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

The roll of the house was called and a quorum was announced present (Record 257).

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

Absent, Excused — Garcia, A.; Salinas; Shea.

Absent — Cary; Collazo; Edwards; Granoff; Hill, G.; Leonard; Moreno, P.; Oliveira; Vowell.

The invocation was offered by Reverend Michael Martin, Temple Baptist Church, San Antonio, Texas.

(Vowell and Granoff now present)

LEAVES OF ABSENCE GRANTED

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

A. Garcia on motion of Patronella.

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

Salinas on motion of T. Hall.

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

Shea on motion of P. Hill.
The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 168 by: viva voce vote; SB 208 by: viva voce vote; SB 368 by: viva voce vote; SB 454 by: 28 yeas, 0 nays; SB 606 by: 28 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 1112 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Sharp; Chairman, Whitmire, Traeger, Parmer, Montford.

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 101 by Uribe, granting permission to the Second Annual Young Leadership Workshop to use the Senate and House Chambers August 18-20, 1983.
SCR 102 by Brown, proclaiming Tuesday, May 3, 1983, as Big Brothers/Big Sisters of Texas Day.
HCR 199 by Price, congratulating Meadows School of the Arts.
HCR 200 by Price, congratulating Levelland High School.
HCR 201 by Price, congratulating Dr. Lawrence Weiner.
HCR 203 by Price, congratulating Karl Kilian and the Brazos Book Store.
HCR 204 by Price, congratulating Spring Branch Independent School District.
HCR 205 by Price, congratulating the Dallas Times Herald.
HCR 206 by Price, congratulating Dr. John Biggers.
HCR 207 by Price, congratulating Donna Swartz.
HCR 208 by Price, congratulating Arthur Andersen & Co.
HCR 209 by Price, congratulating the City of Garland.
HCR 210 by Price, congratulating the Corpus Christi Caller Times.
HCR 211 by Price, congratulating the Lufkin Rotary Club.
HCR 212 by Price, congratulating Austin Community Television, Inc.
SB 1358 by Brooks, relating to the financing of and the creation of subdistricts within certain metropolitan water control and improvement districts.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS REFERRED TO COMMITTEE

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

SCR 97, In memory of Joe Munoz.
To Committee on Rules and Resolutions.

By L. Hall:
HR 299, Congratulating the Haltom High School girls' basketball team.
To Committee on Rules and Resolutions.
By Stiles:
HR 302, Commending Don Adams.
To Committee on Rules and Resolutions.

By Stiles:
HR 303, In memory of James C. "Huck" Barry.
To Committee on Rules and Resolutions.

By Clemons:
HR 305, Congratulating the City of Lufkin.
To Committee on Rules and Resolutions.

By L. Evans:
HR 306, Commending Harry "Machine Gun" Kelly.
To Committee on Rules and Resolutions.

By L. Evans:
HR 310, Commending Mrs. Mary Helen Kannady and Mr. Lesly Azor.
To Committee on Rules and Resolutions.

By L. Evans:
HR 311, Congratulating Cletus Ray Clark.
To Committee on Rules and Resolutions.

By Messer:
HR 312, Congratulating J. W. "Red" and Radell Kelley.
To Committee on Rules and Resolutions.

By Kuempel:
HR 313, Congratulating Miss Dayna Kimberly Whitaker.
To Committee on Rules and Resolutions.

By Delco:
HR 316, Commending Odis Havis.
To Committee on Rules and Resolutions.

By G. Thompson:
HR 317, Commending Mr. Allison L. Koonce.
To Committee on Rules and Resolutions.

By Shea, et al.:
HR 318, Congratulating the Dallas Tent and Awning Company.
To Committee on Rules and Resolutions.

By Denton, et al.:
HR 319, Congratulating the participants in the Sixteenth Annual Special Olympics State Meet.
To Committee on Rules and Resolutions.

By Eckels:
HR 320, Congratulating Bonnie and Ken Cox.
To Committee on Rules and Resolutions.

By Eckels:
HR 321, Congratulating Artie and Nancy Tropoli.
To Committee on Rules and Resolutions.
By Wright:

HR 322, Commending Dr. Joel Reed, Mr. James Hickox, and the members of the Harris County Medical Society.

To Committee on Rules and Resolutions.

BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

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

SJR 12, SB 33, SB 339, SB 453

(G. Hill and Oliveira now present)

HB 2405 - PERMISSION TO INTRODUCE

Representative Presnal moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2405.

The motion prevailed by (Record 258): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Burnett; Bush; Carraker; Cavazos; Ceferha; Clark; Clemen; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; 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.; Jackson; Jones; Keller; Kemp; Khoury; Kubak; Kuepke; Laney; Lee, D.; Lee, R. F.; Luna; McKenna; McWilliams; Maida; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Pattonella; Patterson; Pennington; Peveto; Pierce; Polk; Polubinski; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Town; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

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

Absent, Excused — Garcia, A.; Salinas; Shea.

Absent — Agnich; Bomer; Cain; Cary; Collazo; Edwards; English; Granoff; Hury; Leonard; Moreno, P.

SB 500 ON THIRD READING

(B. Gibson - House Sponsor)

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

SB 500, 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.

The bill was on the calendar on April 29 and was postponed until 2 p.m. today.
The bill was read third time and was passed.

(Collazo now present)

HB 36 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 36.

CSHB 36

A BILL TO BE ENTITLED
AN ACT
relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.

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

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.001. SHORT TITLE. This Act may be cited as the Uniform Statutory Court Act.

SECTION 1.002. SCOPE OF ACT. (a) Subchapter B changes the name of each existing county court at law to a circuit court. All constitutional and statutory references to county courts at law mean circuit courts, and all laws and rules applicable to county courts at law are applicable to circuit courts.

(b) Except as otherwise provided by this Act, Subchapter A provides uniform jurisdiction, powers, terms, practices and procedures, qualifications and salaries of judges, personnel, and other provisions throughout the state for all circuit courts.

(c) Additional courts may be created by amending Subchapter C of this Act without repeating the general provisions of Subchapter A.

(d) This Act does not apply to statutory probate courts which, for purposes of this Act, are defined by Section 3, Texas Probate Code.

SECTION 1.003. JURISDICTION. (a) A circuit court has concurrent civil jurisdiction with the district court in:

1. cases in which the matter in controversy exceeds $500 and does not exceed $50,000, excluding interest;
2. appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy;
3. eminent domain cases and proceedings, regardless of the amount in controversy, except that the courts that are directed by this Act to give preference to criminal cases do not have jurisdiction of eminent domain cases; and
4. cases and proceedings involving adoptions, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; paternity; termination of parental rights; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support and custody of minors and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses.

(b) A circuit court has concurrent jurisdiction with the county court in:
1. all civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts; and
2. probate matters and proceedings in a county that does not have a statutory probate court.

(c) A circuit court has concurrent jurisdiction with the county and district court in juvenile matters and proceedings as provided by Chapter 178, Acts of the
(d) A circuit court has concurrent jurisdiction with the justice court in all criminal matters for which jurisdiction is conferred on justice courts by the general laws of this state. This section does not deny the right of appeal to a circuit court from the justice court where the right of appeal to the county court exists by law.

(e) A circuit court does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the commissioners court. The judge of the county court retains and shall exercise all ex officio duties of the county judge.

(f) This section does not diminish the jurisdiction of the district courts and justice courts but only gives concurrent jurisdiction to the circuit courts over the matters specified in Subsections (a)-(d). The district courts and justice courts retain and shall continue to exercise the jurisdiction conferred by law on those courts.

(g) Article 1951, Revised Statutes, does not apply to a circuit court. Neither Article 1951 nor Section 4, Chapter 832, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3266a, Vernon's Texas Civil Statutes), affects or diminishes the jurisdiction of the circuit court.

SECTION 1.004. POWERS AND DUTIES. (a) A circuit court or its judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) A circuit court or its judge may punish for contempt as prescribed by general law.

(c) The judge of a circuit court has all other powers, duties, immunities, and privileges provided by law for county court judges, except that a judge of a circuit court does not have any authority over the administrative business of the county that is performed by the county judge of the county.

SECTION 1.005. TERMS OF COURT. The terms of a circuit court begin on the first Monday in January and the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

SECTION 1.006. JUDGES. (a) A judge of a circuit court must be a citizen of the United States, must have resided in the county in which the court is located for at least one year prior to his election or appointment, and must be a person licensed to practice law in this state who has actively practiced law for at least four years prior to his election or appointment. The requirement that the person must have actively practiced law for four years does not apply to a person serving as judge of a statutory county court on the date that the court is renamed by this Act.

(b) Unless otherwise provided by this Act, the commissioners court of each county shall fix the annual salary of each judge of a circuit court at a sum that is at least equal to the amount that is $1,000 less than the total annual salary, including supplements, received by the judges of the district courts in that county. The annual salary shall be paid in equal monthly installments.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a circuit court. The appointee holds office until the next succeeding general election and until his successor is elected and qualified.

(d) At the general election in 1986 and every fourth year thereafter, the qualified voters of the county shall elect the judges of the circuit courts for regular terms of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge of a circuit court shall take the oath of office prescribed by the constitution of this state.
The judge of a circuit court may not engage in the private practice of law.

The judge of a circuit court that is designated a juvenile court is a member of the county juvenile board.

SECTION 1.007. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The judge of each circuit court shall appoint an official court reporter. The court reporter must have the qualifications prescribed by law for that office and is entitled to the same compensation, fees, and allowances as the reporters of the district courts in that county.

(b) The judge of each circuit court may appoint a court coordinator or administrative assistant for his court. A court coordinator or administrative assistant performs the duties prescribed by the judge of his court and cooperates with the administrative judges and state agencies for the uniform and efficient operation of the courts and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law. This section is cumulative of the provisions of the law that relate to a court administrator's system for county courts with criminal jurisdiction in certain counties and a court manager, coordinator system, and presiding judge for certain courts in counties with a population in excess of 2,000,000.

