The house met at 10 a.m. and was called to order by the speaker. The roll of the house was called and a quorum was announced present (Record 261).

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

Absent, Excused — Laney; Wieting.

Absent — Gibson, J.; Green; Grisham; Hill, G.; Simpson; Uher.

The invocation was offered by Reverend A. LaDell Thomas, Pentecostal Cathedral of Faith, Waco, Texas, as follows:

Eternal God our Father, we thank you for this day. We are ever mindful of the fact that it is by your mercy and your mercy alone that we have the presence of mind and body to be assembled here.

Father, we ask a special blessing upon these representatives involved in the 68th session of the legislature. They have a heavy responsibility. Lord, for the economic, social, and ethical issues that need to be addressed at times catapult Texans into opposing camps, with each group insisting that what they want is best for us all.

Help them, Lord, to submit themselves to your will in their deliberations, to put you first in their thoughts, words, and deeds. We know you have the power to guide their decision-making into such channels that Texas will rise above others in providing all people with an opportunity to lead safe, meaningful, and productive lives.

These and other blessings we ask in your name and for your sake we pray.

(Green and Grisham now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:
Wieting on motion of Hurry.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1983

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

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

SB 480 by Mauzy, relating to apportionment of the state into congressional districts and to terms of office of members of the State Board of Education.
SB 1278 by Farabee, relating to the establishment and operation of a Texas Mental Health Code Public Information Program.

Respectfully,
Betty King
Secretary of the Senate

(Simpson now present)

HR 316 - ADOPTED

Representative Delco moved that all necessary rules be suspended to take up and consider at this time, HR 316.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Delco:
HR 316, Commending Odis Havis.

The resolution was read and was adopted without objection.

On motion of Representative T. Hall, the names of all the members of the house were added to HR 316 as signers thereof.

INTRODUCTION OF ODIS HAVIS

Speaker Lewis presented Mr. Odis Havis to the house and Mr. Havis addressed the house briefly.

Speaker Lewis presented Mr. Havis with a gavel.

INTRODUCTION OF ENTI LIU

Speaker Lewis introduced Enti Liu, Consul from Taiwan. Mr. Liu addressed the house briefly.

LEAVE OF ABSENCE: GRANTED

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

Laney on motion of Simpson.

HJR 91 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HJR 91.
CSPJR 91

A JOINT RESOLUTION

proposing a constitutional amendment to authorize fewer justice of the peace and
constable precincts in certain counties.

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

SECTION 1. That Article V, Section 18, of the Texas Constitution be
amended to read as follows:

Sec. 18. (a) Each [organized] county in the State with a population of 30,000
or more, according to the most recent federal census, [now or hereafter existing;
shall be divided] from time to time, for the convenience of the people, shall be
divided into [precincts] not less than four and not more than eight precincts. Each
county in the State with a population of 18,000 or more but less than 30,000,
according to the most recent federal census, from time to time, for the convenience
of the people, shall be divided into not less than two and not more than four
precincts. Each county in the State with a population of less than 18,000, according
to the most recent federal census, from time to time, for the convenience of the
people, shall be designated as a single precinct or, if the Commissioners Court
determines that the county needs more than one precinct, shall be divided into not
more than four precincts. The division or designation [precincts] shall be made by
the Commissioners Court provided for by this Constitution. In each such precinct
there shall be elected one Justice of the Peace and one Constable, each of whom shall
hold his office for four years and until his successor shall be elected and qualified;
provided that in any precinct in which there may be a city of 18,000 [8,000] or more
inhabitants, there shall be elected two Justices of the Peace.

(b) Each county shall, in the [free] manner provided for justice of the peace
and constable precincts, be divided into four commissioners precincts in each of
which there shall be elected by the qualified voters thereof one County
Commissioner, who shall hold his office for four years and until his successor shall
be elected and qualified. The County Commissioners so chosen, with the County
Judge as presiding officer, shall compose the County Commissioners Court, which
shall exercise such powers and jurisdiction over all county business, as is conferred
by this Constitution and the laws of the State, or as may be hereafter prescribed.

(c) When the boundaries of justice of the peace and constable precincts are
changed, each Justice and Constable in office on the effective date of the change,
or elected to a term of office beginning on or after the effective date of the change,
shall serve in the precinct in which the person resides for the term to which each
was elected or appointed, even though the change in boundaries places the person's
residence outside the precinct for which he was elected or appointed, abolishes the
precinct for which he was elected or appointed, or temporarily results in extra
Justices or Constables serving in a precinct. When, as a result of a change of precinct
boundaries, a vacancy occurs in the office of Justice of the Peace or Constable, the
Commissioners Court shall fill the vacancy by appointment until the next general
election.

(d) When the boundaries of commissioners precincts are changed, each
commissioner in office on the effective date of the change, or elected to a term of
office beginning on or after the effective date of the change, shall serve in the precinct
in which each was elected or appointed for the entire term to which each was elected
or appointed, even though the change in boundaries places the person's residence
outside the precinct for which he was elected or appointed.

SECTION 2. That the following temporary provision be added to the Texas
Constitution:

TEMPORARY PROVISION. (a) The amendment of Article V, Section 18,
of the Texas Constitution proposed by the 68th Legislature, Regular Session,
authorizing fewer justice of the peace and constable precincts in certain counties, takes effect January 1, 1984.

(b) A county that has a population of less than 30,000, according to the 1980 federal census, and that has more than four justice of the peace and constable precincts on January 1, 1984, may keep that number of precincts until January 1, 1987. On and after January 1, 1987, the county must have a number of justice of the peace and constable precincts authorized by Article V, Section 18, of the Texas Constitution.

c) This provision expires January 2, 1987.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing fewer justice of the peace and constable precincts in counties with a population of less than 30,000 and providing for continuous service by justices of the peace, constables, and county commissioners when precinct boundaries are changed."

CSHJR 91 was read second time.

Representative Robinson offered the following amendment to CSHJR 91:

Amend CSHJR 91 as follows:

(1) On page 1, line 14, strike "four" and substitute "five".

The amendment was adopted without objection.

(Uber now present)

A record vote was requested.

The resolution, as amended, was adopted by (Record 262): 134 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aginich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hilbert; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wilson; Wolens; Word; Wright.

Nays — Hightower; Keller; Kubiak; Russell; Uber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney; Wieting.

Absent — Bush; Emmett; Gibson, J.; Glossbrenner; Hill, A.; Hill, G.; Messer; Thompson, G.
(J. Gibson now present)

HB 2413 - PERMISSION TO INTRODUCE

Representative A. Smith moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2413.

The motion prevailed by (Record 263): 137 Yeas, 0 Nays.

Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bissant; Bomer; Buchanan; Burnett; Cain; Carriker; Cavazos; Cervera; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddick; Crockitt; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heftin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Keller; Kemp; Khouury; Kubik; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patric; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Pressnall; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shen; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Uhler; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney; Wieting.

Absent — Agnich; Bush; Cary; Criss; Emmett; Garcia, M.; Hill, G.; Hury; Schlueter; Thompson, G.

HB 36 - POSTPONED

Representative A. Hill moved that consideration of HB 36 be postponed until 10:50 a.m. today.

The motion prevailed without objection.

HB 1438 ON THIRD READING

The speaker laid before the house on its third reading and final passage, 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 third time and was passed. (Delco, C. Smith, P. Moreno, Ragsdale, Denton, M. Garcia, and Green recorded voting no)

HB 658 ON THIRD READING

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

The bill was read third time and was passed. (Turner, Toomey, McKenna, and Robnett recorded voting no)
HB 79 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

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

The bill was read third time and was passed. (Delco, Rangel, P. Moreno, Barrientos, and M. Garcia recorded voting no)

HB 1995 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

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 third time and was passed. (Fox, Toomey, and Heflin recorded voting no)

HB 651 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

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 third time and was passed. (Fox, Toomey, C. Smith, Heflin, and Ceverha recorded voting no)

HB 98 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 98, A bill to be entitled An Act relating to waiver of trial by a jury in a criminal case.

The bill was read third time and was passed. (Hernandez, L. Evans, M. Garcia, Ragsdale, and Rangel recorded voting no)

HB 1689 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

HB 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.

The bill was read third time and was passed.

HB 281 ON THIRD READING
The speaker laid before the house on its third reading and final passage,

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

The bill was read third time and was passed.

HB 1130 ON THIRD READING
The speaker laid before the house on its third reading and final passage,
HB 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.

(G. Hill now present)

A record vote was requested.

The bill was read third time and was passed by (Record 264): 114 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Collazo; Coody; Craddick; Cress; Crockett; Danburg; Davis; Delco; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweitd; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millasp; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Peveo; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salsinas; Schoolcraft; Shaw; Short; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wilson; Wolens; Word.

Nays — Ceverha; Clemons; Connelly; DeLay; Eckels; Fox; Hammond; Heftin; Hilbert; Hill, P.; Jackson; Keller; Khoury; Kubiak; Kuempel; Parker; Patterson; Pennington; Robinson; Saunders; Schlueter; Shea; Smith, A.; Staniswalis; Thompson, G.; Toomey; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney; Wieting.

Absent — Agnich; Colbert; Emmett; Hinojosa; Horn; Simpson.

The speaker stated that HB 1130 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

HB 137 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 137.

CSHB 137

A BILL TO BE ENTITLED

AN ACT

relating to the making and reporting of political contributions and expenditures before an election.

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

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

239d. RESTRICTION ON CONTRIBUTIONS AFTER LAST REPORTING PERIOD BEFORE ELECTION; ADDITIONAL REPORTING REQUIREMENTS. (a) In addition to the filing of a sworn statement under Section 243 of this code (Article 14.07, Vernon’s Texas Election Code), the information required to be reported on the statement regarding contributions from a person that in the aggregate exceed $250 and that are accepted during the period beginning on
the ninth day and ending on and including the fifth day before election day shall be reported in a sworn statement filed not later than 5 p.m. of the fifth day before election day. The rules prescribed by Section 243(F) of this code regarding the timeliness of a filing apply to the filing of a statement under this section.

(b) The statement for a state office shall be filed with the secretary of state. Statements for other offices shall be filed with the county clerk serving the county of the residence of the candidate on whose behalf the contribution was made.

(c) It is unlawful for a political committee to make a contribution during the period beginning on the fourth day before election day and ending at the closing of the polls on election day.

(d) During the period beginning on the fourth day before election day and ending at the closing of the polls on election day, it is unlawful for a candidate to accept from an individual contributions that in the aggregate exceed, for any election, the following amounts:

(1) if a candidate for a state office, $10,000;
(2) if a candidate for the office of state senator, $2,500;
(3) if a candidate for the office of state representative, $1,000; and
(4) if a candidate for an office other than a state office, the office of state senator, or the office of state representative, $1,000.

(e) A contribution may be accepted even though it was actually received after the deadline for making the contribution under Subsection (c) or (d) of this section if the information regarding the contribution is reflected on the statement required by this section and indicates that the agreement concerning the contribution occurred before the deadline. A contribution that is actually received after the deadline must be returned to the person making the contribution if the reporting requirement of this subsection is not complied with.

SECTION 2. Section 243(F), Texas Election Code (Article 14.07, Vernon's Texas Election Code), is amended to read as follows:

(F) The statement and oath shall be filed as follows: for a county office, or a measure submitted at an election called by a county, with the county clerk of the county; for a district office or a state office, or statewide measure, or other constitutionally designated members of the Executive Department, with the secretary of state, and a candidate for a district office must also file with the county clerk serving the candidate's county of residence a copy of that statement and oath which is required to be filed not later than the eighth day before election day under Section 243(H)(4) or (5) of this code (Article 14.07, Vernon's Texas Election Code); for a municipal office, or a measure submitted at an election called by a municipality, with the city secretary or city clerk of the municipality; and for an office of a political subdivision, or a measure submitted at an election called by a political subdivision other than a county or municipality, with the secretary of the governing body of the political subdivision. General purpose political committees shall file the required sworn statements and oaths with the Secretary of State. The deadline for filing any statement required under this section is 5 p.m. of the last day designated in the pertinent subsection for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday enumerated in Article 4591, Revised Civil Statutes of Texas, 1925, as amended, the deadline for filing is extended to 5 p.m. of the next day which is not a Saturday or Sunday or enumerated holiday. A statement shall be deemed to be timely filed if it is placed in the United States Post Office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that such statement was deposited with the post office or carrier. The person making the report may show by competent evidence that the actual date of posting was to the contrary.
SECTION 3. Sections 243(H)(4), (5), and (7), Texas Election Code (Article 14.07, Vernon's Texas Election Code), are amended to read as follows:

(4) Every candidate or specific purpose political committee shall file three sworn statements relating to the election in which such person is involved in addition to any statement as provided in Paragraph (6) below. The three sworn statements shall be filed not later than the 30th day prior to the election, not later than the 8th [7th] day prior to the election, and not later than the 30th day after the election, respectively. A candidate who has been nominated by his party's primary or a specific purpose political committee existing for the sole purpose of supporting such candidate and having given notice of such sole purpose in lieu of filing his third statement which encompasses nine (9) days prior to the twenty-five (25) days after the election shall include in his first statement prior to the general election all previously unreported contributions and expenditures. The period reported in the first such statement shall begin on the day of campaign treasurer designation, and end on and include the 40th day prior to the election. The period reported in the second such statement shall begin on the 39th day before the election and end on and include the 10th day before the election. The period reported in the third such statement shall begin on the 9th day before the election and end on and include the 25th day after the election. In the event a candidate or specific purpose political committee becomes involved in an election after the end of any period covered by the regular reports otherwise required herein, the first applicable sworn statement shall be filed at the next regularly required deadline and its reporting period shall begin on the date of designation of campaign treasurer.

(5) In lieu of any third statement required, which falls on the 30th day after any general primary or special elections, whenever a candidate or specific purpose political committee is involved in a run-off election, not later than the 8th [7th] day before the run-off election, the candidate or specific purpose political committee shall file a statement of all previously unreported contributions and expenditures through the 10th day before the run-off election. The next statement required shall be filed not later than the 30th day after the run-off election and shall report all contributions received and all expenditures made during a period beginning on the 9th day before the run-off election and ending on the 25th day after the run-off election.

