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 347).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; 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.; 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, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khou; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messor; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragdale; Rangel; Robinson; Robnett; Rudd; Russel; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswallis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.

Absent, Excused — Lee, D.

Absent — Patrick; Presnal; Wolens.

The invocation was offered by Reverend Ben Tibbs, pastor, First United Methodist Church, Mart, Texas, as follows:

Almighty God Our Heavenly Father, we thank you for the privilege we have of living in a free country, where we can choose the people who represent us in government. We ask that you would bestow your blessings upon the members of the Texas House of Representatives. Lead, guide, and direct them as they conduct their business and make the laws that will govern the citizens of the great State of Texas. Give them compassion, concern, and wisdom, that all citizens of this great state might benefit equally from the fruits of their labor. We pray that because of the work done in this session of the Texas Legislature our state will be a happier, safer, and healthier place to live.

As we come near the close of this session of the legislature, we pray that you will help our lawmakers keep cool heads and remember that a soft word turns away wrath. Let this session end with peace and harmony. We pray this prayer in the name of Jesus Christ. Amen.

(Wolens now present)
MESSAGE FROM THE SENATE

Austin, Texas, May 11, 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 117 by Doggett, relating to procedures for the administration, disbursement, and termination of block grant funds and procedures for hearings and dissemination of information.

SB 808 by Whitmire, relating to the retention of redfish and speckled sea trout by shrimpers and to the application of criminal penalties.

SB 834 by Brown, relating to the importation, transportation and sale of redfish and speckled sea trout.

SB 1022 by Lyon and Mauzy, relating to catching redfish and speckled sea trout by persons on commercial fishing boats.

SB 1119 by Washington, relating to preservation of the view of the State Capitol and to a private right of action for injunctive relief for a violation.

Respectfully,
Betty King
Secretary of the Senate

LEAVE OF ABSENCE GRANTED

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

D. Lee on motion of Saunders.

RESOLUTIONS REFERRED TO COMMITTEES

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

SCR 110, Recognizing May 12, 1983, as "Bum Phillips Day" in Texas.
To Committee on Rules and Resolutions.

By Wallace, et al.

HCR 241, Designating May 29, 1983, as Texas Crawfish Day.
To Committee on Rules and Resolutions.

By T. Hall:

HCR 243, Requesting the Democratic and Republican parties to include on their ballots for the statewide primaries a referendum on whether the legislature should restrict foreign ownership of Texas farmland.
To Committee on State Affairs.

By Jones:

HR 358, Commending Walter and Margaret Pugil.
To Committee on Rules and Resolutions.
By W. Hall:
HR 362, Creating a special interim committee to study wine production and associated grape cultivation in Texas.
To Committee on Liquor Regulation.

By Wright:
HR 363, Commending Miss Laura Savage.
To Committee on Rules and Resolutions.

By McWilliams, et al.:
HR 364, Commending Joe White and the East Texas Oil Museum.
To Committee on Rules and Resolutions.

By McWilliams:
HR 365, Congratulating Inez Hatley Hughes.
To Committee on Rules and Resolutions.

By McWilliams:
HR 366, Congratulating Milton S. McGee, Jr.
To Committee on Rules and Resolutions.

By McWilliams:
HR 367, Congratulating the Hallsville High School Bobcat Belles.
To Committee on Rules and Resolutions.

By Word:
HR 369, Recognizing a portion of the old Texas Highway Number 2 as the Willie Nelson Road.
To Committee on Rules and Resolutions.

By Uher:
HR 371, Designating May 14, 1983, as “Roy P. Benavidez Day in Texas.”
To Committee on Rules and Resolutions.

By B. Barton:
HR 372, Commending Jim Garner.
To Committee on Rules and Resolutions.

By S. Hudson:
HR 373, Honoring Melba Joyce.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING
The following senate bills were today laid before the house, read first time and referred to committees:
SB 1119 to Committee on State Affairs.
SB 808 to Committee on Environmental Affairs.
SB 117 to Committee on State Affairs.
SB 1022 to Committee on Environmental Affairs.
SB 834 to Committee on Environmental Affairs.
The following house bills were today laid before the house, read first time and referred to committees:

By A. Moreno, et al.:
HB 2434, A bill to be entitled An Act relating to the validation of notes, refunding bonds, and other acts and proceedings of certain cities and towns.
To Committee on Urban Affairs.

By Simpson:
HB 2435, A bill to be entitled An Act relating to the composition and compensation of the Randall County Juvenile Board.
To Committee on County Affairs.

(Speaker pro tempore in the chair)

BILL AND A RESOLUTION SIGNED BY THE SPEAKER

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

HCR 240, HB 1389

HB 940 - ORDERED PRINTED

Representative Green moved to order HB 940 printed pursuant to House Rule 4, Section 28(3).

The motion prevailed without objection.

HR 371 - ADOPTED

Representative Uher moved that all necessary rules be suspended to take up and consider at this time, HR 371.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Uher:

HR 371, Designating May 14, 1983, as “Roy P. Benavidez Day in Texas.”

The resolution was adopted without objection.

On motion of Representative Schlueter, the names of all the members of the house were added to HR 371 as signers thereof.

HB 2436 - PERMISSION TO INTRODUCE

Representative Schlueter moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2436.

The motion prevailed by (Record 348): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriger; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss, Crockett; Dunburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; 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;
HB 2442 - PERMISSION TO INTRODUCE

Representative Wilson moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2442.

The motion prevailed by (Record 349): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hale; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Kubiak; Kuempel; Lacey; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, W.; Mesker; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; 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 — Agnich; Smith, C.

Present, not voting — Mr. Speaker; Martinez, R.

Absent, Excused — Lee, D.

Absent — Emmett; McWilliams; Patrick; Presnal; Smith, T.
HOUSE BILL ON FIRST READING

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

By Schlueter:

HB 2436, A bill to be entitled An Act relating to the exemption from motor fuels tax for gasoline and alcohol mixtures.
To Committee on Ways and Means.

SB 682 ON SECOND READING
(J. Gibson - House Sponsor)

The chair laid before the house, in lieu of HB 720, on its second reading and passage to third reading,

SB 682, A bill to be entitled An Act relating to the microfilm preservation of records made or received by local governments, to the preservation and retention of historical resources in a depository, to certain powers and duties of the Texas State Library and Archives Commission, Regional Historical Resource Depository and Local Records Division, and the State Librarian, and to the force and effect of such microfilm records; amending Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 5442b, Vernon's Texas Civil Statutes); repealing Section 8 of Chapter 503 and any other laws in conflict with this Act.

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

HB 720 - LAID ON THE TABLE SUBJECT TO CALL

Representative J. Gibson moved that HB 720 be laid on the table subject to call.

The motion prevailed without objection.

SB 355 ON THIRD READING
(Sutton - House Sponsor)

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

SB 355, A bill to be entitled An Act relating to the board of trustees of independent school districts located on military reservations; amending Subsection (c), Section 11.28, Texas Education Code.

A record vote was requested.

The bill was read third time and was passed by (Record 350): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Lee, D.

Absent — Bush; Clemons; DeLay; Edwards; Geistweidt; Glossbrenner; Patrick; Polk; Presnal; Rudd; Schlueter; Thompson, S.; Whaley.

**LEAVE OF ABSENCE GRANTED**

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

J. Gibson on motion of Wilson.

**HJR 70 ON SECOND READING**

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

**HJR 70, A joint resolution proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction.**

The resolution was read second time.

Representative T. Smith offered the following committee amendment to **HJR 70:**

**COMMITTEE AMENDMENT NO. 1**

Amend HJR 70 as follows:

On page 1, line 12, strike “November 6, 1984” and substitute “November 8, 1983.”

Committee Amendment No. 1 was adopted without objection.

A record vote was requested.

**HJR 70, as amended, was adopted by (Record 351):** 134 Yeas, 0 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; Coveria; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; 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, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubiak; Kueempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polumbo; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wolens; Word; Wright.
Present, not voting — Mr. Speaker.

Absent, Excused — Gibson, J.; Lee, D.

Absent — Clark; Clemons; Collazo; Edwards; Jones; Martinez, R.; Patrick; Polk; Presnal; Robinson; Saunders; Uher; Whaley.

HJR 86 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HJR 86.

CSHJR 86

A JOINT RESOLUTION

proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to make grants, loans, and financial assistance available to fire departments in the state from gross premiums taxes on fire insurance.

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

SECTION 1. That Article III of the Texas Constitution be amended by adding Section 51a-1 to read as follows:

Sec. 51a-1. The legislature by law may establish a fire department emergency fund and may authorize the transfer and deposit to the credit of the fund of a portion of the amount collected from gross premiums taxes on fire insurance and allied lines, which portion may not exceed one percent of the gross insurance premiums collected each year in this state on fire insurance and allied lines as defined by law.

The fund shall be used by a state agency designated by the legislature to provide grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations to purchase fire-fighting equipment and to aid in providing necessary equipment and facilities to comply with federal and state law.

A portion of the fund may be appropriated for the administrative costs of the program. The legislature shall provide the terms and conditions for grants, loans, and other financial assistance to be provided under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the creation of a fire department emergency fund and authorizing grants, loans, or other financial assistance to local fire departments to purchase fire-fighting equipment and to aid in providing necessary equipment and facilities to comply with federal and state law."

CSHJR 86 was read second time.

Representative Simpson offered the following amendment to the resolution:

Amend CSHJR 86 by striking the words "gross premiums taxes" on line 11, page 1, and substituting therefor the words "maintenance taxes on gross premiums".

The amendment was adopted without objection.

Representative Simpson offered the following amendment to the resolution:

Amend CSHJR 86 by striking the words "and allied lines" on lines 11 and 12, page 1, and on line 14, page 1.

The amendment was adopted without objection.

A record vote was requested.

CSHJR 86, as amended, was adopted by (Record 352): 138 Yeas, 0 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; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLeo; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragland; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uhler; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Present, not voting — Mr. Speaker; Harrison, W.

Absent, Excused — Gibson, J.; Lee, D.

Absent — DeLay; Evans, L.; Fox; Patrick; Presnal; Robnett; Smith, T.; Wright.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 405 by 29 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 612 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators McFarland, Chairman, Brooks, Jones, Brown, Parker

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 1112 by the following vote: 29 yeas, 0 nays.

Respectfully,
Betty King
Secretary of the Senate

HJR 73 ON SECOND READING

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

HJR 73, A joint resolution proposing a constitutional amendment to permit use of public funds and credit for payment of premiums on certain insurance contracts of mutual insurance companies.
The resolution was read second time.

Representative A. Smith offered the following amendment to the resolution:

Page 1, line 15, strike the word "and" and insert the word "or".
Page 1, line 15, following the words "accident insurance" insert the words "policies and annuities".
Page 1, line 15, following the word "contracts" strike the word "of" and insert the words "issued by".

The amendment was adopted without objection.

A record vote was requested.

HJR 73, as amended, was adopted by (Record 353): 138 Yeas, 0 Nays. Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Gibson, J.; Lee, D.

Absent — Bomer; Cain; DeLay; Edwards; Harrison, D.; Martinez, R.; Patrick; Presnal; Robnett.

HJR 72 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HJR 72.

CSHJR 72

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the issuance of general obligation bonds for financing the construction of storage facilities for agricultural products.

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

SECTION 1. That Article III of the Texas Constitution be amended by adding Section 49-f to read as follows:

Sec. 49-f. (a) The legislature by general law may provide for the issuance of general obligation bonds of the state, the proceeds of which shall be used to make loans and provide other financing assistance for the construction of storage facilities for agricultural products.
(b) All money received from the sale of the bonds shall be deposited in a fund created with the state treasurer to be known as the storable commodities preservation program fund. This fund shall be administered without further appropriation by the Department of Agriculture in the manner prescribed by law.

(c) The principal amount of bonds outstanding at one time may not exceed $25 million.

(d) The legislature may by general law provide for an interest and sinking fund established for the payment of bonds.

(e) While any of the bonds authorized by this section or any interest on those bonds is outstanding and unpaid, there is appropriated out of the first money coming into the state treasury in each fiscal year not otherwise appropriated by this constitution an amount that is sufficient to pay the principal and interest on the bonds that mature or become due during the fiscal year less the amount in the interest and sinking fund at the close of the prior fiscal year.

SECTION 2. 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 the issuance of general obligation bonds for financing the construction of storage facilities for agricultural products.”

A record vote was requested.

C SHJR 72 was read second time and was passed to engrossment by (Record 354): 98 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Burnett; Bush; Cain; Carrick; Cavazos; Clark; Clemmons; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnett; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Keller; Kemp; Kubiak; Kuempel; Lane; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Peveto; Pierce; Polk; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Schluter; Shaw; Short; Simpson; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Uher; Valles; Vowell; Wallace; Watson; Wieting; Willis; Wilson; Word.

Nays — Agich; Arnold; Berlanga(C); Blanton; Ceverha; Collazo; Connelly; Craddick; Eckels; Eikenburg; Emmett; Fox; Hammond; Hanna; Heflin; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Jones; Khourey; Leonard; McKenna; McWilliams; Mankins; Pennington; Polumbo; Schoolcraft; Shea; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Waldrop; Wolens; Wright.

Present, not voting — Mr. Speaker; Green.

Absent, Excused — Gibson, J.; Lee, D.

Absent — Bomer; Buchanan; Cary; DeLay; Harrison, D.; Patrick; Presnal; Saunders; Whaley.

(Presnal now present)

STATEMENT BY REPRESENTATIVE PRESNAL

I was attending the conference committee meeting on the General Appropriations Bill when HB 720, SB 355, HJR 70, HJR 86, HJR 73, and
HJR 72 were taken up on the floor. Had I been present I would have voted yes on these bills.

**HB 2083 ON THIRD READING**

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

**HB 2083**, A bill to be entitled An Act relating to deferred suspension of certain licenses issued by the Department of Agriculture.

The bill was read third time and was passed.

**HB 590 ON THIRD READING**

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

**HB 590**, A bill to be entitled An Act relating to the order in which a school district adopts its budget and sets a tax rate.

A record vote was requested.

The bill was read third time and was passed by (Record 355): 124 Yeas, 0 Nays, 1 Present, not voting.

Yea — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Carriker; Cavazos; Cervera; Clark; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DelRay; Denton; Eckels; Eikenburg; English; Finney; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurst; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Martinez, R.; Martinez, W.; Messer; Millspa; Moreno, A.; Moreno, P.; Parker; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Price; Ragans; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schultz; 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; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Gibson, J.; Lee, D.

Absent — Agnich; Cain; Cary; Clemens; Collazo; Delco; Edwards; Emmett; Evans, C.; Evans, L.; Granoff; Hackney; Hernandez; Hill, G.; Horn; Jones; Mankins; Oliveira; Oliver; Patrick; Peveto; Presnal; Wills.

**HB 1985 ON THIRD READING**

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


The bill was read third time and was passed.

**HB 33 ON THIRD READING**

The chair laid before the house on its third reading and final passage.
HB 33, A bill to be entitled An Act relating to electronic filing, storing, and dissemination of documents in the courts.

The bill was read third time and was passed.

HB 645 ON THIRD READING

The bill was read third time and was passed.

HB 1819 ON THIRD READING

The bill was read third time and was passed.

HB 1538 ON THIRD READING

The bill was read third time and was passed by (Record 356): 85 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Blanton; Bomer; Buchanan; Burnett; Cain; Ceverha; Clark; Colbert; Connelly; Craddick; Davis; Eckels; Ekenburg; Emmett; Evans, L.; Fox; Gandy; Garcia, M.; Gavin; Gibson, B.; Granoff; Grisham; Haley; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Khouy; Kubiak; Kuempel; Lane; Lee, E. F.; Leonard; McKenna; Mankins; Meiser; Oliveira; Oliver; Parker; Pennington; Peveo; Pierce; Presnal; Ragsdale; Rudd; Saunders; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Barrientos; Barton, B.; Barton, E.; Berlanga(C); Bush; Carriker; Cavazos; Clemens; Collazo; Coody; Criss; Crockett; Danburg; DeLay; Denton; Edwards; English; Evans, C.; Finnell; Gamez; Garcia, A.; Geistweidt; Gilley; Glossbrenner; Green; Hackney; Hall, L.; Hall, T.; Hernandez; Hightower; Hinojosa; Jones; Kemp; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Miller; Moreno, A.; Patronella; Patterson; Polk; Polumbo; Price; Rangel; Robinson; Russel; Salinas; Schlueter; Shaw; Stiles; Sutton; Tejeda; Thompson, S.; Wallace; Watson.

Present, not voting — Mr. Speaker.

Absent, Excused — Gibson, J.; Lee, D.
Absent — Cary; Delco; Moreno, P.; Patrick; Robnett.

STATEMENT BY REPRESENTATIVE WILLIS

My machine malfunctioned on Record 356 and my vote should have been recorded no.

WILLIS

STATEMENT BY REPRESENTATIVE GEISTWEIDT

I voted yes on HB 1538 on third reading and left the floor. During my absence, my voting machine somehow reflected a vote against the bill.

GEISTWEIDT

HB 2333 ON THIRD READING

The chair laid before the house on its third reading and final passage, HB 2333, A bill to be entitled An Act relating to missing children investigations by law enforcement agencies.

The bill was read third time.

Representatives Berlanga and Keller offered the following amendment to the bill:

Amend HB 2333 by amending Section 4 to read as follows:

SECTION 4. DEFINITIONS. In this Act:
(1) “Child” means a person under 25 years of age.
(2) “Law enforcement agency” means a police department of a city in this state, a sheriff of a county in this state, and the Texas Department of Public Safety.

The amendment was adopted without objection.

A record vote was requested.

HB 2333, as amended, was passed by (Record 357): 142 Yeas, 0 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; Cervera; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Davis; DeLay; Deley; Denton; Eckenburg; Emmett; Evans; C.; Evans; L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; 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; G.; Hill; P.; Hinojosa; Hollowell; Horn; Hudson; D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiat; Kuempel; Lacy; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker.
Absent, Excused — Gibson, J.; Lee, D.
Absent — Danburg; Edwards; English; Patrick; Simpson.

HB 790 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 790, A bill to be entitled An Act relating to the collection, deposit, and disposition of certain court costs collected in criminal cases.

The bill was read third time and was passed.

HB 128 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 128, A bill to be entitled An Act relating to various offenses involving the wearing of masks or disguises; providing penalties.

The bill was read third time and was passed. (Blanton, Danburg, Eckels, Patterson, and Coverha recorded voting no)

HB 287 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 287, A bill to be entitled An Act relating to designating United States Highway 83 as the Texas Vietnam Veterans Memorial Highway.

The bill was read third time and was passed.

HB 2297 - POSTPONED
Representative Tejeda moved that consideration of HB 2297 be postponed until 11:45 a.m. today.