(c) The criminal district attorney or county attorney and the sheriff of the county shall attend each circuit court as required by the judge of the court. The county clerk serves as clerk of the circuit court except that, in matters within the concurrent jurisdiction of the circuit court and the district court, the judges of the circuit courts and district courts in a county may provide, in the rules adopted under Section 1.011(c) of this Act, for the district clerk to serve as clerk of the court.

(d) The commissioners court shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the circuit courts in each county.

SECTION 1.008. SPECIAL JUDGE. (a) If the regular judge of a circuit court is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a person licensed to practice law in this state to sit as a special judge.

(b) To be eligible for appointment as a special judge, the person must meet the qualifications required of the regular judge.

(c) A special judge shall take the oath of office that is required by law for the regular judge and has all the power and jurisdiction of the court and of the regular judge for whom he is sitting. A special judge may sign orders, judgments, decrees, or other process of any kind as "Judge Presiding" when acting for the regular judge.

(d) A special judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the services. The compensation shall be paid out of county funds on certification by the presiding judge of the administrative judicial district that the special judge has rendered the services and is entitled to receive the compensation. None of the amount paid to a special judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge.

(e) This section is cumulative of the law relating to the appointment of a special judge by the presiding judge for certain circuit courts with criminal jurisdiction in counties with a population in excess of 2,000,000.

SECTION 1.009. VISITING JUDGE. (a) If a regular judge of a circuit court is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a retired judge of a district court, county court at law or circuit court, or a regular judge of a district court or circuit court to preside over the circuit court. The presiding judge of the judicial district, with the consent of a retired judge of a
district court, retired judge of a county court at law, or retired judge of a circuit court, or a regular judge of a district court or a regular judge of a circuit court within his district, may make an assignment outside of the judicial district in which he presides with the specific authorization of the presiding judge of the judicial district in which the assignment is made.

(b) A retired judge of a district court, retired judge of a county court at law, or retired judge of a circuit court may elect to be a judicial officer of a circuit court by filing the written election with the presiding judge of the judicial district in which the judge resides. A judge may not elect to be a judicial officer of a circuit court if the judge:

(1) appears and pleads as an attorney at law in any court of this state;
(2) has been defeated in an election for judge of the court over which he formerly presided;
(3) has been removed from office by impeachment, by the supreme court, by the governor on address of the legislature, by legislative abolition of the court presided over by the judge, or by the Judicial Qualifications Commission; or
(4) has resigned as judge of a court while under investigation by the Judicial Qualifications Commission.

(c) A visiting judge may sign orders, judgments, decrees, or other process as "Judge Presiding" when acting for the regular judge.

(d) A visiting judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the service, less an amount equal to the prorated annuity received from a state, district, or county retirement fund. A visiting judge shall be reimbursed for actual food and lodging expenses incurred, in an amount not to exceed $100 a day, and for actual travel expenses between the residence of the judge and the court to which he is assigned. The compensation shall be paid out of county funds on certification by the presiding judge of the administrative judicial district that the visiting judge has rendered the service and is entitled to receive the compensation. None of the amount paid to a visiting judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge. Section 42.104, Title 110B, Revised Statutes, does not apply to a retired judge of a district court who is appointed a visiting judge under this section.

(e) This section is cumulative of the law relating to the appointment of a special judge by the presiding judge for certain circuit courts with criminal jurisdiction in counties with a population in excess of 2,000,000.

SECTION 1010. TRANSFER OF CASES; EXCHANGE OF BENCHES.

(a) The judge of the county court and the judges of the circuit courts in a county may transfer cases to and from the dockets of their respective courts, except that a case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. The county judge and the judges of the circuit courts in a county may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county court or a circuit court and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his own docket. A judge may not sit or act in a case unless it is within the jurisdiction of his court. Each judgment and order shall be entered in the minutes of the court in which the case is pending.

(b) On motion of a party, on agreement of the parties, or on their own motion, the judges of the circuit courts and district courts in a county may transfer civil cases and proceedings to and from the dockets of their respective courts, except that a case or proceeding may not be transferred from one court to another without
the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. If a judge is disqualified in a case or proceeding, he shall transfer the case or proceeding from his court to one of the other courts.

(c) When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which the case is transferred as if originally issued out of the court to which the transfer is made.

SECTION 1.011. JURIES; PRACTICE AND PROCEDURE. (a) The drawing of jury panels, selection of jurors, and practice in the circuit courts shall conform to that prescribed by general law for county courts.

(b) The judges of the circuit courts in a county may adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the circuit courts that they consider necessary or desirable for the orderly dispatch of the business of those courts, except that the judges may not adopt rules inconsistent with law, the Texas Rules of Civil Procedure, or the Rules of Post Trial and Appellate Procedure in Criminal Cases.

(c) In matters within their concurrent jurisdiction, the judges of the circuit courts and district courts in a county shall adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts, except that the judges may not adopt rules inconsistent with law, the Texas Rules of Civil Procedure, or the Rules of Post Trial and Appellate Procedure in Criminal Cases. The rules must provide for either the county clerk or the district clerk to serve as clerk of the circuit courts in matters within the concurrent jurisdiction of the circuit courts and district courts. The rules must receive an affirmative vote of a majority of the judges of the district courts and a majority of the judges of the circuit courts in the county. For compliance with this subsection when the vote of either the district court judges or the circuit court judges is tied, the vote of the district judge with the greatest number of years of service is considered to be the vote of a majority of the district court judges, and the vote of the circuit court judge with the greatest number of years of service is considered to be the vote of a majority of the circuit court judges.

SECTION 1.012. SEAL. The seal of the courts that are renamed or created by this Act is the same as that provided by law for county courts, except that the seal shall contain the name of the circuit court as it appears in this Act.

SECTION 1.013. COMPENSATION TO COUNTIES. (a) Except as provided by Subsection (b) of this section, the state shall compensate each county in an amount equal to $20,000 a year for each circuit court that exists in the county on the first day of the state's fiscal year. That amount shall be paid to the salary fund of the county in equal monthly installments from funds appropriated from the general revenue fund.

(b) If, under Subchapter B of this Act, a county is permitted to pay a circuit court judge a salary that does not comply with Section 1.006(b) of this Act, that county shall receive none of the reimbursement from the state authorized by this section.

SUBCHAPTER B. CHANGE OF NAME AND SPECIAL PROVISIONS FOR CERTAIN COURTS

SECTION 2.001. The name of the County Court at Law of Anderson County is changed to the Circuit Court No. 1 of Anderson County.
SECTION 2.002. The name of the County Court at Law of Angelina County is changed to the Circuit Court No. 1 of Angelina County.

SECTION 2.003. The name of the County Court at Law No. 1 of Bell County is changed to the Circuit Court No. 1 of Bell County.

SECTION 2.004. The name of the County Court at Law No. 2 of Bell County is changed to the Circuit Court No. 2 of Bell County.

SECTION 2.005. The name of the County Court at Law No. 1 of Bexar County is changed to the Circuit Court No. 1 of Bexar County.

SECTION 2.006. The name of the County Court at Law No. 2 of Bexar County is changed to the Circuit Court No. 2 of Bexar County.

SECTION 2.007. The name of the County Court at Law No. 3 of Bexar County is changed to the Circuit Court No. 3 of Bexar County.

SECTION 2.008. (a) The name of the County Court at Law No. 4 of Bexar County is changed to the Circuit Court No. 4 of Bexar County.

(b) The Circuit Court No. 4 of Bexar County shall give preference to probate matters and proceedings.

(c) The judge of the Circuit Court No. 4 of Bexar County may appoint an administrative assistant or assistants to aid him in the performance of his duties in probate matters. The salary of the administrative assistant or assistants shall be set by the commissioners court and paid out of the general fund of the county by warrants drawn by the county treasurer, or his successor, on orders of the commissioners court.

SECTION 2.009. The name of the County Court at Law No. 5 of Bexar County is changed to the Circuit Court No. 5 of Bexar County.

SECTION 2.010. (a) The name of the County Court at Law No. 6 of Bexar County is changed to the Circuit Court No. 6 of Bexar County.

(b) The Circuit Court No. 6 of Bexar County shall give preference to probate matters and proceedings.

(c) The judge of the Circuit Court No. 6 of Bexar County may appoint an administrative assistant or assistants to aid him in the performance of his duties in probate matters. The salary of the administrative assistant or assistants shall be set by the commissioners court and paid out of the general fund of the county by warrants drawn by the county treasurer, or his successor, on orders of the commissioners court.

SECTION 2.011. The name of the County Court at Law No. 1 of Brazoria County is changed to the Circuit Court No. 1 of Brazoria County.

SECTION 2.012. The name of the County Court at Law No. 2 of Brazoria County is changed to the Circuit Court No. 2 of Brazoria County.

SECTION 2.013. The name of the County Court at Law of Brazos County is changed to the Circuit Court No. 1 of Brazos County.

SECTION 2.014. The name of the County Court at Law of Cameron County is changed to the Circuit Court No. 1 of Cameron County.

SECTION 2.015. The name of the County Court at Law No. 2 of Cameron County is changed to the Circuit Court No. 2 of Cameron County.

SECTION 2.016. The name of the County Court at Law of Collin County is changed to the Circuit Court No. 1 of Collin County.

SECTION 2.017. The name of the County Court at Law No. 2 of Collin County is changed to the Circuit Court No. 2 of Collin County.

SECTION 2.018. The name of the County Court at Law of Comal County is changed to the Circuit Court No. 1 of Comal County.

SECTION 2.019. The name of the County Court of Dallas County at Law No. 1 is changed to the Circuit Court No. 1 of Dallas County.

SECTION 2.020. The name of the County Court of Dallas County at Law No. 2 is changed to the Circuit Court No. 2 of Dallas County.
SECTION 2.021. The name of the County Court of Dallas County at Law No. 3 is changed to the Circuit Court No. 3 of Dallas County.

