The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 247).

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

Absent, Excused — Bomer; Price; Short; Taw; Wright.

The invocation was offered by Representative Stiles.

LEAVES OF ABSENCE GRANTED

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

Price on motion of Buchanan.

Taw on motion of Kemp.

Wright on motion of Khoury.

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

Short on motion of Russell.

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

Bomer on motion of Staniswalis.

HR 315 - ADOPTED

Representative S. Hudson moved that all necessary rules be suspended to take up and consider at this time, HR 315.
The motion prevailed without objection.

The speaker laid before the house the following resolution:

By S. Hudson:

HR 315, Welcoming Mrs. Mary I. D. E. Maitum, Mr. Ronald T. Nhlapo, Dr. Barthazar Aloys Rwezaura, and Mr. Sani Abdullahi Tofa and their escort, Ms. Jacquelyn Costa-Horsey, to Texas.

The resolution was read and was adopted.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 315 as signers thereof.

INTRODUCTION OF GUESTS FROM AFRICA

Speaker Lewis recognized Representative S. Hudson who introduced the following guests from the African Leaders Program, administered by Operation Crossroads Africa: Mrs. Mary I. D. E. Maitum, Mr. Ronald T. Nhlapo, Dr. Barthazar Aloys Rwezaura, and Mr. Sani Abdullahi Tofa and their escort, Ms. Jacquelyn Costa-Horsey.

The guests addressed the house briefly.

MESSAGE FROM THE SENATE

Austin, Texas, April 29, 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 96 by Parmer, declaring the week of May 8-14, 1983, as “Senior Citizens Centers Week.”

SB 179 by Jones, appropriating money for the support of the Judicial, Executive and Legislative Branches of State Government; and declaring an emergency.

SB 381 by Vale, relating to the licensing and regulation of home health agencies.

SB 567 by Jones, relating to contributions to the Teacher Retirement System of Texas.

SB 583 by Whitmire, relating to fees charged by local health departments that administer public health services.

SB 635 by Brooks, et al., relating to the prohibition of certain discrimination against physicians on the basis of academic medical degree.

SB 656 by Howard, relating to the appointment of a trustee to operate convalescent and nursing homes.

SB 799 by Parker, relating to student services fees at certain institutions of higher education.

SB 801 by Uribe, et al., relating to changing the name of the Harlingen State Chest Hospital to the South Texas Hospital.

SB 802 by Brown, relating to the surrender, obtaining and designation of certificates of title to certain motor vehicles.

SB 866 by Lyon, relating to the creation and dissolution of public nonprofit corporations to aid in financing agricultural enterprises and facilities.
SB 872 by Jones, relating to the authorization under the Uniform Reciprocal Enforcement of Support Act for a court to order a deduction from certain child support payments.

SB 901 by Traeger, relating to regulation of the fitting and dispensing of hearing aids.

SB 910 by Caperton, relating to hazardous duty pay for parole officers and certain employees or officials of the Board of Pardons and Paroles.

SB 920 by Leedom, relating to the authority of the Texas Department of Human Resources to set and charge a fee for providing certain services.

SB 923 by Doggett, relating to the regulation of lobbying.

SB 1047 by Vale, relating to the collection of fees by the Texas Department of Health.

SB 1076 by Truan, relating to requiring agricultural laborers to use certain prohibited tools in certain commercial farming operations.

SB 1181 by Caperton, relating to the establishment and use of an engineering excellence fund.

SB 1306 by Glasgow, relating to the application of the Professional Prosecutors Act.

SB 1328 by Brooks, relating to loans, grants or scholarships granted by the State Rural Medical Education Board.

Respectfully,
Betty King
Secretary of the Senate

HR 301 - ADOPTED

Representative Messer moved that all necessary rules be suspended to take up and consider at this time, HR 301.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Messer:

HR 301, Congratulating J. W. "Red" and Rudell Kelley.

The resolution was adopted without objection.

HB 2402 - PERMISSION TO INTRODUCE

Representative P. Hill moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2402.

The motion prevailed by (Record 248): 126 Yeas, 0 Nays, 1 Present, not voting.

Yea - Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Burnett; Bush; Carriker; Ceverha; Clark; Clemons; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Salinas; Saunders;
CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

The speaker laid before the house the following congratulatory and memorial resolutions:

By S. Hudson:
  **HR 213**, In memory of William Zale.
  The resolution was unanimously adopted by a rising vote.
  On motion of Representative S. Hudson, the names of all the members of the house were added to **HR 213** as signers thereof.

By Edwards:
  **HR 214**, Honoring the Reverend E. Stanley Branch.
  The resolution was adopted without objection.
  On motion of Representative S. Hudson, the names of all the members of the house were added to **HR 214** as signers thereof.

By Clemons:
  **HR 254**, Congratulating the Sabine County Reporter.
  The resolution was adopted without objection.

By W. Hall:
  **HR 255**, In memory of Arthur Wilton Lang.
  The resolution was unanimously adopted by a rising vote.
  On motion of Representative W. Hall, the names of all the members of the house were added to **HR 255** as signers thereof.

By Polumbo, et al.:
  **HR 257**, Congratulating Mrs. Sandy Sheats.
  The resolution was adopted without objection.
  On motion of Representative Watson, the names of all the members of the house were added to **HR 257** as signers thereof.

By A. Moreno:
  **HR 262**, In memory of Raymundo (Ray) Hernandez.
  The resolution was unanimously adopted by a rising vote.

By A. Moreno:
  **HR 263**, Congratulating Julian Garcia.
  The resolution was adopted without objection.

By Edwards:
  **HR 264**, Congratulating the Honorable Harold Washington of Chicago.
  The resolution was adopted without objection. (Ceverha, Rudd, and Kuempel recorded voting no)
On motion of Representative Edwards, the names of all the members of the house were added to HR 264 as signers thereof.

By Waldrop:
HR 266, Congratulating the Corsicana High School football team.
The resolution was adopted without objection.

By W. Harrison:
HR 267, Commending John L. Stallings.
The resolution was adopted without objection.

By Denton:
HR 268, In memory of Edward "Boots" Johnson.
The resolution was unanimously adopted by a rising vote.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 268 as signers thereof.

By Robinson:
HR 269, Commending Charlie Faupel.
The resolution was adopted without objection.

By Schlueter:
HCR 172, Welcoming the National Grange Convention to San Antonio.
The resolution was adopted without objection.

By Mankins:
HCR 175, Commending the KYKX Radio Station.
The resolution was adopted without objection.

By Mankins:
HCR 176, Congratulating the Stoudt Distributing Company.
The resolution was adopted without objection.

By Geistweit:
HCR 179, Commending the Fredericksburg Volunteer Fire Department.
The resolution was adopted without objection.

SCR 55, In memory of E. W. Rowland.
The resolution was unanimously adopted by a rising vote.

SCR 74, In memory of the Honorable Jerry Mebus.
The resolution was unanimously adopted by a rising vote.

(Carriker in the chair)

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time and passed to third reading: (Members registering votes are shown following the caption)

SB 499 (Robinson - House Sponsor), A bill to be entitled An Act relating to the election and terms of directors of the Lavaca Hospital District; amending Section 4, Chapter 16, Acts of the 64th Legislature, Regular Session, 1975.