The motion prevailed without objection.

HB 58 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 58, A bill to be entitled An Act relating to tests for the determination of the possibility of paternity.

The bill was read third time and was passed.

HB 805 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 805, A bill to be entitled An Act relating to the offense of delivery of a controlled substance or marihuana to minors or elementary or secondary school students.

The bill was read third time and was passed.

HB 1611 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 1611, A bill to be entitled An Act relating to the punishment for habitual felony offenders.

The bill was read third time and was passed. (Toomey recorded voting no)
HB 2061 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 2061, A bill to be entitled An Act relating to the establishment and operation of Gateway State Park and to the establishment of the Gateway State Park Board.

The bill was read third time and was passed. (Toomey, A. Smith, Fox, Schlueer, and Pennington recorded voting no)

HB 733 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 733, A bill to be entitled An Act relating to resignation by a professional employee of a school district.

The bill was read third time and was passed.

HB 1112 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 1112, A bill to entitled An Act relating to the amount of performance and payment bonds required for certain public works contractors.

The bill was read third time and was passed.

HB 831 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 831, A bill to be entitled An Act relating to a tuition exemption for high-ranking graduates of a public junior college.

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

HB 1277 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 1277, A bill to be entitled An Act relating to an administrative penalty for violation of laws, safety standards, and regulations relating to transportation of gas and gas pipeline facilities.

The bill was read third time and was passed.

HB 1029 ON THIRD READING
The chair laid before the house on its third reading and final passage,

HB 1029, A bill to be entitled An Act relating to standards and tests for the content of nonfat solids in milk and milk products.

A record vote was requested.

The bill was read third time and was passed by (Record 358): 122 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Bomer; Buchanan; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemens; Colbert; Connelly; Coody; Craddick; Criss, Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna;
HB 773 ON THIRD READING
The chair laid before the house on its third reading and final passage, HB 773, A bill to be entitled An Act relating to prohibiting the discharge of waste and sewage into drainage ditches in Harris County.

The bill was read third time and was passed.

HB 444 ON THIRD READING
The chair laid before the house on its third reading and final passage, HB 444, A bill to be entitled An Act relating to making a change of address on a driver's license.

The bill was read third time and was passed.

HB 299 ON THIRD READING
The chair laid before the house on its third reading and final passage, HB 299, A bill to be entitled An Act relating to classifying officers commissioned by private institutions of higher education as peace officers.

The bill was read third time and was passed.

HB 2334 ON THIRD READING
The chair laid before the house on its third reading and final passage, HB 2334, A bill to be entitled An Act relating to voluntary fingerprinting for the purpose of maintaining a record for future identification.

The bill was read third time.

Representatives Berlanga and Keller offered the following amendment to the bill:

Amend HB 2334 by striking Section 1 and renumbering Sections 2 and 3 as Sections 1 and 2.

The amendment was adopted without objection.

A record vote was requested.
HB 2334, as amended, was passed by (Record 359): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga(C); Bhattan; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Connell; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Grisham; Hackney; Halcy; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubisa; Kuempel; Lane; Lee, E. F.; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messor; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Rohrbett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wolans; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Gibson, J.; Lee, D.

Absent — Barton, B.; Carriker; Collazo; English; Granoff; Green; Leonard; Patrick; Whaley.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 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:


Respectfully,

Betty King
Secretary of the Senate

HB 160 ON THIRD READING

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

HB 160, A bill to be entitled An Act relating to the required elements of disclosure for political advertising.

The bill was read third time and was passed.

HB 1794 ON THIRD READING

The chair laid before the house on its third reading and final passage.
HB 1794, A bill to be entitled An Act relating to the exemption of certain volunteer fire department vehicles from compulsory liability insurance requirements.

The bill was read third time.

Representative Watson offered the following amendment to the bill:

Amend HB 1794, on page 1, line 10, by inserting between "organized" and "for" the words "in an unincorporated area".

The amendment was adopted without objection.

HB 1794, as amended, was passed. (Bush recorded voting no)

HB 1480 ON THIRD READING

The chair laid before the house on its third reading and final passage, HB 1480, A bill to be entitled An Act relating to the requirement that a housing authority conduct a public hearing before obtaining any governmental permits for a housing project.

The bill was read third time and was passed.

HB 755 ON THIRD READING

The chair laid before the house on its third reading and final passage, HB 755, A bill to be entitled An Act relating to the authority of counties to contract for the destruction of certificates, bonds, interest coupons, or other evidences of indebtedness issued and paid by the counties.

The bill was read third time and was passed.

HB 796 ON THIRD READING

The chair laid before the house on its third reading and final passage, HB 796, A bill to be entitled An Act relating to the creation of the tertiary care fund and to the provision of tertiary care services.

(J. Gibson now present)

The bill was read third time.

Representative Rudd moved that consideration of HB 796 be postponed until Wednesday, May 18, at 10 a.m.

Representative Wolens moved to table the motion to postpone.

The motion to table prevailed.

A record vote was requested.

HB 796 was passed by (Record 360): 79 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Agnich; Barrientos; Barton, E.; Berlanga(C); Blanton; Cain; Cary; Cavazos; Cervera; Colbert; Connelly; Criss; Crockett; Danburg; Delco; Edwards; Emmett; English; Evans, L.; Gamez; Gandy; Garcia, M.; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hammond; Harrison, W.; Heflin; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hudson, S.; Jackson; Keller; Kemp; Lee, E. F.; Leonard; Luna; McKenna; Mudla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, P.; Oliveira; Oliver; Patronella; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robnett; Salinas; Schoolcraft; Shea; Simpson; Smith, A.
Smith, C.; Smith, T.; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Valles; Vowell; Wallace; Watson; Willis; Wilson; Wolens.

Nays — Armbrister; Arnold; Barton, B.; Bomer; Buchanan; Burnett; Bush; Carriker; Clark; Clemons; Collazo; Coody; Craddick; Davis; DeLay; Denton; Eckels; Eikenburg; Evans, C.; Finnell; Fox; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Grisham; Haley; Hall, T.; Hall, W.; Hanna; Harrison, D.; Hightower; Hollowell; Horn; Hudson, D.; Hury; Jones; Khoury; Kubiak; Kuepkei; Laney; McWilliams; Mankins; Moreno, A.; Parker; Patterson; Pennington; Peveto; Presnal; Robinson; Rudd; Russell; Saunders; Schlueter; Shaw; Short; Staniswalis; Stiles; Tow; Turner; Uher; Waldrop; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Lee, D.

Absent — Patrick.

MESSAGE FROM THE SENATE
Austin, Texas, May 11, 1983

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

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

SCR 111 by Harris, directing the Enrolling Clerk of the Senate to make certain changes in House amendment to Senate Bill 623.

SCR 112 by Jones, recalling Senate Bill 384 from the governor for corrections.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judicial Affairs, on noon recess today, Desk 102, to consider CSHB 1927.

Liquor Regulation, Subcommittee on SB 285, on noon recess today, Desk 98, to consider SB 285.

Liquor Regulation, Subcommittee on SB 21, HB 1632, and HB 1734, on noon recess today, Desk 57, to consider HB 1632 and HB 1734.

Criminal Jurisprudence, Subcommittee on HB 326, on noon recess today, Desk 141, to consider HB 326.

County Affairs, will continue 7:30 a.m. meeting in Room E, Reagan Building, on noon recess today, to consider posted agenda.

SB 654 - RULES SUSPENDED

Representative DeLay moved to suspend the 48-hour subcommittee report rule to allow the Committee on Transportation to consider SB 654.

The motion prevailed without objection.
SCR 112 - ADOPTED
(Haley - House Sponsor)

Representative Haley moved that all necessary rules be suspended to take up and consider at this time, SCR 112.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 112

WHEREAS, Senate Bill No. 384 has passed the senate and the house of representatives and is now in the office of the governor; and

WHEREAS, A clerical correction is necessary to clarify a provision of the bill; now, therefore, be it

RESOLVED, by the Senate of the 68th Legislature, the House of Representatives concurring, That the governor be respectfully requested to return Senate Bill No. 384 to the senate; and, be it further

RESOLVED, That the actions of the governor, president of the senate, and speaker of the house in originally signing Senate Bill No. 384 be declared null and void, and that the governor, and the presiding officers of the house and senate be authorized to remove their signatures from the enrolled bill; and, be it further

RESOLVED, That the engrossing and enrolling clerk of the senate be directed to correct Senate Bill No. 384 as follows: on page 5, line 18, strike "J.R." and substitute "S.J.R. 12".

The resolution was adopted without objection.

RECESS

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

The motion prevailed without objection.

The house accordingly, at 12:42 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

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

LEAVES OF ABSENCE GRANTED

The following members of the Appropriations Conference Committee were granted leaves of absence to attend the conference committee meeting on SB 179 on motion of Representative Emmett: Presnal, Hollowell, Rudd, Madla, and J. Gibson.

HB 2297 ON THIRD READING

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

HB 2297, A bill to be entitled An Act relating to the creation of the County Courts at Law Nos. 7, 8, and 9 of Bexar County.

HB 2297 was on the calendar earlier today and was postponed until this time.

The bill was read third time.

Representative Madla offered the following amendment to the bill:

Amend HB 2297 by adding the following subsection, appropriately lettered, to Section 5:
The judge 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.

HB 2297, as amended, was passed.

**LEAVE OF ABSENCE GRANTED**

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

Crockett on motion of Gandy.

**HB 594 ON SECOND READING**

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

HB 594, A bill to be entitled An Act relating to certification requirements for aircraft crash and rescue fire fighters; providing a penalty.

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

**HB 888 ON SECOND READING**

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 888.

CSHB 888

**A BILL TO BE ENTITLED**

**AN ACT**

relating to a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections and to the authority of a court to sentence the defendant to the department with a period of probation commencing on release from the department.

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

SECTION 1. Section 3e(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) For the purposes of this section, the jurisdiction of a court in which a sentence requiring confinement in the Texas Department of Corrections is imposed for conviction of a felony shall continue for 180 days from the date the execution of the sentence actually begins. After the expiration of 60 days but prior to the expiration of 180 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may on his own motion or on written motion of the defendant, suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if in the opinion of the judge the defendant would not benefit from further incarceration in a penitentiary. Probation may be granted under this section only if:

(1) the defendant is otherwise eligible for probation under this article;

(2) the defendant had never before been incarcerated in a penitentiary serving a sentence for a felony; and

(3) the offense for which the defendant was convicted was other than those defined by Section 19.02, 20.04, 21.03, 21.05, 22.03, 22.04(a)(1), (2), or (3), 29.03, 36.02, 38.07, 71.02 or a felony of the second degree under Section 38.10, Penal Code.
SECTION 2. Sections 15(b), (c), and (d), Article 42.12, Code of Criminal Procedure, 1965, are amended to read as follows:

(b) A prisoner under sentence of death is not eligible for parole. A prisoner sentenced under Article 42.031 of this code is not eligible for parole, except that if that prisoner is released on probation and the probation is subsequently revoked, he may become eligible for parole in the manner otherwise provided by this section. If a prisoner is serving a sentence for the offenses listed in Section 3(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3(a)(2) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

c) Except as otherwise provided by this subsection, a prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equals the maximum term to which he was sentenced. A prisoner under sentence of death is not eligible for release to mandatory supervision. A prisoner sentenced under Article 42.031 of this code is not eligible for release to mandatory supervision, except that if the prisoner is released on probation and the probation is subsequently revoked, he may become eligible for release to mandatory supervision in the manner otherwise provided by this subsection. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner’s proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

d) A prisoner, other than a prisoner sentenced under Article 42.031 of this code, who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

SECTION 3. Chapter 42, Code of Criminal Procedure, 1965, is amended by adding Article 42.031 to read as follows:

Art. 42.031. SPLIT SENTENCING. (a) If at the time of sentencing a defendant to a term of imprisonment in the Texas Department of Corrections the court determines that it is in the best interests of society and the defendant, the court may order a defendant who would otherwise be sentenced to serve a period of imprisonment of not less than five years or more than 10 years and who would otherwise be eligible for probation under Article 42.12 of this code to serve a period of imprisonment of not less than two years or more than three years in the department, with a term of probation commencing immediately on release of the defendant from the department. In making its determination, the court shall consider the effect of the sentence on overcrowding in the department and whether the defendant, who might not be a proper subject for probation under Article 42.12 of this code, would benefit from sentencing under this article. The period of probation, when added to the term of imprisonment, may not exceed 10 years.

(b) Subsection (a) of this article does not apply to a defendant sentenced for an offense committed while the defendant was released on parole from a sentence for another offense.
(c) No later than the 30th day before the date that a defendant sentenced under this article is to be released from the Texas Department of Corrections, the department shall notify the court sentencing the defendant that the department will release the defendant on a specified date. The department shall include with the notice a report of any disciplinary action taken against the defendant during his period of imprisonment.

(d) At the time of release of the defendant, the Texas Department of Corrections shall pay the defendant the amount of money he would receive on release under Chapter 104, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 6166m-1, Vernon's Texas Civil Statutes). If at a later date the defendant's probation is revoked and he is returned to the department, he may not receive another payment under that chapter.

(e) All provisions of Article 42.12 of this code relating to probation apply to a defendant released to probation under this article.

(f) If a defendant sentenced under this article is released to probation and the probation is subsequently revoked, the jurisdiction of the court is terminated at the time of revocation.

SECTION 4. Section 4, Article 6181-1, Revised Statutes, is amended to read as follows:

Sec. 4. Good conduct time applies only to eligibility for parole or mandatory supervision as provided in Section 15, Article 42.12, Code of Criminal Procedure, 1965, and for the determination of the date of release to probation of a defendant sentenced under Article 42.031 of that code (as amended), and shall not otherwise affect the inmate's term. Good conduct time is a privilege and not a right. Consequently, if during the actual term of imprisonment in the department, an inmate commits an offense or violates a rule of the department, all or any part of his accrued good conduct time may be forfeited by the director. The director may, however, in his discretion, restore good conduct time forfeited under such circumstances subject to rules and policies to be promulgated by the department. Upon revocation of parole or mandatory supervision or probation granted under Article 42.031, Code of Criminal Procedure, 1965, the inmate loses all good conduct time previously accrued, but upon return to the department may accrue new good conduct time for subsequent time served in the department.

SECTION 5. The change in the law made by this Act applies only to a defendant sentenced on or after the effective date of this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 888 was read second time and was passed to engrossment. (Schlueter and Toomey recorded voting no)

HB 1517 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1517.

CSHB 1517

A BILL TO BE ENTITLED
AN ACT
relating to the duty of a county to provide physical facilities, equipment, and utilities for offices of the Texas Adult Probation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 10, Article 42.12, Code of Criminal Procedure, 1965, is amended by amending Subsection (g) and adding Subsections (j)–(n) to read as follows:

(g) Personnel of the respective district probation departments shall not be deemed state employees and the responsible judge or judges of a district probation department shall negotiate a contract with the most populous county within the judicial district for all district probation department staff to participate in that county's group insurance programs, liability insurance, or self-insurance for acts done in the course and scope of their employment as probation department staff, retirement plan, including the district and county retirement system if the county participates in that system for any county employees, and personnel policies with regard to vacation credit, sick leave credit, holiday schedule, credit union, jury leave, military leave, etc. (It shall be the responsibility of the county or counties comprising the judicial district or geographical area served by such district probation department to provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service.)

(j) The county or counties comprising a judicial district or geographical area served by a district probation department shall provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service. Except as provided by Subsection (m) of this section, the county or counties required to provide facilities, equipment, and utilities under this subsection must provide those facilities, equipment, and utilities at a level that is the same as or higher than the average level provided by the county or counties during the county fiscal years of 1979, 1980, 1981, 1982, and 1983.

(k) The district judge or judges may authorize the expenditure of district funds in order to provide expanded facilities, equipment, and utilities if:

(1) the probation department needs to increase its number of employees in order to provide more effective service; and

(2) the county or counties certify to the judge or judges that they have neither adequate space in county-owned buildings nor adequate funds to lease additional physical facilities, purchase additional equipment, and pay for additional utilities required by the department.

(l) If the probation department needs to expand its facilities in order to provide more effective services and if the judge or judges determine that effective management of the department requires all or part of the department to be moved to rented or leased space outside of the county-owned building because additional space in a county-owned building is unavailable, the county or counties shall provide the department with funds necessary to pay for the rental or lease of the same number of square feet as provided to the department in county-owned buildings immediately before such a move.

(m) The district judge or judges may approve a proportional reduction in a county's contribution to the cost of facilities, equipment, and utilities provided to a probation department if the judge or judges determine that the number of probationers supervised by the department has decreased and the department is able to provide effective services with a reduced number of officers requiring less office space, equipment, and utilities.

(n) The district judge or judges may authorize expenditures of funds provided by the Texas Adult Probation Commission to the department for the purposes of providing facilities, equipment, and utilities for community-based correctional programs if:

(i) the judge or judges direct the probation department to establish community-based correctional programs requiring facilities other than a probation office;
(2) the adult probation commission provides state funds for the purpose of establishing or improving residential centers, restitution centers, and other community-based correctional programs other than jails or prisons; and

(3) the county or counties certify to the judge or judges that space in county-owned buildings is not available and county funds are not available to provide facilities, equipment, and utilities for the establishment of community-based correctional programs.

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 1517 was read second time and was passed to engrossment. (Schlueter and Toomey recorded voting no)

HB 1428 ON SECOND READING

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

HB 1428, A bill to be entitled An Act relating to the listing of a leasehold or other possessory interest in exempt property.

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

HB 1038 ON SECOND READING

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

HB 1038, A bill to be entitled An Act relating to the consolidation of duties in connection with voter registration and the conduct of elections in the office of the county clerk or county tax assessor-collector.

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

HB 1178 ON SECOND READING

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

HB 1178, A bill to be entitled An Act relating to pre-sentence investigations and reports in criminal cases.

The bill was read second time.

Representative Parker offered the following amendment to the bill:

Amend HB 1178 on page 1, line 8, by inserting "prior to the imposition of sentence by the court" after "section."

The amendment was adopted without objection.

Representative Parker offered the following amendment to the bill:

Amend HB 1178 on page 1, lines 17-19, by striking Subdivision (2) and substituting a new Subdivision (2) to read as follows:

"(2) the court finds that there is sufficient information in the record to permit the meaningful exercise of sentencing discretion and the court explains this finding on the record."

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

Amend HB 1178 on page 2, lines 2-11, by striking Subsection (d) and substituting a new Subsection (d) to read as follows:

“(d) Before sentencing a defendant, the court shall permit the defendant or his counsel to read the presentence report.”

The amendment was adopted without objection.

Representative Parker offered the following amendment to the bill:

Amend HB 1178 on page 2, line 12, by striking “If the” and substituting “The”.

The amendment was adopted without objection.