SECTION 2.022. The name of the County Court of Dallas County at Law No. 4 is changed to the Circuit Court No. 4 of Dallas County.

SECTION 2.023. The name of the County Court of Dallas County at Law No. 5 is changed to the Circuit Court No. 5 of Dallas County.

SECTION 2.024. (a) The name of the County Criminal Court of Dallas County is changed to the Circuit Court No. 6 of Dallas County.

(b) The Circuit Court No. 6 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.025. (a) The name of the County Criminal Court No. 2 of Dallas County is changed to the Circuit Court No. 7 of Dallas County.

(b) The Circuit Court No. 7 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.026. (a) The name of the County Criminal Court No. 3 of Dallas County is changed to the Circuit Court No. 8 of Dallas County.

(b) The Circuit Court No. 8 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.027. (a) The name of the County Criminal Court No. 4 of Dallas County is changed to the Circuit Court No. 9 of Dallas County.

(b) The Circuit Court No. 9 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.028. (a) The name of the County Criminal Court No. 5 of Dallas County is changed to the Circuit Court No. 10 of Dallas County.

(b) The Circuit Court No. 10 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.029. (a) The name of the County Criminal Court No. 6 of Dallas County is changed to the Circuit Court No. 11 of Dallas County.

(b) The Circuit Court No. 11 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.030. (a) The name of the County Criminal Court No. 7 of Dallas County is changed to the Circuit Court No. 12 of Dallas County.

(b) The Circuit Court No. 12 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.031. (a) The name of the County Criminal Court No. 8 of Dallas County is changed to the Circuit Court No. 13 of Dallas County.

(b) The Circuit Court No. 13 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.032. (a) The name of the County Criminal Court No. 9 of Dallas County is changed to the Circuit Court No. 14 of Dallas County.

(b) The Circuit Court No. 14 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.033. (a) The name of the County Criminal Court No. 10 of Dallas County is changed to the Circuit Court No. 15 of Dallas County.

(b) The Circuit Court No. 15 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.034. (a) The name of the Dallas County Criminal Court of Appeals is changed to the Circuit Court No. 16 of Dallas County.

(b) The Circuit Court No. 16 of Dallas County shall give preference to criminal misdemeanor cases appealed from justice of the peace and municipal courts.

SECTION 2.035. (a) The name of the Dallas County Criminal Court of Appeals No. 2 is changed to the Circuit Court No. 17 of Dallas County.
(b) The Circuit Court No. 17 of Dallas County shall give preference to criminal misdemeanor cases appealed from justice of the peace and municipal courts.

SECTION 2.036. The name of the County Court at Law of Denton County is changed to the Circuit Court No. 1 of Denton County.

SECTION 2.037. The name of the County Court at Law No. 2 of Denton County is changed to the Circuit Court No. 2 of Denton County.

SECTION 2.038. The name of the County Court at Law of Ector County is changed to the Circuit Court No. 1 of Ector County.

SECTION 2.039. The name of the County Court at Law No. 1 of El Paso County is changed to the Circuit Court No. 1 of El Paso County.

SECTION 2.040. The name of the County Court at Law No. 2 of El Paso County is changed to the Circuit Court No. 2 of El Paso County.

SECTION 2.041. The name of the County Court at Law No. 3 of El Paso County is changed to the Circuit Court No. 3 of El Paso County.

SECTION 2.042. The name of the County Court at Law No. 4 of El Paso County is changed to the Circuit Court No. 4 of El Paso County.

SECTION 2.043. The name of the County Court at Law No. 5 of El Paso County is changed to the Circuit Court No. 5 of El Paso County.

SECTION 2.044. The name of the County Court at Law of Fort Bend County is changed to the Circuit Court No. 1 of Fort Bend County.

SECTION 2.045. The name of the County Court at Law No. 1 of Galveston County is changed to the Circuit Court No. 1 of Galveston County.

SECTION 2.046. The name of the County Court at Law No. 2 of Galveston County is changed to the Circuit Court No. 2 of Galveston County.

SECTION 2.047. The name of the County Court at Law of Grayson County is changed to the Circuit Court No. 1 of Grayson County.

SECTION 2.048. The name of the County Court at Law No. 2 of Grayson County is changed to the Circuit Court No. 2 of Grayson County.

SECTION 2.049. The name of the County Court at Law of Gregg County is changed to the Circuit Court No. 1 of Gregg County.

SECTION 2.050. The name of the County Court at Law of Guadalupe County is changed to the Circuit Court No. 1 of Guadalupe County.

SECTION 2.051. (a) The name of the County Criminal Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 1 of Harris County.

(b) The Circuit Court No. 1 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 1 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 1 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 1 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 1 of Harris County as required by the judge of that court.

SECTION 2.052. (a) The name of the County Criminal Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 2 of Harris County.

(b) The Circuit Court No. 2 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 2 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 2 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 2 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 2 of Harris County as required by the judge of that court.

SECTION 2.053. (a) The name of the County Criminal Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 3 of Harris County.

(b) The Circuit Court No. 3 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 3 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 3 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 3 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 3 of Harris County as required by the judge of that court.

SECTION 2.054. (a) The name of the County Criminal Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 4 of Harris County.

(b) The Circuit Court No. 4 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 4 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 4 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 4 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 4 of Harris County as required by the judge of that court.

SECTION 2.055. (a) The name of the County Criminal Court at Law No. 5 of Harris County, Texas, is changed to the Circuit Court No. 5 of Harris County.

(b) The Circuit Court No. 5 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 5 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 5 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 5 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 5 of Harris County as required by the judge of that court.
SECTION 2.056. (a) The name of the County Criminal Court at Law No. 6 of Harris County, Texas, is changed to the Circuit Court No. 6 of Harris County.
(b) The Circuit Court No. 6 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 6 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 6 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 6 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County shall attend the Circuit Court No. 6 of Harris County as required by the judge of that court.

SECTION 2.057. (a) The name of the County Criminal Court at Law No. 7 of Harris County, Texas, is changed to the Circuit Court No. 7 of Harris County.
(b) The Circuit Court No. 7 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 7 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 7 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 7 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County shall attend the Circuit Court No. 7 of Harris County as required by the judge of that court.

SECTION 2.058. (a) The name of the County Criminal Court at Law No. 8 of Harris County, Texas, is changed to the Circuit Court No. 8 of Harris County.
(b) The Circuit Court No. 8 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 8 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 8 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 8 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County shall attend the Circuit Court No. 8 of Harris County as required by the judge of that court.

SECTION 2.059. (a) The name of the County Criminal Court at Law No. 9 of Harris County, Texas, is changed to the Circuit Court No. 9 of Harris County.
(b) The Circuit Court No. 9 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 9 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 9 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 9 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County shall attend the Circuit Court No. 9 of Harris County as required by the judge of that court.

SECTION 2.060. (a) The name of the County Criminal Court at Law No. 10 of Harris County, Texas, is changed to the Circuit Court No. 10 of Harris County.
(b) The Circuit Court No. 10 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 10 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 10 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 10 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County shall attend the Circuit Court No. 10 of Harris County as required by the judge of that court.

SECTION 2.061. (a) The name of the County Civil Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 11 of Harris County.
(b) The Circuit Court No. 11 of Harris County shall give preference to civil cases.

SECTION 2.062. (a) The name of the County Civil Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 12 of Harris County.
(b) The Circuit Court No. 12 of Harris County shall give preference to civil cases.

SECTION 2.063. (a) The name of the County Civil Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 13 of Harris County.
(b) The Circuit Court No. 13 of Harris County shall give preference to civil cases.

SECTION 2.064. (a) The name of the County Civil Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 14 of Harris County.
(b) The Circuit Court No. 14 of Harris County shall give preference to civil cases.

SECTION 2.065. The name of the County Court at Law of Harrison County is changed to the Circuit Court No. 1 of Harrison County.

SECTION 2.066. The name of the County Court at Law of Hays County is changed to the Circuit Court No. 1 of Hays County.

SECTION 2.067. The name of the County Court at Law of Henderson County is changed to the Circuit Court No. 1 of Henderson County.

SECTION 2.068. The name of the County Court at Law of Hidalgo County is changed to the Circuit Court No. 1 of Hidalgo County.

SECTION 2.069. The name of the County Court at Law No. 2 of Hidalgo County is changed to the Circuit Court No. 2 of Hidalgo County.

SECTION 2.070. The name of the County Court at Law No. 3 of Hidalgo County is changed to the Circuit Court No. 3 of Hidalgo County.

SECTION 2.071. The name of the County Court at Law of Houston County is changed to the Circuit Court No. 1 of Houston County.

SECTION 2.072. The name of the County Court at Law of Hunt County is changed to the Circuit Court No. 1 of Hunt County.

SECTION 2.073. The name of the County Court of Jefferson County at Law is changed to the Circuit Court No. 1 of Jefferson County.
SECTION 2.074. The name of the County Court of Jefferson County at Law No. 2 is changed to the Circuit Court No. 2 of Jefferson County.

SECTION 2.075. (a) The name of the County Court at Law No. 1 of Lubbock County is changed to the Circuit Court No. 1 of Lubbock County.

(b) The county clerk of Lubbock County serves as clerk of the Circuit Court No. 1 of Lubbock County except that, in matters prescribed by Subdivision (4) of Section 1.003(a) and by Section 1.003(c) of this Act, the district clerk of Lubbock County serves as clerk of the court.

SECTION 2.076. (a) The name of the County Court at Law No. 2 of Lubbock County is changed to the Circuit Court No. 2 of Lubbock County.

(b) The county clerk of Lubbock County serves as clerk of the Circuit Court No. 2 of Lubbock County except that, in matters prescribed by Subdivision (4) of Section 1.003(a) and by Section 1.003(c) of this Act, the district clerk of Lubbock County serves as clerk of the court.

SECTION 2.077. The name of the County Court at Law of McLennan County is changed to the Circuit Court No. 1 of McLennan County.