HB 1340, A bill to be entitled An Act relating to validation of the boundaries of the Forest Cove Municipal Utility District and elections held in the district.
Representative Buchanan offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1340 as follows:
In SECTION 1, Subsection (a) reverse lines 23 and 26 of page four. That is line 23 of page four should read as follows:
  a central angle of 22 deg 58 min 03 sec;
Line 26 of page four should read:
  a central angle of 28 deg 10 min 51 sec;
Committee Amendment No. 1 was adopted without objection.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time and passed to third reading: (Members registering votes are shown following the caption)

SB 99 (Khoury - House Sponsor), A bill to be entitled An Act relating to juvenile court orders for family counseling; amending Subsection (a), Section 54.041, Family Code, as amended.
Representative J. Gibson offered the following amendment to the bill:
On page 1, line 23, before word “order” add “after notice and a hearing of all persons affected”.
The amendment was adopted without objection.

SB 173 (Peveto - House Sponsor), A bill to be entitled An Act relating to an aggravated or deadly assault on a jailer or a guard; amending Subsection (a), Section 22.02, as amended, and Section 22.03, as amended, Penal Code.

SB 357 (Buchanan - House Sponsor), A bill to be entitled An Act relating to annexation of county territory by certain junior college districts and to duties of the governing boards of such districts; amending Subchapter D, Chapter 130, Texas Education Code, by adding Section 130.072.

SB 500 (B. Gibson - House Sponsor), A bill to be entitled An Act relating to the administration, collection, and enforcement of the state inheritance tax and to the due dates for filing certain returns and payment of taxes and to liability of certain persons; amending the Tax Code, as amended, by amending Sections 211.103, 211.105, 211.106, and 211.201 and Subsection (a) of Section 211.259 and by repealing Sections 211.252 through 211.257.

SB 555 (Staniswalis - House Sponsor), A bill to be entitled An Act relating to voting absentee because of a death in the immediate family occurring after the expiration of the regular period for absentee voting; adding Subdivision 3i to Section 37, Texas Election Code, as amended (Article 5.03, Vernon’s Texas Election Code).

SB 570 (Valles - House Sponsor), A bill to be entitled An Act relating to the motor fuel tax requirement of surety bonds for interstate truckers; amending Sections 153.116; 153.218; Subsection (c), Section 153.112; and Subsection (c), Section 153.215, Tax Code.

SB 580 (Shea - House Sponsor), A bill to be entitled An Act relating to penalties and interest on certain taxes administered by the comptroller of public accounts on assessments on certain public utilities and for failure to file certain reports; amending Sections 111.060, 153.401, 155.026, 182.102, 191.087, 201.351, 202.301, 203.101, 211.258, 152.041, and 152.066; Subsections (a) and (b), Section
April 29, 1983  HOUSE JOURNAL  1413

152.121; Subsections (a) and (b), Section 181.104, Tax Code, as amended; repealing Section 182.101, Tax Code; amending Section 79, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

SB 581 (Schlueter - House Sponsor), A bill to be entitled An Act relating to limitations on the collection and refunds of state taxes administered by the comptroller and to the filing and release of state tax liens; amending Subsections (a) and (d) and adding Subsection (e) to Section 111.203; amending Section 111.205; Subsection (b), Section 113.009; adding Subsection (d) to Section 111.207; and Subsection (c) to Section 112.051, Tax Code.

SB 588 (Laney - House Sponsor), A bill to be entitled An Act relating to the authority of water control and improvement districts to enter into certain contracts; amending Section 51.149 and repealing Sections 51.150 through 51.155, Water Code.

SB 594 (Coody - House Sponsor), A bill to be entitled An Act relating to the application of sales and use tax to parts and accessories added to manufactured houses that are subject to the manufactured housing tax and relating to credits or refunds for sales in interstate commerce; providing penalties; amending the Tax Code by adding Subsection (c) to Section 158.154, Subsection (c) to Section 158.151, and a new subsection to Subchapter B, Chapter 158.

(Bush - no)

SB 614 (Laney - House Sponsor), A bill to be entitled An Act relating to the period of validity of certain motor fuel tax decals and permits, to refunds for unused portions of certain advanced taxes paid, and to the determination of the tax liability in the first year after the issuance of a liquefied gas tax decal; amending Subsection (b), Section 153.305; Subsection (c), Section 153.307; Subsection (e), Section 153.215; Subsection (b), Section 153.223; and Subsection (b), Section 153.311, Tax Code.

SB 637 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the issuance of warrants to persons owing certain delinquent taxes; amending Article 4350, Revised Statutes, as amended.

SB 663 (G. Hill - House Sponsor), A bill to be entitled An Act relating to certain probate court fees collected by county clerks and clerks of county courts; amending Section 1, Article 3930(b), Revised Statutes.

SB 683 (Keller - House Sponsor), A bill to be entitled An Act relating to discharge from the Texas military forces; amending Section 6, Article 5765, Revised Statutes.

SB 684 (Keller - House Sponsor), A bill to be entitled An Act relating to the law regulating enlistments and appointments in the Texas National Guard; amending Section 5, Article 5782, Revised Statutes.

SB 685 (Keller - House Sponsor), A bill to be entitled An Act relating to compensation for a member, or the survivors of a member, of the Texas military forces if the member is killed or disabled while performing state military duty and to reimbursement for funeral expenses; amending Subsections (b) and (c), Section 10, Article 5783, Revised Statutes, as amended.

SB 686 (Keller - House Sponsor), A bill to be entitled An Act relating to disciplinary punishment for a minor offense committed by a member of the Texas military forces; amending Subsection (b), Section 15, Article 5788, Revised Statutes, as amended.
SB 687 (Keller - House Sponsor), A bill to be entitled An Act relating to awards, decorations, and medals for meritorious service presented to a member of the military forces; amending Sections 3, 4, 5, and 7, Article 5789, Revised Statutes, as amended.


Representative Wright offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1100 by renumbering Section 2 to be Section 3 and adding a new Section 2 to read as follows:

"SECTION 2. Subsection (a) of Article 4566-1.15 is amended to read as follows:

(a) It is unlawful for any person to:

(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

(2) alter a license to fit and dispense hearing aids with the intent to defraud;

(3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, temporary training permit or for the renewal of a license;

(4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;

(5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act;

(6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked;

(7) dispense or fit a hearing aid on any individual who has ordered such hearing aid or device by mail unless the person dispensing and fitting such hearing aid or device is licensed under this act."

Committee Amendment No. 1 was adopted without objection.

CSHB 101, A bill to be entitled An Act relating to coordinating board approval of junior college construction financed with funds from a source other than the state and to use of student fees for junior college construction.

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

SECTION 1. Section 61.058, Texas Education Code, is amended to read as follows:

Sec. 61.058. CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS. To assure efficient use of construction funds and the orderly development of physical plants to accommodate projected college student enrollments, the board shall:

(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;
(4) require, and assist the public senior colleges and universities, medical and dental units, and other agencies of higher education in developing, long-range plans for campus development;

(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of all buildings and facilities regardless of proposed use;

(7) ascertain that the standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Article 7, State Purchasing and General Services Act (Article 601b, Vernon’s Texas Civil Statutes) [Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678(g) Vernon’s Texas Civil Statutes)]; and

(8) approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source [other than ad valorem tax receipts of the public junior colleges], provided that:

   (A) the board’s consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution’s approved programs and role and scope if the cost of the project is not more than $500,000, but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of $500,000;

   (B) the requirement of approval for new construction financed from other than appropriated funds applies only to projects the total cost of which is in excess of $100,000;

   (C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to projects the total cost of which is in excess of $100,000; [and]

   (D) the requirement of approval or disapproval by the board does not apply to any new construction or major repair and rehabilitation project that is specifically approved by the legislature and

   (E) the requirement of approval by the board does not apply to a junior college’s construction, repair, or rehabilitation financed entirely with funds from a source other than the state, including funds from ad valorem tax receipts of the college, gifts, grants, and donations to the college, and student fees.