(7) All general purpose political committees shall file sworn statements as designated either in this paragraph or in Paragraph (8) of this subsection:
   (a) On January 15th of each year, a statement of all contributions received and all expenditures made during the previous calendar year which have not been previously reported;
   (b) Not earlier than the 40th day and not later than the 30th day before the date of an election in which the general purpose political committee is involved, a statement of all contributions received and all expenditures made during the period from the date on which the general purpose political committee filed a designation of a campaign treasurer through the 40th day before the date of the election which have not been previously reported;
   (c) Not earlier than the 10th day and not later than the 8th [7th] day before the date of an election in which the general purpose political committee is involved, a statement of all contributions received and all expenditures made through the 10th day before the date of the election which have not been previously reported;
   (d) Not earlier than the 25th day and not later than the 30th day after the date of an election in which the general purpose political committee is involved, a statement of all contributions received and all expenditures made since the date covered by the last report filed under this subsection;
   (e) Whenever a general purpose political committee is involved in a run-off election, in lieu of the statement to be filed by not later than the 30th day after the
first election, the committee shall file a statement on the 8th [9th] day before the
date of the run-off election showing all contributions received and all expenditures
made since the date of the last report filed under this subsection:
(f) In the event a general purpose political committee becomes involved in an
election after the end of any periods covered by the regular reports otherwise
required herein, the first applicable sworn statement shall be filed at the next
regularly required deadline and its reporting period shall begin on the date of
designation of campaign treasurer.

SECTION 4. The importance of this legislation and the crowded condition
of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days
in each house be suspended, and this rule is hereby suspended.

CSHB 137 was read second time.
Representative B. Gibson offered the following amendment to CSHB 137:
Amend CSHB 137 as follows:
1. On page 1, line 16, strike the sentence beginning with “The” and substitute
“A statement required to be filed with the county clerk under this section is not
timely unless it is received by the clerk before the filing deadline.”.
(2) On page 1, line 22, by inserting after the period “A fee may not be charged
for the filing of a statement under this section.”
(3) On page 4, line 5, after the period insert “The copy of the statement and
oath required to be filed under this subsection with the county clerk by a candidate
for a district office is not timely unless it is received by the clerk before the filing
deadline”.
The amendment was adopted without objection.
Representative Turner offered the following amendment to CSHB 137:
Amend CSHB 137 by striking on page 2, line 1, the words “the closing of the
polls” and substituting the word “midnight”.
Amend CSHB 137 by striking on page 2, line 4, the words “the closing of the
polls” and substituting the word “midnight”.
The amendment was adopted without objection.
CSHB 137, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE
Austin, Texas, May 3, 1983

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

I am directed by the Senate to inform the House that the Senate has passed the
following:
SB 748 by McFarland, relating to adoption of a nonsubstantive revision of the
statutes relating to property.

Respectfully,
Betty King
Secretary of the Senate
HB 1169 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1169.

CSHB 1169

A BILL TO BE ENTITLED
AN ACT
relating to suits for the dissolution of marriage and affecting the parent-child relationship and to orders and decrees in these suits, including the enforcement and limitations of orders and decrees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 3.58, Family Code, is amended to read as follows:
Sec. 3.58. TEMPORARY ORDERS. (a) After a petition for divorce or annulment or to declare a marriage void is filed, the court, on the motion of any party, or on the court's own motion, may grant a temporary restraining order ex parte and, in addition, after notice and hearing may issue a temporary injunction for the preservation of the property and the protection of the parties as deemed necessary and equitable, including but not limited to an order prohibiting one or both parties from:
(1) intentionally communicating with the other by telephone or in writing in vulgar, profane, obscene, or indecent language, or in a coarse or offensive manner, with intent to annoy or alarm the other;
(2) threatening the other, by telephone or in writing, to take unlawful action against any person, intending by this action to annoy or alarm the other;
(3) placing one or more telephone calls, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other;
(4) intentionally, knowingly, or recklessly causing bodily injury to the other, or to a child of either;
(5) threatening the other or a child of either with imminent bodily injury;
(6) intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties, or either of them, with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;
(7) intentionally falsifying any writing or record relating to the property of either of them;
(8) intentionally misrepresenting or refusing to disclose to the other or to the court, on proper request, the existence, amount, or location of any property of the parties, or either of them;
(9) intentionally or knowingly damaging or destroying the tangible property of the parties, or either of them; or
(10) intentionally or knowingly tampering with the tangible property of the parties, or either of them, and causing pecuniary loss or substantial inconvenience to the other.
(b) A temporary restraining order under this subchapter may not:
(1) include a provision the subject of which is any requirement, appointment, award, or other order that is listed in Subsection (c) of this section; or
(2) include a provision that:

(A) excludes a spouse from occupancy of the residence where the party is living;

(B) prohibits a party from the spending of funds for reasonable and necessary living expenses; or

(C) prohibits a party from engaging in acts reasonable and necessary to the conduct of that party's usual business and occupation.

(c) After a petition for divorce or annulment or to declare a marriage void is filed, the court, on the motion of any party or on the court's own motion, may grant a temporary injunction after notice and hearing for the preservation of the property and protection of the parties as deemed necessary and equitable, including but not limited to an order directed to one or both parties:

(1) requiring a sworn inventory and appraisal of all property, both real and personal, owned or claimed by the parties, and a list of all debts and liabilities owed by the parties (the form, manner, and substance of the inventory and appraisal and list of debts and liabilities to be specified by the court);

(2) requiring the support of either of the spouses;

(3) requiring the production of books, papers, documents, and tangible things by any party;

(4) ordering payment of reasonable attorney's fees and [future] expenses [properly chargeable as court costs; on proof of necessity];

(5) appointing a receiver for the preservation and protection of the property of the parties;

(6) awarding one spouse exclusive occupancy of the residence during the pendency of the case [excluding either spouse from occupancy of the residence where the party is living];

(7) prohibiting the parties, or either of them, from the spending of funds beyond what the court determines to be for reasonable and necessary living expenses; or

(8) awarding one spouse exclusive control of a party's usual business or occupation [prohibiting the parties, or either of them, from engaging in acts reasonable and necessary to the conduct of that party's usual business or occupation].

The terms of the orders issued under this subsection may not be the subject of a temporary restraining order issued ex parte.

(d) [ef] A temporary restraining order or a temporary injunction issued under this section may be granted without the necessity of an affidavit or a verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. A temporary restraining order or temporary injunction granted under this section need not:

(1) define the injury or state why it is irreparable; or

(2) state why the order was granted without notice;

(e) [ef] In a suit for divorce, annulment, or to declare a marriage void, the court may dispense with the necessity of a bond as between the spouses when issuing temporary orders.

(f) [ef] The violation of any order issued under this section is punishable as contempt.

SECTION 2. Chapter 3, Family Code, is amended by adding Subchapter D to read as follows:

**SUBCHAPTER D. ENFORCEMENT**

Sec. 3.70. PROCEDURE TO ENFORCE DECREES OF DIVORCE OR ANNULMENT. (a) A court order or the portion of a decree of divorce or annulment providing for a division of property under Section 3.63 of this code may
be enforced by the filing of a motion as provided by this subchapter in the court that
rendered the decree by any party affected by the order or decree.

(b) Except as otherwise provided in this code, a motion to enforce shall be
governed by the Texas Rules of Civil Procedure applicable to the filing of an original
lawsuit. Each party whose rights, privileges, duties, or powers may be affected by
the motion is entitled to receive notice by citation and shall be commanded to
appear by filing a written answer. Thereafter, the proceedings shall be as in civil
cases generally.

(c) After rendition of a decree of divorce or annulment, the court retains the
power to enforce the property division made under Section 3.63 of this code. A
motion to enforce the division of tangible personal property in existence at the time
of the decree must be filed within a period of two years after the decree was signed
or becomes final after appeal, whichever is the later, or the suit is barred. A motion
to enforce the division of future property not in existence at the time of the original
decree must be filed within a period of two years after the right to the property
matures or accrues or after the decree becomes final, whichever is the later, or the
suit is barred.

(d) The procedures and limitations provided by this subchapter do not apply
to existing property not divided on divorce and thereby held by the ex-spouses as
tenants in common. A suit for partition of that property is governed by the rules
applicable to civil cases generally.

(e) Neither party may demand a jury trial if the procedures to enforce a decree
provided by this subchapter are invoked.

Sec. 3.71. ENFORCEMENT OF DIVISION OF PROPERTY. (a) Except as
provided by this subchapter and by the Texas Rules of Civil Procedure, a court may
not amend, modify, alter, or change the division of property made or approved in
the decree of divorce or annulment. Further orders may be entered to enforce the
division, but these orders shall be limited to orders in aid of or in clarification of
the prior order. The court may specify more precisely the manner of effecting the
property division previously made if the substantive division of property is not
altered or changed. An order of enforcement does not alter or affect the finality of
the decree of divorce or annulment being enforced.

(b) An order under this section that amends, modifies, alters, or changes the
actual, substantive division of property made or approved in a final decree of
divorce or annulment is beyond the power of the divorce court to enter and is
unenforceable.

Sec. 3.72. CLARIFICATION ORDER. (a) On the motion of either party or
on its own motion, the court may issue a clarifying order before a motion
for contempt is made or heard, in conjunction with a motion for contempt, or on
denial of a motion for contempt.

(b) A clarifying order may not be given retroactive effect. A reasonable time
shall be provided for compliance before the clarifying order may be enforced
by contempt or in another manner.

Sec. 3.73. DELIVERY OF PROPERTY. To enforce the division of property
made in a suit for divorce or annulment, the court may make an order to deliver
the specific existing property awarded, whether or not of especial value, including
an award of an existing sum of money or its equivalent.
Sec. 3.74. REDUCTION TO MONEY JUDGMENT. (a) If a party fails to comply with a decree of divorce or annulment and delivery of property awarded in the decree is no longer an adequate remedy, the court may enter a money judgment for the damages caused by that failure to comply.

(b) On the motion of any party who did not receive payments of money as awarded in a decree of divorce or annulment, the court may enter judgment against a defaulting party for the amount of unpaid payments to which the movant is entitled. The remedy of a reduction to money judgment is in addition to all other remedies provided by law.

(c) A money judgment rendered under this section may be enforced by any means available for the enforcement of a judgment for debt.

Sec. 3.75. RIGHT TO FUTURE PROPERTY. An award of the right to receive installment payments or a lump-sum payment due on the maturation of an existing vested or nonvested right to be paid in the future may be enforced by the remedies provided by this subchapter. The subsequent actual receipt by the nonowning party of property awarded to the owner creates a fiduciary obligation in favor of the owner and imposes a constructive trust on the property for the benefit of the owner.

Sec. 3.76. CONTEMPT. (a) An order requiring delivery of specific property, or an award of a right to future property, may be enforced by contempt.

(b) An award of a sum of money in a decree of divorce or annulment, payable in a lump sum or in future installment payments in the nature of debt, other than that in existence at the time of the decree or as provided in Section 3.75 of this code, is not enforceable by contempt.

(c) This subchapter does not detract from or limit the general power of a court to enforce its orders by appropriate means.

Sec. 3.77. COSTS. In any proceeding to enforce a property division as provided by this subchapter, the court may award costs as in other civil cases. Reasonable attorney's fees may be taxed as costs in any proceeding under this subchapter, and may be ordered paid directly to the attorney, who may enforce the order for fees in his own name by any means available for the enforcement of a judgment for debt.

SECTION 3. Section 11.03, Family Code, is amended to read as follows:

Sec. 11.03. WHO MAY BRING SUIT. A suit affecting the parent-child relationship may be brought by any person with an interest in the child, including the child (through a representative authorized by the court), any agency of the state or of a political subdivision of the state, and any authorized agency. A person has an interest in a child if the person has had possession and control of the child for at least six months immediately preceding the filing of the petition or is named in Section 11.09(a) of this code as being entitled to service by citation.

SECTION 4. Sections 11.11(a) and (b), Family Code, are amended to read as follows:

(a) In a suit affecting the parent-child relationship, the court may make any temporary order for the safety and welfare of the child, including but not limited to an order:

(1) for the temporary conservatorship of the child;
(2) for the temporary support of the child;
(3) restraining any party from molesting or disturbing the peace of the child or another party;
(4) prohibiting a person from removing the child beyond a geographical area identified by the court [the jurisdiction of the court as under a writ of ne exire]; or
(5) for payment of reasonable attorney's fees, and [future] expenses [properly chargeable as court costs, on proof of necessity, as provided by Section 11.18 of this code].
(b) Except as provided by Subsection (c) of this section, temporary restraining orders and temporary injunctions under this section shall be granted without the necessity of an affidavit or verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. An order may not be entered under Subsection (a)(1), (2), or (5) of this section except after notice and a hearing. A temporary restraining order granted under this section need not:

1. Define the injury or state why it is irreparable; or
2. State why the order was granted without notice.

SECTION 5. Section 11.15, Family Code, is amended to read as follows:

Sec. 11.15. FINDINGS. (a) The court’s findings shall be based on a preponderance of the evidence under rules generally applicable to civil cases.

(b) A decree in a suit affecting the parent-child relationship must contain the social security number of each party to the suit, including the child.

SECTION 6. Section 14.08, Family Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If a petition for further action is filed for the purpose of changing the designation of the managing conservator, after a hearing the court may enter the order only if the standards established by this section for modification of the prior order or decree have been met.

(g) While a motion to modify or a petition for further action is pending, the court may not issue temporary orders under Section 11.11 of this code that have the effect of changing the designation of the managing conservator unless the order is necessary because there is a serious, immediate question concerning the welfare of the child.

SECTION 7. (a) This Act takes effect September 1, 1983.

(b) Subchapter D of Chapter 3, Family Code, as added by this Act applies to the enforcement of a decree of divorce or annulment made by a Texas court before or after the effective date of this Act.

SECTION 8. 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 1169 was read second time.

Representative Khoury offered the following amendment to CSHB 1169:

Amend page 5, line 3, to read:

(j) [restraining] The violation of any order [or injunction] issued under this section is punishable as contempt.

The amendment was adopted without objection.