Representative Parker offered the following amendment to the bill:

Amend HB 1178 on page 2, lines 12 and 13, by striking “permits a defendant to read the presentence report, it”.

The amendment was adopted without objection.

Representative Parker offered the following amendment to the bill:

Amend HB 1178 on page 2, lines 16-22, by striking Subsection (f) and renumbering Subsections (g) and (h) accordingly.

The amendment was adopted without objection.

HB 1178, as amended, was passed to engrossment. (Toomey and Heflin recorded voting no)

HB 896 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 896.

CSHB 896

A BILL TO BE ENTITLED
AN ACT
relating to unemployment compensation and the taxes levied for benefits and for the principal of and interest on federal advances.

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

SECTION 1. Section 7(c)(5), Texas Unemployment Compensation Act (Article 5221 b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(5) The replenishment ratio for a calendar year is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator.

The numerator of the replenishment ratio shall be the amount of benefits that are effectively charged to employers' accounts and paid from the Unemployment Compensation Fund during the twelve (12) months ending September 30 of the preceding year, plus one-half of the amount of benefits paid during that period that are not charged to an employer's account, that are charged to employers' accounts after the employers have reached maximum liability because of the maximum tax rate, or that are charged but considered not collectible. In determining each amount, deductions shall be made for:

- benefit warrants canceled,
- repayment of benefits which have been overpaid, and
- benefits paid which are repayable from reimbursing employers, the federal government, or any other governmental entity.
The denominator of the replenishment ratio shall be the total amount of benefits paid [chargebacks to the accounts of all taxed employers] during the twelve (12) months ending September 30 of the preceding year that are effectively charged to employer's accounts.

The replenishment ratio for each calendar year shall be determined prior to the due date of the first contribution payment with respect to wages for employment paid in that year and such replenishment ratio thus determined shall not be affected or revised by virtue of any subsequent adjustment [of any chargebacks of any employer].

In this section, "effectively charged" means benefits other than those not charged to an employer’s account charged to employers’ accounts after the employers have reached maximum liability because of the maximum tax rate, or charged but considered not collectible.

SECTION 2. Section 7(c)(6), Texas Unemployment Compensation Act (Article 5221b-5, Vernon’s Texas Civil Statutes), is amended to read as follows:

(6)(A) The general tax rate for each rated employer shall be in accordance with the following table based upon the replenishment ratio and the employer’s benefit ratio:

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<tr>
<th>Replenishment Ratio is</th>
<th>If the Employer’s Benefit Ratio percentage does not exceed:</th>
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May 11, 1983

HOUSE JOURNAL

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... The Employer's Tax Rate Shall Be:

3.7% 3.8% 3.9% 4.0% 4.1% 4.2% 4.3% 4.4% 4.5%

The Commission shall extend the foregoing table by supplying additional replenishment ratios, benefit ratios, and tax rates up to six percent (6%). The Commission shall use the same mathematical principles used in constructing said table.

(B) For purposes of this subdivision, the floor of the Unemployment Compensation Fund is an amount equal to the greater of Four Hundred Million Dollars ($400,000,000) or one percent (1%) of the total taxable wages for the four calendar quarters ending the preceding June 30. When the amount in the fund on the October 1 computation date is less than the floor, for the next calendar year a deficit tax rate shall be added to the general rate for each employer entitled to an experience rate for that year. The deficit tax rate is equal to the deficit ratio (determined under Paragraph (C)) multiplied by the employer's tax rate for the year in which the computation occurs. An employer's deficit tax rate may not exceed two percent (2%).

(C) The deficit ratio is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator. The denominator is the total amount of contributions under the general tax rate and the replenishment rate due for the four calendar quarters ending the preceding September 30 from employers entitled to an experience rate on the computation date. The numerator is the amount by which the balance of the fund is less than the floor. Except for the computations in 1983, 1984, and 1985 that amount includes any federal advance or other liability of the fund.

(D) For purposes of this subdivision, the ceiling of the fund is two percent (2%) of the total taxable wages for the four calendar quarters ending the preceding June 30. When the amount in the fund on the October 1 computation date is more than the ceiling, each employer entitled to an experience rate on the computation date is entitled to a credit to be applied beginning with contributions for the first quarter of the following year. The amount of the credit is equal to a surplus ratio (determined under Paragraph (E)) multiplied by the employer's contributions due for the four calendar quarters ending the preceding September 30.

(E) The surplus ratio is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator. The numerator is an amount equal to the balance in the fund minus the ceiling. The denominator is the total of contributions due for the four calendar quarters ending the preceding September 30 from employers entitled to an experience rate on the computation date.

(F) A credit may not be used against delinquent contributions and may not be applied until the employer has paid any delinquent contributions.

(B) When the amount in the Unemployment Compensation Fund on the October 1 computation date immediately preceding the calendar year for which rates are being computed is in excess of the ceiling provided by Paragraph (C) of this subdivision, a reduction in the tax rate shown on the foregoing table, or as it may be extended, shall be granted to each employer entitled to an experience tax rate. For that purpose, the Commission shall compute a general rate reduction equal to one-tenth of one percent (1/10 of 1%) for each Forty-five Million Dollars ($45,000,000) (or another adjustment increment provided by Paragraph (D) of this subdivision) or majority fraction thereof by which the amount in the Unemployment Compensation Fund is in excess of the ceiling. Each employer's rate decrease is determined under Paragraph (F) of this subdivision. No employer
shall receive a tax rate reduction greater than two and two-tenths percent (2.2%) under this provision. Notwithstanding the foregoing provisions, no employer shall be permitted to pay contributions at a rate less than one-tenth of one percent (1/10 of 1%) and no employer shall be required to pay contributions at a rate greater than six percent (6%) except as hereinafter provided. When the amount in the Unemployment Compensation Fund on the October 1 computation date immediately preceding the calendar year for which rates are being computed is less than the floor provided by Paragraph (C) of this subdivision, an increase in the tax rate shall be applied to the tax rate for each employer eligible for an experience tax rate. For that purpose, the Commission shall compute a general rate increase equal to one-tenth of one percent (1/10 of 1%) for each Forty-five Million Dollars ($45,000,000) (or another adjustment increment provided by Paragraph (D) of this subdivision) or majority fraction thereof by which the amount in the Unemployment Compensation Fund is less than the floor. Each employer's rate increase is determined under Paragraph (F) of this subdivision: An employer whose tax rate would otherwise be limited to six percent (6%) is subject to the tax increase.

(6) For the computations under Paragraph (B) of this subdivision occurring on October 1 of 1982 and 1983, the ceiling is Five Hundred Million Dollars ($500,000,000) and the floor is Two Hundred Twenty-five Million Dollars ($225,000,000). For each subsequent October 1, the ceiling and floor are those amounts multiplied by an index. The index is the result of dividing the taxable wage base for the four quarters ending the preceding June 30 by the taxable wage base for the four quarters ending June 30, 1983.

(6) For the computations under Paragraph (B) of this subdivision occurring on October 1, 1984, and each October 1 thereafter, the adjustment increment of Forty-five Million Dollars ($45,000,000) is increased or decreased by multiplying that amount by the same index provided by Paragraph (C) of this subdivision:

(6) For purposes of Paragraph (B) of this subdivision, the amount in the Unemployment Compensation Fund is determined by subtracting from the cash balance any outstanding federal advance or other liability of the Fund:

(iii) An employer's tax increase or decrease resulting under Paragraph (B) of this subdivision is determined by this paragraph:

(iii) If the general rate set by the Commission is less than three-tenths of one percent (3/10 of 1%), each employer's experience tax rate is increased or decreased by the general rate:

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<td>1.9%</td>
</tr>
<tr>
<td>8.7% = 9.0%</td>
<td>2.0%</td>
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<tr>
<td>9.0% = 9.3%</td>
<td>2.1%</td>
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<tr>
<td>9.3% = 9.6%</td>
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<tr>
<td>9.6% = 9.9%</td>
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<tr>
<td>9.9% = 10.2%</td>
<td>2.4%</td>
</tr>
<tr>
<td>10.2% = 10.5%</td>
<td>2.5%</td>
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</tbody>
</table>

SECTION 3. Section 7(c), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), is amended by adding Subdivision (8) to read as follows:

(8) In addition to the general rate provided by Subdivision (6) of this subsection, each employer entitled to an experience rate shall pay a replenishment tax at a rate equal to a percentage, stated to the nearest hundredth, derived from the following numerator and denominator. The numerator is an amount equal to one-half of the amount of benefits paid during the twelve (12) months ending the preceding September 30 that are not charged to an employer's account, that are
charged to employers' accounts after the employers have reached maximum liability because of the maximum tax rate, or that are charged but considered not collectible. The denominator is the total taxable wages during that same period.

SECTION 4. Subsections (a) and (b), Section 9c, Texas Unemployment Compensation Act (Article 5221b-7c, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The Advance Interest Trust Fund is established. The fund is a trust fund in the custody of the State Treasurer and may be used without appropriation by the Governor only for the purpose of paying interest incurred on advances from the Federal Unemployment Trust Fund. Income from investment of the fund shall be deposited to the credit of the fund. If the amount of the fund exceeds the amount required to pay interest incurred on advances, the Governor shall transfer all or part of the surplus to the unemployment compensation fund for the payment of benefits.

(b) If the Governor applies for an advance from the Federal Unemployment Trust Fund, the Governor shall limit the amount applied for to an amount that, when added to previous advances, does not exceed the total amount:

[(+) for which principal and interest may be paid from taxes on employers the Advance Interest Trust Fund or other money available for that purpose; and

[(2)] (that can be repaid during the period for which the money is available).]

SECTION 5. SOLVENCY TAX. In addition to other taxes provided by law, for eight calendar quarters beginning with the third quarter of 1983 an additional tax of 10 percent is levied on each employer eligible for an experience tax rate. The tax applies to the same wage base to which the employer's unemployment tax applies for the quarter, and shall be levied and collected in the same manner and subject to the same penalty for late payment as the employer's unemployment tax.

The receipts shall be deposited to the credit of the unemployment compensation fund.

SECTION 6. INTEREST TAX. (a) In addition to other taxes provided by law, for the calendar years 1984 and 1985, a separate and additional tax is levied on each employer who was entitled to an experience rate for the previous year and who is liable for unemployment tax for the first quarter of 1984 or 1985, as applicable. The rate of this additional tax is 25 percent for 1984 and 10 percent for 1985, applied to the amount of taxes paid by the employer for that portion of the previous calendar year for which the employer was entitled to an experience rating. The tax is due at the same time as the employer's unemployment tax payment for the second quarter.

(b) In addition to other taxes provided by law, for the calendar year 1986 a separate and additional tax of 10 percent is levied on each employer eligible for an experience tax rate. The tax applies to the same wage base to which the employer's unemployment tax applies for that year.

(c) Taxes levied under this section shall be collected in the same manner as the employer's unemployment tax, and is subject to the same penalty for late payment.

(d) Receipts from the taxes levied under this section shall be deposited to the credit of the advance interest trust fund established under Section 9c, Texas Unemployment Compensation Act (Article 5221b-7c, Vernon's Texas Civil Statutes).

SECTION 7. DEFICIT TAX COMPUTATION FOR 1983. Before any deficit tax is computed in 1983 under Section 7(c)(6)(B), Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes), as amended by Act, the commission shall subtract from each employer's tax rate the amount at was added to the employer's general rate under that section as it existed for the 1982 computation.
SECTION 8. 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 or three several days in each house be suspended, and this rule is hereby suspended

CSHB 896 was read second time.

Representative Criss offered the following amendment to CSHB 896:

Amend the proposed committee substitute for HB 896 as follows:

(1) On page 18, beginning on line 5, strike the sentence beginning with "The rate of this additional" and substitute: Unless a higher rate is set by the governor under Subsection (b) of this section, the rate of this additional tax is 2 percent for 1984 and 10 percent for 1985, applied to the amount of taxes paid due by the employer for that portion of the previous calendar year for which the employer was entitled to an experience rating.

(2) On page 18, reletter Subsections (b)-(d) of Section 6 as Subsections (c)-(e) and add a new Subsection (b) to read as follows:

(b) If the governor determines that the rate provided by Subsection (a) of this section is insufficient to pay the interest on federal advances, the governor by proclamation may increase the rate. The rate may not exceed 30 percent in 1984 or 12 percent in 1985. In setting the rate, the governor shall consider the recommendations of the commission. The increased rate must be set before the unemployment tax statements for the second calendar quarter are mailed to employers.

The amendment was adopted without objection.

(D. Lee now present)

A record vote was requested.

CSHB 896, as amended, was passed to engrossment by (Record 361): 117 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Aglich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cevallos; Clemons; Colbert; Collazo; Connolly; Coody; Criss; Danburg; Davis; Delco; Edwards; Emmett; English; Evans; L.; Finnell; Gamez; Gandy; Garcia; A; Garcia; M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hurty; Jackson; Jones; Kemp; Kubial; Kuempel; Lane; Lee, D.; Lee, E. F.; Leonard; Luna; Martinez; R; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parke; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Range; Robinson; Robnett; Russell; Salinas; Saunders; Schoolet; Shaw; Shea; Shor; Simpson; Smith, T.; Stiles; Sutton; Tejeda; Thompson; Thompson; G.; Thompson, S.; Too; Turner; Uber; Valles; Vowell; Wallace; Watson; Whaley; Wieten; Willis; Wilso; Wolens; Word.

Nays — Arnold; Clark; Craddick; Delay; Denton; Eckels; Eikenburg; Fo; Geistweidt; Haley; Helfin; Keller; Khoury; McKenna; McWilliams; Mankin; Pennington; Schlueter; Smith, A.; Smith, C.; Staniswalis; Toomey; Waldro; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Crockett; Gibson, J.; Hollowell; Madla; Presnal; Rud.

Absent — Evans, C.; Patrick.
MESSAGE FROM THE SENATE

Austin, Texas, May 11, 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 899 by Caperton, relating to the exemption of the Texas Agricultural Extension Service, the Texas Engineering Extension Service, the Texas Engineering Experiment Station, the Office of South Central Interstate Forest Fire Protection Compact Administrator for Texas, and the Texas Agricultural Experiment Station from the provisions of the Texas Sunset Act.

Respectfully,
Betty King
Secretary of the Senate

HB 2224 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, HB 2224, A bill to be entitled An Act relating to the filing of the court reporter's notes with the district clerk in certain criminal cases.

The bill was read second time.

Representative Toomey offered the following amendment to the bill:

Amend HB 2224 as follows:
1) On page 1, line 10, between the word "the" and the word "notes" add the word "non-transcribed".
2) On page 1, Section 1, between lines 19 and 20, add a new Subsection (c) to read as follows:
   "(c) The sentencing court or district clerk shall not be required to retain the notes beyond 15 years from the date of their filing."

The amendment was adopted without objection.

HB 2224, as amended, was passed to engrossment.

HB 570 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 570.

CSHB 570

A BILL TO BE ENTITLED
AN ACT
relating to a continuing education requirement for a county treasurer.

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

SECTION 1. Title 36, Revised Statutes, is amended by adding Article 1705a to read as follows:

Art. 1705a. CONTINUING EDUCATION
Not later than two years after the day on which a person first takes office as county treasurer, the county treasurer must successfully complete a course of instruction in the performance of the duties of county treasurer.

A county treasurer must successfully complete a continuing education course in the performance of the duties of county treasurer at least one time in any 24-month period.

A course required by this article must include at least 20 classroom hours of instruction in an accredited public institution of higher education.

SECTION 2. Article 5972, Revised Statutes, is amended by adding Section (c) to read as follows:

(c) In the case of a county treasurer, “incompetency” also includes the failure to complete a course of continuing education in accordance with Article 1705a, Revised Statutes.

SECTION 3. A person who takes office as county treasurer before the effective date of this Act and is serving as county treasurer on the effective date of this Act must successfully complete a course of instruction required by Article 1705a, Revised Statutes, not later than two years after the effective date of this Act.

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

CSHB 570 was read second time and was passed to engrossment. (Geistweidt, DeLay, and Coody recorded voting no)

HB 1964 ON SECOND READING

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

CSHB 1964

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

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

SECTION 1. Section 51.052, Natural Resources Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. Subsection (a), Section 51.071, Natural Resources Code, is amended to read as follows.
(a) If principal or interest on a sale of land is not paid when due, the land is subject to forfeiture by the commissioner by entry on the wrapper containing the papers “Land Forfeited” or similar words, the date of the forfeiture, and the official signature of the commissioner.

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

Sec. 52.011. AREA SUBJECT TO LEASE. Under the provisions of this subchapter, the board may lease to any person for the production of oil and natural gas:

(1) islands, saltwater lakes, bays, inlets, marshes, and reefs owned by the state within tidewater limits;
(2) the portion of the Gulf of Mexico within the jurisdiction of the state; and
(3) all unsold surveyed and unsurveyed public school land; and
(4) all land sold with a reservation of minerals to the state under Section 51.054 of this code in which the state has retained leasing rights.

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

Sec. 53.151. LEASE OF CERTAIN AREAS. Under the provisions of this subchapter, the board may lease to any person for the production of coal, lignite, sulphur, salt, and potash:

(1) islands, saltwater lakes, bays, inlets, marshes, and reefs owned by the state within tidewater limits;
(2) the portion of the Gulf of Mexico within the jurisdiction of the state; and
(3) all unsold surveyed and unsurveyed public school land; and
(4) all land sold with a reservation of minerals to the state under Section 51.054 of this code in which the state has retained leasing rights.

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

Art. 3281. ESCHEATED LANDS DEDICATED TO THE PERMANENT FREE SCHOOL FUND, LEASE OR SALE. All lands heretofore or hereafter escheated to the State of Texas by provisions of this Title are hereby dedicated, appropriated and set apart to the Permanent Free School Fund of the State of Texas.

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

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

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

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

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

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

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

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

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

SECTION 14. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1964 was read second time and was passed to engrossment.

HB 1536 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1536.

CSHB 1536

A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, and operation of the fire department emergency program under jurisdiction of the fire department emergency board.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:
(1) "Program" means the fire department emergency program.
(2) "Fund" means the fire department emergency fund.
(3) "Board" means the Fire Department Emergency Board.

SECTION 2. CREATION OF BOARD. The Fire Department Emergency Board is created.

SECTION 3. MEMBERSHIP. (a) The board is composed of nine members appointed by the governor with the advice and consent of the senate.
(b) Six members must be engaged in fire service activities. Three members must be representatives of the general public.
(c) The governor shall appoint the six members engaged in fire service activities from a list of eligible persons submitted by the State Firemen's and Fire Marshals' Association.

SECTION 4. TERMS. Members of the board hold office for staggered terms of six years with three members' terms expiring February 1 of each odd-numbered year.