SECTION 2. Subchapter G, Chapter 130, Texas Education Code, is amended by adding Section 130.124 to read as follows:

Sec. 130.124. USE OF STUDENT FEES IN CONSTRUCTION. (a) A junior college district facility constructed with student fees may be used only for junior college purposes.

(b) Student fees may not be used for construction, repair, or rehabilitation of a community center or junior college district auxiliary enterprise unless the enterprise serves as a student center or dormitory.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 163, A bill to be entitled An Act relating to discounts for early payment of property taxes.
HB 534, A bill to be entitled An Act relating to the date by which rendition statements and property reports must be delivered to the chief appraiser.

Representative Peveto offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 534, SECTION 1 on lines 11-15, by striking subsection (b) and inserting the following:

“(b) Upon written request by a property owner the chief appraiser by written order shall extend a deadline for filing a rendition statement or property report until April 30.”

[For good cause shown the chief appraiser may extend a deadline for filing a rendition statement or property report by written order but no single extension may exceed 15 days and in no event may he extend the filing deadline beyond May 15.]

Committee Amendment No. 1 was adopted without objection.

HB 644, A bill to be entitled An Act relating to the authority of school districts to put records and reports on microfilm.

CSHB 647, A bill to be entitled An Act relating to the submission of the appraisal roll to a taxing unit.

BE IT ENACTED BY THELegislature of the State of Texas:

SECTION 1. Section 26.01, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) By July 25 [or as soon thereafter as practicable], the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district that part of the appraisal roll for the district that lists the property taxable by the unit. The part certified to the assessor is the appraisal roll for the unit. The chief appraiser shall consult with the assessor for each taxing unit and notify each unit in writing by April 1, of the form in which the roll will be provided to each unit.

(b) When a chief appraiser submits an appraisal roll for state and county taxes to a county assessor-collector, he also shall certify the roll to the State Property Tax Board. However, the State Property Tax Board by rule may provide for submission of only a summary of the appraisal roll. In that event, the chief appraiser shall certify the summary in the form and manner prescribed by the board's rule.

(c) The Board of Directors may, at its discretion, extend the July deadline provided by Subsection (a) of this section to a date certain when it is reasonably necessary to complete the appraisal roll and shall notify each unit of the amended deadline.

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 669, A bill to be entitled An Act relating to agricultural cooperatives.

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

SECTION 1. Sections 52.037(a), (b), and (c), Agriculture Code, are amended to read as follows:

(a) A marketing association may amend the articles of incorporation at any regular meeting of the association or at a special meeting for that purpose, at which at least 10 percent of the members are voting in person or by proxy or mail.

(b) An amendment must first be approved by two-thirds of the directors and then, except as provided by Subsection (c) of this section, adopted by:
(1) a simple majority vote when 50 percent or more of the members vote in person or by proxy or mail;
(2) a two-thirds majority vote when less than 50 percent but 25 percent or more of the members vote in person or by proxy or mail; or
(3) a three-fourths majority vote when less than 25 percent but 10 percent or more of the members vote in person or by proxy or mail [a majority vote of all members].

(c) An amendment of the rules required by Section 52.034(b) of this code for determining the property rights and interests of members of a marketing association formed without capital stock may be adopted by a vote or written consent of two-thirds [three-fourths] of the members who are present at a meeting of the association at which a quorum is present or who are voting by proxy or mail as prescribed by an association bylaw.

SECTION 2. Section 52.051(b), Agriculture Code, is amended to read as follows:

(b) The initial bylaws may be adopted by a two-thirds vote of the incorporating directors and then:

(1) a simple majority vote when 50 percent or more of the members vote in person or by proxy or mail;
(2) a two-thirds majority vote when less than 50 percent but 25 percent or more of the members vote in person or by proxy or mail; or
(3) a three-fourths majority vote when less than 25 percent but 10 percent or more of the members vote in person or by proxy or mail [a majority vote of all members].

SECTION 3. Section 52.064(a), Agriculture Code, is amended to read as follows:

(a) If a marketing association consists of fewer than 20 stockholders, a stockholder may not own more than one share of the marketing association's issued common stock. If the marketing association consists of 20 or more stockholders, a stockholder may not own more than one-twentieth of a marketing association's issued common stock. A marketing association with more than 20 stockholders, by its bylaws, may limit the amount of common stock that one stockholder may own to an amount less than one-twentieth of the issued common stock.

SECTION 4. Section 52.086, Agriculture Code, is amended to read as follows:

Sec. 52.086. TERMINATION OR SUSPENSION OF MEMBERSHIP. ([#]) In accordance with its articles of incorporation or a bylaw adopted under Section 52.052 of this code, a marketing association may provide for the termination or suspension of membership in the association and for the purchase of a member's common or preferred stock, if any, and all other property interest in the association.

(b) If a member withdraws or is expelled from a marketing association, the board of directors shall:

(1) equitably and conclusively appraise the member's property interests in the association;
(2) fix the monetary amount of the interests; and
(3) before the first anniversary of the withdrawal or expulsion, pay to the member that amount.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
HB 854, A bill to be entitled An Act relating to validation of certain acts, proceedings, and orders concerning exclusion of territory from the Meadowlakes Municipal Utility District of Burnet County, Texas.

CSHB 1007, A bill to be entitled An Act relating to railroad crossing safety information.

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

SECTION 1. The Texas Department of Public Safety shall establish throughout the state an incoming toll-free telephone service to receive calls about malfunctions of signals, crossbars, and other mechanical devices erected to promote safety at intersections of railroad tracks and public roads. The State Department of Highways and Public Transportation shall affix the telephone number, an explanation of its purposes and the crossing number on the crossbars at each intersection of railroad tracks and a state-maintained public road at which a mechanical safety device is erected. Each railroad company shall permit department personnel to affix the telephone number on their private property. The Texas Department of Public Safety shall maintain the operation of the telephone service. The Department of Public Safety will notify the identified railroad company of the report.

SECTION 2. A court may not hold the state, an agency or subdivision of the state, or a railroad company liable for damages caused by an action taken under this Act or failure to perform a duty imposed by this Act. No evidence may be introduced in a trial or judicial proceeding that such service exists or is relied upon by the state or railroad company.

SECTION 3. A state agency is not required to make or retain permanent records of information obtained in implementation of this Act.

SECTION 4. This Act takes effect September 1, 1983.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

(Eckels, Toomey, and Pennington - no)

HB 1019, A bill to be entitled An Act relating to assignment pay for firemen serving as field training officers in certain cities.

HB 1203, A bill to be entitled An Act relating to revision of the Tax Code to conform to recent constitutional amendments concerning property taxation.

