, upon request, information concerning evidence of financial responsibility to a law enforcement officer of the State of Texas or any subdivision thereof, or agent of the Department, or to another person involved in an accident.

(b) The following evidence of financial responsibility satisfies the requirement of Subsection (a) of this section:

1. A liability insurance policy in the minimum limits required by this Act or a photocopy of that policy;
2. A written instrument issued by a liability insurer that includes:
   A. The name of the insurer;
   B. The insurance policy number;
   C. The policy period;
   D. The name of the insured; and
   E. The policy limits or a statement that the coverage of the policy complies with the minimum amount of liability insurance required by this Act;
3. An insurance binder that confirms to the satisfaction of a law enforcement officer or an agent of the Department that the owner and/or operator is in compliance with this Act; or
4. A copy of a certificate issued by the Department showing that the vehicle is covered by self-insurance.

Sec. 1D. It is a defense to prosecution under this Act if the person charged produces in court an automobile liability insurance policy or a certificate of self-insurance previously issued to that person that was valid at the time that the offense is alleged to have occurred and the charge shall be dismissed. [Failure to give information as required in Section 1B, or the giving of information which is false, will raise a rebuttable presumption of failure to maintain financial responsibility.]

Sec. 1E. A conviction of failure to maintain financial responsibility shall also carry a suspension of driver's license and motor vehicle registration unless the defendant establishes and maintains proof of financial responsibility for five years from the date of conviction. The requirement for filing proof of financial responsibility may be waived if satisfactory evidence is filed with the Department that the party convicted was at the time of arrest covered by a policy of liability insurance or was otherwise exempt as provided in Sec. 1A(b) of this Act.

Sec. 1F. Fees collected under the provisions of this Act shall be deposited in the Operator's and Chauffeur's License Fund, shall be segregated, and are permanently dedicated (and are hereby appropriated) to the Department of Public Safety for the purpose of defraying the expenses necessary for administration of the Act, including but not limited to the employment of necessary clerical, administrative, and enforcement personnel and for defraying the necessary expenses incident to travel, equipment rental, postage, printing of necessary forms, and purchase of all necessary furniture, fixtures, and equipment.

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 736 was read second time and was passed to engrossment.

HB 896 - RULES SUSPENDED

Representative Criss moved to suspend the 48-hour subcommittee report rule to allow the Committee on Labor and Employment Relations to consider HB 896. The motion prevailed without objection.
HB 1138 AND HB 763 - RULES SUSPENDED
Representative Coody moved to suspend the 48-hour subcommittee report rule to allow the Committee on Financial Institutions to consider HB 1138 and HB 763.

The motion prevailed without objection.

SB 405 AND SB 106 - RULES SUSPENDED
Representative Coody moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider SB 405 and SB 106.

The motion prevailed without objection.

HB 1641 - RULES SUSPENDED
Representative Keller moved to suspend the 5-day posting rule to allow the Committee on Law Enforcement to consider HB 1641.

The motion prevailed without objection.

SB 1207 AND HB 2160 - RULES SUSPENDED
Representative Haley moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider SB 1207 and HB 2160.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING
The following house bills were today laid before the house, read first time and referred to committees:

By Eckels:
HB 2398, A bill to be entitled An Act relating to the creation of an offense involving a card or document falsely identifying a person as a law enforcement officer.
To Committee on Law Enforcement.

By Armbrister:
HB 2399, A bill to be entitled An Act relating to the creation of the County Court at Law No. 1 of Calhoun County and to membership on the county juvenile board of the judge of that court.
To Committee on Judicial Affairs.

RESOLUTIONS REFERRED TO COMMITTEES
The following resolutions were laid before the house and referred to committees:

SCR 95, Commending Mrs. Lady Bird Johnson.
To Committee on Rules and Resolutions.

By W. Hall:
HCR 196, In memory of Samuel A. Yates.
To Committee on Rules and Resolutions.

By Pennington:
HCR 197, Calling upon the Houston Metropolitan Transit Authority to submit to a state audit.
To Committee on Transportation.
By W. Martinez:
HR 297, Congratulating the musicians honored by the Tejano Music Awards.
To Committee on Rules and Resolutions.

By Clark:
HR 298, Honoring M. N. "Cotton" Robinson.
To Committee on Rules and Resolutions.

CORRECTIONS IN REFERRALS

SB 703, relating to the duties of the Family Practice Residency Advisory Committee was inadvertently referred to the Committee on Public Education. The chair, after consultation with author and chairman of the respective committees, now corrects the referral of SB 703 to the Committee on Higher Education.