SECTION 5. OFFICERS; MEETINGS. (a) The board annually shall elect a chairman and a vice-chairman.
(b) The board shall meet at the call of the chairman of the board or a majority of the members of the board or as provided by the rules of the board.

SECTION 6. PER DIEM AND EXPENSES. Each member of the board is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the board. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as provided by the General Appropriations Act.

SECTION 7. GENERAL DUTIES OF BOARD. The board shall:
(1) carry out this Act;
(2) employ necessary persons and contract with professional experts to assist the board in carrying out its powers and duties under this Act;
(3) adopt rules for the administration of this Act;
(4) adopt and use a seal;
(5) administer oaths and take testimony on matters within the board's jurisdiction;
(6) keep an accurate record of its meetings, receipts, and disbursements;
(7) submit to the presiding officers of each house of the legislature an annual report of the board's activities; and
(8) consider and approve applications for grants and loans as provided by this Act.

SECTION 8. CREATION OF PROGRAM. (a) The fire department emergency program is created under Article III, Section 51a-1, of the Texas Constitution, to provide grants, loans, and other financial assistance available to local fire departments and other public fire-fighting organizations.
(b) The board shall administer the program in the manner provided by this Act and by rules of the board.

SECTION 9. GRANTS, LOANS, AND FINANCIAL ASSISTANCE. (a) The board may make grants, loans, and financial assistance available to any local fire department or other public fire-fighting organization to:
(1) purchase fire-fighting equipment that is necessary for the local fire department or other public fire-fighting organization to meet its fire-fighting responsibilities; or
(2) finance equipment and facilities necessary to comply with federal and state law.
(b) The board by rule shall establish guidelines for determining eligibility for grants, loans, and financial assistance under this Act and for determining the amounts and the percentages of grants, loans, and financial assistance that may be made available to eligible local fire departments and other public fire-fighting organizations.

(c) The board by rule shall establish the types of equipment and facilities that are eligible to be purchased with grants, loans, and other financial assistance from the board.

SECTION 10. LOAN FUND. (a) A special fund is created in the state treasury designated as the fire department emergency fund.

(b) An amount of up to one percent of the gross premiums on fire insurance and allied lines collected under Article 5.49, Insurance Code, shall be deposited to the credit of the fire department emergency fund as provided by Article 5.49, Insurance Code.

(c) Money in the fire department emergency fund shall be used to provide grants, loans, and financial assistance under this Act, and to pay administrative costs of the board. Not more than five percent of the money in the fund may be used to pay administrative costs.

(d) The fire department emergency fund shall be administered by the board.

(e) The board may invest, reinvest, and direct the investment of money accumulated in the fund. The money may be invested as provided by Chapter 401, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-5a, Vernon's Texas Civil Statutes).

SECTION 11. APPLICATIONS FOR GRANTS, LOANS, AND FINANCIAL ASSISTANCE. (a) A local fire department or other public fire-fighting organization may apply in writing to the board for a grant, loan, or financial assistance.

(b) The application must include the following information:
   (1) the official name and the address of the applicant;
   (2) the purposes for which the requested grant, loan, or financial assistance will be used;
   (3) the amount of the grant, loan, or financial assistance requested;
   (4) if a loan, the proposed plan for repayment;
   (5) financial information relating to the applicant as requested by the board; and
   (6) any other information the board requires in order to make a determination of the application.

(c) The board by rule shall prescribe the form and procedure for submitting and processing an application.

SECTION 12. CONSIDERATION IN PASSING ON APPLICATION. In addition to criteria established in its rules, the board, in passing on an application, shall consider:

(1) the purpose or purposes for which the grant, loan, or other financial assistance will be used;
(2) the needs of the applicant as compared to the needs of other eligible applicants;
(3) the financial need of the local fire department or other public fire-fighting organization for the funds;
(4) the availability of other funds to the local fire department or other fire-fighting organization; and
(5) the ability of the local fire department or other public fire-fighting organization to finance its purposes without a state grant, loan, or financial assistance.
SECTION 13. APPROVAL OR REJECTION OF APPLICATION. The board by rule shall establish procedures for accepting or rejecting applications.

SECTION 14. METHOD OF FINANCING. The board may provide all funds requested under a successful application totally as a grant, a loan, or as financial assistance, or the board may provide the funds requested through a combination of grants, loans, and financial assistance.

SECTION 15. CONTRACTS, AGREEMENTS, AND OTHER DOCUMENTS. (a) On approval of an application, the board shall enter into a contract with the successful applicant to provide the funds under this Act on terms and conditions provided by this Act and rules of the board.

(b) The board shall execute any other documents necessary to make a legally binding agreement as to the transfer of funds, expenditure of funds, and the repayment of any funds loaned.

SECTION 16. LIMITATION ON GRANTS, LOANS, AND FINANCIAL ASSISTANCE. The board may not approve an application if there is an insufficient amount of money in the fund to pay the total amount to be provided under the application.

SECTION 17. DEFAULT ON LOANS. (a) If a local fire department or other public fire-fighting organization is unable to make payments on a loan made to it by the board under this Act, the board shall attempt to collect from the borrower as provided by this Act and the terms of the loan contract and other agreements.

(b) The attorney general, at the request of the board, shall take all necessary legal action to assist the board in recovering amounts of a defaulted loan.

SECTION 18. DEPOSITS TO FUND. All money collected by the board as loan payments and as payments on defaulted loans shall be deposited to the credit of the fund.

SECTION 19. Article 5.49, Insurance Code, is amended to read as follows:

Art. 5.49. TAX ON PREMIUMS AS ADDITIONAL TAX. The State of Texas shall assess and collect not exceeding an additional two (2%) (one and one-fourth [1 and 1/4%]) per cent of the gross fire, lightning, tornado, windstorm, hail, smoke or smudge, cyclone, earthquake, volcanic eruption, rain, frost and freeze, weather or climatic conditions, excess or deficiency of moisture, flood, the rising of the waters of the ocean or its tributaries, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic or catastrophe, vandalism or malicious mischief, strike or lockout, explosion as defined in Article 5.52 of this code, water or other fluid or substance, resulting from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, water pipes or other conduits or containers, insurance premiums of all companies doing such character of insurance business in this State according to reports made to the State Board of Insurance [Commissioners] as required by law; and all said taxes, when collected, shall be placed with the State Treasury, in a separate fund, which shall be known as the Fire Insurance Division Fund, which fund shall be kept separate and apart from other funds and moneys in his hands; and the Fire Insurance Division Fund [said special fund], or so much thereof as may be necessary, shall be held and expended by the State Board of Insurance for the purpose of carrying out the provisions of this subchapter; and annually after taxes are collected under this article and after the State Board of Insurance has determined and withheld from those collections the amount necessary to carry out the provisions of this subchapter, the remaining tax collections in an amount not to exceed one per cent (1%) of the gross insurance premiums covered by this article that are collected in that tax year shall be transferred to and deposited in the Fire Department Emergency Fund for use as provided by law; and after all expenditures and transfers are made should there be any unexpended balance at the end of any
year in the Fire Insurance Division Fund, said balance shall remain in said fund and the State Board of Insurance [Commissioners] shall reduce the assessment for the succeeding year so that the amount produced and paid into the State Treasury, together with said unexpended balance in said fund in the Treasury, will be sufficient to provide funds to the Fire Department Emergency Fund and to pay all expenses for the current year [and not exceed the amount necessary to pay all necessary expenses] of maintaining the Fire Insurance Division of said Board, so that no deficit shall occur in said fund, which fund shall be paid out upon requisition made out and filed by a majority of the Board, when the Comptroller shall issue warrants therefor. The taxes levied and assessed by this article shall be independent of and in addition to all other taxes now imposed, or which may hereafter be imposed by law, against any company mentioned herein.

SECTION 20. The taxes from insurance premiums to be transferred to the fire department emergency fund shall apply to taxes collected under Article 5.49, Insurance Code, in March, 1985, and subsequent to that time. Taxes collected and in the fire insurance division fund that were collected for any tax year prior to the tax year for which taxes are collected in March, 1985, may not be transferred to the fire department emergency fund.

SECTION 21. This Act takes effect only if the constitutional amendment proposed by H.J.R. No. 86, 68th Legislature, Regular Session, 1983, is approved by the voters.

SECTION 22. 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 1536 was read second time.

Representative Eckels offered the following amendment to CSHB 1536:

Amend CSHB 1536, Section 9(b), page 3, line 20, by adding after the word "organizations." the following: In establishing these guidelines the board shall encourage contributions of matching funds from eligible local fire departments.

The amendment was adopted without objection.

CSHB 1536, as amended, was passed to engrossment. (Fox, Schlueter, and Ceverha recorded voting no)

HB 411 ON SECOND READING

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

HB 411, A bill to be entitled An Act relating to the use of unclaimed funds received under a court order from a probationer for compensation to victims of crime.

The bill was read second time.

Representative Eckels offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 411 as follows:

Page 2, line 14 after "section." is amended by adding:

The probation department has a maximum of 121 days after the four year expiration date to transfer the funds to the Comptroller's office. Failure to comply with the 121 day deadline will result in a 5% collection fee penalty calculated from the total deposit and all interest attributable to the unclaimed funds.
Amend page 3, line 20 after "section." with the same amendment.

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

Amend Committee Amendment No. 1 to HB 411 as follows:
On page 5, line 3, delete "14" and insert in its place "15".

The amendment was adopted without objection.

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

HB 411, as amended, was passed to engrossment.

HB 1956 ON SECOND READING
The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1956.

CSHB 1956

A BILL TO BE ENTITLED
AN ACT
relating to the sale of certain mixtures of gasoline and alcohol; providing penalties.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 1, Chapter 760, Acts of the 67th Legislature, Regular Session, 1981 (Article 165-10, Vernon's Texas Civil Statutes), is amended by adding Subdivisions (6) and (7) to read as follows:
(6) "Dealer" means a person who is the operator of a service station or other retail outlet and who delivers motor fuel into the fuel supply tanks of motor vehicles or motorboats.
(7) "Motor fuel" has the meaning given to that term by Section 153.001(17), Tax Code.

SECTION 2. Chapter 760, Acts of the 67th Legislature, Regular Session, 1981 (Article 165-10, Vernon's Texas Civil Statutes), is amended by adding Sections 4A, 4B, and 4C to read as follows:
Sec. 4A. POSTING NOTICE OF SALE OF ALCOHOL AND MOTOR FUEL MIXTURE. (a) The commissioner shall by rule prohibit a motor fuel dealer in this state from selling or offering for sale any motor fuel from a motor fuel pump that is supplied by a storage tank into which motor fuel containing ethanol in a mixture in which 10 percent or more of the mixture measured by volume contains ethanol or into which motor fuel containing methanol in a mixture in which five percent or more of the mixture measured by volume contains methanol has been delivered within the 60-day period preceding the day of the sale or offer of sale unless the dealer prominently displays on the pump from which the mixture is sold a sign that complies with the requirements of Subsection (b) of this section.
(b) The sign required under Subsection (a) of this section must be displayed on each face of the motor fuel pump on which the price of the motor fuel mixture sold from the pump is displayed. The sign must be in close proximity to and in the same size and type of lettering as the sign describing the type and grade of motor fuel. The sign must state: "With Ethanol" or "With Methanol" (as applicable to describe which type of alcohol is contained in the motor fuel).

Sec. 4B. NOTICE TO DEALER OF ALCOHOL SALES. (a) The commissioner shall by rule prohibit a person in this state from delivering to a motor fuel dealer any motor fuel that contains ethanol in a mixture in which 10 percent or more of the mixture measured by volume contains ethanol or contains methanol in a mixture in which five percent or more of the mixture measured by volume contains methanol unless there is delivered to the dealer at the time of the delivery
of the mixture a manifest bill of sale, bill of lading, or any other document evidencing delivery of the motor fuel and the ethanol or methanol mixture and on which there is a statement showing that the motor fuel contains ethanol or contains methanol and associated cosolvents, the percentage of ethanol or methanol contained in the mixture delivered, and the types and percentages of associated cosolvents, if any, contained in the mixture delivered.

(b) The commissioner's rules shall also provide that on the request of any motor fuel user, a dealer must reveal the percentage of ethanol contained in motor fuel being sold, the percentage of methanol contained in the motor fuel being sold, and the types and percentages of associated cosolvents contained in the motor fuel being sold.

(c) The commissioner's rules shall provide for the times, places, and manner of inspections of documents under this section.

SECT. 3. Subsection (b), Section 3, Chapter 760, Acts of the 67th Legislature, Regular Session, 1981 (Article 165-10, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) In order to determine compliance with the standards and for the enforcement of rules adopted under Sections 4A, 4B, and 4C of this Act, the commissioner or an inspector employed by the commissioner may test any motor fuel sold in this state [if the fuel is advertised to be alcohol or to have alcohol as a component], The commissioner or inspector may perform the tests with or without a complaint about the fuel.
Sec. 6. PENALTIES [PENALTY]. (a) A person commits an offense if the person sells or leases fuel alcohol equipment that is not registered as required by this Act.

(b) A person commits an offense if the person violates a rule of the commissioner adopted under Section 4A, 4B, or 4C of this Act.

(c) An offense under Subsection (a) of this section is a Class C misdemeanor.

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

SECTION 5. Chapter 760, Acts of the 67th Legislature, Regular Session, 1981 (Article 165-10, Vernon's Texas Civil Statutes), is amended by adding Section 6A to read as follows:

Sec. 6A. LOCKING OF PUMPS. (a) The commissioner or an inspector employed by the commissioner may lock and seal any motor fuel pump of a motor fuel dealer that is used to deliver motor fuel and that is operated in violation of Section 4A of this Act.

(b) The commissioner shall provide by rule for administrative remedies for appeals of actions taken under this section. The rules may provide for the unlocking of locked pumps on the filing with the commissioner of security or a bond conditioned on the operator's compliance with the commissioner's rules.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1956 was read second time.

Representative Horn offered the following amendment to CSHB 1956:

Amend CSHB 1956 as follows:

1. On page 2, strike lines 14 through 20 and substitute the following:

Sec. 4B. DOCUMENTATION OF ETHANOL AND METHANOL SALES. (a) The commissioner shall prohibit by rule a distributor, supplier, wholesaler, or jobber of motor fuel, as those persons are defined by Section 153.001, Tax Code, from making a delivery of motor fuel containing ethanol or methanol, other than a delivery made into the fuel supply tanks of a motor vehicle, to any other person in this state unless there is delivered to the person receiving the delivery at

2. On page 2, lines 11-12, strike the last sentence of Subsection (b).

The amendment was adopted without objection.

Representative T. Hall offered the following amendment to CSHB 1956:

Amend CSHB 1956 as follows:

1. On page 1, lines 19-24, and page 2, lines 1-5, strike subsection (a) and substitute the following:

(a) The commissioner by rule shall prohibit a motor fuel dealer in this state from selling or offering for sale any motor fuel from a motor fuel pump unless the dealer prominently displays on the pump a sign that lists each ingredient or additive in the fuel, including ethanol or methanol.

2. On page 2, lines 11-12, strike the last sentence of Subsection (b).

The motion to table the T. Hall amendment prevailed.
Representative Shaw offered the following amendment to CSHB 1956:

Amend CSHB 1956 as follows:
On page 2, strike the sentence beginning on line 11 and substitute the following: "The sign must state what type of alcohol or additive is contained in the motor fuel."

Representative Horn moved to table the Shaw amendment.
The motion to table prevailed.

Representative Carriker offered the following amendment to CSHB 1956:
Strike Sec. 4C.
Representative Horn moved to table the Carriker amendment.
The motion to table prevailed.

A record vote was requested.

CSHB 1956, as amended, was passed to engrossment by (Record 362): 88 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga(C); Blandon; Bomer; Buchanan; Burnett; Bush; Cary; Cavazos; Ceverha; Clark; Clemens; Collazo; Connelly; Coody; Craddick; Davis; DeLay; Delco; Eikeren; Emmett; English; Evans, C.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Grisham; Hackney; Haley; Hall, L.; Hammond; Hanna; Harrison, W.; Herlin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Horn; Hudson, D.; Jones; Keller; Khoury; Kuempel; Leonard; Luna; McWilliams; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Patronella; Pennington; Peveto; Pierce; Polk; Price; Robinson; Russell; Schlueter; Schoolcraft; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Tejeda; Thompson, G.; Toomey; Tow; Vowell; Waldrop; Watson; Whaley; Wilson; Wolens; Word; Wright.

Nays — Barton, B.; Cain; Carriker; Colbert; Criss; Danburg; Denton; Eckels; Edwards; Evans, L.; Garcia, M.; Gibson, B.; Glossbrenner; Hall, T.; Hall, W.; Harrison, D.; Hudson, S.; Jackson; Kemp; Kubliak; Laney; Lee, D.; Lee, E. F.; McKenna; Martinez, R.; Moreno, P.; Oliveira; Oliver; Parker; Patterson; Plumboo; Ragsdale; Rangel; Robnett; SÁnitas; Saunders; Shaw; Simpson; Stiles; Sutton; Thompson, S.; Uber; Valles; Wieting; Willis.

Present, not voting — Mr. Speaker.

Absent, Excused — Crockett; Gibson, J.; Hollowell; Madia; Presnal; Rudd.

Absent — Geistweit; Gilley; Granoff; Green; Hernandez; Hinojosa; Hury; Patrick; Turner; Wallace.

**HB 1157 ON SECOND READING**

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

**HB 1157**, A bill to be entitled An Act relating to the authority of a commissioners court to permit the revision of a subdivision plat.

The bill was read second time.

Representative Messer offered the following amendment to the bill:
Amend HB 1157 on page 1, lines 12-14, by striking "a newspaper published at least five days a week in the county or, if no such newspaper is published in the county, in".

The amendment was adopted without objection.

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

Amend HB 1157 by inserting the following Sections following Section 4 and renumbering Section 5 as Section 8:

SECTION 5. Chapter 103, Acts of the 36th Legislature, Regular Session, 1919, (Article 6626d, Vernon's Texas Civil Statutes) is amended to read as follows:

(a) Any person, firm, association, or corporation owning lands in this State, which lands have been subdivided into lots and blocks or small subdivisions, may make application to the commissioners court of the county wherein such lands are located for permission to cancel all or any portion of such subdivision or subdivisions, including dedicated easements or roadways, so as to throw the said lands back into acreage tracts as it existed before such subdivisions were made. When such application is made by the owner or owners of such land, and it is shown that a cancellation of such subdivisions, or portion thereof, will not interfere with the established rights of any purchaser owning any portion of such subdivisions, or if it be shown that said person or persons agreed to such cancellation, said commissioners court shall enter an order, which order canceling said subdivision shall be spread upon the minutes of such court, authorizing such owner or owners of such lands to cancel the same by written instrument describing such subdivisions, or portions thereof, so cancelled as designated by said court. When such cancellation is filed and recorded in the deed records of such county, the tax assessor of such county shall assess such property as though it had never been subdivided. When such application is so filed, said court shall cause notice to be given of such application by publishing notice of such application in some newspaper, published in the English language, in such county for at least three weeks prior to action thereon by said court, and action shall be taken on such petition or petitions at a regular term of said court. Such notice, in addition to said publication, shall command any person interested in such lands to appear at the time specified in such notice to protest if desired against such action. If such lands are delinquent for taxes for any preceding year or years, and such application is granted as hereinbefore provided, the owner or owners of said land shall be permitted to pay such delinquent taxes upon an acreage basis, the same as if said lands had not been subdivided, and for the purpose of assessing land for such preceding years the county assessor of taxes shall back assess such lands on an acreage basis. This law shall not apply to any land or lots included in an incorporated city or town or subject to the extraterritorial jurisdiction thereof.