(Bush - no)

Representative Peveto offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SECTION 3 as follows:

SECTION 3. Section 6.28, Tax Code, is amended to read as follows:

Section 6.28. BONDS FOR STATE AND COUNTY TAXES. (a) To qualify for office, a person elected or appointed as county assessor-collector must, within 20 days after receiving notice of his election or appointment, give bonds to the state and to the county, conditioned on the faithful performance of his duties as assessor-collector.

(b) The bond for state taxes must be payable to the governor and his successors in office in an amount equal to five percent of the net state collections from motor vehicle sales and use taxes and motor vehicle registration fees in the county during the year ending August 31 preceding the date bond is given, except that the amount of bond may not be less than $2,500 or more than $100,000. To
be effective, the bond must be approved by the commissioners court and the state comptroller of public accounts.

(c) The bond for county taxes must be payable to the commissioners court in an amount equal to 10 percent of the total amount of county taxes imposed in the preceding tax year, except that the amount of the bond may not be more than $100,000. To be effective, the bond must be approved by the commissioners court.

(d) The state comptroller of public accounts or the commissioners court may require a new bond for state taxes at any time. The commissioners court may require a new bond for county taxes at any time. However, the total amount of state bonds or county bonds required of an assessor-collector may not exceed $100,000 at one time. The commissioners court shall suspend the assessor-collector from office and begin removal proceedings if he fails to give new bond within a reasonable time after demand.

(e) The assessor-collector's official oath and bonds for state and county taxes shall be recorded in the office of the county clerk, and the county judge shall submit the bond for state taxes to the state comptroller of public accounts.

(f) A county shall pay a reasonable premium for the assessor-collector's bonds for state and county taxes out of the county general revenue fund on presentation to the commissioners court of a bill for the premium authenticated as required by law for other claims against the county. A court of competent jurisdiction may determine the reasonableness of any amount claimed as premium.

Committee Amendment No. 1 was adopted without objection.

HB 1217, A bill to be entitled An Act relating to the labeling and advertising of kosher food; providing a penalty.

(Toomey, Fox, and Pennington - no)

SB 257 (Gavin - House Sponsor), in lieu of HB 1261, A bill to be entitled An Act relating to the authority of the Commissioners Court of Wichita County to create the office of public defender for that county, to the funding and operations of the office, to the powers and duties of the public defender, and to the qualifications, compensation, appointment, and removal of personnel.

HB 1261 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gavin moved that HB 1261 be laid on the table subject to call.

The motion prevailed without objection.

HB 1279, A bill to be entitled An Act relating to the authority of the Department of Agriculture to transfer funds between programs.

(Bush and Fox - no)

CSHB 1308, A bill to be entitled An Act relating to the reporting of the movement of a mobile home for purposes of property tax records.

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

SECTION 1. Section 21.23, Tax Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A person who moves a mobile home in this state shall file a report of the movement, accompanied by a $10 filing fee, by the 10th day of the month following the month in which the move occurred, with the chief appraiser of the appraisal district in which the move began and of the appraisal district in which the move ended if different from that in which the move began or, if the move began outside this state, with the chief appraiser of the appraisal district in which the move ended. The report must be filed before the day on which the move begins. The chief appraiser who receives the report shall deliver a notice of movement of a mobile
home to another appraisal district to the chief appraiser of the district to which the
mobile home was moved;]
  (c) For good cause shown, the chief appraiser may extend the filing deadline
for the monthly report for a single period not to exceed 15 days.
  (d) All filing fees collected under this section shall be forwarded by the chief
appraiser to the treasurer of the county for which the appraisal district is established
to be deposited to the credit of the general fund of the county.

SECTION 2. Section 21.24(b), Tax Code, is amended to read as follows:
  (b) The attorney general, or the district attorney, criminal district attorney,
or county attorney for the county in which the violation occurred if the attorney
general has not filed a suit for the violation, shall collect the penalty in a suit on the
behalf of the state. Venue for the suit is in:
  (1) Travis County if the attorney general brings the suit; or
  (2) the county in which the violation occurred or in which the
person maintains his principal place of business or residence.
  (c) A [All] civil penalty [penalties] recovered under this subchapter shall be
deposited in the general revenue fund if the attorney general brings the suit, or in
the general fund of the county in which the violation occurred, if a district attorney,
criminal district attorney, or county attorney brings the suit.

SECTION 3. The change in law made by this Act applies only to the moving
of a mobile home that begins on or after the effective date of this Act. A move that
begins before the effective date of this Act is covered by the law in effect when the
move begins, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 1983.

SECTION 5. The importance of this legislation and the crowded condition
of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days
in each house be suspended, and this rule is hereby suspended.

CSHB 1336, A bill to be entitled An Act relating to the attendance of children
enrolled in public school kindergarten.

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

SECTION 1. Section 21.032, Texas Education Code, is amended to read as
follows:
Sec. 21.032. COMPULSORY ATTENDANCE. (a) Unless specifically
exempted by Section 21.033 of this code or under other laws, every child in the state
who is as much as seven years of age, or who is less than seven years of age and has
previously been enrolled in first grade, and not more than 17 years of age shall be
required to attend the public schools in the district of his residence or in some other
district to which he may be transferred as provided or authorized by law a minimum
of 165 days of the regular school term of the district in which the child resides or
to which he has been transferred.
  (b) A child enrolled in kindergarten must attend class or have an excused
absence for a minimum of 82 days during each semester for which the child is
enrolled.

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.
  (Bush - no)

HB 1342 was withdrawn by the author.
HB 1361, A bill to be entitled An Act relating to changing certain alcoholic beverage on-premise permits or licenses to off-premise permits or licenses.
(Bush - no)

HB 1376, A bill to be entitled An Act relating to possession limits for red drum and speckled sea trout, to penalties for engaging in business as a commercial finfish fisherman without a license, and to penalties for commercial and noncommercial activities relating to redfish and speckled sea trout.
(Oliveira - no)

Representative Agnich offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1
Amend HB 1376 on page 1 by striking line 12 and substituting therefor the following:
“(2) possess at one time more than 20 red drum;” and by striking line 20 and substituting therefor the following:
“(2) possess at one time more than 40 speckled sea”
Committee Amendment No. 1 was adopted without objection.

Representative Agnich offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2
Amend HB 1376 on page 1 by inserting a new subsection (c) after Subsection (b) to read as follows:
“(c) Daily catch, retention, and size limits for redfish and speckled sea trout set by the commission under this Code prevail over the limits under this section. If the commission does not set catch, retention, and size limits for redfish and speckled sea trout under this code, this section applies.”
Representative G. Hill offered the following amendment to Committee Amendment No. 2:

Amend HB 1376 as follows:
(1) Strike lines 8 and 9 on page 1 of the bill and substitute the following:
SECTION 1. Sections 66.201(a), (b), and (c), Parks and Wildlife Code, are amended to read as follows:
(2) Insert a new Subsection (c) after Subsection (b) in Section 1 of the bill to read as follows:
(c) Daily catch, retention, and size limits for redfish and speckled sea trout set by the commission under the Wildlife Conservation Act of 1983 (Chapter 61 of this code) prevail over the limits under this section in counties to which the conservation Act applies, except that the commission may not set a daily catch or retention limit of a greater number of fish than is prescribed by this section and may not set a size limit that is less restrictive than the size limit prescribed by this section. If the commission does not set catch, retention, and size limits for redfish and speckled sea trout under the conservation Act, this section applies.
The amendment was adopted without objection.
Committee Amendment No. 2, as amended, was adopted without objection.