SECTION 2.078. The name of the County Court at Law No. 2 of McLennan County is changed to the Circuit Court No. 2 of McLennan County.

SECTION 2.079. The name of the County Court at Law of Medina County is changed to the Circuit Court No. 1 of Medina County.

SECTION 2.080. The name of the County Court at Law of Midland County is changed to the Circuit Court No. 1 of Midland County.

SECTION 2.081. The name of the County Court at Law No. 1 of Montgomery County is changed to the Circuit Court No. 1 of Montgomery County.

SECTION 2.082. The name of the County Court at Law No. 2 of Montgomery County is changed to the Circuit Court No. 2 of Montgomery County.

SECTION 2.083. The name of the County Court at Law of Nacogdoches County is changed to the Circuit Court No. 1 of Nacogdoches County.

SECTION 2.084. The name of the County Court at Law of Nolan County is changed to the Circuit Court No. 1 of Nolan County.

SECTION 2.085. The name of the County Court at Law No. 1 of Nueces County is changed to the Circuit Court No. 1 of Nueces County.

SECTION 2.086. The name of the County Court at Law No. 2 of Nueces County is changed to the Circuit Court No. 2 of Nueces County.

SECTION 2.087. The name of the County Court at Law No. 3 of Nueces County is changed to the Circuit Court No. 3 of Nueces County.

SECTION 2.088. The name of the County Court at Law of Orange County is changed to the Circuit Court No. 1 of Orange County.

SECTION 2.089. The name of the County Court at Law of Potter County is changed to the Circuit Court No. 1 of Potter County.

SECTION 2.090. The name of the County Court at Law No. 2 of Potter County is changed to the Circuit Court No. 2 of Potter County.

SECTION 2.091. The name of the County Court at Law of Randall County is changed to the Circuit Court No. 1 of Randall County.

SECTION 2.092. The name of the County Court at Law of Reeves County is changed to the Circuit Court No. 1 of Reeves County.

SECTION 2.093. The name of the County Court at Law of Smith County is changed to the Circuit Court No. 1 of Smith County.

SECTION 2.094. The name of the County Court at Law No. 2 of Smith County is changed to the Circuit Court No. 2 of Smith County.

SECTION 2.095. The name of the County Court at Law No. 1 of Tarrant County is changed to the Circuit Court No. 1 of Tarrant County.

SECTION 2.096. The name of the County Court at Law No. 2 of Tarrant County is changed to the Circuit Court No. 2 of Tarrant County.
SECTION 2.097. The name of the County Criminal Court No. 1 of Tarrant County is changed to the Circuit Court No. 3 of Tarrant County.

SECTION 2.098. The name of the County Criminal Court No. 2 of Tarrant County is changed to the Circuit Court No. 4 of Tarrant County.

SECTION 2.099. The name of the County Criminal Court No. 3 of Tarrant County is changed to the Circuit Court No. 5 of Tarrant County.

SECTION 2.100. The name of the County Criminal Court No. 4 of Tarrant County is changed to the Circuit Court No. 6 of Tarrant County.

SECTION 2.101. (a) The name of the County Court at Law of Taylor County is changed to the Circuit Court No. 1 of Taylor County.

(b) If the judge of the Circuit Court No. 1 of Taylor County is absent, disabled, or disqualified, a county judge of Taylor County with the qualifications required of the judge of the circuit court may, at the request of the judge of the circuit court, sit and hold court in the circuit court. If the circuit court judge is incapable of requesting the services of the other judge, the county judge may hold court in the circuit court without the judge's request. The county judge may not sit or act in a case in the circuit court unless it is within the jurisdiction of the county court.

SECTION 2.102. The name of the County Court at Law of Tom Green County is changed to the Circuit Court No. 1 of Tom Green County.

SECTION 2.103. The name of the County Court at Law No. 1 of Travis County is changed to the Circuit Court No. 1 of Travis County.

SECTION 2.104. The name of the County Court at Law No. 2 of Travis County is changed to the Circuit Court No. 2 of Travis County.

SECTION 2.105. The name of the County Court at Law No. 3 of Travis County is changed to the Circuit Court No. 3 of Travis County.

SECTION 2.106. The name of the County Court at Law No. 4 of Travis County is changed to the Circuit Court No. 4 of Travis County.

SECTION 2.107. The name of the County Court at Law of Val Verde County is changed to the Circuit Court No. 1 of Val Verde County.

SECTION 2.108. The name of the County Court at Law of Victoria County is changed to the Circuit Court No. 1 of Victoria County.

SECTION 2.109. (a) The name of the County Court at Law No. 2 of Victoria County is changed to the Circuit Court No. 2 of Victoria County.

(b) This section takes effect on January 1, 1984, or on the date that the commissioners court determines the Circuit Court No. 2 of Victoria County is created by entering an order in its minutes, whichever date is earlier.

SECTION 2.110. The name of the County Court at Law of Walker County is changed to the Circuit Court No. 1 of Walker County.

SECTION 2.111. The name of the County Court at Law of Webb County is changed to the Circuit Court No. 1 of Webb County.

SECTION 2.112. The name of the County Court at Law of Wichita County is changed to the Circuit Court No. 1 of Wichita County.

SECTION 2.113. The name of the County Court at Law of Wise County is changed to the Circuit Court No. 1 of Wise County.

SUBCHAPTER C. CREATION OF CIRCUIT COURTS

SECTION 3.001. The Circuit Court No. 7 of Bexar County is created.

SECTION 3.002. The Circuit Court No. 8 of Bexar County is created.

SECTION 3.003. The Circuit Court No. 9 of Bexar County is created.

SECTION 3.004. (a) The Circuit Court No. 15 of Harris County is created.

(b) The Circuit Court No. 15 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 15 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 15 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 15 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 15 of Harris County as required by the judge of that court.

SECTION 3.005. (a) The Circuit Court No. 16 of Harris County is created.

(b) The Circuit Court No. 16 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 16 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 16 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 16 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County shall attend the Circuit Court No. 16 of Harris County as required by the judge of that court.

SECTION 3.006. The Circuit Court No. 1 of Kleberg County is created.

SUBCHAPTER D. TEMPORARY PROVISIONS

SECTION 4.001. EFFECTIVE DATE. Except as otherwise provided by Subchapter B of this Act, the Act takes effect September 1, 1983.

SECTION 4.002. CREATION OF A COURT IN SEPARATE ACTS. If the 68th Legislature, Regular Session, creates a circuit court for a county in this Act and creates a county court at law for the county in a separate Act, this Act prevails over the Act creating the individual court. The county court at law is not created and the separate Act has no effect. The court created by this Act is governed by this Act.

SECTION 4.003. OFFICE OF JUDGE. The person serving as judge of a statutory county court on the date that the court is renamed by this Act continues in office as judge of the court as renamed for the term to which he was elected or, in the case of a person appointed to fill a vacancy, until the next general election.

SECTION 4.004. REPEALER. (a) Each Act creating a court that is renamed by Subchapter B of this Act is repealed. The repeal of these Acts does not affect the existence of the courts, and the courts as renamed continue in existence as provided by Subchapters A and B of this Act.

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

SECTION 5.001. CONTINGENT PROVISION. If H.B. 2298 is enacted by the 68th Legislature, Regular Session, and becomes law:

(1) Sections 2.008 and 2.010 of this Act are repealed.

(2) Section 2.009 is amended to read as follows:

SECTION 2.009. The name of the County Court at Law No. 5 of Bexar County is changed to the Circuit Court No. 4 of Bexar County.

SECTION 3.001. The Circuit Court No. 5 of Bexar County is created.

SECTION 3.002. The Circuit Court No. 6 of Bexar County is created.

SECTION 3.003. The Circuit Court No. 7 of Bexar County is created.

SECTION 5.002. 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.

CSHB 36 was read second time.

(Speaker pro tempore in the chair)

Representative Polumbo offered the following amendment to CSHB 36:

Amend CSHB 36 by striking line 25, page 19, through line 8, page 27, and substituting the following:

SECTION 2.051. (a) The name of the County Civil Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 1 of Harris County.

(b) The Circuit Court No. 1 of Harris County shall give preference to civil cases.

SECTION 2.052. (a) The name of the County Civil Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 2 of Harris County.

(b) The Circuit Court No. 2 of Harris County shall give preference to civil cases.
SECTION 2.053. (a) The name of the County Civil Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 3 of Harris County.
(b) The Circuit Court No. 3 of Harris County shall give preference to civil cases.

SECTION 2.054. (a) The name of the County Civil Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 4 of Harris County.
(b) The Circuit Court No. 4 of Harris County shall give preference to civil cases.

SECTION 2.055. (a) The name of the County Criminal Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 5 of Harris County.
(b) The Circuit Court No. 5 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 5 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 5 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 5 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.056. (a) The name of the County Criminal Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 6 of Harris County.
(b) The Circuit Court No. 6 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 6 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 6 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 6 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.057. (a) The name of the County Criminal Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 7 of Harris County.
(b) The Circuit Court No. 7 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 7 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 7 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 7 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.058. (a) The name of the County Criminal Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 8 of Harris County.
(b) The Circuit Court No. 8 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 8 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 8 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 8 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.059. (a) The name of the County Criminal Court at Law No. 5 of Harris County, Texas, is changed to the Circuit Court No. 9 of Harris County.

(b) The Circuit Court No. 9 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 9 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 9 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 9 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.060. (a) The name of the County Criminal Court at Law No. 6 of Harris County, Texas, is changed to the Circuit Court No. 10 of Harris County.

(b) The Circuit Court No. 10 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 10 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 10 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 10 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.061. (a) The name of the County Criminal Court at Law No. 7 of Harris County, Texas, is changed to the Circuit Court No. 11 of Harris County.

(b) The Circuit Court No. 11 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 11 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 11 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 11 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.062. (a) The name of the County Criminal Court at Law No. 8 of Harris County, Texas, is changed to the Circuit Court No. 12 of Harris County.