Representative Khoury offered the following amendment to CSHB 1169:

Amend CSHB 1169, page 10, by deleting lines 25-27, and substituting the following therefor:

"(b) A decree in a suit affecting the parent-child relationship, in which any person is ordered to pay child support, must contain the social security number of each party to the suit, including the child."

The amendment was adopted without objection.

Representative C. Evans offered the following amendment to CSHB 1169:

Amend CSHB 1169 by renumbering Section 8 as Section 9 and by adding a new Section 8 to read as follows:
SECTION 8. Chapter 12, Family Code, is amended by adding Section 12.06 to read as follows:

Sec. 12.06. DENIAL OF PATERNITY. (a) In any suit affecting the parent-child relationship, other than a suit under Chapter 13 of this code, a man is entitled to deny his paternity of the child who is the subject of the suit and who was born or conceived during the marriage of the man and the mother of the child. The question of paternity under this section must be raised by an express statement denying paternity of the child in the man's pleadings in the suit, without regard to whether the man is a petitioner or respondent.

(b) In any suit in which a question of paternity is raised under this section, the court shall conduct the pretrial proceedings and order the blood tests as required in a suit under Chapter 13 of this code.

(c) In any suit in which a question of paternity is raised under this section, the man who is denying his paternity of the child has the burden of establishing that the man is not the father of the child.

The amendment was adopted without objection.

CSHB 1169, as amended, was passed to engrossment.

HB 36 ON THIRD READING

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

HB 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.

The bill was read third time.

Representative Gilley offered the following amendment to the bill:

Amend HB 36, on third reading, as follows:

1. On page 27, strike lines 11-12 and renumber the following sections accordingly.

2. Amend Section 4.004 (Repealer) to omit the repealer for Hunt County.

The amendment was adopted without objection.

Representative Messer offered the following amendment to the bill:

Amend HB 36 on page 13 by adding a new subsection to Section 2.003 to read as follows:

(b) The commissioners court in Bell 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 Messer offered the following amendment to the bill:

Amend HB 36 on page 13 by adding a new subsection to Section 2.004 to read as follows:

(b) The commissioners court in Bell 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 Kuempel offered the following amendment to the bill:
Amend HB 36 on page 15, by adding a new subsection to Section 2.018 to read as follows:

(_)_ The commissioners court of Comal County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

The amendment was adopted without objection.

Representative Kuempel offered the following amendment to the bill:

Amend HB 36 on page 19 by adding a new subsection to Section 2.050 to read as follows:

(_)_ The commissioners court in Guadalupe 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.

Representatives Denton and Khoury offered the following amendment to the bill:

Amend HB 36, on third reading, as follows:

1) On page 28, strike lines 8-13, and renumber the following sections accordingly.

2) Amend Section 4.004 (Repealer) to omit reference to repeal of the law relating to the county courts at law in McLennan County.

The amendment was adopted without objection.

Representative Turner offered the following amendment to the bill:

Amend HB 36 on page 28 by adding a new subsection to Section 2.071 to read as follows:

(b) The commissioners court in Houston 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 Crockett offered the following amendment to the bill:

Amend HB 36 on page 29 by adding a new subsection to Section 2.079 to read as follows:

(b) The commissioners court in Medina 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 Jones offered the following amendment to the bill:

Amend HB 36 on page 18 by adding a new subsection to Section 2.039 to read as follows:

(b) The commissioners court in El Paso 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.

(Patrick in the chair)

The amendment failed of adoption.

Representative Polumbo offered the following amendment to the bill:

Amend HB 36, on third reading, as follows:
(1) Add the following subsection to Section 2.055:
(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.

(2) Add the following subsection to Section 2.056:
(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.

(3) Add the following subsection to Section 2.057:
(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.

(4) Add the following subsection to Section 2.058:
(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.

(5) Add the following subsection to Section 2.059:
(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.

(6) Add the following subsection to Section 2.060:
(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.

(7) Add the following subsection to Section 2.061:
(f) The district attorney of Harris County shall attend the Circuit Court No. 11 of Harris County as required by the judge of that court.

(8) Add the following subsection to Section 2.062:
(f) The district attorney of Harris County shall attend the Circuit Court No. 12 of Harris County as required by the judge of that court.

(9) Add the following subsection to Section 2.063:
(f) The district attorney of Harris County shall attend the Circuit Court No. 13 of Harris County as required by the judge of that court.

(10) Add the following subsection to Section 2.064:
(f) The district attorney of Harris County shall attend the Circuit Court No. 14 of Harris County as required by the judge of that court.

The amendment was adopted without objection.

Representative Stiles offered the following amendment to the bill:

Amend HB 36 on page 28 by adding a new subsection to Section 2.073 to read as follows:
(b) The commissioners court in Jefferson 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 Stiles offered the following amendment to the bill:

Amend HB 36 on page 28 by adding a new subsection to Section 2.074 to read as follows:
(b) The commissioners court in Jefferson 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 Staniswalis offered the following amendment to the bill:

Amend HB 36 on page 30 by adding a new subsection to Section 2.089 to read as follows:
(b) The commissioners court in Potter 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 Staniswalis offered the following amendment to the bill:

Amend HB 36 on page 30 by adding a new subsection to Section 2.090 to read as follows:

(b) The commissioners court in Potter 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 Simpson offered the following amendment to the bill:

Amend HB 36 on third reading, by adding a new subsection to Section 2.091 to read as follows:

(b) The commissioners court of Randall County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

The amendment was adopted without objection.

Representative Bomer offered the following amendment to the bill:

Amend HB 36, on third reading, by adding a new section, appropriately numbered, to Subchapter C to read as follows:

SECTION 3.009. (a) The Circuit Court No. 1 of Cherokee County is created.
(b) The commissioners court in Cherokee 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.
(c) This section takes effect January 1, 1986, or on an earlier date determined by the commissioners court by an order entered on its minutes.

The amendment was adopted without objection.

Representative DeLay offered the following amendment to the bill:

Amend HB 36 on page 19 by adding a new subsection to Section 2.044 to read as follows:

(b) The commissioners court in Ft. Bend 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 W. Hall offered the following amendment to the bill:

Amend HB 36 on page 33 by adding a new subsection to Section 2.111 to read as follows:

(b) The commissioners court in Webb 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 Coody offered the following amendment to the bill:

Amend HB 36 on page 33 by adding a new subsection to Section 2.113 to read as follows:
(b) The commissioners court in Wise 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 Peveto offered the following amendment to the bill:

Amend HB 36 on page 30 by adding a new subsection to Section 2.088 to read as follows:

(b) The commissioners court in Orange 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 Burnette offered the following amendment to the bill:

Amend HB 36 on third reading by adding a new subsection to Section 2.102 to read as follows:

(b) The commissioners court in Tom Green 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 Mankins offered the following amendment to the bill:

Amend HB 36 on page 19 by adding a new subsection to Section 2.049 to read as follows:

(b) The commissioners court in Gregg 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 G. Thompson offered the following amendment to the bill:

Amend HB 36 on page 31 by adding a new subsection to Section 2.101 to read as follows:

(c) The commissioners court in Taylor 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 Tejeda offered the following amendment to the bill:

Amend HB 36, on third reading, by adding Subsection (h) to Section 1.006 to read as follows:

(h) A judge of a circuit court may not charge or accept a fee or a donation for conducting a marriage ceremony that is held on a weekday, other than a state holiday, during the period beginning at 8 a.m. and ending at 5 p.m. and that is held in an office, courtroom, or building that is publicly owned or for which tax revenue is spent.

The amendment was adopted without objection.

Representative Hightower offered the following amendment to the bill:

Amend HB 36 on third reading by adding a new subsection to Section 2.110 to read as follows:
(b) The commissioners court in Walker 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 Craddick offered the following amendment to the bill:

Amend HB 36 on page 29 by adding a new subsection to Section 2.080 to read as follows:

(b) The commissioners court in Midland 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 Haley offered the following amendment to the bill:

Amend HB 36 on page 34 by adding a new subsection to Section 3.008 to read as follows:

(b) The commissioners court in Panola 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.

LEAVE OF ABSENCE GRANTED

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

Peveto on motion of Horn.

HB 36 - (consideration continued)

(Speaker in the chair)

Representative Oliveira offered the following amendment to the bill:

Amend HB 36 on page 15 by adding a new subsection to Section 2.015 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.

Representative Oliveira offered the following amendment to the bill:

Amend HB 36 on page _____ by adding a new subsection to Section 2.014 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.

Representative McWilliams offered the following amendment to the bill:

Amend HB 36, on third reading, as follows:

1. On page 26, strike lines 18-20 and renumber the following sections accordingly.

2. Amend Section 4.004 (Repealer) to omit reference to repeal of the law for Harrison County.
The amendment was adopted without objection.

Representative Hury offered the following amendment to the bill:

Amend HB 36 on third reading by adding a new subsection to Section 2.046 to read as follows:

(b) The commissioners court in Galveston 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 Hudson offered the following amendment to the bill:

Amend HB 36 on third reading by adding a new subsection to Section 2.045 to read as follows:

(b) The commissioners court in Galveston 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 J. Hudson offered the following amendment to the bill:

Amend HB 36 on page 30 by adding a new subsection to Section 2.093 to read as follows:

(b) The commissioners court in Smith 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 J. Gibson offered the following amendment to the bill:

Amend HB 36 on page 30 by adding a new subsection to Section 2.094 to read as follows:

(b) The commissioners court in Smith 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 J. Gibson offered the following amendment to the bill:

Amend HB 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. 2 of Ector County is created.

(b) The commissioners court in Ector 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 J. Gibson offered the following amendment to the bill:

Amend HB 36 on page 18 by adding a new subsection to Section 2.038 to read as follows:

(b) The commissioners court in Ector 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.
HB 36, as amended, was passed. (Heflin, Staniswalis, A. Smith, Schoolcraft, Patterson, Hollowell, Horn, and Schlueter recorded voting no)

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 199, HCR 200, HCR 201, HCR 202, HCR 203, HCR 204, HCR 205, HCR 206, HCR 207, HCR 208, HCR 209, HCR 210, HCR 211, HCR 212

HB 2414 - PERMISSION TO INTRODUCE

Representative Uher moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2414.

The motion prevailed by (Record 265): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriccr; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmet; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones, Keller; Kemp; Khoury; Kubiak; Kuenppl; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Prenual; Price; Ragland; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Sutton; Tsigara; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney; Peveto; Wieting.

Absent — Agnich; Collazo; Hill, G.; Hinojosa; Horn; Staniswalis; Stiles; Toomey.

HB 1547 - POSTPONED

Representative Keller moved that consideration of HB 1547 be postponed until 10 a.m. tomorrow.

The motion prevailed without objection.

HB 475 ON SECOND READING

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

HB 475, A bill to be entitled An Act amending Section 51.14.(b), V.T.C.A., Family Code; permitting inspection of certain juvenile records by the Texas Department of Corrections for statistical and diagnostic purposes; and declaring an emergency.
The bill was read second time.

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

Amend HB 475 by inserting "or institution" between "agency" and "providing" on line 10 of page 1.

The amendment was adopted without objection.

HB 475, as amended, was passed to engrossment. (L. Evans recorded voting no)

HB 1731 ON SECOND READING

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

HB 1731, A bill to be entitled An Act relating to the establishment of a Texas Trails System.

The bill was read second time.

Representative Danburg offered the following amendment to the bill:

Amend HB 1731 on page 3, line 7, by inserting the following after "classifications."

A trail may not include the main travelway portions of highways, roads, or streets that are provided primarily for motor vehicle traffic or motor vehicle travel routes that exist or may be established on such travelways.

The amendment was adopted without objection.

Representative Danburg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 1 of HB 1731 as follows: on page 4, line 7, delete the word "odd-numbered" and insert the word "even-numbered" before the word "year".

Committee Amendment No. 1 was adopted without objection.

HB 1731, as amended, was passed to engrossment. (Heflin, Toomey, and McKenna recorded voting no)

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1983

The Honorable Speaker of the House of Representatives

The Honorable

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 99 by: viva voce vote; SB 222 by viva voce vote; SB 261 by viva voce vote; SB 320 by 26 yeas 0 nays; SB 408 by viva voce vote; SB 427 by viva voce vote; SB 433 by 26 yeas 0 nays; SB 636 by 26 yeas 0 nays; SJR 14 by 30 yeas 0 nays; SJR 17 by 29 yeas 0 nays.

I am directed by the Senate to inform the House that the Senate has passed the following:
HCR 131 by Collazo, proclaiming the first week of May to be “Shatter Silence” Week.
HCR 151 by Ashley Smith, inviting Senator John Tower to address a joint session.

Respectfully,
Betty King
Secretary of the Senate

(Wieting now present)

HB 893 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 893.

CSHB 893

A BILL TO BE ENTITLED
AN ACT
relating to state reimbursement to a hospital for the cost of transporting an infant to the hospital under certain circumstances.

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

SECTION 1. DEFINITION. In this Act, “level III neonatal intensive care unit” means a neonatal care unit that complies with standards adopted by the American Academy of Pediatrics.

SECTION 2. TRANSPORTATION COST. A hospital that agrees to admit an infant into its level III neonatal intensive care unit shall pay for that portion of the cost of transporting the infant to the hospital from any location in this state that the hospital administrator determines cannot be paid by a member of the infant’s immediate family or other person legally liable for the infant’s support through personal means, through insurance, or through a benefit system that pays for transportation for that purpose.

SECTION 3. REIMBURSEMENT. A hospital is entitled to be reimbursed by the state for funds it spends under Section 2 of this Act.

SECTION 4. ADMINISTRATION OF REIMBURSEMENT FUNDS. The Texas Department of Health shall administer the state funds for reimbursement of hospitals under this Act.

SECTION 5. RULES. The Texas Department of Health shall adopt rules that provide procedures for applying for reimbursement under this Act and that establish guidelines for qualifying for reimbursement under this Act.

SECTION 6. 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 893 was read second time.

Representative Wilson offered the following amendment to CSHB 893:

Amend CSHB 893 by renumbering Section 6 of the bill as Section 7 and by inserting a new Section 6 to read as follows:

SECTION 6. FUNDING. (a) The following amounts are appropriated from the general revenue fund to the Department of Health to implement this Act:
(1) $290,235 for the fiscal year beginning September 1, 1983; and
(2) $289,411 for the fiscal year beginning September 1, 1984, plus the unexpended and unobligated balance of the appropriation made for the previous fiscal year.
(b) For the fiscal year beginning September 1, 1983, not more than $14,436 of the funds appropriated under Subsection (a) of this section may be used for salaries. For the fiscal year beginning September 1, 1984, not more than $15,300 of the funds appropriated under Subsection (a) of this section may be used for salaries.