CSHB 1395, A bill to be entitled An Act relating to the remedies for unequal appraisal of property for property tax purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 1.12, Property Tax Code, is amended to read as follows:
Sec. 1.12. WEIGHTED AVERAGE LEVEL OF APPRAISAL. For purposes of this title, “weighted average level of appraisal” is determined by dividing the total
appraised value, as determined by the appraisal office or the appraisal review board, of a reasonable and representative [all properties in an appraisal district or of a statistically valid] sample of properties in the appraisal district by the sum of the following with respect to those properties:

(1) the total value determined according to law of properties that qualify for appraisal for tax purposes according to a standard other than market value; and

(2) the total market value of all other properties.

SECTION 2. Sec. 41.43, Property Tax Code, is amended to read as follows:

Sec. 41.43. PROTEST OF INEQUALITY OF APPRAISAL. A protest on the ground of unequal appraisal of property may not be determined in favor of the protesting party unless he establishes that his property is appraised at a level greater than the weighted average level of appraisal[s] of other properties in the appraisal district.

SECTION 3. Sec. 42.26, Property Tax Code, is amended to read as follows:

Sec. 42.26. REMEDY FOR UNEQUAL APPRAISAL. The district court may not grant relief on the ground that a property is appraised unequally in comparison to the level of appraisals of other property in the appraisal district unless the appraised value of the property varies at least 10 percent from its value calculated on the basis of the weighted average level of appraisal[s] of other properties in the district. In that event, the court shall order the appraised value changed to the value as calculated on the basis of the weighted average level of appraisal[s] of those properties in the district.

SECTION 4. This Act takes effect January 1, 1984.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

CSHB 1446, A bill to be entitled An Act relating to the required filing date for a notice of protest in a property tax dispute.

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

SECTION 1. Section 41.44(a) and (b), Tax Code is amended to read as follows:

(a) Except as provided by Subsection (b) of this section, to be entitled to a hearing and determination of a protest the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested:

(1) prior to the date the appraisal review board approves the appraisal records [before June 11 or within 20 days after the date the appraisal records are submitted as provided by Section 25.22 of this code, whichever is later]; or

(2) in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter, within 10 days after the date notice of the change is delivered to the property owner.

(b) A property owner who files his notice of protest after the deadline prescribed by Subsection (a) (2) of this section but before the appraisal review board approves the appraisal records is entitled to a hearing and determination of the protest if he shows good cause as determined by the board for failure to file the notice on time.

SECTION 2. Section 25.23(a), Tax Code, is amended to read as follows:

(a) After submission of appraisal records, the chief appraiser shall prepare supplemental appraisal records listing each taxable property he discovers that is not included in the records already submitted, including property that escaped taxation
in a prior tax year, and listing property on which the Appraisal Review Board has not determined a protest at the time of its approval of the appraisal records.

SECTION 3. Section 26.01, Tax Code, is amended by adding the Subsection (c) to read as follows:

(c) The chief appraiser shall prepare and certify to the assessor for each taxing unit a listing of those properties which are taxable by that unit but which are under protest and therefore not included on the appraisal roll approved by the Appraisal Review Board and certified by the chief appraiser. This listing shall include the appraised market value, productivity value (if applicable) and taxable value as determined by the appraisal district and shall also include the market value, taxable value and productivity value (if applicable) as claimed by the property owner filing the protest if available. The assessor for the taxing unit shall use the lower value for calculations as prescribed in Sec. 26.04.

SECTION 4. This Act takes effect January 1, 1984.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1500, A bill to be entitled An Act relating to the correction of a tax roll prepared by a tax assessor for a taxing unit prior to the participation of the taxing unit in an appraisal district.

HB 1501, A bill to be entitled An Act relating to salaries of the veterans county service officer and assistants.

HB 1542, A bill to be entitled An Act relating to gifts received by the Board of Regents of The University of Texas System; and declaring an emergency.


HB 1576 was withdrawn by the author.

CSHB 1582, A bill to be entitled An Act relating to a taxpayer protest of the situs of property.

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

SECTION 1. Section 41.42, Tax Code, is amended to read as follows:

Sec. 41.42. PROTEST OF SITUS. A protest against the inclusion of property on the appraisal records for an appraisal district on the ground that the property does not have taxable situs in that district shall [may not] be determined in favor of the protesting party if [unless] he establishes that the property is subject to appraisal by [on the appraisal records for] another district or that the property is not taxable in this state. The Chief Appraiser of a district in which the property owner prevails in a protest of situs shall notify the appraisal office of the district in which the property owner has established situs.

SECTION 2. This Act takes effect January 1, 1984.

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.

HB 1668 was withdrawn by the author.

HB 1834, A bill to be entitled An Act relating to the creation of the County Court at Law of Ellis County.
HB 1840, A bill to be entitled An Act relating to a joint office for certain irrigation districts.

CSHB 1861, A bill to be entitled An Act relating to the creation, organization, powers, duties and financing of certain municipal power agencies; amending Section 4b, Article 1435a, Vernon's Texas Revised Civil Statutes; and declaring an emergency.

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

SECTION 1. Section 4b, Article 1435a, Vernon's Texas Revised Civil Statutes is amended to read as follows:

Sec. 4b. Notwithstanding any term, condition, or provision of Section 4a of this Act to the contrary, any public entity which is an incorporated city, town or village and which is engaged in the distribution and sale of electric energy to the public, and which is provided with a major portion of its power through or from an interstate electric system, and which purchases, or acts as a member of an electric cooperative which purchases for its members, hydroelectric power from facilities at a federally operated reservoir, may pass a concurrent ordinance providing in and with the effect specified in Section 4a of this Act. Any municipal power agency which is or was created by two or more public entities described in the preceding sentence may engage in the generation and transmission of electric power and energy within or outside the State of Texas and may engage in the sale, purchase, or exchange of electric power and energy with entities within or outside the State of Texas, provided that nothing in this section authorizes an agency to engage in the distribution and retail sale of electric power and energy. The election required by Subsection (b) of Section 4a of this Act need not be held in connection with the creation of any such agency unless the concurrent ordinances are passed after December 31, 1981.

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

Representative Blanton offered the following amendment to the bill:

Amend CSHB 1861 as follows:

(1) On page 1, line 11, insert "a" after "village";
(2) On page 1, line 11, delete "and";
(3) On page 2, line 2, insert between "energy" and the period the following: "; and provided further that any such municipal power agency may construct or acquire new steam electric generating facilities only if such facilities are to be jointly owned in part by one or more private entities";

The amendment was adopted without objection.

HB 1883, A bill to be entitled An Act relating to reimbursement of expenses in connection with certain probate proceedings.

HB 1884, A bill to be entitled An Act relating to certain proceedings under the Texas Probate Code.

HB 1967, A bill to be entitled An Act relating to the designation of county roads as farm-to-market roads.

HB 1991, A bill to be entitled An Act relating to the withholding of the compensation of certain county officers who elect not to be paid for their services.
LEAVE OF ABSENCE GRANTED

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

Emmett on motion of G. Thompson.

CONSENT CALENDAR - (consideration continued)

HB 2032, A bill to be entitled An Act relating to the parties in an appeal of a property tax determination and to service of process on those parties.

HB 2077, A bill to be entitled An Act relating to pilot projects for year round school programs.