(b) The Circuit Court No. 12 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 12 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 12 of Harris County and shall receive and collect the fees provided by law in criminal matters.
The sheriffs and constables of this state executing process issued out of the Circuit Court No. 12 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.063. (a) The name of the County Criminal Court at Law No. 9 of Harris County, Texas, is changed to the Circuit Court No. 13 of Harris County.
(b) The Circuit Court No. 13 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 13 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 13 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 13 of Harris County shall receive the fees fixed by law for executing criminal process.

SECTION 2.064. (a) The name of the County Criminal Court at Law No. 10 of Harris County, Texas, is changed to the Circuit Court No. 14 of Harris County.
(b) The Circuit Court No. 14 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 14 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 14 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 14 of Harris County shall receive the fees fixed by law for executing criminal process.

The amendment was adopted without objection.

(Speaker in the chair)
Representative Bomer offered the following amendment to CSHB 36:
Amend CSHB 36 on page 13 by adding a new subsection to Section 2.001 to read as follows:
(b) The commissioners court in Anderson County shall set the judge's annual salary for a year in which the state does not compensate counties as provided by Section 1.013(a). The salary shall be paid in equal monthly installments.

The amendment was adopted without objection.

Representative Tow offered the following amendment to CSHB 36:
Amend CSHB 36 on page 34 by inserting a new section, appropriately numbered, between lines 24 and 25, to read as follows:
SECTION 3. The Circuit Court No. 3 of Montgomery County is created.

The amendment was adopted without objection.

Representative Haley offered the following amendment to CSHB 36:
Amend CSHB 36 on page 34 by inserting a new section, appropriately numbered, between lines 24 and 25, to read as follows:
SECTION 3. The Circuit Court No. 1 of Panola County is created.
The amendment was adopted without objection.

(Leonard and Cary now present)

Representative Jones offered the following amendment to CSHB 36:

Amend CSHB 36 on page 5, by striking lines 3 and 4 and substituting the following:

"$1,000 less than the annual salary paid by the state to a district judge. The".

Representative A. Hill moved to table the Jones amendment.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

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

Edwards on motion of Delco.

CSHB 36 - (consideration continued)

Representative D. Lee offered the following amendment to CSHB 36:

Amend CSHB 36 on page 13 by adding a new subsection to Section 2.001 to read as follows:

(b) The commissioners court in Cameron County shall set the judge's annual salary for a year in which the state does not compensate counties as provided by Section 1.013(a). The salary shall be paid in equal monthly installments.

The amendment was adopted without objection.

CSHB 36, as amended, was passed to engrossment. (Patterson, Fox, Schlueter, Dellay, Geistweidt, Oliveira, Kuempel, Collazo, Horn, Agnich, and A. Smith recorded voting no)

HB 1438 ON SECOND READING

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

HB 1438, A bill to be entitled An Act relating to the removal of certain businesses from treatment as a consumer under the Deceptive Trade Practices-Consumer Protection Act.

The bill was read second time.

Representative Hackney offered the following amendment to the bill:

Amend HB 1438 by striking the term "$1" on page 1, line 12, and inserting in its place the term "$5".

Representative Messer moved to table the Hackney amendment.

The motion to table prevailed.

Representative Wolens offered the following amendment to the bill:

Amend HB 1438 on page 1 by striking the sentence beginning on line 18.

(P. Moreno now present)

(Millsap in the chair)

Representative Messer moved to table the Wolens amendment.
A record vote was requested.

The motion to table was lost by (Record 259): 36 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Agnich; Blanton; Buchanan; Ceverha; Craddick; Eckels; Eikenburg; Evans, C.; Finnell; Gibson, B.; Haley; Hall, T.; Hanna; Hightower; Hilbert; Horn; Kubiak; Kuempel; Leonard; McKenna; Messer; Moreno, A.; Parker; Patterson; Pennington; Pierce; Polk; Presnal; Robnett; Rudd; Saunders; Schoolcraft; Simpson; Stiles; Wieting; Word.

Nays — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Burnett; Bush; Carrker; Cary; Cavazos; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Emmett; Evans, L. Fox; Gamez; Gandy; Garcia, M.; Gavin; Geistweidt; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, W.; Hammond; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hill, A.; Hill, G.; Hill, P.; Hinojoas; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Laney; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Oliveira; Oliver; Patrick; Patronella; Peveto; Polumbo; Price; Ragsdale; Rangel; Robinson; Russell; Schlueter; Shaw; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Tejeda; Thompson, G.; Thompson, S.; Tooneys; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wilson; Wolens; Wright.

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

Absent, Excused — Edwards; Garcia, A.; Salinas; Shea.

Absent — Berlanga; Bomer; Cain; English; Gibson, J.; Hall, L.; Mankins; Moreno, P.; Sutton; Uber.

The Wolens amendment was adopted without objection. (Eckels, Kuempel, Stiles, and Hightower recorded voting yes)

Representative Wright offered the following amendment to the bill:

Amend HB 1438, page 1, line 13, by inserting the following after the word “more”: according to the most recent financial statement of the business consumer prepared in accordance with generally accepted accounting principles

The amendment was adopted without objection.

HB 1438, as amended, was passed to engrossment. (Fox, Denton, Schlueter, C. Smith, D. Lee, Rangel, P. Moreno, M. Garcia, Delco, Gandy, B. Barton, Barrientos, Crockett, W. Martinez, Robinson, Madla, and Tejeda recorded voting no)

HB 720 - POSTPONED

Representative J. Gibson moved that consideration of HB 720 be postponed until Monday, May 9, at 2 p.m.

The motion prevailed without objection.

HB 658 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 658.
CSHB 658

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a restitution center program as an alternative to traditional methods of sentencing defendants.

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

SECTION 1. Section 6, Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

Sec. 6. (a) The court having jurisdiction of the case shall determine the terms and conditions of probation and may, at any time, during the period of probation alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer, and shall note the date of delivery of such copy on the docket. Terms and conditions of probation may include, but shall not be limited to, the conditions that the probationer shall:

a. Commit no offense against the laws of this State or of any other State or of the United States;

b. Avoid injurious or vicious habits;
c. Avoid persons or places of disreputable or harmful character;
d. Report to the probation officer as directed by the judge or probation officer and obey all rules and regulations of the probation department;

e. Permit the probation officer to visit him at his home or elsewhere;
f. Work faithfully at suitable employment as far as possible;
g. Remain within a specified place;
h. Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine;
i. Support his dependents;
j. Participate in any community-based program;
k. Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;
l. Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;
m. Pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; and

n. Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

(b) If the court grants probation to a defendant and requires the defendant to serve a probationary term in a restitution center, the court shall require as a condition of probation that the defendant secure employment and obey all rules and regulations of the center.

SECTION 2. Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Section 6c to read as follows:

Sec. 6c. (a) If a judge sentences a defendant to a term of imprisonment in the Texas Department of Corrections and the defendant is eligible for probation, the judge may suspend imposition of the sentence of imprisonment and require as a condition of probation that the defendant secure employment and obey all rules and regulations of the center;

SEC. 2. Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Section 6c to read as follows:

Sec. 6c. (a) If a judge sentences a defendant to a term of imprisonment in the Texas Department of Corrections and the defendant is eligible for probation, the judge may suspend imposition of the sentence of imprisonment and require as a condition of probation, in addition to the conditions imposed under Section 6 of this article, that the defendant serve an alternate probationary sentence of not less than six months or more than 12 months in a restitution center if:
(1) the district is served by a restitution center;

(2) the defendant is not sentenced for a felony offense under Title 5, Penal Code, or under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes);

(3) before sentencing, the defendant, in writing, requests of the court special issues as to whether the defendant:

(A) caused the bodily injury, serious bodily injury, or death of another as a result of the commission of the offense; or

(B) used a deadly weapon during the commission of or flight from the offense;

(4) the trier of facts answers both issues submitted under Subdivision (3) of this subsection in the negative; and

(5) the trier of facts determines that the defendant does not have an extensive history of drug or alcohol abuse and is employable.

(b) If a jury recommends that an eligible defendant serve an alternate term in a restitution center, the judge shall follow the jury's recommendation.

(c) A probationer granted probation under this section may not earn good conduct credit for time spent in a restitution center or apply time spent in the center toward completion of a sentence in the Texas Department of Corrections if the probation is revoked.

(d) No later than six months after the date on which a defendant is granted probation under this section, the restitution center director shall file with the chief adult probation officer or the probation department director a copy of an evaluation made by the director of the probationer's behavior and attitude at the center. The officer or director shall examine the evaluation, make written comments on the evaluation that he considers relevant, and file the evaluation and comments with the judge who granted probation to the probationer. If the report indicates that the probationer has made significant progress toward compliance with court-ordered conditions of probation and payment of restitution, the court may release the probationer from the restitution center. The probationer shall serve the remainder of his probation under any terms and conditions the court imposes under this article. The court shall require the probation department to place the probationer under intensive supervision during the first two months after his release.

(e) No later than nine months after the date on which a defendant is granted probation under this section, the restitution center director shall file with the chief adult probation officer or the probation department director a copy of an evaluation made by the director of the probationer's behavior and attitude at the center. The officer or director shall examine the evaluation, make written comments on the evaluation that he considers relevant, and file the evaluation and comments with the judge who granted probation to the defendant. If the report indicates that the probationer has made significant progress toward court-ordered conditions of probation and payment of restitution, the court shall modify its sentence and release the probationer in the same manner as provided by Subsection (d) of this section. If the report indicates that the probationer would benefit from continued participation in the restitution center program, the court may order the probationer to remain at the restitution center for a period determined by the court. If the report indicates that the probationer has not made significant progress toward rehabilitation, the court may revoke probation and order the prisoner to the term of imprisonment specified in the probationer's sentence.

(f) A restitution center director shall attempt to secure employment for each probationer required to serve a probationary term in a restitution center under this article. The director shall also attempt to place each probationer as a worker in a community-service project of a type described in Section 10A(a) of this article.
either during off-work hours if the probationer is employed or during any time if the probationer is unable to find employment.