(c) For the biennium beginning September 1, 1983, not more than $2,160 of the funds appropriated under Subsection (a) of this section may be used for equipment.

A record vote was requested.

The amendment was adopted by (Record 266): 91 Yeas, 53 Nays, 1 Present, not voting.

Yeas - Armbrister, Arnoldi; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Burnett; Cain; Carrker; Cary; Cavazos; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff, Green; Grisham; Hackney; Haley; Hall, L.; Hall, W.; Harrison, W.; Hernandez; Hightower; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Kemp; Kuhn; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Messe; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Russell; Salinas; Shaw; Simpson; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Valles; Wallace; Watson; Whaley; Willis; Wilson; Wolens.

Nays - Agnich; Blanton; Bomer; Bush; Coverha; Clark; Connelly; Craddick; DeLay; Eckles; Elkenburg; Emmett; English; Evans, C.; Fox; Geistweidt; Hall, T.; Hammond; Hanna; Harrison, D.; Helfin; Hibbert; Hill, A.; Hill, P.; Horn; Keller; Khoury; Kuempel; Leonard; McKenna; McWilliams; Mankins; Patrick; Patterson; Pennington; Presnal; Robnett; Rudd; Saunders; Schlueter; Schoolcraft; Shea; Short; Smith, A.; Smith, C.; Thompson, G.; Toomey; Turner; Uber; Vowell; Waldrop; Wieting; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney; Peveto.

Absent — Edwards; Gandy; Wright.

CSHB 893, as amended, was passed to engrossment. (Heflin, Toomey, and McKenna recorded voting no)

HB 1114 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1114.

CSHB 1114

A BILL TO BE ENTITLED
AN ACT

relating to the enforcement of certain vehicle weight limitations.

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

SECTION 1. Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. (a) Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, trailer or semitrailer, nor combination of such vehicles, shall be
operated over, on, or upon the public highways outside the limits of an incorporated city or town, or over, on, or upon the state-maintained public highways inside the limits of an incorporated city or town, having a weight in excess of one or more of the following limitations:

1. No such vehicle nor combination of vehicles shall have a greater weight than twenty thousand (20,000) pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand (34,000) pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

\[
W = 500 \left( \frac{L}{N} + 12N + 36 \right)
\]

where \( W \) — overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, \( L \) — distance in feet between the extreme of any group of two or more consecutive axles, and \( N \) — number of axles in group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including all enforcement tolerances.

2. No such vehicle nor combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than six hundred and fifty (650) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of eight thousand (8,000) pounds on high-pressure tires and ten thousand (10,000) pounds on low-pressure tires, nor any axle a load in excess of sixteen thousand (16,000) pounds on high-pressure tires, and twenty thousand (20,000) pounds on low-pressure tires.

3. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. Section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those now prescribed by 23 U.S.C. Section 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways in this state.

4. Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads of this state on December 16, 1974.

5. In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two (2) or more axles spaced forty (40) inches or more apart from center to center having at least one (1) common point of weight suspension.

(b) No person shall load, or cause to be loaded, a vehicle for operation on the public highways of this state with the intent to violate the weight limitations in Subsection (a) of this section.

SECTION 2. Subdivision (1), Section 6, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. Subdivision (1). Any License and Weight Inspector of the Department of Public Safety, any highway patrolman or any sheriff or his duly authorized deputy, or any municipal police officer in cities with population of
250,000 or more according to the most recent federal census, having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of portable or stationary scales furnished or approved by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales for the purpose of weighing. In the event the gross weight of such vehicle be found to exceed the maximum gross weight authorized by law, plus a tolerance allowance of five per cent (5%) of the gross weight authorized by law, such license and weight inspector, highway patrolman, sheriff or his duly authorized deputy, or any municipal police officer in cities with population of 250,000 or more according to the most recent federal census, shall demand and require the operator or owner of such motor vehicle to unload such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum authorized by law plus such tolerance allowance except as otherwise provided. Such operator or owner shall forthwith unload such vehicle to the extent necessary to reduce the gross weight thereof to such lawful maximum and such vehicle may not be operated further over the public highways or roads of the State of Texas until the gross weight of such vehicle has been reduced to a weight not in excess of the maximum limit plus such tolerance allowance. In the event the axle load of any such vehicle be found to exceed the maximum authorized by law, plus a tolerance allowance of five per cent (5%) of the axle load authorized by law, such officer shall demand and require the operator or owner thereof to rearrange his cargo, if possible, to bring such vehicle and load within the maximum axle load authorized by law, and if this cannot be done by rearrangement of said cargo, then such portion of the load as may be necessary to decrease the axle load to the maximum authorized by law plus such tolerance allowance shall be unloaded before such vehicle may be operated further over the public highways or roads of the State of Texas. Provided, however, that if such load consists of livestock, then such operator shall be permitted to proceed to destination without being five per cent (5%) of the axle load authorized by law, such officer shall demand and require the operator or owners weight of the vehicle exceeds the registered gross weight, the License and Weight Inspector, State Highway Patrolman or Sheriff or his duly authorized Deputy, or any municipal police officer in cities with population of 250,000 or more according to the most recent federal census, shall require the operator or owner thereof to apply to the nearest available County Tax Assessor-Collector for additional registration in an amount that will cause his gross registration to be equal to the gross weight of the vehicle, provided such total registration shall not exceed gross weight allowed for such vehicle, before such operator or owner may proceed. Provided, however, that if such load consists of livestock or perishable merchandise then such operator or owner shall be permitted to proceed with his vehicle to the nearest practical point in the direction of his destination where his load may be protected from damage or destruction in the event he is required to secure additional registration before being allowed to proceed. It shall be conclusively presumed and deemed prima facie evidence that where an operator or owner is apprehended and found to be carrying a greater gross load than that for which he is licensed or registered, he has been carrying similar loads from the date of purchase of his current license plates and will therefore be required to pay for the additional registration from the date of purchase of such license. Provided further that when an operator or owner is required to purchase additional registration in a county other than the county in which the owner resides, the Tax Assessor-Collector of such county shall remit the fees collected for such additional registration to the State Highway Department to be deposited in the State Highway Fund. It shall be the duty of the State Highway Department, and the necessary funds are hereby appropriated, to remit the counties' portion of such fees
collected to the county of the residence of the owner; and it is provided further that the provisions of this Section will in no way conflict with Article 6675a, Section 2, of the Revised Civil Statutes.

It is further provided that all forms and accounting procedure necessary to carry out the provisions of this Section shall be prescribed by the State Highway Department.

SECTION 3. Subsection (a), Section 5, Chapter 71, Acts of the 47th Legislature, Regular Session, 1941, is amended to read as follows:

(a) Any person, corporation, receiver or association who violates any provision of Section 5 of this Act (the Section fixing the gross weight of commercial motor vehicles) shall, upon conviction, be punished by a fine of not less than One Hundred Dollars ($100) [Twenty-five Dollars ($25)], nor more than One Hundred Fifty Dollars ($150) [Two Hundred Dollars ($200)]; for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than One Hundred Fifty Dollars ($150) [Fifty Dollars ($50)] nor more than Two Hundred Fifty Dollars ($250) [Two Hundred Dollars ($200)] or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the second conviction such person, corporation, receiver, or association shall be punished by a fine of not less than Two Hundred Dollars ($200) [One Hundred Dollars ($100)] nor more than Five Hundred Dollars ($500) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section and it shall be the duty of the Department of Public Safety to keep a record thereof.

SECTION 4. This Act takes effect September 1, 1983, and applies to violations of the weight and load limitations that occur on or after that date. Violations that occur before the effective date of this Act are covered by the law as it existed at the time of the violation, and that law is continued in effect for that purpose.

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

CSHB 1114 was read second time.

(English in the chair)

Representative DeLay offered the following amendment to CSHB 1114:

Amend the Committee Substitute for HB 1114 as follows:

On page 3, lines 13 through 16, strike the following: "(b) No person shall load, or cause to be loaded, a vehicle for operation on the public highways of this state with the intent to violate the weight limitations in Subsection (a) of this section."

Representative Granoff moved to table the DeLay amendment.

A record vote was requested.

The motion to table prevailed by (Record 267): 72 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Cain; Carriker; Cary; Cavazos; Clemens; Colbert; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Emmett; Evans, L.; Gamez;
Representative T. Hall offered the following amendment to CSHB 1114:

Amend the Committee Substitute for HB 1114 as follows:

On page 3 line 24, page 4 line 9, and page 5 line 11, strike the words “250,000 or more” and substitute “1.5 million or more”.

Representative Granoff moved to table the T. Hall amendment.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1983

The Honorable Speaker of the House of Representatives

The Honorable

Mr. Speaker:

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

HCR 179 by Geistweidt, congratulating the Fredericksburg Volunteer Fire Department.

HCR 157 by Mankins, designating the week of November 7-13, 1983, as Texas Reye’s Syndrome Week.

HCR 172 by Schlueter, welcoming the National Grange Convention.

HCR 176 by Mankins, commending the Stoudt Distributing Company.

HCR 175 by Mankins, honoring the KYKX Bass Tournament.

Respectfully,

Betty King
Secretary of the Senate
HB 1126 AND HB 1129 - RULES SUSPENDED

Representative Coody moved to suspend the 48-hour subcommittee report rule to allow the Committee on Financial Institutions to consider HB 1126 and HB 1129.

The motion prevailed without objection.

HB 273 - RULES SUSPENDED

Representative Shaw moved to suspend the 48-hour subcommittee report rule to allow the Committee on Liquor Regulation to consider HB 273.

The motion prevailed without objection.

HB 1100 - RULES SUSPENDED

Representative Russell moved to suspend the 48-hour subcommittee report rule to allow the Committee on Elections to consider HB 1100.

The motion prevailed without objection.

HB 2373 - RULES SUSPENDED

Representative G. Thompson moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider HB 2373.

The motion prevailed without objection.

HB 1631 - RULES SUSPENDED

Representative Pierce moved to suspend the 48-hour subcommittee report rule to allow the Committee on Urban Affairs to consider HB 1631.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

- Business and Commerce, Subcommittee on HB 2081 and HB 2233, on noon recess today, Desk 90, to consider HB 2081 and HB 2233.
- Financial Institutions, Subcommittee on Mechanics Liens, on noon recess today, back hall, to consider HB 1126 and HB 1129.
- Elections, Subcommittee on HB 1100, on noon recess today, back hall, to consider HB 1100.
- Judicial Affairs, Subcommittee on HB 1473, on noon recess today, Desk 63, to consider HB 1473.
- State Affairs, Subcommittee on HB 835 and SB 470, on noon recess today, back hall, to consider HB 835 and SB 470.
- Law Enforcement, Subcommittee on HB 742, on noon recess today, Desk 13, to consider HB 742.

RECESS

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

The motion prevailed without objection.

The house accordingly, at 12:32 p.m., recessed until 2 p.m. today.
The house met at 2 p.m. and was called to order by the speaker.

(Peveto now present)

CSHB 1114 - (consideration continued)

The house resumed consideration of CSHB 1114.

Representative Uher offered the following amendment to CSHB 1114:

Amend CSHB 1114 by inserting the following after the last sentence on page 3, line 16:

This subsection does not apply to the loading or causing to be loaded of an agricultural commodity prior to the first processing of the commodity.

The amendment was adopted without objection.

A record vote was requested.

CSHB 1114, as amended, was passed to engrossment by (Record 268):

98 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Bomer; Buchanan; Burnett; Bush; Cain; Carrillo; Cary; Cavazos; Clemens; Colbert; Connelly; Criss; Crockett; Danburg; Davis; DeLeo; Denton; Eckels; Edwards; Emmett; English; Evans, C.; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Geistweidt; Gibson, B.; Gilley; Glassbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hammond; Harrison, D.; Harrison, W.; Heflin; Hernandez; Highower; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurly; Jackson; Keller; Kemp; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Schoedel; Sheehan; Smith, A.; Smith, T.; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Vallejo; Waldrop; Wallace; Watson; Willis; Wilson; Wolens.

Nays — Agich; Blanton; Cervantes; Clark; Collazo; Coody; Craddick; DeLay; Eikenburg; Fennell; Gavin; Gibson, J.; Haley; Hall, T.; Hall, W.; Hanna; Horn; Jones; Khoury; Kubis; Kuepfer; Lee, D.; Leonard; McKenna; McWilliams; Mankins; Messori; Parker; Patrick; Pennington; Prenau; Robinson; Robnett; Rudd; Russell; Saunders; Shaw; Short; Simpson; Staniswalis; Stiles; Toomey; Uher; Vowell; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Schlueter; Smith, C.