(Clark - no)

(Reader in the chair)

CSHB 2112, A bill to be entitled An Act relating to the use of fresh water for enhanced oil recovery activities under an injection well permit.

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

SECTION 1. Chapter 27, Water Code, is amended by adding Section 27.0511 to read as follows:

Sec. 27.0511. CONDITIONS OF CERTAIN PERMITS. (a) If the railroad commission receives an application for an injection well permit for a well that is to be used for enhanced recovery of oil, before a permit for the well may be granted, the railroad commission shall require the applicant for the permit to provide written information relating to the material that the applicant plans to inject into the well for enhanced recovery purposes and to other material available to the applicant that might be used to inject into the well for enhanced recovery and shall make the determination required by Subsection (b) of this section.

(b) On receiving the information required by Subsection (a) of this section, the railroad commission shall consider the information at the same time it considers whether or not to grant the permit, and if the applicant proposes to inject fresh water into the injection well for enhanced recovery, the railroad commission shall consider whether or not there is some other solid, liquid, or gaseous substance that is available to the applicant and that is economically and technically feasible for the applicant to use for enhanced recovery purposes.

(c) If the railroad commission finds that there is a solid, liquid, or gaseous substance other than fresh water available and economically and technically feasible for use in enhanced recovery under the permit, the railroad commission shall include as a condition of the permit, if granted, that the permittee use the other substance found to be available and economically and technically feasible and that the applicant not use fresh water or that the applicant use fresh water only to the extent specifically stated in the permit.

(d) This section does not apply to injection well permits that are in effect on September 1, 1983. If fresh water is being injected into an injection well in an enhanced recovery program that is in effect on September 1, 1983, and after that time, another substance or material is used for injection for a period of time, the injection well permit is not canceled, and a new permit under this chapter is not required if the operator plans at a later date to resume the use of fresh water for injection in that enhanced recovery program.

(e) Injection well permits for wells that are used for enhanced recovery remain in force until canceled by the railroad commission.

(f) No person may continue utilizing or begin utilizing industrial or municipal waste as an injection fluid for enhanced recovery purposes without first obtaining a permit from the department.
SECTION 2. This Act takes effect September 1, 1983, and applies to applications for injection well permits for wells that are to be used for enhanced recovery of oil, which applications are received by the Railroad Commission of Texas on or after that date. Applications received before September 1, 1983, are governed by the law in effect on the date the application was received by the railroad commission, and that law is continued in effect for that purpose.

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.

HB 2135, A bill to be entitled An Act relating to the responsibilities of landowners in plugging and replugging abandoned oil and gas wells.

HB 2140, A bill to be entitled An Act relating to the use of volunteers by certain governmental entities that provide human services.

HB 2165, A bill to be entitled An Act relating to certain licensing requirements and penalties under the Liquefied Petroleum Gas Code; providing a penalty.

HB 2256, A bill to be entitled An Act relating to certain reports filed by voter registrars with the Secretary of State.

HB 2271, A bill to be entitled An Act relating to coordination of activities of state agencies related to health care.

HB 2320, A bill to be entitled An Act relating to validation of certain contracts of and issuance of a certain order by the Meadowlakes Municipal Utility District.

(Fox - no)

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

SCR 4 (Presnal - House Sponsor)

WHEREAS, Although medical research has made important progress during recent decades, birth defects continue to be a problem throughout this country; and

WHEREAS, Research into the causes of birth defects depends on adequate data about the persons involved, and a primary source of such data is birth certificates; and

WHEREAS, Birth certificates in Texas include a space for information relating to birth defects, but there is some concern that the instances of birth defects are underreported on these forms; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby direct the Texas Department of Health to continue informational programs to increase the awareness of the importance of reporting birth defects and to assist and encourage all physicians and others who are required by law to complete such certificates to provide the data called for to the best of their ability; and, be it further

RESOLVED, That an official copy of this resolution be prepared and delivered to the commissioner of the Texas Department of Health as an expression of the sentiment of the 68th Legislature.

The resolution was adopted.
WHEREAS, Patients with diabetes-related illnesses received more than 365,000 days of hospital care last year, and a conservative estimate of the cost of this care is $200 per day; and

WHEREAS, Inadequate patient education has been identified as a major cause of diabetic complications that result in hospitalizations that would have otherwise been avoided; and

WHEREAS, Education and training programs for persons with diabetes have been demonstrated to be cost effective; a demonstration program in Maine, in which Blue Cross/Blue Shield agreed to reimburse for education and training services, reflected an average reduction in hospitalizations of 31 percent after a 12-month period; and

WHEREAS, Testimony presented to the Special Committee on Diabetes Services in Texas indicates that persons with diabetes currently have great difficulty in obtaining health and hospitalization insurance coverage and that insurance obtained rarely covers patient education and training programs; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby request the State Board of Insurance to work with the insurance industry and encourage third-party reimbursement of patient education services at pilot projects to be instituted by the Texas Diabetes Council; and, be it further

RESOLVED, That the State Board of Insurance study high-risk health insurance programs in other states and high-risk pools operating in Texas in order to suggest appropriate methods of instituting an assigned risk pool or similar structure for providing health and hospitalization insurance for persons who have diabetes or for families with a family member who has diabetes; and, be it further

RESOLVED, That the State Board of Insurance make a complete report of its findings, including its success in obtaining the cooperation of the insurance industry in providing third-party pay for state diabetes education projects, its recommendations relating to the means of instituting a high-risk pool to provide health insurance for persons with diabetes in Texas, and any other recommendations and drafts of legislation deemed necessary, to the Texas Diabetes Council and to the 69th Legislature when it convenes in January, 1985; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the commissioner of insurance of the State Board of Insurance as an expression of the sentiment of the 68th Legislature.

The resolution was adopted.

WHEREAS, Frank E. Hejl alleges that on or about August 3, 1957, he was employed by the Texas Department of Health and that he served as personnel director of that agency beginning September 1, 1965; and

WHEREAS, Frank E. Hejl alleges that the Texas Department of Health terminated his employment on January 16, 1980; and

WHEREAS, Frank E. Hejl alleges that he has been wrongfully treated by agents of the State of Texas in their refusal to reinstate him, and that they have treated him in an inequitable manner that has severely affected his personal and professional reputation; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Frank E. Hejl be and is hereby granted permission to sue the State
of Texas and the Texas Department of Health for any relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the commissioner of the Texas Department of Health and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted. (G. Hill - no)

SCR 43 (Berlanga - House Sponsor)

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 11 a.m., Thursday, May 5, 1983; and, be it further

RESOLVED, That the Honorable Tony Bonilla, National President of the League of United Latin American Citizens, be, and he is hereby, invited to address the Regular Session of the 68th Legislature in Joint Session at that time.

The resolution was adopted.

By Kemp:

HCR 69

WHEREAS, A high-quality education is an invaluable asset in the lives of all people, and teachers have a pivotal role in determining quality of education; and

WHEREAS, Teacher compensation must offer adequate rewards for the expenditure of time, energy, and creativity required of teachers, and it must offer incentives to attract the best and most creative minds to this difficult and important profession; and

WHEREAS, State government and local school districts share the responsibility and the costs of education in Texas, and they must now work together to ensure that every student in this state has an opportunity to learn from highly qualified and motivated teachers; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby express its commitment to the effort to more adequately compensate educators and urge all school districts to join the state in increasing teacher salaries; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the chairman of the State Board of Education so that he may convey to local school districts the sentiment of the legislature.