(g) The employer of a probationer participating in a program under this section shall deliver the probationer's salary to the restitution center director. The director shall deposit the salary into a fund to be given to the probationer on his release after deducting:

(1) the cost to the center for the probationer's food, housing, and supervision;
(2) necessary travel expense to and from work and community-service projects and other incidental expenses of the probationer;
(3) support of the probationer's dependents;
(4) restitution to the victims of an offense committed by the probationer.

(h) If a restitution center director is unable to find employment for a probationer, the director shall:

(1) transfer the probationer to the supervision of the director of another restitution center who agrees to accept the probationer as a participant in the center's program; or
(2) request the court having jurisdiction of the case to revoke the probationer's probation and transfer the probationer to the custody of the Texas Department of Corrections.

(i) A restitution center director may grant an emergency furlough to a probationer for the purpose of obtaining medical treatment or diagnosis or to attend funerals or visit critically ill relatives. A furlough for purposes other than medical purposes may not exceed 24 hours in length.

(j) A probationer participating in a program under this article shall be confined in the restitution center at all times except for:

(1) time spent at work and traveling to and from work;
(2) time spent attending and traveling to and from an education or rehabilitation program approved by the restitution center director;
(3) time spent attending and traveling to and from a community-service project; and
(4) time spent on emergency furlough.

SECTION 3. Section 8(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the order of the judge of such court to be noted on the docket of the court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. If the defendant has not been released on bail, on motion by the defendant the court shall cause the defendant to be brought before it for a hearing within 20 days of filing of said motion, and after a hearing without a jury, may either continue, modify, or revoke the probation. The state may amend the motion to revoke probation any time up to seven days before the date of the revocation hearing, after which time the motion may not be amended except for good cause shown, and in no event may the state amend the motion after the commencement of taking evidence at the hearing. The court may continue the hearing for good cause shown by either the defendant or the state. If probation is revoked, the court may proceed to dispose of the case as if there had been no probation, or if it determines that the best interests of society and the probationer would be served by a shorter term of imprisonment, reduce the term of imprisonment originally assessed to any term of imprisonment not less than the minimum prescribed for the offense of which the probationer was convicted. If probation is revoked, the court
may sentence a probationer to serve a term in a restitution center if the probationer would have been eligible for sentencing to the center on conviction of the offense for which the probationer received probation and the probationer had not been placed under intensive supervision probation prior to revocation because of failure to meet court-imposed conditions.

SECTION 4. Sections 10(a) and (b), Article 42.12, Code of Criminal Procedure, 1965, are amended to read as follows:
(a) For the purpose of providing adequate probation services, the district judge or district judges trying criminal cases in each judicial district in the state shall establish a probation office and employ, in accordance with standards set by the commission, district personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of misdemeanor and felony probation. If two or more judicial districts serve a county, or a district has more than one county, one district probation department shall serve all courts and counties in the districts. However, the adult probation commission may adopt rules to allow more than one probation department in a judicial district with more than one county if providing more than one probation department will promote administrative convenience or economy or improve probation services. The district judge or judges may direct the probation department to establish and maintain a restitution center under this subsection. The district judge or judges may enter into an agreement with the judge or judges of other districts for the purpose of establishing a regional restitution center. If a restitution center is established, the district judge or judges shall appoint a community advisory council to advise the probation department in its establishment and maintenance of the center.
(b) Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court. The chief adult probation officer or director shall also appoint the director of a restitution center established in the district. The appointment is subject to the approval of the district judge or judges.

SECTION 5. Section 1.01, Article 42.121, Code of Criminal Procedure, 1965, is amended to read as follows:
Sec. 1.01. PURPOSES. The purposes of this article are to make probation services available throughout the state, to improve the effectiveness of probation services, to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services, and community-based correctional programs, including restitution centers, and facilities other than jails or prisons, and to establish uniform probation administration standards.

SECTION 6. Subchapter C, Article 42.121, Code of Criminal Procedure, 1965, is amended by adding Section 3.10 to read as follows:
Sec. 3.10. RESTITUTION CENTERS. In order to establish and maintain restitution centers, as authorized by Section 10(a), Article 42.12, of this code, the commission may:
(1) develop standards for the operation of restitution centers;
(2) fund department-managed restitution centers if local contractors are not available or do not meet the standards established by the commission;
(3) consider funding for other management options, such as contracting for management of restitution centers;
(4) provide funds to probation departments for the renovation of leased or donated buildings for use as restitution centers;
(5) allow probation departments to accept and use buildings provided by units of local government for use as restitution centers;
May 2, 1983

(6) provide funds to probation departments to lease buildings, land, or other real property for use as restitution centers, lease or purchase equipment necessary for the operation of centers, and pay other costs necessary for the management and operation of centers;
(7) require that all restitution centers be secure and be in compliance with state and local safety laws;
(8) develop standards for disciplinary rules to be imposed on residents of restitution centers;
(9) require probation departments to provide data requested by the commission; and
(10) develop standards for the granting of emergency furloughs to probationers.

SECTION 7. 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 658 was read second time.

Representative Clark offered the following amendment to CSHB 658:
Amend CSHB 658 on page 7 between lines 9 and 10 by inserting the following:

"(k) Before sentencing a defendant to an alternate probationary sentence under this section, the court shall consider whether the defendant is a proper subject for probation authorized under Section 3c of this article."

The amendment was adopted without objection.

CSHB 658, as amended, was passed to engrossment. (Hollowell, Toomey, A. Smith, Schlueter, and McKenna recorded voting no)

HB 79 ON SECOND READING

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

HB 79, A bill to be entitled An Act relating to the frequency with which employers must pay wages.

The bill was read second time.

Representative Mankins offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 79 by deleting line 6 through line 8 on Page 1 and substituting the following language:

Art. 5155. (a) A person who employs one or more employees in this state shall pay such employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month and shall pay all other employees at least semi-monthly and shall pay all employees their wages within seven calendar days following the end of their pay period whether the pay period be weekly, bi-weekly, semi-monthly or monthly.

Representative Mankins offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 79 to read as follows:
Amend HB 79 by striking lines 6-8 on page 1 and substituting the following:

Art. 5155. (a) A person who employs one or more employees in this state shall pay the employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month and shall pay all other employees at least semimonthly.

The amendment was adopted without objection.

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

A record vote was requested.

HB 79, as amended, was passed to engrossment by (Record 260): 113 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Agich; Armbrister; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Bush; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Ecke; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gavin; Geistweidt; Gibson, B.; Gilley; Gresham; 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.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Leonard; McKenna; McWilliams; Madla; Mankins; Messer; Moreno, A.; Oliveira; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Robinson; Robnett; Saunders; Schlueter; Scholefield; Shaw; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Wolens; Word; Wright.

Nays — Arnold; Barton, B.; Burnett; Delco; Denton; Gandy; Garcia, M.; Glossbrenner; Granoff; Green; Hudson, S.; Martinez, R.; Martinez, W.; Moreno, P.; Oliver; Parker; Patronella; Ragsdale; Rangel; Russell; Salinas; Shea.

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

Absent, Excused — Edwards; Garcia, A.; Salinas; Shea.

Absent — Cain; Gibson, J.; Hackney; Hernandez; Lee, E. F.; Luna; Rudd; Short; Thompson, S.; Wills; Wilson.

(Salinas now present)

STATEMENT BY REPRESENTATIVE GAMEZ

On HB 79 my machine malfunctioned and it should have been a no vote.

Gamez

HB 1995 ON SECOND READING

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

HB 1995, A bill to be entitled An Act relating to increasing benefits to annuitants of the Teacher Retirement System, establishing effective date, and authorizing an appropriation.

The bill was read second time.

Representative Whaley offered the following amendment to the bill:

Amend HB 1995 by adding the following sentence at the end of Section 1:
“The increase shall not apply to any person who is receiving a benefit that has been calculated on an average salary factor that exceeded $25,000.”

The amendment was adopted without objection.

HB 1995, as amended, was passed to engrossment. (Toomey recorded voting no)

HB 651 ON SECOND READING

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

HB 651, A bill to be entitled An Act relating to state loans to finance the purchase, installation, or repair of energy conservation devices and renewable energy systems for use in residences or to finance the purchase of residences having energy conservation devices or renewable energy systems.

The bill was read second time.

Representative Polk offered the following amendment to the bill:

Amend HB 651 by renumbering SECTION 3 as SECTION 4 and adding a new SECTION 3 to read as follows:

“SECTION 3. In case any one or more of the sections, provisions, clauses, or words of this Act or the application of such sections, provisions, clauses, or words to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of the Act or the application of such sections, provisions, clauses, or words to any other situation or circumstance, and it is intended that the Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.”

The amendment was adopted without objection.

HB 651, as amended, was passed to engrossment. (C. Smith, Toomey, Ceverha, Heflin, and D. Harrison recorded voting no)

HB 98 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 98.

CSHB 98

A BILL TO BE ENTITLED
AN ACT
relating to waiver of trial by a jury in a criminal case;
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Article 1.13. Code of Criminal Procedure, 1965, is amended to read as follows:
Art. 1.13. WAIVER OF TRIAL BY JURY. The defendant in a criminal prosecution for any offense classified as a misdemeanor or as a felony less than capital shall have the right[; upon entering a plea;] to waive the right of trial by jury, conditioned, however, that except as provided by Article 27.14(b) or 27.14(c) of this code, such waiver must be made in person by the defendant in writing or in open court and with the consent and approval of the court, and the attorney representing the State. The consent and approval by the court shall be entered of record on the minutes of the court[; and the consent and approval of the attorney representing the State shall be in writing, signed by him, and filed in the papers of the cause before
the defendant enters his plea). Except in the trial of a misdemeanor punishable by fine only, before [Before] a defendant who has no attorney can agree to waive the jury, the court must appoint an attorney to represent him, unless the defendant knowingly, intelligently, and voluntarily waives the right to representation by counsel.