HB 340 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 340.
CSHB 340

A BILL TO BE ENTITLED
AN ACT
relating to disqualification for benefits under the Texas Unemployment Compensation Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 5, Texas Unemployment Compensation Act (Article 5221b-3, Vernon's Texas Civil Statutes), is amended to read as follows:
Sec. 5. DISQUALIFICATION FOR BENEFITS. An individual shall be disqualified for benefits:
(a) If the Commission finds that he has left his last work voluntarily without good cause connected with his work. The disqualification continues until the claimant has returned to employment and either worked for six weeks or earned wages equal to six times his weekly benefit amount, unless the individual left work to move with a spouse from the area in which the individual worked. In that case, the disqualification shall be for not less than six (6) nor more than twenty-six (26) benefit periods following the filing of a valid claim, as determined by the Commission according to the circumstances in each case. Provided no claimant shall be disqualified because of his or her leaving due to medically verified illness, injury, disability, or pregnancy and is still available for work. Military personnel who do not reenlist may not be considered to have left work voluntarily without good cause connected with work.
(b) If the Commission finds he has been discharged for misconduct connected with his last work. The disqualification continues until the claimant has returned to employment and either worked for six weeks or earned wages equal to six times his weekly benefit amount.
(c) If the Commission finds that during his current benefit year he has failed, without good cause, either to apply for available, suitable work when so directed by the Commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commission. The disqualification continues until the claimant has returned to employment and either worked for six weeks or earned wages equal to six times his weekly benefit amount.
(1) In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals at the place of performance of his work, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.
(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.
(d) For any benefit period with respect to which the Commission finds that his total or partial unemployment is (i) due to the claimant's stoppage of work because of a labor dispute at the factory, establishment, or other premises (including a vessel) at which he is or was last employed, or (ii) because of a labor dispute at another place, either within or without this State, which is owned or operated by the same employing unit which owns or operates the premises at which he is or was
last employed, and supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed; provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that:

(1) He is not participating in or financing or directly interested in the labor dispute; provided, however, that failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept and perform his available and customary work at the factory, establishment, or other premises (including a vessel) where he is or was last employed shall be considered as participation and interest in the labor dispute; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises (including a vessel) at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises; and where a disqualification arises from the employee's failure to meet the requirements of this paragraph (2) of this subsection (d) his disqualification shall cease if he shall show that he is not, and at the time of the labor dispute was not, a member of a labor organization which is the same as, represented by, or directly affiliated with, or that he, or such organization of which he is a member, if any, is not acting in concert or in sympathy with a labor organization involved in the labor dispute at the premises at which the labor dispute occurred, and he has made an unconditional offer to return to work at the premises at which he is or was last employed.

(e) For any benefit period with respect to which he is receiving or has received remuneration in the form of:

(1) Wages in lieu of notice;

(2) Compensation for temporary partial disability, temporary total disability or total and permanent disability under the Workmen's Compensation Law of any State or under a similar law of the United States;

(3) Old Age Benefits under Title II of the Social Security Act as amended, or similar payments under any Act of Congress, or a State Legislature; provided, that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such benefit period, if otherwise eligible, benefits reduced by the amount of such remuneration. If any such benefits, payable under this subsection, after being reduced by the amount of such remuneration, are not an even multiple of One Dollar ($1), they shall be adjusted to the next higher multiple of One Dollar ($1).

(f) For any benefit period occurring from the date of the sale of a business until the date that an individual is employed and is eligible for benefits based on the wage credits received through the new employment, if:

(1) the business is a corporation and the individual is:
(A) an officer of the corporation;
(B) a majority or controlling shareholder in the corporation; and
(C) involved in the sale of the corporation;

(2) the business is a limited or general partnership and the individual is a limited or general partner who is involved in the sale of the partnership; or

(3) the business is a sole proprietorship and the individual is the proprietor who sells the business.

(g) For the duration of any period of unemployment with respect to which the Commission finds that such individual has left his most recent work for the purpose of attending an established educational institution; provided, that this
subsection shall not apply during a period in which an individual is in training with the approval of the Commission.

(h) For weeks of unemployment beginning after March 31, 1980, for any benefit period with respect to which the individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of the individual and which is reasonably attributable to that benefit period; provided that if the remuneration is less than the benefits which would otherwise be due under this Act, the individual shall be entitled to receive for that benefit period, if otherwise eligible, benefits reduced by the amount of the remuneration. If those benefits payable under this subsection, after being reduced by the amount of the remuneration, are not an even multiple of One Dollar ($1), they shall be adjusted to the next higher multiple of One Dollar ($1).

The Legislature declares that the preceding paragraph is enacted because Section 3304(a)(15) of the Federal Unemployment Tax Act as provided in Public Law 94-566 requires this provision in State law as of January 1, 1978, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act; and it further declares that if Section 3304(a)(15) is amended to provide modifications of these requirements, the modified requirements, to the extent that they are required for full tax credit, shall be considered applicable under the provisions of this Section rather than the provisions stated in the preceding paragraph.

(i) This Section does not disqualify a claimant whose work-related reason for separation from employment was urgent, compelling, and of a necessitous nature so as to make separation involuntary.

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 340 was read second time and was passed to engrossment.

HB 490 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 490.

CSHB 490

A BILL TO BE ENTITLED
AN ACT
relating to subdivision controls of counties; providing a penalty.

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

SECTION 1. Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), is amended by amending Sections 1, 3, and 4 and by adding Section 4A to read as follows:

Sec. 1. The [Hereafter, in all counties having a population of less than one hundred ninety thousand (190,000) according to the last preceding Federal Census, every] owner of any tract of land situated without the corporate limits of any city in the State of Texas, who may hereafter divide the same in two (2) or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall
accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same, intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, provided, however, that no plat of any subdivision of any tract of land or any addition shall be recorded unless the same shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part giving the dimensions thereof of said subdivision or addition, and dimensions of all streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 3. The Commissioners Courts of the county [any such counties] may, by an order duly adopted and entered upon the minutes of the Court, after a notice published in a newspaper of general circulation in the county, be specifically authorized to make the following requirements:

(a) To provide for right of way on main artery streets or roads within such subdivision of a width of not less than fifty (50) feet nor more than one hundred (100) feet.

(b) To provide for right of way on all other streets or roads in such subdivision of not less than forty (40) feet nor more than seventy (70) [fifty (50)] feet.

(c) To provide that the shoulder-to-shoulder width on collectors or street cut on main arteries within the right of way be not less than thirty-two (32) [thirty (30)] feet nor more than fifty-six (56) [forty-five (45)] feet.

(d) To provide for the shoulder-to-shoulder width [street cut on all other streets or roads within such subdivision within the right of way to be not less than twenty-five (25) feet nor more than thirty-five (35) feet.

(e) To promulgate reasonable specifications to be followed in the construction of any such roads or streets within such subdivision, considering the amount and kind of travel over said streets.

(f) To promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in said subdivision or addition.

(g) To require the owner or owners of any such tract of land, which may be so subdivided, to give a good and sufficient bond for the proper construction of such roads or streets affected, with such sureties as may be approved by the Court; and in the event a surety bond by a corporate surety is required, such bond shall be executed by a surety company authorized to do business in the State of Texas. Such bond shall be made payable to the County Judge or his successors in office, of the county wherein such subdivision lies, and conditioned that the owner or owners of any such tract of land to be subdivided will construct any roads or streets within such subdivision in accordance with the specifications promulgated by and within a reasonable time as may be allowed by the Commissioners Court of the [such] county. The bond shall be in such an amount as may be determined by the Commissioners Court not to exceed the estimated cost of constructing such roads or streets.

Sec. 4. The Commissioners Court of the [any such] county shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in this Act; and there is submitted at the time of approval of such map or plat such bond as may be required by this Act.

Sec. 4A. (a) At the request of the Commissioners Court of the County, the County Attorney or other prosecuting attorney representing the County may file an action in a court of competent jurisdiction to:
(1) enjoin the violation or threatened violation of a requirement established by or adopted under this Act by the Commissioners Court; or
(2) recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted under this Act by the Commissioners Court.

(b) A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under this Act by a Commissioners Court. An offense under this subsection is a Class B misdemeanor.

c) A requirement that was established by or adopted under this Act or Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply to a subdivision of land is enforceable under Subsection (a) of this section. A knowing or intentional violation of the requirement is an offense under Subsection (b) of this section.

SECTION 2. Title 115, Chapter 3, Vernon's Texas Civil Statutes, is amended by adding Article 6626aa to read as follows:

In areas under a city's extraterritorial jurisdiction as defined by Section 3. A, B, and C, Art. 970a, V.T.C.S., no plat shall be filed with the county clerk without the authorization of both the city and the county. Inside said extraterritorial jurisdiction the city shall have independent authority to regulate subdivisions under Articles 970a and 974a, V.T.C.S., and other statutes applicable to cities; and the county shall have independent authority to regulate subdivisions under 6626a, V.T.C.S., and other statutes applicable to counties. Inside said extraterritorial jurisdiction whenever such city regulations conflict with such county regulations, the more stringent provisions of such regulations shall govern; and in unincorporated areas outside said extraterritorial jurisdiction a city shall have no authority to regulate subdivisions or to authorize the filing of plats, except as provided by the Interlocal Cooperation Act.

SECTION 3. Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes), is repealed.

SECTION 4. Article 6626a, Vernon's Texas Civil Statutes, as amended by this Act, and the requirements adopted under that amended law apply to a subdivision of land for which a plat is filed on or after September 1, 1983. Articles 6626a and 2372k, Vernon's Texas Civil Statutes, as they existed immediately before September 1, 1983, and the requirements adopted under those prior laws apply to a subdivision of land for which a plat was filed before September 1, 1983. The prior laws and requirements are continued in effect for this purpose as if this Act were not in force.

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 490 was read second time.

Representative DeLay offered the following amendment to CSHB 490:

Amend CSHB 490 as follows:
(1) On page 1, between lines 7 and 8, insert the following:
Sec. 1. (a) This Act applies to each county of the State of Texas except a county that elects to operate under Article 6626a. 1, Revised Statutes.
(2) On page 1, line 8, strike "Sec. 1." and substitute "(b)".
(3) On page 5, between lines 1 and 2, insert the following:
Art. 6626aa. Sec. 1. This article applies only to counties operating under Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon’s Texas Civil Statutes).

(4) On page 5, line 2, before “In”, insert “Sec. 2.”.

(5) Strike Section 4 of the bill, renumber Sections 5 and 6 of the bill as Sections 6 and 7, and add new Sections 4 and 5 to read as follows:

SECTION 4. Title 115, Revised Statutes, is amended by adding Articles 6626a.1 and 6626a.2 to read as follows:

Art. 6626a.1. OPTIONAL SYSTEM OF SUBDIVISION CONTROL FOR CERTAIN COUNTIES

Sec. 1. (a) This article applies to each county:

(1) that has a population of more than 2.2 million or is contiguous with a county with a population of more than 2.2 million, according to the most recent federal census; and

(2) in which the commissioners court by order elects to operate under this article.

(b) The owner of any tract of land located outside the corporate limits and extraterritorial jurisdiction of any city in the state who divides the land in two or more parts for the purpose of laying out any subdivision of any such tract of land or an addition, for the purpose of laying out suburban lots or building lots, and for the purpose of laying out streets, squares, alleys, parks, or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made. The plat shall accurately describe all of the subdivision or addition by metes and bounds and locate the subdivision or addition with respect to any original corner of the original survey which is a part. The plat shall give the dimensions of the subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. However, a plat of any subdivision of any tract of land or any addition may not be recorded unless it accurately describes all of the subdivision or addition by metes and bounds and locates the same with respect to an original corner of the original survey of which it is a part and gives the dimensions of the subdivision or addition and dimensions of all streets, alleys, squares, parks, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 2. The plat shall be duly acknowledged by the owners or proprietors of the land or by some duly authorized agent of the owners or proprietors in the manner required for acknowledgement of deeds. The plat, subject to the provisions contained in this article, shall be filed for record and be recorded in the office of the county clerk of the county in which the land lies.

Sec. 3. The commissioners court of the county may, by an order adopted and entered on the minutes of the court and after publishing a notice in a newspaper of general circulation in the county, establish requirements:

(1) to provide for a right-of-way on main artery streets or roads within the subdivision or addition of a width of not less than 50 feet nor more than 100 feet;

(2) to provide for a right-of-way on all other streets or roads in the subdivision or addition of not less than 40 feet nor more than 50 feet;

(3) to provide that the street cut on main arteries within the right-of-way be not less than 30 feet nor more than 45 feet;

(4) to provide for the street cut on all other streets or roads within the subdivision or addition within the right-of-way to be not less than 25 feet nor more than 35 feet;

(5) to promulgate reasonable specifications to be followed in the construction of any roads or streets within the subdivision or addition, considering the amount and kind of travel over the streets;
(6) to promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in the subdivision or addition; and

(7) to require the owner or owners of any tract of land that may be so divided to give a good and sufficient bond for the proper construction of the roads or streets affected, with such sureties as may be approved by the court. If a surety bond by a corporate surety is required, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be made payable to the county judge, or his successor in office, of the county in which the subdivision or addition lies and shall be conditioned that the owner or owners of the tract of land to be divided will construct any roads or streets within the subdivision or addition in accordance with the specifications promulgated by the commissioners court of the county. The bond shall be in an amount as may be determined by the commissioners court not to exceed the estimated cost of constructing the roads or streets.

Sec. 4. The commissioners court of the county may refuse to approve and authorize any map or plat of a subdivision or addition unless the map or plat meets the requirements as set forth in this article and unless there is submitted at the time of approval of the map or plat any bond required by this article.

Art. 6626a.2. SUBDIVISIONS IN MUNICIPAL EXTRATERRITORIAL JURISDICTION.

Sec. 1. This article applies only to counties operating under Article 6626a.1, Revised Statutes.

Sec. 2. In areas under a city's extraterritorial jurisdiction as defined by Section 3, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), a subdivision plat may not be filed with the county clerk without the authorization of the city. Inside the extraterritorial jurisdiction, the city has exclusive authority to regulate subdivisions under the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), under Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes), and under other statutes applicable to cities. In unincorporated areas outside the extraterritorial jurisdiction, a city does not have authority to regulate subdivisions or to authorize the filing of plats, except as provided by the Interlocal Cooperation Act.

SECTION 5. Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), and Articles 6626aa, 6626a, and 6626a.2, Revised Statutes, as amended or added by this Act, and the requirements adopted under the amended or added laws apply to a subdivision of land for which a plat is filed on or after September 1, 1983. Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), and Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes), as they existed immediately before September 1, 1983, and the requirements adopted under those prior laws, apply to a subdivision of land for which a plat was filed before September 1, 1983. The prior laws and requirements are continued in effect for this purpose as if this Act were not in force.

Representative McWilliams offered the following amendment to the DeLay amendment:

Amend amendment No. 2 by inserting the following on page 5, line 12 between "filed" and "before": "or one or more lots was conveyed by a metes and bounds description and for which no subdivision plat was recorded".

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

CSHB 490, as amended, was passed to engrossment. (Schlueter, D., Harrison, Robnett, and Danburg recorded voting no)

HB 1736 ON SECOND READING

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

HB 1736, A bill to be entitled An Act relating to the application of the sales and use tax to fertilizer.

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

HB 785 ON SECOND READING

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

HB 785, A bill to be entitled An Act relating to certain fees imposed by the Texas Board of Private Investigators and Private Security Agencies.