HJR 80, proposing a constitutional amendment to authorize the granting and enforcement of common expense assessment license on homesteads that are condominiums was inadvertently referred to the Committee on Financial Institutions. HB 1456, relating to the same subject matter, was referred to the Committee on Business and Commerce. The chair, after consultation with author and chairman of the respective committees, now corrects the referral of HJR 80 to the Committee on Business and Commerce.

HR 300 - ADOPTED

Representative L. Hall moved that all necessary rules be suspended to take up and consider at this time, HR 300.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By L. Hall:
HR 300, Honoring Birdville Baptist Church.

The resolution was adopted without objection.

HCR 197 - ADOPTED

Representative Pennington moved that all necessary rules be suspended to take up and consider at this time, HCR 197.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Pennington:
HCR 197, Calling upon the Houston Metropolitan Transit Authority to submit to a state audit.

The resolution was adopted without objection. (Luna recorded voting no)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, Subcommittee on HB 2076, on adjournment today, Desk 110, to consider HB 2076.

Public Health, on adjournment today, Desk 65, to consider HB 796.

Public Health, Subcommittee on HB 436, on adjournment today, Desk 51, to consider HB 436.
Retirement and Aging, Subcommittee on HB 812, on adjournment today, Desk 145, to consider HB 812.

Higher Education, Subcommittee on SB 764 (HB 1337) and HB 980, on adjournment today. Desk 110, to consider HB 1337 and HB 980.

State Affairs, Subcommittee on HB 400, HB 512, HB 850, HB 1780, HB 1921, and HB 2376, on adjournment today. Desk 47, to consider HB 400, HB 512, HB 850, HB 1780, HB 1921, and HB 2376.

Human Services, Subcommittee on HB 1274, on adjournment today. Desk 125, to consider HB 1274.

Law Enforcement, on adjournment today. Room G-A, Reagan Building, to consider SB 1152.

State Affairs, Subcommittee on HB 585, on adjournment today, Desk 79, to consider HB 585.

Judiciary, on adjournment today, Old Supreme Court room, to consider SB 439.

Judiciary, Subcommittee on HB 58, on adjournment today, Desk 8, to consider HB 58.

Public Education, on adjournment today, Room C, Reagan Building.

Transportation, Subcommittee on SB 284, on adjournment today. Room 100-B, Reagan Building, to consider SB 284.

ADJOURNMENT

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

The motion prevailed without objection.

The house accordingly, at 4:35 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:

Agriculture and Livestock - HB 1511
Appropriations - HB 774, HB 2300, SB 501, SB 817, SB 1050
County Affairs - SB 257
Environmental Affairs - HB 2061
Financial Institutions - SB 36, SB 596, SB 1027
Higher Education - HB 598, HB 793, HB 831, HB 1245, HB 2353, SB 517, SB 697, SB 1227
Human Services - HB 916, HB 1732, HCR 83, HCR 156, HCR 161, HCR 162, SB 371
Judicial Affairs - HB 1307, HB 2057, HB 2307
Natural Resources - HB 285
Public Education - HB 733, HB 1257, HCR 113, SB 326, SB 384, SJR 12
Public Health - HB 1971, HB 1973, HCR 131, HCR 157, SCR 4
State Affairs - HB 828, HB 1180, HB 1645, HB 1722, HB 1909, HB 2196, SB 215, SB 370
State, Federal, and International Relations - SB 769
Transportation - HB 1114
Urban Affairs - HB 1838, HB 1987, HB 2092

ENGROSSED
April 26 - HB 149, HB 520, HB 521, HB 634, HB 701, HB 1406, HB 1828, HB 1255

SENT TO THE GOVERNOR
April 26 - HCR 43, HCR 49, HCR 66, HCR 74, HCR 150, HCR 155, HCR 164, HCR 167, HCR 168, HCR 169, HB 166, HB 600, HB 687, HB 691, HB 1214

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

HB 517 - Toomey
HB 1052 - A. Hill
HB 1438 - Schoolcraft
HB 2391 - Blanton
HJR 61 - A. Hill
HJR 91 - B. Barton, Carriker, Crockett
HCR 181 - W. Martinez
HCR 182 - Pennington, Patronella, Luna, A. Moreno, English, T. Hall, Peveto, S. Thompson, Danburg, Toomey, E. Barton, Gilley, Polk, Glossbrenner, G. Hill, Hury

HB 1154 - COAUTHOR WITHDRAWN
In accordance with the provisions of Rule 8, Section 5 of the House Rules, the journal clerk has been notified that Representative Edwards desires to withdraw as coauthor of HB 1154.

RECOMMENDATION OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER

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

April 26 - HB 2368