(b) Upon application of the owner or owners of seventy five (75) percent of the land area in any subdivision or phase or identifiable subdivision thereof or other lands to which this article may apply for cancellation of such subdivision or of such phase or identifiable subdivision thereof, including cancellation of dedicated roadways or easements, the commissioners court shall issue an order authorizing such cancellation in the manner provided for in Subsection (a) hereof, after notice and hearing as therein provided.

(c) No person who does not own a lot or portion of a subdivision directly abutting upon that portion or a roadway or easement cancelled under the provisions of this article may maintain an action to enjoin the cancellation or closing of such roadway or easement, and no person owning a lot or portion within a subdivision cancelled in whole or in part under the provisions of this article may maintain an action to enjoin the cancellation or closing of any portion of a roadway or easement.
other than that which leads from the lot or portion of the subdivision owned by him to the nearest remaining public highway or county road or access thereto or to any uncancelled common amenity of the subdivision by the most direct feasible route. Any person who appears before the commissioners court to protest the cancellation of a subdivision or any portion thereof may maintain an action for damages against the persons making application for cancellation and may recover as damages an amount not to exceed the amount of the original purchase price of the lands in the cancelled subdivision or cancelled portion thereof owned by the person protesting such cancellation, provided, however, that any such action for damage must be brought within one year of the date of the entry of the order of the commissioners court.

SECTION 2. If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 3. The provisions of this act shall apply to all cases, at law or in equity, now pending in the courts of this State.

The amendment was adopted without objection.

Representative Toomey offered the following amendment to the bill:

Amend HB 1157 in the following manner:

On page 1, Section 2, between lines 19 and 20, add a new Subsection (c) to read as follows:

“(c) If all or part of the subdivided tract has been sold to non-developer owners, notice shall also be given to each owner, at his address on said tract, by certified mail or registered mail, return receipt requested.”

The amendment was adopted without objection.

HB 1157, as amended, was passed to engrossment.

HB 1180 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1180.

CSHB 1180

A BILL TO BE ENTITLED
AN ACT
relating to the authority of the State Purchasing and General Services Commission to use the competitive sealed proposal method in making certain open market purchases and in leasing space from a private source.

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

SECTION 1. Article 3, State Purchasing and General Services Act (Article 601b, Vernon’s Texas Civil Statutes), is amended by adding Section 3.121 to read as follows:

Sec. 3.121. COMPETITIVE SEALED PROPOSALS. (a) The commission may make an open market purchase under Section 3.12 or may lease space from a private source under Section 6.05(c) of this Act by competitive sealed proposals if the commission determines in writing pursuant to its rules that competitive sealed bidding or informal competitive bidding is not practical or advantageous to the state.

(b) The commission shall solicit proposals by a request for proposals. The commission shall give public notice of a request for proposals as provided in Section 3.12 of this article.
(c) The commission shall open proposals in a manner that does not disclose the contents of the proposal during the process of negotiation to competing offerors. The commission shall file each proposal in a register of proposals, which shall be open for public inspection after a contract is awarded unless the register is not subject to disclosure as an open record under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

(d) As provided in a request for proposals and under the rules adopted by the commission, the commission may discuss acceptable or potentially acceptable proposals with offerors in order to assess an offeror's ability to meet the solicitation requirements. After the submission of a proposal but before making an award, the commission may permit the offeror to revise the proposal in order to obtain the best final offer. The commission may not disclose any information derived from proposals submitted from competing offerors in conducting discussions under this subsection. The commission shall treat all offerors fairly and equally with respect to an opportunity for discussion and revision of proposals.

(e) The commission shall invite a requisitioning agency to participate in discussions under Subsection (d) of this section.

(f) The commission shall make a written award of a purchase or lease to the offerer whose proposal is the most advantageous to the state, considering price and the evaluation factors in the request for proposals, except that if the commission finds that none of the offers is acceptable, it shall refuse all offers. The commission may not use any other factors or criteria in its evaluation. The contract file shall contain the written basis upon which the award is made.

(g) The commission shall adopt the rules it considers necessary or convenient to perform its responsibilities under this section.

SECTION 2. Section 6.05(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The space may be leased from a private source through competitive bidding or through competitive sealed proposals under Section 3.121 of this Act. When [whenever possible, but the] commission [with the approval of the state agency] may negotiate for the space when competitive bidding and competitive sealed proposals are not practical [competition is not available].

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

CSHB 1180 was read second time and was passed to engrossment.

HB 1511 ON SECOND READING

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

HB 1511, A bill to be entitled An Act relating to the regulation of bees, beekeepers, and honey.

The bill was read second time.

Representative Uher offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Sec. 131.044 of HB 1511 by adding a new Subsection (f) to read as follows:
“(f) An individual owning no more than twelve (12) colonies of bees will be exempt from the twenty-five (25) dollar permit fee.”

Committee Amendment No. 1 was adopted without objection.

Representative Uher offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 2**

Amend HB 1511, Sec. 131.044, d-1, on line 22 of page 10 by striking the number “10” and substituting the number “100”.

Committee Amendment No. 2 was adopted without objection.

Representative Uher offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 3**

Amend HB 1511, Sec. 131.044, d-2, by adding the following language on line 23 of page 10 after the words ‘queen apiary’:

"or group of queen apiaries located within an area of one hundred (100) square miles.”

Committee Amendment No. 3 was adopted without objection.

Representative Uher offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 4**

Amend HB 1511, Sec. 131.044 d-3 on lines 24 and 25 by striking the following language after the word ‘each’ “inspection of an additional queen apiary located within an area of 10 square miles.” and substituting the following: “additional inspection of a queen apiary or group of queen apiaries located within an area of one hundred (100) square miles.”

Committee Amendment No. 4 was adopted without objection.

(Speaker in the chair)

Representative Uher offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 5**

Amend Sec. 131.101 of HB 1511 on line 12 of page 14 by striking the words: “Subchapters D and E of this Chapter.” and substituting the following: “Subchapter D. The Texas Department of Health is the Agency responsible for enforcing Subchapter E of this chapter.

Committee Amendment No. 5 was adopted without objection.

Representative Uher offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 6**

Amend Sec. 131.102 of HB 1511 by adding a new subsection (c) after line 23 to read as follows:

“(c) The Texas Department of Health may enter at a reasonable hour any public or private premises, including a building, depot, express office, storeroom, vehicle, or warehouse, in which bees, equipment, pollen, or honey may be located to determine whether a violation of Subchapter E of this Chapter has occurred or is occurring.”

Committee Amendment No. 6 was adopted without objection.
Committee Amendment No. 7 was adopted without objection.

HB 1511, as amended, was passed to engrossment. (A. Smith and Gandy recorded voting no)

HB 1669 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1669.

CSHB 1669

A BILL TO BE ENTITLED
AN ACT
relating to the jurisdiction of the 9th, the Second 9th, and the 258th District Courts in Polk County and to the compensation of the judges of those courts.

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

SECTION 1. Section 15, Chapter 6, Page 157, General Laws, Acts of the 46th Legislature, 1939 (Article 199(9), Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 15. (a) The Ninth Judicial District of the State of Texas composed of the counties of Polk, San Jacinto, Waller, and Montgomery, from and after the effective date of this Act the terms of the District Court in and for the several counties constituting said Ninth Judicial District shall be begun and held therein as follows:

In the County of Polk, on the first Monday in January of each year and may remain in session four weeks, and on the 3rd Monday in July of each year and may remain in session four weeks;

In the County of San Jacinto, on the 7th Monday after the 1st Monday in January of each year and may remain in session three weeks, and on the 9th Monday after the 1st Monday in July of each year and may remain in session three weeks;

In the County of Waller, on the 10th Monday after the 1st Monday in January of each year and may remain in session six weeks, and on the 12th Monday after the 1st Monday in July of each year and may remain in session six weeks;

In the County of Montgomery, on the 16th Monday after the first Monday in January of each year and may remain in session eight weeks, and on the 18th Monday after the 1st Monday of July of each year and may remain in session eight weeks.

(b) The Ninth District Court has and shall exercise concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction of the Ninth District Court and the Polk County Court may be filed in either court, and all cases of misdemeanor concurrent jurisdiction may be transferred between the Ninth District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

SECTION 2. Chapter 258, Acts of the 54th Legislature, Regular Session, 1955 (Article 199 (2nd 9), Vernon’s Texas Civil Statutes), is amended by adding Section 10B to read as follows:
Sec. 10B. The Second 9th District Court has and shall exercise concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction of the Second 9th District Court and the Polk County Court may be filed in either court, and all cases of misdemeanor concurrent jurisdiction may be transferred between the Second 9th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

SECTION 3. Section 3.084, Judicial Districts Act of 1969 (Article 199a, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 3.084. (a) The 258th Judicial District, composed of the counties of Polk, San Jacinto, and Trinity is hereby created.

(b) The 258th District Court has and shall exercise concurrent jurisdiction in Polk County with the county court over all misdemeanor cases over which the county court has jurisdiction under the constitution and laws of this state. Cases in the concurrent misdemeanor jurisdiction of the 258th District Court and the Polk County Court may be filed in either court. All cases of misdemeanor concurrent jurisdiction may be transferred between the 258th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

SECTION 4. In addition to the salary paid by the state, the Commissioners Court of Polk County may pay each judge of the district courts having jurisdiction in Polk County, for services rendered to the county and for performing administrative duties, a sum to be set by the commissioners court and to be paid in equal monthly installments from county funds.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1669 was read second time and was passed to engrossment.

HB 1555 ON SECOND READING

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

HB 1555, A bill to be entitled An Act relating to eligibility for unemployment compensation benefits for certain students.

The bill was read second time.

Representative Criss offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1555 as follows:

On page 1, line 21, delete the period following “university” and add: unless such service is performed in an apprenticeship training program or by a teaching assistant.

Committee Amendment No. 1 was adopted without objection.

HB 1555, as amended, was passed to engrossment.
HB 158 ON SECOND READING
The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 158.

CSHB 158

A BILL TO BE ENTITLED
AN ACT
relating to the administration and financing of a program to provide representation by counsel and transcription services for indigent defendants in criminal cases.

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

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the Effective Assistance of Counsel Act.

SECTION 2. RIGHT TO REPRESENTATION BY COUNSEL. (a) A defendant is entitled to be represented by counsel in any criminal proceeding. The right to be represented includes the right to consult in private with an attorney immediately after a defendant is taken into custody, at reasonable times thereafter, and sufficiently in advance of a proceeding to allow adequate preparation for the proceeding.

(b) An indigent defendant is entitled to have an attorney appointed to represent him in any criminal proceeding which may result in punishment by confinement and in any other criminal proceeding in which the court concludes that the interests of justice so require. The right to appointed counsel attaches immediately when the indigent accused requests appointed counsel and the right shall be complied with as soon as reasonably possible. The appointed counsel is entitled to 10 days to prepare for trial, but may waive the time by written notice, signed by the counsel and the accused.

(c) An indigent defendant is entitled to have an attorney appointed for appeal and post-conviction habeas corpus as follows:

(1) by the trial court for any appeal to the court of appeals, or in any case directly appealed from the trial court to the Court of Criminal Appeals;

(2) by the Court of Criminal Appeals for any appeal where a petition for discretionary review has been granted;

(3) by the trial court in any habeas corpus proceedings in which the court concludes that the interests of justice so require;

(4) by the trial court in any appellate proceeding in which the court concludes that the interests of justice so require.

(d) A defendant may waive the right to counsel. When a defendant waives the right to counsel, the court shall make inquiries to determine whether the waiver is voluntary and intelligent.

(e) If a nonindigent defendant, or an indigent defendant who has refused appointed counsel in order to retain private counsel, appears without counsel at a proceeding after having been given a reasonable opportunity to retain counsel, the court may, on 10 days' notice of a dispositive setting to defendant, proceed with the matter, with or without securing a written waiver or appointing counsel.

(f) A defendant may withdraw a waiver of the right to counsel at any time. The defendant is not entitled to repeat any proceeding previously held or waived solely on the grounds of the subsequent appointment or retention of counsel. In this event the trial court, in its discretion, need not afford counsel 10 days to prepare.

(g) If there is a material change in circumstances after a determination of indigency or nonindigency is made, either the person requesting appointment of counsel, the attorney appointed, or the prosecutor may move for reconsideration of the determination by the court.
A defendant in a criminal proceeding is entitled to reasonably effective assistance of either retained or appointed counsel.

SECTION 3. DETERMINATION OF INDIGENCY. (a) In this Act, "indigent" means a person who is not financially able to employ counsel.

(b) In determining whether or not a defendant is indigent, the court shall consider such factors as whether the defendant has posted or is capable of posting bail, income, source of income, property owned, outstanding obligations, necessary expenses, the number and ages of any dependents, and other sources of family income. Counsel may not be denied to a defendant solely because the defendant has posted or is capable of posting bail.

(c) A defendant desiring a determination of indigency and requesting an appointed attorney shall, if requested by the court, complete under oath a questionnaire concerning his financial resources or shall be examined under oath regarding his financial resources by the judge or magistrate responsible for determining indigency, or shall both complete the questionnaire and be examined by the judge or magistrate. Prior to questioning, the defendant shall be advised of the perjury penalties set forth in the Penal Code.

(d) If the court determines that the accused is indigent, the court shall provide the following statement to the accused to be signed under oath:

"I have been advised this day of _______ 19__, by the (name of the court) Court of my right to representation by counsel in the trial of the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me."

(_signature of accused_.)

(e) When the accused has executed the statement under oath, the court shall appoint competent counsel to represent the accused in the proceeding against him, including an appeal, if any, until relieved or replaced by other counsel.

(f) If the accused desires to waive his right to counsel and the court has advised him of the dangers and disadvantages of self representation and the court ascertains that the waiver is voluntarily and intelligently made, the court shall provide the following statement to the accused, which, if signed, shall be filed with and become part of the record of the proceeding:

"I have been advised this day of _______ 19__, by the (name of the court) Court of my right to representation by counsel in the trial of the charge pending against me. I have been further advised that, if I am unable to afford counsel, one will be appointed for me free of charge. Understanding my right to have counsel appointed for me free of charge, I wish to waive that right and have the court proceed with my case without an attorney being appointed for me."

(g) No statement, written or oral, or evidence derived from the statement, which is elicited under this section may be used for any purpose except to determine the defendant's indigency status. Nothing in this section prohibits prosecution under Chapter 37, Penal Code.

SECTION 4. COMPENSATION OF APPOINTED COUNSEL. (a) A counsel, other than an attorney with a Public Defender's office, appointed to defend a person accused of a felony or a misdemeanor punishable by imprisonment, or to represent an indigent in a habeas corpus hearing, shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held, according to the following schedule:

1) For each day or a fractional part of the day in court representing the accused in trial or in which sworn oral testimony is elicited, a reasonable fee to be set by the court, but in no event to be less than $150;
(2) for each day or a fractional part of a day in court representing the accused in which an appearance is made and evidenced by a docket entry, a reasonable fee to be set by the court, but in no event to be less than $75 in a felony case and $50 in a misdemeanor case;

(3) for each day in court representing the accused in a capital case in trial or in which sworn oral testimony is elicited, a reasonable fee to be set by the court, but in no event to be less than $350;

(4) for each day or a fractional part of a day in court representing the indigent in a habeas corpus hearing, a reasonable fee to be set by the court, but in no event to be less than $150;

(5) for reasonable and necessary time spent out of court, a reasonable hourly rate to be set by the Court, but not less than $30 per hour, supported by detailed sworn documentation presented to the court by the appointed attorney;

(6) reimbursement for expenses reasonably incurred, but in no event to exceed, without prior approval of the court, $1,000 in a non-capital case and $3,000 in a capital case;

(7) for the preparation of an appellate brief to either the court of appeals or the court of criminal appeals where the record is docketed in the court, a reasonable fee to be set by the court of appeals or the court of criminal appeals, as the case may be, but in no event to be less than $500. The minimum fee shall be due and payable from the general revenue fund of the state upon the docketing of the record and appellate brief on appeal. In addition to the minimum fee, the court of appeals or the court of criminal appeals, as the case may be, may at its discretion, pay the attorney such additional fees and reimbursement for expenses reasonably incurred, payable from the general revenue fund of the state, as seem merited, according to the appeal, and to be paid no later than at the time the court renders its final decision on the appeal.

(b) The minimum fee provided in Subsection (a)(1) through Subsection (a)(5) of this section will be allowed automatically, unless the trial judge orders a greater fee within five days of the judgment. All payments made under the provisions of this section may be included as costs of court. An attorney appointed to represent an indigent defendant charged with multiple offenses in the same court shall not receive more than one appearance fee per day from that court for representing that defendant.

(c) The county commissioners court shall order payment to the attorney in the amounts so determined. The county may accept private contributions for the support of the administration of this Act. For each fiscal year, the county Commissioners Court in each county will include in its annual budget for the operations of the courts in that county an additional amount to finance the costs and expenses necessary for the implementation of this Act.

SECTION 5. CONTRIBUTION BY THE DEFENDANT. (a) If the court determines that a defendant has financial resources which enable him to offset in part the costs of the legal services including the transcriptions of court reporters notes, and expenses, to be provided, the court shall order the defendant to pay to the county, through the clerk of the court, such amount as it finds the defendant is able to pay.

(b) In any case where the defendant is offsetting the costs of a court-appointed attorney's fee, the total of the money contributed by the defendant plus the amount ordered paid by the county may not exceed the amount the court would have ordered paid had the defendant not been offsetting the costs.