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

HB 2161 ON SECOND READING

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

HB 2161, A bill to be entitled An Act relating to the requirement of permits for the transportation of water from the Edwards Underground Water District.

The bill was read second time.

Representative Geistweidt offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2161 on page 7, by striking Section 2 and substituting the following:

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.

Committee Amendment No. 1 was adopted without objection.

Representative Geistweidt offered the following amendment to the bill:

Amend HB 2161 on page 3, by striking line 20 and substituting the following: “application as prescribed by this subsection. The notice must.”

The amendment was adopted without objection.

HB 2161, as amended, was passed to engrossment.

SB 122 ON SECOND READING

(Hernandez - House Sponsor)

The chair laid before the house, in lieu of HB 574, on its second reading and passage to third reading, the complete committee substitute for SB 122.
May 3, 1983

HOUSE JOURNAL

A BILL TO BE ENTITLED
AN ACT
relating to the declination of a political party's nomination.

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

SECTION 1. Subsections (a) and (b), Section 233, Texas Election Code (Article 13.56, Vernon's Texas Election Code), are amended to read as follows:

(a) A nominee of a political party may decline and annul his nomination by delivering to the officer with whom the certificate of his nomination is filed and to the chairman of the executive committee having the power to fill a vacancy in such nomination, not later than the 45th day before the day of the general election, a declaration in writing, signed by him and acknowledged before some officer authorized to take acknowledgments. If the declination occurs on or before the 65th day before general election day, the officer receiving the declaration shall take the necessary action to have the name of the nominee removed from the ballot. A nominee may not decline the nomination after the 45th day before election day.

(b) If on or before the 65th day before the day of the election, a nominee dies, or declines the nomination as provided by this subsection, or is declared ineligible to be elected to or to hold the office for which he is a candidate, the executive committee of the party for the state, district, county, or precinct, as the office to be nominated may require, may nominate a candidate to supply the vacancy. An executive committee may not make a substitute nomination after a declination unless the nominee declines the nomination because of a catastrophic illness, the diagnosis of which occurred after the 65th day before primary election day, that would incapacitate the nominee permanently and continuously to prevent him from performing the duties of the office sought and the nominee files with the declaration required by Subsection (a) of this section a certificate describing the illness signed by at least two licensed physicians. The secretary of state shall prescribe the form of the certificate. A certificate of the substitute [such] nomination, signed and duly acknowledged by the chairman of the executive committee, must be filed with the officer with whom the certificate of the original nomination was filed and must set forth the name of the original nominee, the cause of the vacancy, the name of the new nominee, the office for which he was nominated, and where, by whom, and how he was nominated. The certificate must be filed not later than the 60th day before the day of the election. The officer with whom the substitute nomination is filed shall immediately take the necessary action to cause the name of the new nominee to be placed on the ballot.

SECTION 2. Section 104(a), Texas Election Code (Article 8.22, Vernon's Texas Election Code), is amended to read as follows:

(a) When the name of a deceased or ineligible candidate or of a candidate who has declined a nomination is printed on the ballot for a general or special election, as provided in Section 233 of this code (Article 13.56, Vernon's Texas Election Code), the votes cast for him shall be counted and return made thereof; and if he receives a plurality of the votes cast for the office where a plurality is sufficient for election, or if he receives a majority of the votes cast for the office where a majority is required for election, the vacancy shall be filled as in the case of a vacancy occurring after the election. If he is one of the two highest candidates in an election where a majority is required and no one has a majority, the two candidates with the highest votes other than the deceased or ineligible candidate shall be certified as the two highest candidates for the runoff election.

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.

CSSB 122 was read second time and was passed to third reading. (Eckels and Kuempel recorded voting no)

**HB 574 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hernandez moved that HB 574 be laid on the table subject to call.

The motion prevailed without objection.

**HB 424 - RECOMMITTED TO COMMITTEE**

Representative Stiles moved to recommit HB 424 to the Committee on Transportation.

The motion prevailed without objection.

**HB 1658 ON SECOND READING**

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

HB 1658, A bill to be entitled An Act relating to a temporary increase of the operator's license fee to fund a study on rail passenger service.

The bill was read second time and was passed to engrossment. (Millsap, Collazo, Hanna, Craddick, Coody, Clark, DeLay, Schoolcraft, Toomey, Geistweidt, Hury, Bush, McKenna, Hellin, and D. Harrison recorded voting no)

**SB 727 ON THIRD READING**

(Keller - House Sponsor)

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

SB 727, A bill to be entitled An Act relating to measures designed to reduce the prison population during periods of emergency overcrowding.

The bill was read third time and was passed. (Schlueter, McKenna, Hollowell, and Saunders recorded voting no)

On motion of Representative Keller and by unanimous consent, the caption of SB 727 was ordered amended to conform to the body of the bill.

**SB 262 ON THIRD READING**

(Davis - House Sponsor)

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

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 third time and was passed.

On motion of Representative Davis and by unanimous consent, the caption of SB 262 was ordered amended to conform to the body of the bill.
SB 341 ON THIRD READING
(Hightower - House Sponsor)

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

SB 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.

A record vote was requested.

The bill was read third time and was passed by (Record 269): 122 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Coody; Craddock; Crockett; Danburg; Davis; Delay; Delco; Denton; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finkell; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Keller; Kemp; Kubik; Lee, D.; Lee, E. F.; Leon; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Schlueter; Schookraft; Shaw; Short; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Whaley; Wittig; Willis; Wilson; Wolens; Word; Wright.

Nays — Agnich; Connelly; Eckels; Fox; Hoflin; Hilbert; Hill, P.; Khoury; Kuempel; McKenna; Saunders; Shea; Simpson; Smith, A.; Smith, C.; Toomey.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Criss; Edwards; Gamez; Green; Hury; Jones; Messer; Robinson; Sutton; Thompson, S.

The chair stated that SB 341 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

On motion of Representative Hightower and by unanimous consent, the caption of SB 341 was ordered amended to conform to the body of the bill.

SB 670 ON THIRD READING
(Presnal - House Sponsor)

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

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.

A record vote was requested.

The bill was read third time and was passed by (Record 270): 129 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha;
The chair stated that SB 670 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 469 ON THIRD READING
(Presnal - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 469, A bill to be entitled An Act making supplemental appropriations for the expenses of the Judiciary.

A record vote was requested.

The bill was read third time and was passed by (Record 271): 121 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens.

Nays — Agnieh; Ceverha; Clemens; Connelly; Craddick; DelLay; Eckels; Eikenburg; Emmett; Fox; Hellin; Hilbert; Horn; Jones; Khoury; Kuempel; Leonard; McKenna; Pennington; Schlueter; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Edwards; Messer; Peveto; Stiles.
May 3, 1983

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Collazo; Hill, A.; Oliver; Peveto; Sikes; Toomey.

The chair stated that SB 469 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 466 ON THIRD READING
(Presnal - House Sponsor)

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

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.

A record vote was requested.

The bill was read third time and was passed by (Record 272): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilber; Hill, A.; Hill, G.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Patrick; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Ceverha; Clemons; Delay; Leonard; McKenna; Parker; Pennington.

Present, not voting — Mr. Speaker; Eckels.

Absent, Excused — Laney.

Absent — Hill, P.; Oliver; Schlueter; Shea; Smith, T.; Sikes.

The chair stated that SB 466 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 442 ON THIRD READING
(Jackson - House Sponsor)

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

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

A record vote was requested.
The bill was read third time and was passed by (Record 273): 142 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Ceverha; Clemons; Leonard; McKenna.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Gavin; Schlueter.

The chair stated that SB 442 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 582 ON SECOND READING
(Bomer - House Sponsor)

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

SB 582, A bill to be entitled An Act relating to the rate and application of the motor vehicle sales and use tax to certain exported motor vehicles and to certain imported motor vehicles; adding Sections 152.028 and 152.090 to Chapter 152, Tax Code.

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

SB 108 ON SECOND READING
(Madla - House Sponsor)

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

SB 108, A bill to be entitled An Act relating to the offer for sale, delivery, or display of certain abusable glues or aerosol paints; providing a penalty; amending Subdivision (8), Section 1.02; and amending Section 4.13 by amending Subsection (c) and adding Subsections (f), (g), (h), and (i), Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading. (Uher recorded voting no)
SB 67 ON SECOND READING  
(Gandy - House Sponsor) 
The chair laid before the house on its second reading and passage to third reading, 
SB 67, A bill to be entitled An Act relating to the filing of an application for a place on the ballot by a candidate for the office of precinct chairman and prohibiting reimbursement of certain expenses incurred by early filing; amending Section 8c, Texas Election Code (Article 1.08c, Vernon's Texas Civil Statutes). 
The bill was read second time and was passed to third reading.  
STATEMENT BY REPRESENTATIVE KUEMPEL  
I inadvertently voted no on SB 469, SB 670, and SB 341. I wanted to vote yes.  
Kuempel  

SB 36 ON SECOND READING  
(Bush - House Sponsor) 
The chair laid before the house on its second reading and passage to third reading, 
SB 36, A bill to be entitled An Act relating to interest rates on judgments and the period for which judgments earn interest; placing certain responsibilities on the consumer credit commissioner; amending Article 1.05, Title 79, Revised Statutes, as amended (Article 5069-1.05, Vernon's Texas Civil Statutes); and adding Subsection (d) to Section 111.010, Tax Code. 
The bill was read second time.  
Representative Bush offered the following amendment to the bill:  
Amend SB 36 on page 1, line 23, by striking the words "average of the"; and on page 1, line 25, by striking the words "for the four weeks" and inserting in lieu thereof the words "on the most recent date".  
The amendment was adopted without objection. 
SB 36, as amended, was passed to third reading. (Khoury and Uber recorded voting no)  

SB 234 ON SECOND READING  
(W. Hall - House Sponsor) 
The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 234.  
CSSB 234  
A BILL TO BE ENTITLED  
AN ACT  
relating to the regulation of persons engaged in the business of designing, selling, installing, maintaining, or servicing fire protection sprinkler systems; providing a penalty.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Chapter 5, Insurance Code, is amended by adding Article 5.43-3 to read as follows:  
Art. 5.43-3. FIRE PROTECTION SPRINKLER SYSTEMS
Sec. 1. DEFINITIONS. In this article:

(1) "Person" means a natural person, including an owner, manager, officer, employee, or occupant.

(2) "Organization" means a corporation, a partnership or other business association, a governmental entity, or any other legal or commercial entity.

(3) "Board" means the State Board of Insurance.

(4) "Advisory Council" means the Fire Protection Advisory Council consisting of seven members appointed by the State Board of Insurance.

(5) "Installation" means the initial placement of equipment or the extension, modification, or alteration of equipment after the initial placement.

(6) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.

(7) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake, represents itself as being able to undertake, or does undertake the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(8) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or the products of combustion.

(9) "Responsible managing employee" means an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided for by law.

(10) "Certificate of Registration" means the document issued to a fire protection sprinkler system contractor authorizing same to conduct business in this state.

(11) "License" means the document issued to a responsible managing employee authorizing same to engage in the fire protection sprinkler system business in this state.

Sec. 2. EXCEPTIONS. (a) The provisions of this Article and the rules and regulations promulgated under this article shall have uniform force and effect throughout the state. A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a certificate of registration from the municipality or county. Notwithstanding any other provisions of this act, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit, and pay a fee therefor, for the installation of a fire protection sprinkler system and require the installation of such system in conformance with the building code or other construction requirements of the municipality or county, but may not impose qualification or financial responsibility requirements other than proof of a valid certificate of registration. A municipal or county order, ordinance, rule, or regulation that is in effect on the effective date of this article is not invalidated because of any provisions of this article.

(b) This article does not apply to:

(1) an employee of the United States, this state, or any political subdivision of this state who acts as a fire protection sprinkler system contractor for the employing governmental entity;

(2) the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system in any property owned by the United States, this state, or any political subdivision of this state;
(3) a person or organization acting under court order as authorization;
(4) a person or organization that sells or supplies products or materials to a
registered fire protection sprinkler system contractor;
(5) an installation, maintenance, or service project for which the total
contract price for labor, materials, and all other services is less than $100, if:
(A) the project is not a part of a complete or more costly project, whether the
complete project is to be undertaken by one or more fire protection sprinkler system
contractors; or
(B) the project is not divided into contracts of less than $100 for the purpose
of evading this article;
(6) a registered professional engineer acting solely in such professional
capacity;
(7) a regular employee of a registered fire protection sprinkler system
contractor; or
(8) an owner or lessee of property that installs a fire protection sprinkler
system on the owned or leased property for its own use or for the use by family
members and does not offer such property for sale or lease within one year after
installation of a fire protection sprinkler system.
Sec. 3. ADMINISTRATION. (a) The board shall administer this article and
may issue rules necessary to its administration through the State Fire Marshal.
(b) The board, in adopting necessary rules, may utilize recognized standards
such as those adopted by a federal law or regulation, those published by nationally
recognized standards-making organizations, or those developed by individual
manufacturers.
Sec. 4. REGISTRATION; LICENSING; FEES. (a) A fire protection
sprinkler system contractor must apply to the board for a certificate of registration
on a form prescribed by the board. If the contractor is a partnership or joint venture,
it need not register in its own name if each partner or joint venturer is registered.
The application fee for the certificate of registration must be in an amount not to
exceed $100, and the fee for issuance of either the initial or the renewal certificate
of registration must be in an amount not to exceed $1,200.
(b) Each fire protection sprinkler system contractor must employ at least one
licensed responsible managing employee on a full-time basis.
(c) Each responsible managing employee must obtain a license issued by the
board and conditioned on the successful completion of the examination
requirement and other requirements prescribed by the rules adopted under this
article. The examination fee must be in an amount not to exceed $100 per
examination, and the fee for the issuance of either the initial or the renewal
responsible managing employee license must be in an amount not to exceed $200.
(d) A certificate of registration and a license are valid for a period of one year
from the date of issue and are renewable annually on payment of the annual fee;
provided, however, that the initial certificates of registration or licenses issued on
or after September 1, 1983, may be issued for periods of less than one year and the
annual fee shall be prorated proportionally.
(e) The fee charged by the board for any request for a duplicate certificate of
registration or license or any request requiring change to a certificate of registration
or license must be in amount not to exceed $70.
(f) Each certificate of registration and license issued under this article must
be posted in a conspicuous place in the fire protection sprinkler system contractor’s
place of business.
(g) All bids, proposals, offers, and installation drawings for fire protection
sprinkler systems must prominently display the fire protection sprinkler system
contractor’s certificate of registration number.
(h) A certificate of registration or license issued under this article is not transferable.