The resolution was adopted.

By G. Hill:

HCR 127

WHEREAS, Driving a motor vehicle is important for occupational and social reasons for the majority of adults in Texas, but deaths, injuries, and economic losses
resulting from traffic accidents are a major problem throughout this state and nation; and
WHEREAS, Persons with a good driver education background have been shown to be safer drivers; and
WHEREAS, Surveys have shown that more than 80 percent of parents and school officials believe that driver education programs should be offered in public schools; and
WHEREAS, The lack of adequate state funding has prohibited schools from offering free driver education programs to all students who wish to enroll in such courses; and
WHEREAS, Students who are unable to enroll in the courses not only are unable to obtain early license privileges, but also are denied certain insurance benefits; and
WHEREAS, The press of business during a legislative session makes adequate study of the available alternatives relating to provision of high-quality driver education programs difficult, but such a study should be made; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby direct the State Board of Education, in cooperation with the Texas Department of Public Safety and appropriate interim committees of the 68th Legislature, to undertake a study of the problems of providing effective training for all new drivers in Texas; and, be it further
RESOLVED, That the study include an investigation of pre- and post-driver education experiences and controls that may be required to enhance the effect of driver education; and, be it further
RESOLVED, That the board make a complete report of its findings and recommendations to the 69th Legislature when it convenes in January, 1985; and, be it further
RESOLVED, That official copies of this resolution be prepared and forwarded to the commissioner of education of the Texas Education Agency and to the director of the Texas Department of Public Safety as an expression of the sentiment of the Texas Legislature.

The resolution was adopted.

By Collazo:

HCR 131

WHEREAS, Quota International, Inc., is a nonprofit, nonpartisan, nonsectarian service organization of executive business and professional women from countries throughout the world who are dedicated to the service of country and community; and
WHEREAS, Service to persons with hearing and speech handicaps has been a major concern of Quota members since 1946, and “Shatter Silence” is a Quotarian program with the purposes of informing the public about the capabilities and potentials of hearing-impaired and deaf persons and about the special needs and services available to these individuals and ensuring accessibility to all public services for hearing-impaired persons; and
WHEREAS, Shatter Silence is committed to the philosophy of total communication, incorporating modes of manual signs, fingerspelling, speechreading and amplification, and reading and writing, and supporting the use of the communication methods most comfortable for each individual; and
WHEREAS, Through various projects and in cooperation with other groups, Quota members support programs to promote closed-captioned television and the use and availability of telecommunications devices; they sponsor informational
programs on prevention of deafness and early identification of hearing loss; and they make substantial contributions to the special educational needs and to career development and employment opportunities for deaf and hearing-impaired individuals; and

WHEREAS, The needs and abilities of the deaf community should be recognized by all citizens, and the Quota Clubs' Shatter Silence programs aid immeasurably in furthering this goal, now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby proclaim the first week of May, 1983, to be "Shatter Silence" Week and urge all citizens to take note of community and statewide efforts to aid the deaf; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Quota Club as an expression of support for its efforts from the members of the Texas Legislature.

The resolution was adopted.

By Barrientos:

HCR 135

WHEREAS, Recreational community gardening is a highly desirable leisure-time activity, providing opportunities for physical exercise and social contact in a non-competitive and self-guided program; and

WHEREAS, Community gardens can provide valuable nutritional supplements to persons on fixed or limited income; and

WHEREAS, Community gardening programs are relatively inexpensive to start and to operate and rely heavily on community interest and volunteerism; and

WHEREAS, Gardening serves as a productive use of vacant lands which otherwise untended often become unsightly and unsafe dumping grounds; and

WHEREAS, Publicly owned vacant lands and available private lands in and around population centers are of great value to the community when properly used, being an asset both as attractive open space and as a source of locally produced food; and

WHEREAS, Community gardens reduce vandalism, engender a sense of community involvement and increase surrounding property values; and

WHEREAS, Neighborhood gardening offers environmental, educational, recreational, and nutritional benefits; and

WHEREAS, Many more people in the state would garden if provided access to land; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby declare it to be the policy of the state to encourage community gardening efforts by urging public agencies and private interests to provide access to land that is otherwise unused; and, be it further

RESOLVED, That when land to which a state agency or city has title to leasehold interest in, an easement on, or other rights to, including open space within the perimeter of a public facility, is unoccupied or idle, it shall be the policy of the state to encourage its use by individuals and community organizations for the purpose of community gardening; and, be it further

RESOLVED, That the Legislature encourages private landowners to make their land available to nonprofit, community organizations, for the purpose of community gardening; and, be it further

RESOLVED, That priority consideration in the use of such land be given to elderly persons of low-income, families of low-income, and children under sixteen (16) years; and, be it further
RESOLVED, That the State Purchasing and General Services Commission aid in the dissemination of information about vacant public lands by making available an inventory of public lands listed by county and by agency; and, be it further
RESOLVED, That the produce of community gardens located on public lands should be used and consumed only by those gardening and members of their households, given to others, or bartered for other produce or things of value, so long as no money consideration is asked or received.

Representative C. Smith offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend H.C.R. No. 135 as follows:
Strike the language on page 2, line 2 "as casement on, ".
Strike the language on page 2, lines 3 and 4 "it shall be the policy of the state to encourage its" and add the language "this agency may make available for".
Add the language "if after study deems that this would be a proper use of this land" on page 2, line 5, after the semicolon.
Strike the language on page 2, lines 6, 7, and 8 "RESOLVED, the Legislature encourages private landowners to make their land available to nonprofit, community organizations, for the purpose of community gardening, and be it further".
Strike the language on page 2, line 17 "or things of value".
Committee Amendment No. 1 was adopted without objection.
The resolution, as amended, was adopted.

By W. Hall:
HCR 141

WHEREAS, The Farmers Home Administration (FmHA) traditionally has been the lender of last resort for farmers, lending to those to whom credit is not available from other credit sources; and
WHEREAS, Approximately 270,000 American farmers currently have outstanding loans from FmHA; and
WHEREAS, Approximately 47 percent of the FmHA farm loans to Texas farmers are delinquent, with many counties reporting as high as an 85 percent delinquent rate; and
WHEREAS, Federal farm policy has resulted in record or near-record production of nearly every major commodity during the last two crop years, boosting carry-over surpluses of those commodities to all-time high levels and resulting in prices far below the cost of production; and
WHEREAS, Federal price supports, which to a large degree determine the market price of commodities, are set in the 1981 Farm Bill at levels also far below the cost of production; and
WHEREAS, These federal policies and the resulting record surpluses and depressed prices have plunged the farm economy into the lowest depths since the Great Depression and reduced net farm income in 1982 to a level that, when measured in real purchasing power, was even lower than in 1933, the Great Depression's worst year; and
WHEREAS, United States farmland prices have leveled off and started to drop rapidly, resulting in a loss of equity that, in the current year alone, could total $35 billion; and
WHEREAS, Tens of thousands of farmers have been forced to liquidate some or all of their assets in order to make their principal and interest payments on loans; and
WHEREAS, These farmers are the most efficient, innovative, and productive in the world but are facing the loss of their land and their livelihood through no fault of their own; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring, That the 68th Legislature of the State of Texas call on the Congress of the United States to pass and send to the president H.B. 1190 by Representative Ed Jones of Tennessee, which provides for a deferral of FmHA loan payments by farmers who are deemed to be good managers and who are deemed to have good prospects of repaying their FmHA obligations at a later date; and, be it further

RESOLVED, That the Legislature of the State of Texas call on the Congress of the United States to include in H.B. 1190 a provision authorizing, either permanently or temporarily, state legislatures to grant a two-year redemption period for farmland and farming equipment foreclosed by the Farmers Home Administration or any agency licensed by the Intermediate Credit Bank System; and, be it further

RESOLVED, That the secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

Representative Carriker offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend H.C.R. 141 on page 1, line 6, by deleting the number "47" and inserting the number "69" in its place.