(c) If an indigent defendant is placed on probation, the amount allowed by the court to the attorney appointed to defend him shall be ordered reimbursed to the paying agency by the defendant as a condition of probation.
SECTION 6. OPTION FOR COUNTIES TO CREATE PUBLIC DEFENDER OFFICES. (a) The Commissioners Court of any county which is the only county in any judicial district of this state shall have the option to issue an order creating an office of public defender. Such office shall be responsible as provided herein for representing indigent defendants in all criminal cases within the county in which the defendant has a right to free counsel under the Constitution of the United States or of this State or under the provisions of this Act. In every case, the court in which the defendant's case is brought shall appoint counsel to represent the accused. The court shall appoint the public defender of the judicial district in which the case is brought in at least seventy percent (70%) and in no more than eighty percent (80%) of all the cases in which counsel is appointed for the accused by the court, provided that, if the commissioners have exercised their right to determine that the public defender office shall represent a smaller percentage of cases, as set out in subsection (d) of this section, the court shall appoint the public defender within the percentage range selected by the commissioners. The court shall consider cases involving conflicts of interest within the public defender's office and other special circumstances in determining whether an attorney in private practice shall be appointed to represent the accused in any particular case instead of the public defender. The State Commission on Judicial Conduct shall have the power to enforce this Act insofar as it establishes a minimum percentage of cases involving indigent accused in which a public defender is to be appointed to represent the accused. Whenever private counsel is appointed under the terms of this subsection, counsel shall be compensated as provided in this Act.

(b) When a Commissioners Court creates a public defender's office under this Act, the court shall promptly notify the Secretary of State of such action. Thereafter, the Governor shall appoint the public defender for the respective judicial district. The term of office of the public defender shall be four years, and the qualifications for the office shall be the same as established for the office of district attorney. The appointment shall be subject to confirmation by the State Senate as provided for in Article IV, Section 12, of the Texas Constitution. Upon taking office, the public defender shall take the oath of office prescribed by Article XVI, Section 1, of the Texas Constitution, and Article 16 of the Texas Revised Civil Statutes.

(c) The State of Texas shall pay to the public defender annual compensation, to be paid in twelve equal monthly installments, in an amount equal to the compensation received from the State of Texas by the district attorney or the criminal district attorney, as the case may be, of the same judicial district which the public defender serves. The county or counties comprising such judicial district may supplement the salary of the public defender in accordance with the rules for supplementing the salary of the district attorney.

(d) In any county having an office of public defender, the Commissioners Court shall supply funds for the public defender to employ assistant public defenders, who shall be attorneys licensed to practice in the State of Texas, investigators, secretaries, and other staff support personnel and to allow attendance at professional and official seminars and meetings as may be deemed necessary. In no event shall the annual budget of the public defender's office in any fiscal year be lower than a specified percentage of the combined budgets for the same fiscal year of (1) the office of the district attorney or criminal district attorney serving such county, and (2) the office of the county attorney, if any, serving such county if said attorney prosecutes criminal cases, provided that in determining said budgets, expenditures for work on civil matters, criminal appeals, and post conviction habeas corpus cases shall be excluded. Said specified percentage shall be equal to the percentage reflected by a comparison of the number of criminal prosecutions initiated by said offices in the preceding 12-month period in which a court appointed an attorney to represent an indigent defendant with the total number of
criminal prosecutions initiated by said offices in the preceding 12-month period, provided that the commissioners may determine that the percentage of indigent defendants to be represented by the public defender will be less than 70 to 80 percent, according to the following scale:

10 percent to 20 percent;
21 percent to 30 percent;
31 percent to 40 percent;
41 percent to 50 percent;
51 percent to 60 percent;
61 percent to 70 percent.

If the commissioners so choose, the amount of the public defender office budget shall be reduced accordingly, in which event the public defender budget shall be fixed at the higher of the percentages of the percentage range chosen. For example, if the commissioners determine that the public defender shall represent from 21 percent to 30 percent of indigent defendants, the budget of the public defenders office shall be 30 percent of the specified percentage of the prosecution budget.

(c) In any county having an office of public defender, the Commissioners Court shall furnish the public defender with such suitable offices, furniture, equipment, telephones and telephone service, and supplies as are needed by the office of the public defender.

(f) A public defender under this Act is an officer of the State of Texas and is eligible to participate, as may otherwise be required or permitted, in all retirement and insurance programs for state officers and employees. Assistant public defenders and all other employees working under a public defender shall be considered employees of the county in which their principal office is located and shall be eligible to participate, as may otherwise be required or permitted, in all retirement and insurance programs.

(g) The public defender and his assistants shall be covered by a policy of professional malpractice insurance, whose premiums are to be paid by the county comprising the judicial district.

(h) A public defender appointed under this Act may be removed from office only for the same reasons and only under the same procedures as prescribed for district attorneys and criminal district attorneys.

(i) An office of the public defender may be established in any judicial district composed of more than one county if the Commissioners Courts of all of the counties in such district within the same calendar year shall each adopt a resolution in favor of the creation of such office. When any such Commissioners Court shall pass such a resolution, the court shall notify the Secretary of State of such action. If the Commissioners Courts of all the counties comprising a judicial district shall take such action within the same calendar year, the Governor shall thereafter appoint a public defender for the district.

(j) The counties comprising a multi-county judicial district shall share all local expenses in the operation of the public defender's office on a pro rata basis determined by the populations of the respective counties as shown by the most recent federal census.

(k) In multi-county judicial districts, in no event shall the annual budget for the offices of the public defender be lower than a specified percentage of the combined budgets for the same fiscal year of (1) the office of the district attorney or criminal district attorney serving such district, and (2) the offices of the county attorneys serving the counties within the district which prosecute criminal cases. Said specified percentage shall be equal to the percentage reflected by a comparison of the number of criminal prosecutions initiated by said offices in the preceding 12-month period in which a court appointed counsel to represent an
indigent defendant to the total number of criminal prosecutions initiated by said offices within the preceding 12-month period.

(l) The other provisions in this Act pertaining to public defenders in single county judicial districts and their assistants and employees shall apply to public defenders in judicial districts composed of more than one county and their assistants and employees to the extent such provisions do not conflict with the special provisions contained herein which are applicable to such multi-county judicial districts. Whenever any such provisions impose expenses on the counties composing such multi-county judicial districts, such expenses shall be shared according to subsection (j) herein.

(m) The public defender shall have the exclusive power to hire and discharge all of his assistants and other employees.

(n) The Commissioners Court of any county within a judicial district may adopt an order to abolish the public defender office serving that judicial district. The order shall become effective and the office abolished on the first day of September following the adoption of such order unless the order was adopted within sixty (60) days of the first day of September, in which event the order shall not become effective until the first day of September of the following year. An order abolishing the office of the public defender may be withdrawn by the Commissioners Court issuing such order. Notice of all orders adopted under this subsection shall be promptly sent to the Secretary of State. A public defender's office which has been abolished under this Act may be reinstated by following the provisions of this Act pertaining to the original establishment of such office in a judicial district.

(o) No public defender or assistant public defender may practice law other than their duties in connection with this Act if the district attorney or criminal district attorney of their judicial district falls within the Texas Professional Prosecutors Act.

(p) This section is expressly meant to be applicable to every county and judicial district in the state, provided, however, that this section does not prohibit any county or judicial district from creating or maintaining a public defender office as authorized by another statute.

(q) The State of Texas shall not compensate public defenders appointed under this Act until September 1, 1985. Nothing in this Act shall prohibit a County Commissioners Court or courts in multi-county judicial districts from acting under this Act to create in its or their respective judicial district the office of public defender at any time after the effective date of this Act. In such event, the respective county or counties shall provide all compensation for the public defender until September 1, 1985, at a rate equal to the total amount of compensation received from the State and the county or counties by the district attorney or criminal district attorney for the judicial district in which the county is or the counties are located. On September 1, 1985, the county or counties shall only be required to compensate the respective public defender as provided in subsection (c) herein.

No county shall be eligible to have its public defender begin receiving compensation from the State except on the first day of the State's fiscal year, September 1, in odd-numbered years, beginning on September 1, 1985. To be eligible to have a public defender begin receiving compensation from the State on September, 1985, the Commissioners Court or courts of the affected county or counties must have sent the notice required by this Act to the Secretary of State not later than March 1, 1985. Thereafter, a Commissioners Court or courts of the affected county or counties must have sent the notice required by this Act to the Secretary of State not later than March 1, 1985. Thereafter, a Commissioners Court or courts in multi-county judicial districts must provide such notice no later than March 1 of odd-numbered years in order to make the public defender for their county eligible to receive compensation from the State on September 1 of such
odd-numbered year. A Commissioners Court at any time may adopt an order or
pass a resolution creating a public defender's office with the effective date of the
order set forth in the order or resolution shall be sufficient to comply with the time
limits established in this subsection for purposes of State funding of the office if the
notice of the order or resolution is sent on or before March 1 of an odd-numbered
year.

SECTION 7. REIMBURSEMENT BY THE STATE. (a) The county
Commissioners Court of each county shall annually appropriate enough money to
administer the program of representation created or authorized by this Act. If in any
fiscal year the payments made by the county under this Act are greater than
seventy-five one hundredths of one percent (.75%) of its annual expenditures, the
state shall reimburse the county for the amount of the excess out of a special fund
of the state to be known as the Indigent Defense Fund to the extent that funds are
available and as provided by this Act. For purposes of this section, the term "annual
expenditures" does not include bonded indebtedness or debt service or federal grant
projects.

(b) Beginning January 1, 1985, and each year thereafter, each county may
certify on or before January 31, 1985, and each year thereafter, the total sum which
the county paid in its last, complete fiscal year since the effective date of this Act,
which was paid under this Act and under Article 40.09, Code of Criminal
Procedure, 1965, and which was not otherwise reimbursed to the county, and the
percentage of its annual expenditures during the same fiscal year which the total
sum represents. The comptroller of public accounts shall reimburse the counties
annually payable through county treasurer. The funds in the Indigent Defense Fund
shall be disbursed on a pro rata basis so that each county shall be reimbursed the
same percentage of the total sum that the county paid under this Act and under
Article 40.09, Code of Criminal Procedure, 1965, over seventy-five one hundredths
of one percent (.75%) of its annual expenditures and not otherwise reimbursed. No
county shall be eligible for reimbursement under this section in any given year
unless it has forwarded to the state the court costs required under this Act. The
comptroller of public accounts is hereby authorized to promulgate regulations for
the administration of this section. No funds shall
be
disbursed by the comptroller
of public accounts under this section before February 1, 1985.

SECTION 8. SAVINGS;CLAUSE. (a) The protections provided by this Act
do not exclude any protection or sanction that the law otherwise provides.

(b) This Act does not alter nor affect Article 26.055 or Article 26.05-1, Code
of Criminal Procedure, 1965, as added.

SECTION 9. (a) The sum of $5.00 shall be taxed as costs of court, in addition
to other taxable court costs, upon conviction in each misdemeanor case in which
original jurisdiction lies in courts whose jurisdiction is limited to a maximum fine
of $200.00 only.

(b) Conviction arising under the traffic laws of this State are specifically
included and are those defined in:

(1) Chapter 173, Acts of the 47th Legislature, Regular Session, 1941,
as amended (Article 6687b, Vernon's Texas Civil Statutes), known as the "Driver's
License Law", and

(2) Chapter 421, Acts of the 50th Legislature, 1947, as amended
(Article 6701d, Vernon's Texas Civil Statutes), known as the "Uniform Act
Regulating Traffic on Highways," except laws regulating pedestrians and the
parking of motor vehicles.

SECTION 10. The sum of $10.00 shall be taxed as costs of court in addition
to other taxable court costs, upon conviction in each misdemeanor case, including
cases in which probation is granted, and the sum of $20.00 shall be taxed as costs
of court, in addition to other taxable court costs, upon conviction in each felony
case, including cases in which probation is granted, in all cases in which original jurisdiction lies in courts whose jurisdiction is limited to fines and/or confinement in a jail or the department of corrections.

SECTION 11. The costs due the State under this Act shall be collected along with and in the same manner as other fines or costs are collected in the case.

SECTION 12. (a) The officer collecting the costs due under this Act in cases in municipal court shall keep separate records of the funds collected as costs under this Act, and shall deposit the funds in the municipal treasury.

(b) The officer collecting the costs due under this Act in justice, county and district courts shall keep separate records of the funds collected as costs under this Act, and shall deposit the funds in the county treasury.

(c) The officer collecting the costs due under this Act in county courts on appeal from justice or municipal courts shall keep separate records of the funds collected under this Act, and shall deposit the funds in the county treasury.

SECTION 13. The custodians of the municipal and county treasuries with whom funds collected under this Act are deposited shall keep records of the amount of funds collected under this Act which are on deposit with them, and shall on or before the last day of the month following each calendar quarter period of three months remit to the Comptroller of Public Accounts funds collected under this Act during the preceding quarter. The municipal and county treasuries are hereby authorized to retain ten percent (10%) of funds collected under this Act as a service fee for said collection.

SECTION 14. The Comptroller of Public Accounts shall deposit the funds received by him in the Indigent Defense Fund.

SECTION 15. Section 5, Article 40.09, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

5. RESPONSIBILITY FOR OBTAINING TRANSCRIPTION OF REPORTER'S NOTES.

If a party desires to have all or any portion of a transcription of the court reporter's notes included in the record, he shall so designate with the clerk in writing and within the time required by Section 2 of this Article. Such party shall then have the responsibility of obtaining such transcription from the court reporter and furnishing the same to the clerk in duplicate in time for inclusion in the record and the appellant shall pay therefor. The court will order the reporter to make such transcription without charge to appellant if the court finds, after hearing in response to an affidavit filed by the appellant not more than 20 days after giving notice of appeal that he is unable to pay or give security therefor. Upon certificate of the court that this service has been rendered, payment therefor shall be made from the general revenue fund of the state in a sum to be set by the trial judge. The court reporter shall report any portion of the proceedings requested by either party or directed by the court.


SECTION 17. In the event insufficient money is appropriated by the legislature to fund this Act, any fees, salaries, payments or expenses authorized by this Act shall be paid from the general revenue fund of the appropriate county. The county may seek reimbursement under the provisions of this Act from the state legislature in the next biennium if insufficient money is appropriated by the state.

SECTION 18. APPROPRIATION. There is hereby appropriated to the Office of Comptroller of Public Accounts for the fiscal year beginning on September 1, 1984, from the Indigent Defense Fund for reimbursement to counties, which is created by Section 7, Subsection (b) herein, a sum equal to all the monies in said
account on August 31, 1984. Said monies shall be distributed to the counties in accordance with the provisions of Section 7 of this Act.

SECTION 19. This Act shall become effective as provided by law, except that Section 4 shall become effective January 1, 1984.

SECTION 20. 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 158 was read second time.
Representative Toomey offered the following amendment to CSHB 158:
Amend CSHB 158 as follows:
(1) On page 2, line 25, after “time” add “prior to sentencing”.
(2) On page 5, line 13, strike “imprisonment” and substitute “confinement in jail”.
(3) On page 6, line 19, strike “revenue”.
(4) On page 6, line 19, strike “state” and substitute “county”.
(5) On page 6, line 24, strike “revenue”.
(6) On page 6, line 25, strike “state” and substitute “county”.
(7) Page 8, line 13, after “case” add “and unless waived”.
(8) On page 9, line 19, strike “State of Texas” and substitute “county”.
(9) On page 14, line 15, strike the sentence beginning with “the” and ending “1985”.
(10) On page 14, line 23, strike “equal to” and substitute “not less than”.
(11) On page 14, line 26, strike “on September 1, 1985” and capitalize the first letter of the “the”.
(12) On page 14, line 27, strike “only”.
(13) On page 15, strike lines 2 through 23.
(14) On page 19, strike section 15 in its entirety and renumber accordingly.
(15) On page 19 & 20, strike section 17 in its entirety and renumber accordingly.
(16) On page 20, line 11, strike “subsection (b) herein,”.
The amendment was adopted without objection.

CSHB 158, as amended, was passed to engrossment. (D. Harrison, Russell, Khoury, Wright, G. Thompson, Schluter, Stiles, Hightower, Armbrister, Robnett, Arnold, Word, Geistweidt, DeLay, and Coody recorded voting no)

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 79, SCR 96, SB 367, SB 703, SB 737, SB 761, SB 826

HB 2008 ON SECOND READING
The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2008.

CSHB 2008

A BILL TO BE ENTITLED
AN ACT
relating to revision of the criminal laws relating to the offenses of rape, aggravated rape, rape of a child, sexual abuse, aggravated sexual abuse, and sexual abuse of a
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child; redefining those offenses as assaultive offenses and revising the elements of, penalties for, and period of limitation applicable to those offenses; and revising certain terms in the assault and aggravated assault provisions relating to the gender of the actor or victim.

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

SECTION 1. Section 22.01(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [he]:

(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person’s [his] spouse; or

(2) intentionally or knowingly threatens another with imminent bodily injury, including the person’s [his] spouse; or

(3) intentionally or knowingly causes physical contact with another when the person [he] knows or should reasonably believe that the other will regard the contact as offensive or provocative.

SECTION 2. Section 22.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [he] commits assault as defined in Section 22.01 of this code and the person [he]:

(1) causes serious bodily injury to another, including the person’s [his] spouse;

(2) causes bodily injury to a peace officer when the person [he] knows or has been informed the person assaulted is a peace officer:

(A) while the peace officer is lawfully discharging an official duty; or

(B) in retaliation for or on account of the peace officer’s exercise of official power or performance of official duty as a peace officer; or

(3) causes bodily injury to a participant in a court proceeding when the person [he] knows or has been informed the person assaulted is a participant in a court proceeding:

(A) while the injured person is lawfully discharging an official duty; or

(B) in retaliation for or on account of the injured person’s having exercised an official power or performed an official duty as a participant in a court proceeding; or

(4) uses a deadly weapon.

SECTION 3. Chapter 22, Penal Code, is amended by adding Sections 22.011 and 22.021 to read as follows:

Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if the person:

(1) intentionally or knowingly:

(A) causes the penetration of the anus or vagina of another person not the actor’s spouse by any means, without that person’s consent;

(B) causes the penetration of the mouth of another person not the actor’s spouse by the sexual organ of the actor, without that person’s consent; or

(C) causes the sexual organ of another person, without that person’s consent to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) intentionally or knowingly:

(A) causes the penetration of the anus or vagina of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor; or
(C) causes the sexual organ of a child to contact or
penetrate the mouth, anus, or sexual organ of another person, including the actor.
(b) A sexual assault under Subsection (a)(1) of this section is without the
consent of the other person if:
(1) the actor compels the other person to submit or participate by
the use of physical force or violence;
(2) the actor compels the other person to submit or participate by
threatening to use force or violence against the other person, and the other person
believes that the actor has the present ability to execute the threat;
(3) the other person has not consented and the actor knows the other
person is unconscious or physically unable to resist;
(4) the actor knows that as a result of mental disease or defect the
other person is at the time of the sexual assault incapable either of appraising the
nature of the act or of resisting it;
(5) the other person has not consented and the actor knows the other
person is unaware that the sexual assault is occurring;
(6) the actor knows that the other person submits or participates
because of the erroneous belief that the actor is the other person's spouse;
(7) the actor has intentionally impaired the other person's power to
appraise or control the other person's conduct by administering any substance
without the other person's knowledge; or
(8) the actor compels the other person to submit or participate by
threatening to use force or violence against any person, and the other person believes
that the actor has the ability to execute the threat.