(i) The board shall, within the limits fixed by this section, prescribe the fees to be charged under this section. All fees collected under the provisions of this article shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund for use in carrying out the administration of this Article.

Sec. 5. REQUIRED BOND AND INSURANCE. (a) The board may not issue a certificate of registration under this article unless the applicant files with the board:

(1) a surety bond executed by a surety company authorized to do business in this state in the amount of $10,000 conditioned to compensate third party losses caused by the acts of the principal or the principal’s servant, officer, agent, or employee in conducting the business registered or licensed under this article; and

(2) proof of comprehensive general liability insurance with coverage in an amount not less than $50,000 for bodily injury, $25,000 for property damage and $50,000 for personal injury, which insurance shall be conditioned to pay all amounts that the principal is legally obligated to pay as damages because of injury caused by the principal or the principal’s servant, officer, agent, or employee in the conduct of any business registered under this article.

(b) The liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by a local recording agent licensed in this state. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by 30-day notice to the board.

(c) The applicant shall make the required surety bond payable to the state. A person who is damaged or injured by the principal or by the principal’s servant, officer, agent, or employee may sue directly on the bond. The bond is subject to successive suits for recovery until the face amount of the bond is exhausted. A bond executed and filed with the board under this section remains in force until the surety has terminated future liability by a 30-day notice to the board.

(d) Failure to maintain the surety bond or the liability insurance required under this section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued under this article after notice and a public hearing to consider same.

Sec. 5A. RENEWAL. (a) An unexpired license or registration may be renewed by paying the required renewal fee to the board before the expiration date of the license or registration. If a license or registration has been expired for not longer than 90 days, the license or registration may be renewed by paying to the board the required renewal fee and a fee that is one-half of the original fee for the license or registration. If a license or registration has been expired for longer than 90 days but less than two years, the license or registration may be renewed by paying to the board all unpaid renewal fees and a fee that is equal to the original fee for the license or registration. If a license or registration has been expired for two years or longer, the license or registration may not be renewed. A new license or registration may be obtained by complying with the requirements and procedures for obtaining an initial license or registration. At least 30 days before the expiration of a license or registration, the board shall send written notice of the impending license or registration expiration to the licensee or registrant at his or its last known address. This section may not be construed to prevent the board from denying or refusing to renew a license under applicable law or rules of the board.

(b) The board, by rule, may adopt a system under which licenses and registrations expire on various dates during the year. For the year in which the license or registration expiration date is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each licensee
or registrant shall pay only that portion of the fee that is allocable to the number of months during which the license or registration is valid. On each subsequent renewal, the total renewal fee is payable.

Sec. 5B. EXAMINATION. Not later than the 30th day after the day on which an examination is administered under this article, the board shall send notice to each examinee of the results of the examination. If an examination is graded or reviewed by a national testing service, the board shall send notice to each examinee of the results of the examination within two weeks after the date on which the board receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall send notice to each examinee of the reason for the delay before the 90th day. If requested in writing by a person who fails the examination administered under this article, the board shall send to the person an analysis of the person's performance on the examination.

Sec. 5C. CONTINUING EDUCATION. The board may adopt procedures for certifying and may certify continuing education programs. Participation in the programs is voluntary.

Sec. 5D. LICENSE BY RECIPROCITY. The board may waive any examination requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

Sec. 6. ADVISORY COUNCIL. (a) The Fire Protection Advisory Council is created. The board shall appoint the members of the advisory council, who shall serve at the pleasure of the board.

(b) The advisory council, in addition to other duties delegated by the board, may:

(1) advise the State Fire Marshal concerning practices in the fire protection sprinkler system industry and the rules necessary to implement and administer this article;

(2) make recommendations to the State Fire Marshal regarding forms and procedures for certificates of registration and licenses.

(c) The advisory council shall have seven members as follows:

(1) three individuals who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment;

(2) one representative of the engineering section of the board's property division;

(3) one member of the State Firemen's and Fire Marshal's Association of Texas;

(4) one member from each of two fire departments of incorporated cities of this state.

Sec. 7. POWERS AND DUTIES OF BOARD. (a) The board may delegate authority to exercise all or part of its functions, powers, and duties under this article, including the issuance of licenses and certificates of registration, to the State Fire Marshal, who shall implement the rules adopted by the board for the protection and preservation of life and property in controlling:

(1) the registration of a person or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and

(2) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by:

(A) determining the criteria and qualifications for certificates of registration holders;

(B) evaluating the qualifications of an applicant for a certificate of registration to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems and issuing certificates to qualified applicants.
(C) determining the criteria and qualifications for licenses; and
(D) conducting examinations and evaluating the qualifications of applicants for licenses and issuing licenses to qualified applicants.

(b) The board shall establish a procedure for reporting and processing complaints relating to the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in Texas.

Sec. 8. PROHIBITED ACTS. A person or organization may not:
(1) plan, sell, install, maintain, or service a fire protection sprinkler system without a valid certificate of registration;
(2) act as a fire protection sprinkler system contractor under a certificate of registration without having at least one full-time employee who holds a valid responsible managing employee license, provided, however, that a person or organization with a current certificate of registration may act as a fire protection sprinkler system contractor for 30 days after the death or disassociation of its licensed responsible managing employee or for such longer period as may be approved by the board pursuant to the rules adopted hereunder;
(3) act as a responsible managing employee for a fire protection sprinkler system contractor without a valid license;
(4) obtain or attempt to obtain a certificate of registration or license by fraudulent representation; or
(5) plan, sell, install, maintain, or service a fire protection sprinkler system in violation of this article or the rules adopted under this article.

Sec. 9. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATE OF REGISTRATION OR LICENSE. (a) A violation of this article or a rule adopted under this article is a ground for the denial, suspension, or revocation of a certificate of registration or a license issued under this article.

(b) Proceedings for the denial, suspension, or revocation of a certificate of registration or license, and appeals from those proceedings, are governed by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(c) No applicant, certificate of registration holder, or licensee whose certificate of registration or license has been denied, refused, or revoked hereunder (except for the failure to pass a required written examination) shall be entitled to file another application for a certificate of registration or license in the fire protection sprinkler system business in this state within one year from the effective date of such denial, refusal, or revocation, or, if judicial review of such denial, refusal, or revocation is sought, within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be denied unless the applicant shows good cause why the denial, refusal, or revocation of the certificate of registration or license shall not be deemed a bar to the issuance of a new certificate of registration or license.

Sec. 10. PENALTIES. (a) A person commits an offense if the person knowingly or intentionally violates Section 8 of this article.

(b) An offense under this section is a Class B misdemeanor.

(c) Venue for the offense is in Travis County.

Sec. 11. PROHIBITED PRACTICE. Nothing in this article shall authorize a person or organization to practice professional engineering except in compliance with the Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

SECTION 2. Nothing in this Act shall be construed to grant the State Board of Insurance the authority to adopt any rule that supersedes or invalidates an ordinance, building code, or other enactment adopted by the governing body of a municipality requiring a fire protection sprinkler system contractor to obtain a permit, and pay a fee therefor, for the installation of a fire protection sprinkler
system and requiring the installation of such system in conformance with the
building code or other instruction requirements of the municipality.

SECTION 3. A person is not required to be registered or licensed under this
Act to engage in the fire protection sprinkler system business until September 1,
1984.

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

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

CSSB 234 was read second time.

Representative W. Hall offered the following amendment to CSSB 234:

Amend CSSB 234 on page 3, line 20 by striking all of line 20 after the word
"States" and substituting the following in lieu thereof: or this state.

The amendment was adopted without objection.

CSSB 234, as amended, was passed to third reading.

SB 244 ON SECOND READING
(Tejeda - House Sponsor)

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

SB 244, A bill to be entitled An Act relating to the mandatory use of interest
earned on certain client funds held by attorneys, law firms, or professional
corporations engaged in the practice of law to provide legal services to the indigent
in civil matters; to the deposit of the funds; to the creation and administration of
a program by the Texas Supreme Court to carry out the purposes of this article and
to the powers and duties of the court; to the formation, operation, powers, duties,
and liability of a nonprofit corporation to be the recipient and disbursing agent for
interest earned on client funds; and to liability of depository institutions;
adding Article 317a to Title 14, Revised Statutes. as amended.

The bill was read second time.

Representative Schlueer offered the following amendment to the bill:

Amend SB 244 on page 3 by striking lines 8 through 13 and substituting the
following:

"(6) provisions specifying the types of financial institutions eligible for the
deposit of the funds, the types of organizations and programs eligible to receive
funds from the nonprofit corporation, except that a person who is required to
register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular
Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), is not eligible to
receive funds from the nonprofit corporation, and the persons and types of matters
and cases eligible to receive legal services funded by grants from the nonprofit
corporation; and"

The amendment was adopted without objection.

Representative Rudd offered the following amendment to the bill:

Amend SB 244 as follows:

(1) On page 3, strike lines 6 and 7, and renumber Subdivisions (6) and (7) as
(5) and (6).
(2) On page 5, lines 24 and 26, strike the word "shall" and substitute the word "may".

(3) On page 6, line 18, strike the word "required" and substitute the word "permitted".

(4) On page 6, line 18, strike the word "shall" and substitute the word "must".

Representative Tejeda moved to table the Rudd amendment.

A record vote was requested.

The motion to table was lost by (Record 274): 63 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Barrientos; Barton, B.; Barton, E.; Berlanga(C); Burnett; Cain; Cary; Cavazos; Colbert; Collazo; Coody; Crockett; Danburg; Davis; Delco; Edwards; Evans, L.; Gande; Gandy; Garcia, A.; Garcia, M.; Glassbrenner; Granoff; Green; Hackney; Hall, L.; Hall, W.; Harrison, W.; Hill, G.; Hinojosa; Hudson, S.; Kemp; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Peveto; Polk; Price; Ragsdale; Rangel; Salinas; Smith, C.; Smith, T.; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Wallace; Watson; Whaley; Willis; Wilson.

Nays — Aglich; Armbrister; Arnold; Blanton; Bomer; Buchanan; Bush; Cariker; Cervera; Clark; Clemens; Connelly; Craddick; DeLay; Denton; Eckels; Ekenburg; Emmett; English; Evans, C.; Finnell; Fox; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Grisham; Hales; Hall, T.; Hammond; Hanna; Harrison, D.; Helflin; High tower; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Hudson, D.; Hurry; Jackson; Jones; Keller; Khoury; Kubiak; Kuempel; Leonard; McKenna; Mankins; Messer; Millsap; Parker; Patrick; Patterson; Pennington; Polumbo; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schluter; Shaw; Shea; Short; Simpson; Smith, A.; Staniswalis; Stiles; Thompson, G.; Toomey; Uher; Vowell; Waldrop; Wieting; Wolens; Word; Wright.

Present, not voting — Mr. Speaker; Schoolcraft.

Absent, Excused — Laney.

Absent — Criss; Gilley; Hernandez; Pierce.

STATEMENT BY REPRESENTATIVE STILES

I inadvertently voted not to table and wanted to vote to table Rudd amendment.

Stiles

The Rudd amendment was adopted.

Representative Rudd offered the following amendment to the bill:

Amend SB 244 on page 3 by adding a new subsection appropriately numbered:

"(6) provisions specifying the types of financial institutions eligible for the deposit of the funds, the types of organizations and programs eligible to receive funds from the nonprofit corporation, except that a legal aid society is not eligible to receive funds from the nonprofit corporation, and the persons and types of matters and cases eligible to receive legal services funded by grants from the nonprofit corporation, and".

Representative Tejeda moved to table the Rudd amendment.

The motion to table was lost.
A record vote was requested.

The Rudd amendment was adopted by (Record 275): 75 Yeas, 68 Nays, 2 Present, not voting.

Yea's — Agnich; Arnold; Blanton; Bomer; Buchanan; Bush; Carriker; Ceverha; Clark; Clemens; Connelly; Craddick; DeLay; Eckels; Eikenburg; Emmett; Evans; C.; Finnell; Fox; Geistwiedt; Gibson, B.; Green; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hilbert; Hill, A.; Hill, G.; Hollowell; Horn; Hudson, D.; Hurst; Jackson; Jones; Keller; Khoury; Kubik; Kuempel; Lee, D.; Leonard; McKenna; Mankins; Messer; Millsap; Parker; Patrick; Patterson; Pennington; Pierce; Poolmo; Presnell; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shea; Simpson; Smith, A.; Staniswals; Stiles; Thompson, G.; Uher; Vowell; Waldrop; Whaley; Wieting; Word; Wright.

Nay's — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Burnett; Cain; Cary; Cavaqos; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Hall, W.; Hightower; Hill, P.; Hinojosa; Hudson, S.; Kemp; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Peveto; Polk; Price; Ragin; Robinson; Salinas; Shaw; Smith, C.; Smith, T.; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valle; Wallace; Watson; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — English; Gibson, J.; Hernandez; Short; Toomey.

Representative Emmett offered the following amendment to the bill:

Amend SB 244 on page 4, lines 12-15, by striking: “Appointments to the council shall be made with due regard to the race, creed, sex, religion and national origin of the appointees and geographical representation of the members of the council.”

And substituting the following: “Appointments to the council shall be made without regard to the race, creed, sex, religion or national origin of the appointees.”

The amendment was adopted without objection.

Representative Rudd moved to table SB 244.

A record vote was requested.

The motion to table was lost by (Record 276): 67 Yeas, 78 Nays, 2 Present, not voting.

Yea's — Agnich; Armbrister; Arnold; Blanton; Bomer; Buchanan; Cain; Ceverha; Clark; Clemens; Connelly; DeLay; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Finnell; Fox; Geistwiedt; Gibson, B.; Gibson, J.; Granoff; Haley; Hall, T.; Hanna; Harrison, D.; Hefflin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Hurst; Jones; Keller; Kubik; Kuempel; Lee, D.; McKenna; Mankins; Messer; Parker; Patterson; Pennington; Poolmo; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Shea; Short; Smith, A.; Staniswals; Stiles; Thompson, G.; Toomey; Uher; Waldrop; Whaley; Willis; Wolens; Word; Wright.