SECTION 2. Article 27.14(a), Code of Criminal Procedure, 1965, is amended to read as follows:

(a) A plea of “guilty” or a plea of “nolo contendere” in a misdemeanor case may be made either by the defendant or his counsel in open court; in such case, the defendant or his counsel may waive a jury as provided by Article 1.13 of this code, and the punishment may be assessed by the court either upon or without evidence, at the discretion of the court.

SECTION 3. Section 2, Article 37.07, Code of Criminal Procedure, 1965, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) In the trial of a felony offense other than a capital offense, the jury shall assess the punishment applicable for the offense unless the defendant requests in writing that the judge assess the punishment and the attorney for the state consents to the request. [Except as provided in Article 37.071, if a finding of guilty is returned, it shall then be the responsibility of the judge to assess the punishment applicable to the offense; provided, however, that (1) in any criminal action where the jury may recommend probation and the defendant files his sworn motion for probation before the trial began, and (2) in other cases where the defendant so elects in writing at the time he enters his plea in open court, the punishment shall be assessed by the same jury. If a finding of guilty is returned, the defendant may, with the consent of the attorney for the state, change his election of one who assesses the punishment]

(d) In the trial of a misdemeanor offense, other than a misdemeanor offense punishable by fine only, if the jury finds the defendant guilty, it shall assess the punishment applicable for the offense unless the defendant requests in writing that the judge assess the punishment and the attorney for the state consents to the request.

SECTION 4. (a) The change in law made by this Act applies only to the waiver of a jury determination on guilt or innocence or assessment of punishment in a prosecution commenced on or after the effective date of this Act.

(b) A prosecution commenced before the effective date of this Act is covered by the law in effect when the prosecution was commenced, and the former law is continued in effect for this purpose.

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 98 was read second time.

Representative M. Garcia moved that consideration of CSHB 98 be postponed until Monday, May 9, at 2 p.m.

Representative G. Thompson moved to table the motion to postpone.

The motion to table prevailed.

CSHB 98 was passed to engrossment. (B. Barton recorded voting yes; Barrientos, Gamez, and Hernandez, no)

HB 1689 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1689.
CSHB 1689

A BILL TO BE ENTITLED
AN ACT
relating to the eligibility of certain students to be enrolled in the first grade in the public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 16.003, Texas Education Code, is amended to read as follows:
16.003. Student Eligibility. A student is entitled to the Foundation School Program if he is 5 years of age or older and under 21 years of age at the beginning of the scholastic year and has not graduated from high school. A child [is not eligible for enrollment] may be enrolled in the first grade [unless] if he is at least six years of age at the beginning of the scholastic year or has been enrolled in the first grade or has completed kindergarten in the public schools in another state prior to transferring to a Texas public school.

SECTION 2. This Act takes effect beginning with the 1983-84 school year.

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 according to its terms, and it is so enacted.

CSHB 1689 was read second time and was passed to engrossment.

HB 281 ON SECOND READING

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

HB 281, A bill to be entitled An Act relating to determinations of equitable adoptions and inheritance rights.

The bill was read second time.

Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 281 by deleting the underlined language on page 1, lines 16 through 22, and substituting the following:

A person claiming to be an illegitimate child may petition the Probate Court to determine if such person was acknowledged by the man claimed to be the father of such person. If the Probate Court finds that the person was publicly acknowledged by substantial words or deeds to be his child, then the child is legitimate for purposes of inheritance from his paternal kindred, both descendents and ascendants, and collaterals in all degrees, and they may inherit from him and his issue.

Committee Amendment No. 1 was adopted without objection.

HB 281, as amended, was passed to engrossment. (Russell recorded voting no)

HB 1130 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1130.
CSHB 1130

A BILL TO BE ENTITLED
AN ACT
relating to supplemental appropriations to pay the additional cost of purchased utilities at certain institutions of higher education.

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

SECTION 1. In addition to sums previously appropriated, the sum of $16,108,096 is appropriated from the general revenue fund to the purchased utility contingency fund of the Coordinating Board, Texas College and University System to pay the cost of purchased utilities (nontransferable) for the fiscal year ending August 31, 1983, at the following institutions:

1. The University of Texas at Arlington;
2. The University of Texas at Austin;
3. The University of Texas at Dallas;
4. The University of Texas at El Paso;
5. The University of Texas at San Antonio;
6. The University of Texas at Tyler;
7. The University of Texas Medical Branch at Galveston;
8. The University of Texas Health Science Center at San Antonio;
9. The University of Texas System Cancer Center;
10. The University of Texas Health Science Center at Tyler;
11. Texas A&M University;
12. Tarleton State University;
13. Corpus Christi State University;
14. Laredo State University;
15. East Texas State University;
16. East Texas State University at Texarkana;
17. University of Houston Central Campus;
18. University of Houston Downtown College;
19. Midwestern State University;
20. North Texas State University;
21. Texas College of Osteopathic Medicine;
22. Pan American University;
23. Stephen F. Austin State University;
24. Texas Woman's University;
25. West Texas State University;
26. Southwest Texas State University; and
27. Sul Ross State University.

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 1130 was read second time and was passed to engrossment. (Saunders, Hilbert, Patterson, Eckels, Ceverha, Schlueter, Connelly, Toomey, and A. Smith recorded voting no)

SB 439 ON THIRD READING
(Bush - House Sponsor)

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

SB 439, A bill to be entitled An Act relating to the adoption of the Uniform Child Custody Jurisdiction Act, to jurisdiction, to notice and joinder requirements,
and to general powers and duties of courts in suits affecting the parent-child relationship or custody of a child; amending the Family Code by adding Subchapter B to Chapter II; by designating Sections 11.01 through 11.50 as Subchapter A; by amending Sections 3.26 and 11.051; Subsection (a), Section 14.08; and Subsection (b), Section 14.10; by adding Subsection (g) to Section 11.05; by amending Subsection (a), Section 11.05, Family Code, as amended by Chapters 584, 643, and 763, Acts of the 66th Legislature, Regular Session, 1979; by amending Subsection (a), Section 11.05, Family Code, as added by Section 2, Chapter 763, Acts of the 66th Legislature, Regular Session, 1979, by redesignating it as Subsection (h) and amending it; and by repealing Sections 11.045, 11.052, and 11.053.

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

SB 408 ON THIRD READING
(Tejeda - House Sponsor)

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

SB 408, A bill to be entitled An Act relating to the creation and administration of the Veterans' Housing Assistance Program, to the veterans' housing assistance fund, and to the powers and duties of the Veterans' Land Board; providing an effective date contingent on passage of a constitutional amendment; amending Title 7, Natural Resources Code, as amended, by adding Chapter 162.

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

On motion of Representative Tejeda and by unanimous consent, the caption of SB 408 was ordered amended to conform to the body of the bill.

SB 727 ON SECOND READING
(Keller - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 727.

CSSB 727

A BILL TO BE ENTITLED
AN ACT
relating to measures designed to reduce the prison population during periods of emergency overcrowding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Title 108, Revised Statutes, is amended by adding Article 6184-0 to read as follows:

Art. 6184-0. TEXAS PRISON MANAGEMENT ACT
Sec. 1. (a) In this article:
(1) "Board" means the Board of Pardons and Paroles.
(2) "Capacity" means the greatest density of prison inmates in relation to space available for inmate housing in the Texas Department of Corrections that is in compliance with standards for prison population established by the Texas Board of Corrections.
(3) "Department" means the Texas Department of Corrections.
(4) "Director" means the director of the Texas Department of Corrections.
(b) In calculations of space available for inmate housing made before January 1, 1985, temporary housing may be considered, except that for purposes of the calculations, space available in temporary housing may not exceed the space available in temporary housing that existed on January 1, 1983. In calculations made on and after January 1, 1985, temporary housing may not be considered for purposes of the calculations.
Sec. 2. (a) If the inmate population of the department reaches 94 percent or more of capacity, the director shall immediately notify the governor in writing of that fact. Thereafter, until the inmate population is reduced to less than 94 percent of capacity, the director shall make a weekly written report to the governor stating the extent to which the inmate population is less than, equal to, or in excess of capacity.

(b) If the inmate population of the department reaches 95 percent or more of capacity, the director shall immediately notify the governor in writing of that fact and credit 30 days of administrative good conduct time to any inmate who:

1. is classified as a trusty or a Class I inmate by the department; and
2. is not serving a sentence for an offense listed in Section 3(a)(2), Article 42,12, Code of Criminal Procedure, 1965, or whose judgment does not contain an affirmative finding under Section 3(a)(2) of that article.

(c) No later than the 30th day after the day of receiving notice from the department that the inmate population of the department has reached 95 percent or more of capacity the governor shall certify that an emergency overcrowding situation exists and shall notify the board of that fact if the governor determines that:

1. the department’s computation of capacity is correct;
2. the department has taken all administrative actions consistent with applicable state statutes and rules adopted under those statutes to reduce the inmate population to 95 percent or less of capacity;
3. those administrative actions are not adequate to reduce the inmate population to 95 percent or less of capacity; and
4. no other means of reducing the inmate population to 95 percent or less of capacity are feasible.

(d) If the board has been notified by the governor that an emergency overcrowding situation exists in the department, the board shall advance by 30 days the parole eligibility and review date of those inmates who are described by Subsection (b) of this section.

(e) If 60 days after the governor has notified the board that an emergency overcrowding situation exists, the situation continues to exist, the board shall advance by an additional 30 days the parole eligibility and review date of those inmates described by Subsection (b) of this section.

(f) If 120 days after the governor has notified the board that an emergency overcrowding situation exists, the situation continues to exist, the governor shall order the director to make another award of good time in the same manner as provided in Subsection (b) of this section. If at that time the governor determines that it is necessary, he may order the board to advance by an additional 30 days the parole review and eligibility date of those inmates who are described by Subsection (b) of this section.