(c) In this section:
(1) "Child" means a person younger than 17 years of age who is not
the spouse of the actor.
(2) "Spouse" means a person who is legally married to another,
except that persons married to each other are not treated as spouses if they do not
reside together or if there is an action pending between them for dissolution of the
marriage or for separate maintenance.

(d) It is a defense to prosecution under Subsection (a)(2) of this section that:
(1) the child was at the time of the offense 14 years of age or older
and had prior to the time of the offense engaged promiscuously in conduct described
in that subsection; or
(2) the conduct consisted of medical care for the child.

(e) It is an affirmative defense to prosecution under Subsection (a)(2) of this
section that the actor was not more than 10 years older than the victim.

(f) An offense under this section is a felony of the second degree.

Sec. 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an
offense if the person commits sexual assault as defined in Section 22.011 of this
code and:
(1) the person causes serious bodily injury or attempts to cause the
death of the victim or another person in the course of the same criminal episode;
(2) by acts or words the person places the victim in fear that death,
serious bodily injury, or kidnapping will be imminently inflicted on any person;
(3) by acts or words occurring in the presence of the victim the
person threatens to cause the death, serious bodily injury, or kidnapping of any
person;
(4) the person uses or exhibits a deadly weapon in the course of the
same criminal episode; or
(5) the victim is younger than 14 years of age.

(b) The defense provided by Section 22.011(d)(1) of this code and the
affirmative defense provided by Section 22.011(e) of this code do not apply to this
The defense provided by Section 22.011(d)(2) of this section does apply to this section.

(c) An offense under this section is a felony of the first degree.

SECTION 4. Section 21.13, Penal Code, is redesignated as Section 22.065 and amended to read as follows:

Sec. 22.065. EVIDENCE OF PREVIOUS SEXUAL CONDUCT.
(a) Evidence of specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct may be admitted under Sections 22.011 and 22.021 of this code only if, and only to the extent that, the judge finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(b) If the defendant proposes to ask any question concerning specific instances, opinion evidence, or reputation evidence of the victim's sexual conduct, either by direct examination or cross-examination of any witness, the defendant must inform the court prior to asking any such question. After this notice, the court shall conduct an in camera hearing, recorded by the court reporter, to determine whether the proposed evidence is admissible under Subsection (a) of this section. The court shall determine what evidence is admissible and shall accordingly limit the questioning. The defendant shall not go outside these limits nor refer to any evidence ruled inadmissible in camera without prior approval of the court without the presence of the jury.

(c) The court shall seal the record of the in camera hearing required in Subsection (b) of this section for delivery to the appellate court in the event of an appeal.

(d) This section does not limit the right of the state or the accused to impeach credibility by showing prior felony convictions nor the right of the accused to produce evidence of promiscuous sexual conduct of a child 14 years old or older as a defense to sexual assault, aggravated sexual assault, sexual abuse of a child, or indecency with a child. If evidence of a previous felony conviction involving sexual conduct or evidence of promiscuous sexual conduct is admitted, the court shall instruct the jury as to the purpose of the evidence and as to its limited use.

SECTION 5. Section 9.32, Penal Code, is amended to read as follows:

Sec. 9.32. DEADLY FORCE IN DEFENSE OF PERSON. A person is justified in using deadly force against another:

(1) if he would be justified in using force against the other under Section 9.31 of this code;

(2) if a reasonable person in the actor's situation would not have retreated; and

(3) when and to the degree he reasonably believes the deadly force is immediately necessary:

(A) to protect himself against the other's use or attempted use of unlawful deadly force; or

(B) to prevent the others imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

SECTION 6. Articles 12.01, 13.15, and 38.07, Code of Criminal Procedure, 1965, are amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation: murder and manslaughter;
(2) ten years from the date of the commission of the offense:
   (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
   (B) theft by a public servant of government property over which he exercises control in his official capacity;
   (C) forgery or the uttering, using or passing of forged instruments;
(3) five years from the date of the commission of the offense:
   (A) theft, burglary, robbery;
   (B) arson;
   (C) sexual assault;
(4) three years from the date of the commission of the offense: all other felonies.

Art. 13.15. SEXUAL ASSAULT [RAPE]. Sexual assault [Rape] may be prosecuted in the county in which it is committed, in the county in which the victim is abducted, or in any county through or into which the victim is transported in the course of the abduction and sexual assault [rape]. When it shall come to the knowledge of any district judge whose court has jurisdiction under this Article that sexual assault [rape] has probably been committed, he shall immediately, if his court be in session, and if not in session, then, at the first term thereafter in any county of the district, call the attention of the grand jury thereto; and if the court be in session, but the grand jury has been discharged, he shall immediately recall the grand jury to investigate the accusation. The district courts are authorized and directed to change the venue in such cases whenever it shall be necessary to secure a speedy trial.

Art. 38.07. TESTIMONY IN CORROBORATION OF VICTIM OF SEXUAL OFFENSE. A conviction under Chapter 21, Section 22.011, or Section 22.021, Penal Code, is supportable on the uncorroborated testimony of the victim of the sexual offense if the victim informed any person, other than the defendant, of the alleged offense within six months after the date on which the offense is alleged to have occurred. The court shall instruct the jury that the time which lapsed between the alleged offense and the time it was reported shall be considered by the jury only for the purpose of assessing the weight to be given to the testimony of the victim.

SECTION 7. Article 18.02(a), Code of Criminal Procedure, 1965, is amended to read as follows:
(a) A search warrant may be issued to search for and photograph a child who is alleged to be the victim of the offenses of injury to a child as defined by Section 22.04, Penal Code, as amended; sexual assault [rape] of a child as defined by Section 22.011(a) [21-09], Penal Code, as amended; or aggravated sexual assault [abuse] of a child as defined by Section 22.021 [21-10], Penal Code.

SECTION 8. Section 3e(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:
(a) For the purposes of this section, the jurisdiction of a court in which a sentence requiring confinement in the Texas Department of Corrections is imposed for conviction (of a felony) shall continue for 180 days from the date the execution of the sentence actually begins. After the expiration of 60 days but prior to the expiration of 180 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may on his own motion or on written motion of the defendant, suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if in the opinion of the judge the defendant would not benefit from further incarceration in a penitentiary. Probation may be granted under this section only if:
the defendant is otherwise eligible for probation under this article; and
(2) the defendant had never before been incarcerated in a penitentiary serving a sentence for a felony; and
(3) the offense for which the defendant was convicted was other than those defined by Section 19.02, 20.04, 22.021 [22.021 (2)]; 22.03, 22.04(a)(1), (2), or (3), 29.03, 36.02, 38.07, 71.02 or a felony of the second degree under Section 38.10, Penal Code.

SECTION 9. Section 3(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:
(a) The provisions of Sections 3 and 3c of this Article do not apply:
(1) to a defendant adjudged guilty of an offense defined by the following sections of the Penal Code:
(A) Section 19.03 (Capital murder);
(B) Section 20.04 (Aggravated kidnapping);
(C) Section 22.021 [22.021 (2)]; (Aggravated sexual assault [rape]);
(D) [Section 21.05 (Aggravated sexual abuse)];
(E) Section 29.03 (Aggravated robbery); or
(2) to a defendant when it is shown that the defendant used or exhibited a deadly weapon as defined in Section 1.07(a)(11), Penal Code, during the commission of an offense or during immediate flight therefrom. Upon affirmative finding that the defendant used or exhibited a deadly weapon during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court. Upon an affirmative finding that the deadly weapon the defendant used or exhibited was a firearm, the court shall enter that finding in its judgment.

SECTION 10. Section 1, Chapter 299, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4447m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. Any law enforcement agency that requests a medical examination of a victim of an alleged sexual assault [rape] for use in the investigation or prosecution of the offense shall pay all costs of the examination.


SECTION 12. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.
(b) An offense committed before the effective date of this Act is covered by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 13. This Act takes effect September 1, 1983.

SECTION 14. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

CSHB 2008 was read second time.

Representative Dunburg offered the following amendment to CSHB 2008:
Amend CSHB 2008 by striking "not the actor's spouse" on page 2, line 27, and on page 3, line 3.

(W. Hall in the chair)
Representative Peveto moved to table the Danburg amendment.

A record vote was requested.

The motion to table prevailed by (Record 363): 70 Yeas, 68 Nays, 2 Present, not voting.

Yea — Agnich; Berlanga(C); Blanton; Bomer; Buchanan; Ceverha; Clark; Collazo; Connelly; Coody; Craddick; Davis; Delay; Eckels; Edwards; Eikenburg; Emmett; Fimnell; Geistweidt; Green; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Hellin; Hightower; Hilbert; Hill, G.; Hill, P.; Horn; Hudson, D.; Hudson, S.; Jones; Keller; Kuempel; Laney; Leonard; McKenna; McWilliams; Mankins; Millsap; Moreno, A.; Parker; Patterson; Pennington; Peveto; Robnett; Russell; Saunders; Shaw; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Thompson, G.; Toomey; Turner; Uher; Valles; Waldrop; Whaley; Wieting; Word; Wright.

Nay — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clemens; Colbert; Criss; Danburg; Delco; Denton; English; Evans, C.; Evans, L.; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Glossbrenner; Granoff; Grisham; Hackney; Harrison, W.; Hernandez; Hill, A.; Hinojosa; Hury; Kemp; Khoury; Kubiak; Lee, D.; Lee, E. F.; Luna; Martinez, R.; Mears; Oliveira; Oliver; Patronella; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Salinas; Schlueter; Schoolcraft; Simpson; Staniswals; Tejeda; Thompson, S.; Tow; Vowell; Wallace; Watson; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker; Martinez, W.

Absent, Excused — Crockett; Gibson, J.; Hollowell; Madla; Presnal; Rudd.

Absent — Gilley; Jackson; Moreno, P.; Patrick.

CSHB 2008 was passed to engrossment. (Ceverha recorded voting no)

HB 2045 ON SECOND READING

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

HB 2045, A bill to be entitled An Act relating to the punishment for the offense of cruelty to animals.

(Speaker in the chair)

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

HB 1792 ON SECOND READING

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

HB 1792, A bill to be entitled An Act relating to the administration of public employee benefit programs.

The bill was read second time.

Representative Robinson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. I

Amend HB 1792 on page 6, line 10 by changing “15” to “30”.
Representative Patterson offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 as follows:
On line 2, change the figure “10” to “26”.

The amendment was adopted without objection.

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

HB 1792, as amended, was passed to engrossment.

HB 2352 ON SECOND READING

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

HB 2352, A bill to be entitled An Act relating to the elements of and punishment for the offense of commercial bribery.

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

HB 2118 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2118.

CSHB 2118

A BILL TO BE ENTITLED
AN ACT
relating to private mortgage guaranty insurance issued pursuant to Article 21.50, Insurance Code; amending Sections 1, 2, and 7 of Article 21.50.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Article 21.50, Sections 1, 2, and 7, Insurance Code, as amended, are amended to read as follows:
Art. 21.50. Mortgage Guaranty Insurance
Definitions
Section 1. The definitions set forth herein shall govern the construction of the terms used in this Article but shall not affect any of the provisions of this Code.
(a) "Mortgage guaranty insurance" means:
(1) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by [a mortgage, deed of trust, or other instrument] an authorized real estate security constituting a lien or charge on real estate, provided the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families, or a condominium unit.
(2) Insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by [a mortgage, deed of trust, or other instrument] an authorized real estate security constituting a lien or charge on real estate, provided the improvement on such real estate is a building or buildings designed for occupancy by five or more families or designed to be occupied for industrial or commercial purposes.
(3) Insurance against financial loss by reason of nonpayment of rent and other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, provided the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.
(b) "Authorized real estate security" for the purposes of Paragraphs (1) and (2) of Subdivision (a) of this section means either:

1. An amortized note, bond or other evidence of indebtedness, secured by a mortgage, deed of trust, wraparound mortgage or other instrument constituting which constitutes or is considered by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank Board, their successors, or agency of this State or of the federal government to be the equivalent of a first lien or charge on real estate; provided:

(A) The real estate loan secured in such manner is a type of loan which a bank, savings and loan association, credit union or an insurance company, which is supervised and regulated by a department of this State or an agency of the federal government or a mortgage banker which is an approved seller-servicer of the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, or their successors, is authorized to make; or a type of loan which is approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program.

(B) The improvement on such real estate is a building or buildings designed for occupancy as specified by Paragraphs (1) and (2) of Subdivision (a) of this section.

2. A note, bond or other evidence of indebtedness secured by a proprietary lease and a stock membership certificate issued to a tenant stockholder or resident member of a fee simple cooperative housing corporation as defined in Section 216 of the United States Internal Revenue Code.

(c) "Contingency reserve" means an additional premium reserve established for the protection of policyholders against the effect of adverse economic cycles of losses.

Qualifications of insurers

Sec. 2. Qualifications for mortgage guaranty insurers shall be as follows:

1. An insurer, in order to qualify for writing mortgage guaranty insurance, must have the same minimum capital and surplus as that required of a company by Chapter 8, Texas Insurance Code.

2. A foreign or alien insurer writing mortgage guaranty insurance shall not be eligible for the issuance of a certificate of authority in Texas unless it has demonstrated a satisfactory operating experience in its state of domicile.

3. A mortgage guaranty insurer which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal or continuance thereof.

4. A mortgage guaranty insurer which anywhere transacts the classes of insurance defined in Paragraphs (2) and (3) of Subdivision (a) of Section 1 is not eligible for the issuance or continuance of a certificate of authority to transact in this State the class of mortgage guaranty insurance defined in Paragraph (1) of Subdivision (a) of Section 1.
Limit on coverage to amount of indebtedness; election to pay entire indebtedness

Sec. 7. A mortgage guaranty insurer shall limit its coverage, net of reinsurance, for the class of insurance defined in Paragraphs (1) and (2) of Subdivision (a) of Section (1) to a maximum of twenty-five per cent (25%) of the entire indebtedness to the insured, or in lieu thereof, a mortgage guaranty insurer may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

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 2118 was read second time and was passed to engrossment.

HB 1580 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1580.

CSHB 1580

A BILL TO BE ENTITLED

AN ACT
relating to a taxpayer’s remedies in the judicial review of certain property tax determinations.

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

SECTION 1. Section 42.24, Tax Code, is amended to read as follows:

Sec. 42.24. ACTION BY COURT. In determining an appeal, the district court may:

(1) fix the appraised value of property in accordance with the requirements of law if the appraised value is at issue;

(2) enter the orders necessary to ensure equal treatment under the law for the appealing property owner if inequality in the appraisal of his property is at issue; or

(3) enter other orders necessary to preserve rights protected by and impose duties required by the law; and

(4) award reasonable attorney’s fees not to exceed the greater of $5,000 or 20% of the total amount of taxes as calculated on the basis of the property’s appraised value according to the appraisal roll if a property owner prevails pursuant to Section 42.251 or 42.26.

SECTION 2. Subchapter B, Chapter 42, Tax Code, is amended by adding Section 42.251 to read as follows:

Sec. 42.251. ADDITIONAL REMEDY FOR EXCESSIVE APPRAISAL. If the court determines that the appraised value of property according to the appraisal roll exceeds by 10% or more the appraised value required by law, the property owner is entitled to a reduction of the appraised value on the appraisal roll to the appraised value determined by the court and the property owner may be awarded reasonable attorney’s fees not to exceed the greater of $5,000 or 20% of the total amount of taxes as calculated on the basis of the property’s appraised value according to the appraisal roll as provided by Section 42.24.

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

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

(b) A property owner who prevails pursuant to this section may be awarded reasonable attorney’s fees not to exceed the greater of $5,000 or 20% of the total amount of taxes as calculated on the basis of the property’s appraised value according to the appraisal roll pursuant to Section 42.24.

SECTION 4. Section 42.27, Tax Code, is repealed.

SECTION 5. The change in law made by this Act applies only to an appeal for which notice of appeal is filed on or after the effective date of this Act. An appeal for which notice of appeal is filed before the effective date of this Act is covered by the law in effect when the notice of appeal was filed, and the former law is continued in effect for that purpose.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

CSHB 1580 was read second time and was passed to engrossment.

HB 1310 ON SECOND READING

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

HB 1310, A bill to be entitled An Act relating to judicial review of certain orders issued by the Alcoholic Beverage Commission.

The bill was read second time.

Representative Salinas offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1310 in the following respects:
1. Strike Section 1 in its entirety.
2. Renumbe the remaining sections accordingly.

Committee Amendment No. 1 was adopted without objection.

HB 1310, as amended, was passed to engrossment.

HB 828 ON SECOND READING

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

HB 828, A bill to be entitled An Act relating to the compensation and allowances of county auditors in certain counties.

The bill was read second time.

Representatives Keller and Oliveira offered the following amendment to the bill:

Amend HB 828 by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 1 and 2, Article 1645, Revised Statutes, are amended to read as follows:
Sec. 1. In any county having a population of 10,000 inhabitants or over according to the last preceding Federal Census, there shall be appointed every two years an auditor of accounts and finances, the title of said office to be County Auditor, who shall hold his office for two years and who shall receive from the County General Fund as compensation for his services an annual salary and office expenses, travel expenses, and other allowances. The amount of the compensation and allowances shall be fixed and determined by the District Judge or District Judges having jurisdiction in the county, by a majority ruling. The amount of the compensation and allowances may not exceed an amount equal to the compensation and allowances from all sources paid to the district attorney, criminal district attorney, or acting district attorney serving that county. The annual salary shall be paid monthly out of the General Fund of the county. The action of the District Judge or District Judges in determining and fixing the compensation and allowances of the County Auditor shall be made by order and recorded in the minutes of the District Court of the county and the Clerk thereof shall certify the same for observance to the Commissioners Court which shall cause the same to be recorded in its minutes.

Sec. 2. In addition to the procedure for the appointment of a County Auditor prescribed by Article 1646, a County Auditor may be appointed in a county in which the office is not required under Section 1 of this article if the District Judge or District Judges having jurisdiction in the county, by majority vote, determine that the county's financial circumstances warrant the appointment. The provisions of Section 1 of this article relating to compensation and allowances of the County Auditor shall apply to a County Auditor appointed under this section. A County Auditor appointed under this section shall qualify for office and perform the duties of a County Auditor as provided by law.

SECTION 2. Notwithstanding Article 1645, Revised Statutes, as amended by this Act, a county auditor appointed under Article 1645 and in office on the effective date of this Act is entitled to be paid an annual salary that is not less than the annual salary the county auditor was being paid on the effective date of this Act.

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

The amendment was adopted without objection.