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted.

By A. Smith and Agnich:

HCR 151

WHEREAS, The Honorable John G. Tower, United States Senator from the State of Texas, has served almost 22 years in that office, his enviable record of achievement being attested to by Texas voters who four times have elected him to represent them; and

WHEREAS, An illustrious statesman and a prominent leader in the Republican Party, Senator Tower ranks second in seniority among senate Republicans and serves as chair of the Senate Armed Services Committee; and

WHEREAS, The Texas Legislature is pleased and honored to hear periodically from this state's senior United States senator, his reasoned observations being contributive to legislative enlightenment on national and international affairs; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the Honorable John G. Tower be hereby invited to address a joint session of the House of Representatives and Senate of the 68th Legislature, to be held in the Hall of the House at a time of mutual convenience as shall be arranged by Senator Tower, the speaker of the house, and the lieutenant governor; and, be it further

RESOLVED, That a copy of this resolution be prepared for Senator John G. Tower as his official invitation from the Legislature of the State of Texas.
The resolution was adopted. (Clemons and Criss - no)

By Mankins:

HCR 157

WHEREAS, Reye's Syndrome is a disease of unknown cause, normally restricted to children under 18 years of age; and
WHEREAS, The disease can kill or cripple its young victims within several days by attacking the muscles, brain, liver, and kidneys, consequently impairing every other organ in the body; and
WHEREAS, Though not diagnosed as a specific illness until 1963, Reye's Syndrome has afflicted children of both sexes equally for many decades; it is now recognized as one of the top 10 killers among all children's diseases, its incidence being still on the rise; and
WHEREAS, The earlier the identification and treatment of victims of Reye's Syndrome, the greater are their chances for survival; and
WHEREAS, Participants throughout the United States have joined in Reye's Syndrome volunteer organizations to sponsor educational programs among parents and medical professionals, to promote specialized treatment and research centers, to encourage federal government support in behalf of treatment and research, to expand state government reporting of instances of Reye's Syndrome, and to raise funds for scientific investigations into the cause, prevention, and treatment of the disease; and
WHEREAS, The accomplishments of these organizations would be enhanced by means of a legislative pronouncement to increase public recognition of the problem of Reye's Syndrome; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby designate the week of November 7 through 13, 1983, as "Texas Reye's Syndrome Week," to be observed by appropriate public and private activities; and, be it further
RESOLVED, That the legislature call upon all Texans to support efforts to combat this fearsome children's disease.

The resolution was adopted.

By D. Lee:

HR 151

WHEREAS, Legislation has been introduced that would provide aid to municipalities for street improvements based on the number of miles of paved streets maintained by each city; and
WHEREAS, A recent study of the allocation formula for funds available to cities under this proposed legislation failed to include the city of Rio Hondo as one of the cities eligible to receive the aid; and
WHEREAS, In fact, Rio Hondo would be eligible to participate under the proposed legislation in the distribution of funds for city street improvements; now, therefore, be it
RESOLVED, That the House of Representatives of the State of Texas, 68th Legislature, assure the city of Rio Hondo that should this legislation be enacted, the city will not in any way be discriminated against in the allocation of funds for street repair and maintenance; and, be it further
RESOLVED, That an official copy of this resolution be prepared for the mayor of the city of Rio Hondo as an expression of the sentiment of the Texas House of Representatives.
The resolution was adopted.
By Wright:
HR 272

WHEREAS, Planned activities for Bluebonnet Girls State, sponsored by the American Legion Auxiliary, Department of Texas, include convening the Girls State House of Representatives in the house chamber on June 20, 1983; and
WHEREAS, The Texas House of Representatives heartily endorses the goals and ideals of Bluebonnet Girls State; now, therefore, be it
RESOLVED by the House of Representatives of the 68th Legislature, That, in accordance with house rules, Bluebonnet Girls State be hereby granted permission to use the chamber of the Texas House of Representatives on Monday, June 20, 1983.

The resolution was adopted.

RULES SUSPENDED
Representative Schlueter moved to suspend the 48-hour subcommittee report rule to allow the Committee on Ways and Means to consider HB 2134, HB 813, HB 2285, HB 2284, and HB 2355.

The motion prevailed without objection.

SENATE BILL ON FIRST READING
The following senate bill was today laid before the house, read first time and referred to committee:
SB 179 to Committee on Appropriations.

HB 2403 - PERMISSION TO INTRODUCE
Representative Geistweidt moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2403.

The motion prevailed by (Record 249): 121 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbister; Arnold; Barrientos; Barton, E.; Belangia; Blanton; Buchanan; Burnett; Bush; Carriker; Cary; Cazares; Ceverha; Clark; Clemons; Colbert; Connelly; Coody; Craddock; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Ekenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison; D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Keller; Kemp; Kihovy; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Oliveira; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robnett; Russell; Salinas; Saunders; Schlueter; Schooelcraft; Shaw; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Stanislaws; Styles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Wolens; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bomer; Emmett; Price; Short; Tow; Wright.
Absent — Barton, B.; Cain; Collazo; Criss; Fox; Gandy; García, A.; Green; Hinojosa; Hur; Martinez, W.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Pennington; Robinson; Rudd; Vowell; Willis; Wilson.

HR 282 - ADOPTED

Representative Armbrister moved that all necessary rules be suspended to take up and consider at this time, HR 282.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Armbrister:

HR 282, Recognizing the period of April 30 through May 7, 1983, as Hispanic Appreciation Week.

The resolution was adopted.

On motion of Representative A. Moreno, the names of all the members of the house were added to HR 282 as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, on first adjournment today, speakers committee room, to consider SB 179.

Human Services, Subcommittee on HB 1616, HB 1617, and HB 1649, on first adjournment today, Desk 103, to consider HB 1616, HB 1617, and HB 1649.

Ways and Means, on first adjournment today, speakers committee room, to consider HB 2134, HB 2284, HB 2285, HB 2355, and HB 813.

Agriculture and Livestock, Subcommittees on HJR 72 and HB 1222, on first adjournment today, back hall, to consider HJR 72 and HB 1222.

Energy, Subcommittee on HB 1608, on first adjournment today, Desk 114, to consider HB 1608.

Public Education, Subcommittee on HB 562, on first adjournment today, Desk 69, to consider HB 562.

Calendars, on first adjournment today, Room G-14.

Ways and Means, Subcommittee on HB 1548, on first adjournment today, Desk 62, to consider HB 1548.

General Investigating Committee, on adjournment Wednesday, May 4, Room 346.

ADJOURNMENT

Representative Clemons moved that the house adjourn until 11:25 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:05 a.m., adjourned until 11:25 a.m. today.