Nay's — Barrientos; Barton, B.; Barton, E.; Berlanga(C); Burnett; Bush; Carriker; Cary; Cavaqos; Colbert; Collazo; Coody; Craddick; Criss; Crockett;
Danburg; Davis; Delco; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.;
Garcia, M.; Gavin; Glossbrenner; Green; Grisham; Hackney; Hall, L.; Hall, W.;
Hammond; Harrison, W.; Hightower; Hill, G.; Hinojosa; Hudson, D.;
Hudson, S.; Jackson; Kemp; Khoury; Lee, E. F.; Leonard; Luna; McWilliams;
Madia; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira;
Oliver; Patrick; Patronella; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel;
Salinas; Schoolecraft; Shaw; Simpson; Smith, C.; Smith, T.; Sutton; Tejeda;
Thompson, S.; Tow; Turner; Valles; Wallace; Watson; Wieting; Wilson.

Present, not voting — Mr. Speaker. Gilley.

Absent, Excused — Laney.

Absent — Hernandez; Vowell.

A record vote was requested.

SB 244, as amended, was passed to third reading by (Record 277): 90 Yeas,
55 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Burnett;
Cain; Carriker; Cary; Cavazos; Clark; Colbert; Collazo; Coody; Criss; Crockett;
Danburg; Davis; Delco; Edwards; Evans, C.; Evans, L.; Gamez; Gandy;
Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granof; Green;
Grisham; Hackney; Hall, L.; Hall, W.; Hammond; Harrison, W.; Hightower;
Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madia; Martinez, R.;
Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick;
Patronella; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Salinas;
Schoolecraft; Shaw; Simpson; Smith, C.; Smith, T.; Staniswalis; Sutton; Tejeda;
Thompson, S.; Tow; Turner; Valles; Vowell; Wallace; Watson; Whaley; Wieting;
Wills; Wilson.

Nays — Agnich; Banton; Bomer; Buchanan; Bush; Ceverha; Clemons;
Connelly; DelRay; Denton; Eckels; Eikenburg; Emmett; English; Finnell; Fox;
Geistweidt; Gibson, J.; Haley; Hall, T.; Hanna; Hellin; Hilbert; Hill, P.;
Hollowell; Horn; Hurley; Jones; Keller; Khoury; Kuempel; McKenna; Mankins;
Messer; Parker; Patterson; Pennington; Polumbo; Robinson; Robnett; Rudd;
Russell; Saunders; Schlueter; Shea; Short; Smith, A.; Stiles; Thompson, G.;
Toomey; Uher; Waldrop; Wolens; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Laney.

Absent — Arnold; Harrison, D.; Hernandez.

(Speaker in the chair)

SB 460 ON SECOND READING
(Gavin - House Sponsor)

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

SB 460, A bill to be entitled An Act relating to temporary licensing
requirements for certain life insurance agents; amending Section 10, Chapter 213,
Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 21.07-1,
Vernon's Texas Insurance Code).

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

Amend SB 460 by striking Subsection 10(b)(4) to Article 21.07-1, Vernon's Texas Insurance Code, beginning on line 15, page 3 and ending on line 18, page 4 in its entirety and substituting a new Subsection 10(b)(4) as follows:

"(4) A person who has been issued a temporary license under this Section and is acting under the authority of the temporary license and who sells a new policy of life insurance or annuity contract that results in a replacement of any existing policy or annuity contract, then in force, must notify the company, the agent or the agency who sold such old policy or annuity contract in writing by registered mail that a new policy of life insurance or annuity contract has been written to the insured and the old policy or annuity contract may be cancelled by the insured. Such new or replacement policy or annuity contract cannot take effect for a period of 14 days after its acceptance by the issuing company. It is intended by this subsection to give the person being insured a "cooling period" to compare the benefits of both policies or annuity contracts and the agents, agencies or companies issuing both the old and new policies or annuity contracts the right to freely compete."

Representative Gavin moved to table the Peveto amendment.

The motion to table prevailed.

SB 460 was passed to third reading.

PROVIDING FOR A LOCAL AND CONSENT CALENDAR AND A RESOLUTIONS CALENDAR

Representative G. Hill moved to suspend all necessary rules to set a Local and Consent Calendar and Resolutions Calendar for 9 a.m., Friday, May 6.

The motion prevailed without objection.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

Representative S. Hudson moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for 9 a.m. Friday, May 6.

The motion prevailed without objection.

HB 2215 - RULES SUSPENDED

Representative Geistweidt moved to suspend the 48-hour subcommittee report rule to allow the Committee on Natural Resources to consider HB 2215.

The motion prevailed without objection.

HB 2380, HB 2258, AND HCR 104 - RULES SUSPENDED

Representative Tejeda moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HB 2380, HB 2258, and HCR 104.

The motion prevailed without objection.

HB 1401 - RULES SUSPENDED

Representative Criss moved to suspend the 48-hour subcommittee report rule to allow the Committee on Labor and Employment Relations to consider HB 1401.

The motion prevailed without objection.
HB 1419 - RULES SUSPENDED

Representative Tejeda moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HB 1419.

The motion prevailed without objection.

SB 641 - RULES SUSPENDED

Representative Pierce moved to suspend the 48-hour subcommittee report rule to allow the Committee on Urban Affairs to consider SB 641.

The motion prevailed without objection.

SCR 102 - ADOPTED
(DeLay - House Sponsor)

Representative DeLay moved that all necessary rules be suspended to take up and consider at this time, SCR 102.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 102, Honoring the Big Brothers/Big Sisters of Texas.

The resolution was adopted without objection.

SB 1268 AND SB 567 - MOTION TO SUSPEND RULES

Representative Presnal moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider SB 1268 and SB 567.

A record vote was requested.

The motion to suspend the rules was lost by (Record 278): 32 Yeas, 107 Nays, 2 Present, not voting.

Yea — Agnish; Blanton; Ceverha; Connelly; DeLay; Eckels; Emmett; English; Fox; Geistweidt; Gibson, J.; Hall, T.; Harrison, D.; Harrison, W.; Hilbert; Hollowell; Horn; Jackson; Patterson; Presnal; Robnett; Rudd; Salinas; Shea; Simpson; Smith, A.; Smith, C.; Thompson, G.; Turner; Uher; Whaley; Wolens.

Nay — Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemons; Colbert; Collazo; Coody; Craddock; Criss; Crockett; Danburg; Davis; Denton; Edwards; Eikenburg; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, W.; Hanna; Hernandez; Hightower; Hill, A.; Hill, P.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Keller; Kemp; Khoury; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Martinez, R.; Martinez, W.; Mester; Millsap; Moreno, A.; Moreno, P.; Olivera; Oliver; Parker; Patrick; Patronelia; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Russell; Saunders; Schoolcraft; Shaw; Short; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toohey; Tow; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Word; Wright.

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

Absent, Excused — Laney.

Absent — Armbrister; Delco; Hammond; Hill, G.; Jones; Kubiak; Mankins; Schlueter.
STATEMENT BY REPRESENTATIVE MCKENNA

I was accidentally shown voting no on record vote 278.

McKenna

HB 1561 AND HB 2356 - RULES SUSPENDED

Representative Patronella moved to suspend the 48-hour subcommittee report rule to allow the Committee on Elections to consider HB 1561 and HB 2356.

The motion prevailed without objection.

HB 1246 AND HB 1140 - RULES SUSPENDED

Representative Hanna moved to suspend the 5-day posting rule to allow the Committee on Energy to consider HB 1246 and HB 1140.

The motion prevailed without objection.

HB 2415 - PERMISSION TO INTRODUCE

Representative D. Lee moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2415.

The motion prevailed by (Record 279): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Curry; Cavazos; Clark; Clemmons; Colbert; Collazo; Connolly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helfin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.;Jackson; Keller; Kemp; Khoury; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, F.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pefeto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney.

Absent — Agnich; Armbrister; Ceverha; Edwards; Fox; Hill, G.; Hury; Jones; Kubiak; Schlueter; Smith, T.; Thompson, G.; Wolens; Word.

HB 1473 - RULES SUSPENDED

Representative Gilley moved to suspend the 48-hour subcommittee report rule to allow the Committee on Judicial Affairs to consider HB 1473.

The motion prevailed without objection.

SB 1268 - RULES SUSPENDED

Representative Presnal moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider SB 1268.
The motion prevailed without objection.

HB 841 - RULES SUSPENDED

Representative Barrientos moved to suspend the 48-hour subcommittee report rule to allow the Committee on Labor and Employment Relations to consider HB 841.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 4, SCR 19, SCR 30, SCR 43, SCR 55, SCR 74, SB 173, SB 257, SB 288, SB 326, SB 357, SB 384, SB 499, SB 555, SB 570, SB 580, SB 581, SB 588, SB 594, SB 614, SB 637, SB 663, SB 683, SB 684, SB 685, SB 686, SB 687

SB 98 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative T. Smith submitted the conference committee report on SB 98.

Representative T. Smith moved to adopt the conference committee report on SB 98.

A record vote was requested.

The motion prevailed by (Record 280): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Covenhoven; Clark; Clemence; Colbert; Collazo; Connelly; Craddick; Criss; Crockett; Danburg; Davis; DeLay; DeLecce; Denton; Eckels; Eikenburg; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, M.; Gavin; Geisweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, J.; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson, K.; Keller; Kemp; Khoury; Kubak; Kueppel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pevey; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Schlueter; Schoolcraft; Shaw; Sheehan; Sherrill; Simpson; Smith, A.; Smith, C.; Smith, T.; Stanislawski; Styles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laney.

Absent — Armbrister; Coody; Edwards; Emmett; Garcia, A.; Gibson, J.; Hanna; Hur; Jones; Martinez, W.; Messer; Rudd; Saunders; Uher; Wolens.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time and referred to committees:
SB 1222 to Committee on Agriculture and Livestock.
SB 1020 to Committee on Insurance.
SB 748 to Committee on Judicial Affairs.

HOUSE BILLS ON FIRST READING

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

By Wieting, et al.:
HB 2400, A bill to be entitled An Act relating to the purchase of agricultural products by state agencies.
To Committee on Agriculture and Livestock.

By Geistweidt:
HB 2403, A bill to be entitled An Act relating to the protection and conservation of fresh water in connection with activities associated with the exploration, recovery, and development of oil and gas.
To Committee on Natural Resources.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, on adjournment today, Room 309, Capitol, to consider posted bills and SB 1268.

Financial Institutions, moved from Room D, Reagan Building, to Capitol, on adjournment today, Room 346, to consider HB 1132, HB 1867, HB 2220, and HB 2387.

Labor and Employment Relations, on adjournment today, Desk 83, to consider subcommittee reports.

Liquor Regulation, on adjournment today, speakers committee room, to consider a subcommittee report on HB 273.

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

Business and Commerce, Subcommittee on HB 583, on adjournment today, Desk 145.

Business and Commerce, Subcommittee on HB 2081 and HB 2233, on adjournment today, Desk 90, to consider HB 2081 and HB 2233.

Criminal Jurisprudence, Subcommittee on HB 1643, on adjournment today, Desk 4, to consider HB 1643.

Criminal Jurisprudence, Subcommittee on HB 1452, on adjournment today, Desk 4, to consider HB 1452.

Elections, Subcommittee on HB 2356 and HB 1561, on adjournment today, Desk 144, to consider HB 2356 and HB 1561.

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

Law Enforcement, Subcommittee on HB 1061, on adjournment today, Desk 1, to consider HB 1061.

Natural Resources, Subcommittee on HB 2215, on adjournment today, Desk 41, to consider HB 2215.
Representative Messer moved that the house adjourn until 10 a.m. tomorrow in memory of Mrs. Catherine Griggs.
The motion prevailed without objection.
The house accordingly, at 4:30 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture and Livestock - HB 1222, HJR 72
County Affairs - HB 1781
Criminal Jurisprudence - HB 24, HB 70, HB 500, HB 805, HB 855, HB 881, HB 882, HB 1234
Elections - HB 157
Energy - HB 1277, HB 2005
Environmental Affairs - SB 252
Financial Institutions - HB 763, HB 1054, SB 405
Higher Education - HB 1415, HB 1550, HB 1704, HB 1892, HB 2102, SB 91, SB 387, SB 428, SB 971
Judicial Affairs - HB 1934, HB 2308, HB 2322, HB 2395, SB 224, SB 1004
Judiciary - HB 2
Law Enforcement - HB 1708
Liquor Regulation - HB 1875, HB 1876, HB 1877, HB 2166
Natural Resources - SB 1018
Public Education - HB 590, HB 1629, HB 2116, SB 1125, SB 1207
Public Health - HB 796, HB 1706, HB 1960, HB 2058, SB 59, SB 109, SB 274, SB 579, SB 657, SB 1064
State Affairs - HB 416, HJR 22, SB 253, SB 367, SB 671, SB 1221
Transportation - HB 1601, HB 1602, SB 1208
Urban Affairs - HB 946
Ways and Means - HB 1447, HB 1580, HB 2031, HB 2284, HB 2285

ENROLLED

May 2 - HCR 199, HCR 200, HCR 201, HCR 202, HCR 203, HCR 204, HCR 205, HCR 206, HCR 207, HCR 208, HCR 209, HCR 210, HCR 211, HCR 212

SENT TO THE GOVERNOR

May 3 - HCR 199, HCR 200, HCR 201, HCR 202, HCR 203, HCR 204, HCR 205, HCR 206, HCR 207, HCR 208, HCR 209, HCR 210, HCR 211, HCR 212

COAUTHORS AUTHORIZED

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

HB 13 - Hilbert
HB 1130 - D. Hudson
HB 1995 - Patronella
HB 2396 - Hollowell
HB 2400 - Saunders, Patterson, B. Gibson, Hinojosa, D. Lee, Carriker
HCR 177 - Finnell

BILL TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59

The following house bill was transmitted by the chief clerk to the governor:

May 3 - HB 2413