HB 828, as amended, was passed to engrossment. (B. Barton, Eckels, Patterson, C. Smith, and Willis recorded voting no)

HB 2153 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2153.

CSHB 2153

A BILL TO BE ENTITLED
AN ACT
relating to the issuance of warrants or notes by certain cities and towns to pay their current expenses.

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

SECTION 1. Article 1264, Revised Statutes, is amended to read as follows:
Art. 1264. CURRENT EXPENSES. Any incorporated city or town in this State, whether incorporated under the general laws of this State, or incorporated by special charter adopted in the manner provided by law, and having a population of 161,000 or more according to the preceding Federal census, may, through its governing body, provide for the payment of its current expenses for any current fiscal year, or for any portion of such fiscal year, by the issuance of warrants or notes drawn against the current revenues of said city or town for such fiscal year, in the manner following:

1. Such warrants or notes shall be dated and numbered consecutively as they are issued, and shall become a lien upon all or any designated portion of the revenues of said city or town for such fiscal year, available for the payment thereof, and shall be paid either consecutively according to their respective dates and numbers as funds for the payment thereof become available or on any date or dates within such fiscal year on which, in the estimate of the governing body, sufficient revenues for the payment thereof will be available for such purpose.

2. Such warrants or notes may be issued in one or more installments in any fiscal year to provide for the payment of current expenses in that fiscal year or to refund, as to principal and interest, warrants or notes issued under this Act. However, the aggregate principal amount of warrants or notes outstanding at any time in any fiscal year may not exceed the greatest amount by which the proposed expenditures for such fiscal year are estimated by the governing body to exceed the estimated revenues, calculated as set out by Subdivision 3 of this Act, available for the payment thereof at any time during such fiscal year. Such warrants or notes may be issued at a discount and/or bear interest at any rate or rates permitted by law and may be sold at public or private sale for any price or prices, all within the discretion of the governing body as may be provided in the ordinance authorizing the issuance and sale thereof.

3. To the extent that the governing body may provide for the issuance of warrants or notes pursuant to this Act in excess of eighty per cent of the estimated revenues of said city or town for such fiscal year, after the deduction from the estimated revenues of all interest upon the bonded indebtedness of such city or town to be paid out of the revenues for such fiscal year, and such sums as may be required to be paid into any sinking fund or into any special fund or any special trust fund of said city or town out of its revenues for such fiscal year. However, this limitation does not apply to warrants or notes issued for refunding purposes.

4. Such warrants or notes and any coupons representing interest thereon constitute negotiable instruments and are investment securities governed by Chapter 8, Business & Commerce Code, notwithstanding any provision of law or court decision to the contrary [shall be deemed and construed to be a negotiable instrument and a "security" within the meaning of Chapter 8, Investment Securities, Uniform Commercial Code, Business & Commerce Code, as amended].

5. All warrants or notes issued pursuant to this Act shall be and are hereby declared to be legal and authorized investments for banks, trust companies, building and loan associations, savings and loan associations, and insurance companies and shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts or other political subdivisions of the State of Texas, and such obligations shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof when accompanied by all unmatured coupons, if any, appurtenant thereto.

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 2153 was read second time and was passed to engrossment.

HB 150 - POSTPONED

Representative G. Thompson moved that consideration of HB 150 be postponed until Monday, May 16, at 2 p.m.

The motion prevailed without objection.

HB 980 - POSTPONED

Representative Price moved that consideration of HB 980 be postponed until Monday, May 16, at 2:30 p.m.

The motion prevailed without objection.

HB 2102 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2102.

CSHB 2102

A BILL TO BE ENTITLED
AN ACT
relating to the powers of the Board of Regents of The University of Texas System to fix the rate of incidental student fees.

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

SECTION 1. Chapter 65, Texas Education Code, is amended by adding Section 65.44 to read as follows:

Sec. 65.44. INCIDENTAL FEES. (a) The board may fix the rate of incidental fees to be paid to the component by students attending component institutions of The University of Texas System and may make rules for the collection of the fees and for the distribution of the funds collected. The rate of an incidental fee must reasonably reflect the actual cost to the component of the materials or services for which the fee is collected.

(b) The board shall cause to be published in the appropriate catalogs of each component a description of the amount of each fee to be charged a student attending that component.

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.

CSHB 2102 was read second time and was passed to engrossment.

HB 1550 ON SECOND READING

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

HB 1550, A bill to be entitled An Act relating to access by institutions of higher education to police records of applicants for employment.

The bill was read second time.

Representative Gavin offered the following committee amendment to the bill:
Amend HB 1550 by striking Subsection (a) of Sec. 51.215 and substituting the following:

(a) An institution of higher education, as defined in Section 61.003(7) of the Texas Education Code, is entitled to obtain criminal history record information pertaining to an applicant for employment for a security-sensitive position. The institution of higher education may deny employment to an applicant for a security-sensitive position who fails to provide a complete set of fingerprints upon request.

Committee Amendment No. 1 was adopted without objection.

Representative Keller offered the following amendment to the bill:

Amend HB 1550, page 2, by deleting lines 7-12 and adding the following: "applicants for employment in security-sensitive positions. Security-sensitive positions include employees that handle currency, have access to a computer terminal, have access to a master key, or that work in an area of the institution which has been designated as a security-sensitive area. A security-sensitive position shall be..."

The amendment was adopted without objection.

Representative Oliver offered the following amendment to the bill:

Amend HB 1550 by adding Subsection (d).

"(d) All conviction data received by an institution of higher education shall be for the exclusive use of that institution, and shall be privileged and confidential and shall not be released or otherwise disclosed to any other person or agency except on court order. Immediately following the employment decision of the department with respect to the applicant, all such conviction data relating to the application shall be collected and sealed, forwarded to the custody of the president of the institution and not opened or released for any purpose except upon the order of a court of competent jurisdiction. Any authorized release of such conviction data for any purpose shall constitute official misconduct and shall invoke the penalties established for disclosure of confidential information in Section 10(e) of the Open Records Act, Article 6252-17a, V.T.C.S."

The amendment was adopted without objection.

HB 1550, as amended, was passed to engrossment.

HB 1518 ON SECOND READING

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

HB 1518, A bill to be entitled An Act relating to the transfer of prisoners between jails and other facilities for the purpose of reducing jail overcrowding.

The bill was read second time.

Representative Clark offered the following amendment to the bill:

Amend HB 1518 as follows:
(1) On page 3, line 2, insert "(a)" between the period and "CONTRACTS".
(2) On page 3, insert the following language between lines 5 and 6:
(b) The commissioners court may not contract with a private organization in which a member of the court or an elected or appointed peace officer who serves in the county has a financial interest or in which an employee or commissioner of
the Commission on Jail Standards has a financial interest. A contract made in violation of this subsection is void.

   The amendment was adopted without objection.

   Representative Eckels offered the following amendment to bill:

   Amend HB 1518 on Page 3, Line 3, by inserting between the words “county” and “may” the following:
   “with approval of the sheriff of that county”

   The amendment was adopted without objection.

   HB 1518, as amended, was passed to engrossment. (A. Smith, Clark, and Toomey recorded voting no)

   HB 1401 ON SECOND READING

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

   HB 1401, A bill to be entitled An Act relating to a refund made to an employer for unemployment compensation benefits paid to a disqualified employee.

   The bill was read second time.

   Representative Kuempel offered the following committee amendment to the bill:

   COMMITTEE AMENDMENT NO. 1

   Amend HB 1401 as follows:
   On page 4, delete lines 17-25, and replace them with the following:
   respect to which he is finally denied benefits, or if the last employer is a reimbursing employer, and the modification or reversal occurred before the employer was billed for the benefits subject to the modification or reversal, then the last employer shall not be billed for reimbursements with respect to such benefits. Any benefits paid to the claimant which were not in accordance with the final decision shall be refunded by the claimant to the Commission or in the discretion of the Commission shall be deducted from future benefits payable to him under this Act, and the amount of benefits paid which were not in accordance with the final decision shall also be collectible in the manner provided in Section 14(b) of this Act for the collection of past due contributions.

   Committee Amendment No. 1 was adopted without objection.

   HB 1401, as amended, was passed to engrossment. (Watson recorded voting no)

   (Speaker pro tempore in the chair)

   (Presnal and Hollowell now present)

   HB 2437 - PERMISSION TO INTRODUCE

   Speaker Lewis moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2437.

   The motion prevailed by (Record 364): 139 Yeas, 0 Nays, 0 Present, not voting.

   Yeas — Mr. Speaker; Agnish; Armbrister; Arnold; Barrientos; Barton, B.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Colbert; Collazo; Connelly; Coody; Craddick; Danburg;
Speaker Lewis moved that all necessary rules be suspended to take up and consider at this time, HCR 246.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Speaker Lewis:

HCR 246

WHEREAS, Ashley Bailey is a seriously ill, nine-month-old baby who is in need of a liver transplant; and

WHEREAS, Although Ashley has been receiving Medicaid benefits, she has reached and passed the 30-day limit on hospital coverage provided by Texas Medicaid, and in any event, under current policy, liver transplants are classified as experimental procedures and are not covered by the system; and

WHEREAS, This legislature is currently considering a bill authorizing the Texas Department of Human Resources to implement a pilot program providing funding for experimental liver transplants, and Ashley could receive the treatment that she so desperately needs through this program; now, therefore, be it

RESOLVED by the House of Representatives of the 68th Legislature of the State of Texas, the Senate concurring, That the 68th Legislature hereby direct the Texas Department of Human Resources to seek, from the Secretary of Health and Human Services, a written waiver of the Medicaid restrictions that are preventing the funding of the liver transplant operation for Ashley Bailey, and, be it further

RESOLVED, That the legislature urge the department to give special consideration to including Ashley Bailey in the pilot program to fund experimental liver transplants, as authorized by House Bill 2437; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the commissioner of the Texas Department of Human Resources as an expression of the sentiment of the members of the Texas Legislature.

The resolution was adopted without objection.

On motion of Representative L. Hall, the names of all the members of the house were added to HCR 246 as signers thereof.
HB 2438 - PERMISSION TO INTRODUCE

Representative L. Hall moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2438.

The motion prevailed by (Record 365): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Danburg; Davis; Delay; Deleo; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Gage; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; 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, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hurv; Jackson; Keller; Kemp; Khoory; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonardi; Luna; McManna; McWilliams; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Olivier; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnctt; Russell; Salinas; Sanders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

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

Absent, Excused — Crockett; Gibson, J.; Hollowell; Madia; Rudd.

Absent — Agnich; Armbrister; Bush; Criss; Fox; Gilley; Jones; Patrick; Polk; Vowell; Wright.

STATEMENT BY REPRESENTATIVE RUDD

From 2 p.m. to 5:15 p.m. I was excused from voting because I was in Appropriations Conference Committee.

Rudd

HR 379 - ADOPTED

Representative Sutton moved that all necessary rules be suspended to take up and consider at this time, HR 379.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Sutton:

HR 379, Honoring the San Antonio Spurs.

The resolution was adopted.

On motion of Representative Wilson, the names of all the members of the house were added to HR 379 as signers thereof.

HR 375 - ADOPTED

Representative Hammond moved that all necessary rules be suspended to take up and consider at this time, HR 375.

The motion prevailed without objection.
The chair laid before the house the following resolution:
By Hammond:
HR 375, Congratulating the Lakewood Service League.
The resolution was adopted without objection.

HR 378 - ADOPTED
Representative Cavazos moved that all necessary rules be suspended to take up and consider at this time, HR 378.
The motion prevailed without objection.
The chair laid before the house the following resolution:
By Berlanga:
HR 378, Commending Victor Lara Ortegon.
The resolution was adopted without objection.

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

By Speaker Lewis:
HB 2437, A bill to be entitled An Act relating to a pilot program for experimental liver transplants for infants and small children.
To Committee on Human Services.

By L. Hall:
HB 2438, A bill to be entitled An Act relating to size and weight limitations for certain vehicles.
To Committee on Transportation.

HB 2428 AND HB 2435 - RULES SUSPENDED
Representative G. Thompson moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider HB 2428 on May 13 and HB 2435 on May 16.
The motion prevailed without objection.

HB 1734 - RULES SUSPENDED
Representative Salinas moved to suspend the 48-hour subcommittee report rule to allow the Committee on Liquor Regulation to consider HB 1734.
The motion prevailed without objection.

RULES SUSPENDED
Representative Laney moved to suspend the 48-hour subcommittee report rule to allow the Committee on State Affairs to consider HB 836, HB 850, HB 249, HB 394, HB 297, HB 643, HB 1171, and HJR 37.
The motion prevailed without objection.

SCR 63 AND SCR 89 - RULES SUSPENDED
Representative Haley moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider SCR 63 and SCR 89.
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The motion prevailed without objection.

RULES SUSPENDED

Representative Keller moved to suspend all necessary rules to allow the Committee on Law Enforcement to consider SCR 88, HB 1900, and SB 910.

The motion prevailed without objection.

HB 2288 - RULES SUSPENDED

Representative Gamez moved to suspend the 48-hour subcommittee report rule to allow the Committee on Retirement and Aging to consider HB 2288.

The motion prevailed without objection.

SB 24 - RULES SUSPENDED

Representative Cain moved to suspend the 48-hour subcommittee report rule to allow the Committee on Transportation to consider SB 24.

The motion prevailed without objection.

HB 289 AND HB 1548 - RULES SUSPENDED

Representative Schlueer moved to suspend the 48-hour subcommittee report rule to allow the Committee on Ways and Means to consider HB 289 and HB 1548.

The motion prevailed without objection.

HB 2436 - RULES SUSPENDED

Representative Schlueer moved to suspend the 5-day posting rule to allow the Committee on Ways and Means to consider HB 2436.

The motion prevailed without objection.

SB 808, SB 834, AND SB 1022 - RULES SUSPENDED

Representative Agnich moved to suspend the 5-day posting rule to allow the Committee on Environmental Affairs to consider SB 808, SB 834, and SB 1022.

The motion prevailed without objection.

HB 2437 - RULES SUSPENDED

Representative Presnal moved to suspend the 5-day posting rule to allow the Committee on Human Services to consider HB 2437.

The motion prevailed without objection.

SCR 88 - RULES SUSPENDED

Representative Granoff moved to suspend the 5-day posting rule to allow the Committee on Law Enforcement to consider SCR 88.

The motion prevailed without objection.

SCR 89 - RULES SUSPENDED

Representative Granoff moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider SCR 89.

The motion prevailed without objection.
SB 285 - RULES SUSPENDED

Representative W. Hall moved to suspend the 48-hour subcommittee report rule to allow the Committee on Liquor Regulation to consider SB 285.

The motion prevailed without objection.

HB 1889 - RULES SUSPENDED

Representative W. Hall moved to suspend the 5-day posting rule to allow the Committee on Liquor Regulation to consider HB 1889.

The motion prevailed without objection.

HR 377 - ADOPTED

Representative Collazo moved that all necessary rules be suspended to take up and consider at this time, HR 377.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Collazo:

HR 377, Recognizing May 12, 1983, as "Bum Phillips Day" in Texas.

The resolution was adopted without objection.

On motion of Representative Stiles, the names of all the members of the house were added to HR 377 as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, Subcommittee on HB 326, on adjournment today, Desk 141, to consider HB 326.

County Affairs, on adjournment today, Room 100E, Reagan Building.

Calendars, thirty minutes after adjournment today, Room G-14.

House Administration, on adjournment today, Desk 69.

Judicial Affairs, Subcommittee on HJR 61 and HB 1052, on adjournment today, Desk 87, to consider HJR 61 and HB 1052.

Liquor Regulation, on adjournment today, Room 411, to consider posted bills.

Criminal Jurisprudence, on adjournment today, Desk 120, to consider pending business and eligible subcommittee reports.

Higher Education, Subcommittee on HB 2014, on adjournment today, Desk 110, to consider HB 2014.

Urban Affairs, Subcommittee on HB 1306, on adjournment today, Desk 29, to consider HB 1306.

Appropriations, on adjournment today, Desk 58, to consider SB 567 and HB 875.

Ways and Means, on adjournment today, Room 346, to consider HB 2436.

Ways and Means, on adjournment of public hearing today, Room 346, to consider HB 1059, HB 2136, SB 1143, SB 977, SB 738, SB 123, and other pending bills and subcommittee reports.
Public Education, on adjournment today, speakers committee room, to consider pending legislation.

Human Services, on adjournment today, Desk 50, to consider HB 2437.

Liquor Regulation, Subcommittee on HB 1889, on adjournment today, speakers committee room.

Appropriations, Subcommittee on HB 1695, ten minutes after adjournment today, Desk 67, to consider HB 1695.

State Affairs, on adjournment today, Room 404D, to consider subcommittee reports and pending legislation.

ADJOURNMENT

Representative G. Hill moved that the house adjourn until 10 a.m. tomorrow in memory of Bill Gist.

The motion prevailed without objection.

The house accordingly, at 5:26 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:

County Affairs - HB 2295
Environmental Affairs - SB 586
Higher Education - HB 2094, HB 2174, HB 2289, SB 728, SB 892
Judicial Affairs - HB 940 (no recommendations), HB 1473, SB 1285
Judiciary - HB 52
Natural Resources - HB 2299
Public Health - SB 82, SB 377, SB 407, SB 653
Retirement and Aging - HB 812, HB 1702
Rules and Resolutions - HCR 242, HR 299, HR 302, HR 303, HR 305, HR 306, HR 310, HR 311, HR 312, HR 313, HR 317, HR 318, HR 319, HR 321, HR 322, SCR 97
State Affairs - HB 1699, HB 2232, HB 2388, HCR 105, HCR 190, SB 232, SB 242, SB 544, SB 714, SB 762
Urban Affairs - SB 643
Ways and Means - HB 813, HB 1735, HB 1878

ENGROSSED

May 10 - HB 25, HB 100, HB 210, HB 280, HB 283, HB 529, HB 838, HB 845, HB 867, HB 1054, HB 1091, HB 1125, HB 1563, HB 1748, HB 1778, HB 1954, HB 2005, HB 2092, HB 2154, HB 2251
ENROLLED

May 10 - HB 593, HB 1020, HB 1376, HB 1389, HB 1406, HCR 240, HCR 139, HCR 156, HCR 178, HCR 186, HCR 187, HCR 188, HCR 193, HCR 196, HCR 234, HCR 235

COAUTHORS AUTHORIZED

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

HB 128 - Barrientos
HB 208 - Danburg
HB 450 - Patronella
HB 1536 - Carriker
HB 1660 - D. Hudson
HB 1911 - Pennington
HB 2128 - Patrick
HB 2434 - Hinojosa, A. Garcia
HJR 86 - Carriker
HCR 241 - Tow
HR 364 - Mankins

RECOMMENDATION OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

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

May 10 - HB 2401