(g) If the governor declares that an emergency overcrowding situation exists, inmate population is reduced to less than 95 percent of capacity, the governor shall immediately notify the board that the emergency situation no longer exists.

(h) This article does not apply to an emergency overcrowding situation if the situation is the direct result of the destruction of prison facilities by a natural or man-made disaster.

(i) A prisoner released to parole under this section is subject to terms and conditions imposed on parolees released under Article 42,12, Code of Criminal Procedure, 1965.

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.
SB 262 was read second time and was passed to third reading. (Heflin, Schlueter, McKenna, Hollowell, and Saunders recorded voting no)

SB 262 ON SECOND READING

(Davis - House Sponsor)

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

SB 262, A bill to be entitled An Act relating to security interests and other liens in motorboats and outboard motors and providing for conflict of relevant provisions in the Parks and Wildlife Code and those in the Business and Commerce Code; amending the Parks and Wildlife Code by amending Subsection (c), Section 31.050 and Section 31.052.

The bill was read second time.

Representative Davis offered the following amendment to the bill:

Amend SB 262 by striking all below the enacting clause and substituting the following:

SECTION 3. Subsection (c), Section 31.050, Parks and Wildlife Code, is amended to read as follows:

(c) A security interest in a motorboat or outboard motor held as inventory by a person who is in the business of selling or leasing goods of that kind may be perfected only by complying with [in a new motorboat or outboard motor as provided in] Chapter 9, Business & Commerce Code.

SECTION 4. Section 31.052, Parks and Wildlife Code, is amended to read as follows:

Section 31.052. SECURITY INTEREST LIENS. (a) Except as provided in Subsection (c) of Section 31.050 of this code, [all liens,] security interests[,] and other encumbrances[,] in a motorboat or outboard motor:[

[(4) shall be noted on the certificate of title of the motorboat or outboard motor to which the security interest[,] and encumbrance] applies;]

[(2) take priority in the chronological order that each is noted on the certificate of title; and]

[(3) are valid as against other general creditors of the owner of the motorboat or outboard motor, subsequent purchasers of the motorboat or outboard motor, and a holder of an unnoted or subsequent lien, security interest[,] or encumbrance].

(b) In case of any conflict between this code and Chapters 1 through 9 of the Business & Commerce Code, the provisions of the Business & Commerce Code control [This section applies to liens, security interests[,] and encumbrances created after January 1, 1976].

SECTION 5. This Act applies only to security interests created on or after the effective date of this Act. A security interest created before that date is covered by the law as it existed when the security interest was created, and the former law is continued in effect for that purpose.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

SB 262, as amended, was passed to third reading.
SB 341 ON SECOND READING  
(Presnal - House Sponsor)  
The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 341.

CSSB 341  
A BILL TO BE ENTITLED  
AN ACT  
directing and authorizing the Board of Regents, Texas State University System, to replace and repair fire damaged structures and sites at Sam Houston State University and appropriating funds for such projects.  

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. The Board of Regents, Texas State University System is directed to undertake projects for the replacement and repair of fire damaged structures and sites at Sam Houston State University, and the Board of Regents is authorized to commence and complete such projects without the further approval or permission of any state board, committee, or agency.  

SECTION 2. To assist the Board of Regents in the completion of the projects required by Section 1, the following amounts are appropriated from the general revenue fund to Sam Houston State University.  
(1) $2,529,712 to repair damage to the Austin College Building caused by a fire on February 12, 1982.  
(2) $2,895,020 for construction of classrooms and offices to replace space lost in the destruction of the Old Main Building by fire on February 12, 1982.  
(3) $925,000 for the cleanup of the Old Main Building site and for the construction of a memorial on such site to commemorate the significance of the Old Main Building in the history of Sam Houston State University and the State of Texas.  
A project shall not be initiated until the Board of Regents has determined that there are sufficient funds available to complete the project. To facilitate completion of these projects monies appropriated above may be transferred between the projects.  

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.  

CSSB 341 was read second time.  
Representative Emmett offered the following amendment to CSSB 341:  
Amend CSSB 341, on page 1, line 11, by inserting a period after "projects" and striking all of Section 1 that follows.  
The amendment was adopted without objection.  
CSSB 341, as amended, was passed to third reading. (Schlueter, A. Smith, Connelly, Hilbert, and Toomey recorded voting no)  

SB 670 ON SECOND READING  
(Presnal - House Sponsor)  
The chair laid before the house on its second reading and passage to third reading.
SB 670, A bill to be entitled An Act making supplemental appropriations to Texas A&M University and to the Texas Agricultural Experiment Station to replace property destroyed by fire.

The bill was read second time and was passed to third reading. (Connelly, Hilbert, Oliver, Wolens, Toomey, and Schlueter recorded voting no)

**SB 469 ON SECOND READING**
(Presnal - House Sponsor)

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

SB 469, A bill to be entitled An Act making supplemental appropriations for the expenses of the Judiciary.

The bill was read second time and was passed to third reading. (Connelly, Hilbert, Toomey, and Schlueter recorded voting no)

**SB 466 ON SECOND READING**
(Presnal - House Sponsor)

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

SB 466, A bill to be entitled An Act making an appropriation to the Texas Board of Architectural Examiners to pay the increased costs of purchasing examinations.

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

**SB 442 ON SECOND READING**
(Jackson - House Sponsor)

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

SB 442, A bill to be entitled An Act making a supplemental appropriation to the Texas State Board of Public Accountancy.

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

**SENATE BILLS ON FIRST READING**

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

SB 1014 to Committee on Higher Education.

SB 682 to Committee on Cultural and Historical Resources.

**CORRECTIONS IN REFERRALS**

HB 1432, relating to charges by certain municipally owned utilities for service to a religious organization was inadvertently referred to the Committee on State Affairs. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of HB 1432 to the Committee on Urban Affairs.

SB 1140, relating to standards for performance rating and certification of solar energy devices was inadvertently referred to the Committee on State Affairs. HB 905, relating to the same subject matter, was referred to the Committee on Energy. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of SB 1140 to the Committee on Energy.
HB 1278 - RULES SUSPENDED

Representative Jackson moved to suspend the 5-day posting rule to allow the Committee on Business and Commerce to consider HB 1278.

The motion prevailed without objection.

RULES SUSPENDED

Representative Coody moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to meet next Tuesday, May 3, instead of Wednesday, May 4.

The motion prevailed without objection.

HB 1730 - RULES SUSPENDED

Representative Danburg moved to suspend the 48-hour subcommittee report rule to allow the Committee on Criminal Jurisprudence to consider HB 1730.

The motion prevailed without objection.

HB 310 - RULES SUSPENDED

Representative Pierce moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider HB 310.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

(Speaker in the chair)

Calendars, on adjournment today, Room G-14.

Urban Affairs, Subcommittee on SB 641, on adjournment today, Desk 43, to consider SB 641.

Urban Affairs, Subcommittee on HB 1631, on adjournment today, Desk 19, to consider HB 1631.

State Affairs, Subcommittee on HB 1780, on adjournment of the full committee today, speakers committee room, to consider HB 1780.

State Affairs, Subcommittee on SB 605, on adjournment of the full committee today, Desk 59, to consider SB 605.

Liquor Regulation, Subcommittee on Open Containers bill, 9 a.m. tomorrow, speakers committee room, to consider HB 48, HB 97, HB 273, and HB 709.

Judiciary, Subcommittee on Family Code, on adjournment today, Desk 76, to consider HB 63.

Criminal Jurisprudence, Subcommittee on HB 1610, HB 1612, and HB 851, on adjournment today, Desk 88, to consider HB 1610, HB 1612, and HB 851.

Criminal Jurisprudence, Subcommittee on HB 420, on adjournment today, Desk 127, to consider HB 420.

Transportation, on adjournment today, Desk 43, to consider HB 1601, HB 1602, and HB 1653.
May 2, 1983

STATE AFFAIRS. Five minutes after adjournment today, speakers committee room, to continue this morning's meeting.

Local and Consent Calendars, on adjournment today, Room G-14, Capitol.
Judicial Affairs, on adjournment today, Desk 102, to consider SB 224.
Criminal Jurisprudence, Subcommittee on HB 746, on adjournment today, Desk 1.

Transportation, Subcommittee on HB 1552, on adjournment today, speakers committee room, to consider HB 1552.

Higher Education, 30 minutes before the session tomorrow, Desk 110, to consider SB 703.
Conference Committee on HJR 19, 10 minutes after adjournment, Old Supreme Court room, to consider HJR 19.

ADJOURNMENT

Representative Short moved that the house adjourn until 10 a.m. tomorrow in memory of Mark F. Sterling.

The motion prevailed without objection.

The house accordingly, at 4:44 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Appropriations - SB 879
Business and Commerce - SB 180
County Affairs - HB 570, HB 764, HB 2345, HB 2369
Criminal Jurisprudence - HB 450, HB 1105, HB 1178, HB 1606, HB 1686, HB 4760, HB 2048, HB 2352, SB 335, SB 613, SB 634
Cultural and Historical Resources - SB 147
Environmental Affairs - HB 2054
Financial Institutions - HB 1138, SB 100, SB 149, SB 151, SB 294, SB 295, SB 438, SB 815
Human Services - HB 717
Insurance - SB 706, SB 928, SB 961
Judicial Affairs - HB 1669, HB 1707, HB 2327, HB 2348, SCR 32
Natural Resources - HB 2226
Public Health - HB 1074, HB 1236, HB 2087
Transportation - HB 725, HB 862, HB 1712, HB 1718, HB 2068, HB 2096, HB 2483, SB 749, SB 766, SB 1205
Urban Affairs - HB 25, HB 591
Ways and Means - HB 1101, HB 2134, HB 2355, SB 221, SB 619, SB 897

COAUTHORS AUTHORIZED

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

HB 487 - Davis
HB 632 - Crockett, Finnell
HB 1748 - Eckels, Oliveira
HB 2326 - Finnell


HR 319 - Patronella, Colbert, R. Martinez, Kemp