The house met at 12 noon and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 450).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cavazos; Ceaverha; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Cress; 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; Giosbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; 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.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuyempe; Laney; Lee, D.; Lee, E. F.; McKenna; McWilliams; Madia; Manks; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shear; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wiegng; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Cary; Clark; Luna.

Absent — Green; Hall, T.; Leonard; Presnal; Salinas; Thompson, S.

LEAVES OF ABSENCE GRANTED

On motion of Representative G. Hill, and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative G. Hill moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent calendars which were considered on the previous legislative day.

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDAR ON THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendar were laid before the house, read third time, and passed by a voice vote: (Members registering votes are shown following bill number)

(Leonard, Presnal, Salinas, Green, and T. Hall now present)
Representative Hury moved that consideration of SB 1278 be postponed until 2 p.m. today.

The motion prevailed without objection.

HB 1651 - POSTPONED
Representative Colbert moved that consideration of HB 1651 be postponed until 2 p.m. today.

The motion prevailed without objection.

SB 377 - POSTPONED
Representative Wilson moved that consideration of SB 377 be postponed until 2 p.m. today.

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDAR - (consideration continued)

SB 1192
SB 1261
SB 1292
HB 2129
HB 2294
HB 2295
HB 2299
HB 2337
HB 2338
HB 2350
HB 2364
HB 2391
HB 2393
HB 2404
HB 2406
HB 2407
HB 2409
HB 2410
HB 2411
HB 2412
HB 2425
HB 2432
HB 2433
HB 2439
HB 2440
HB 2441
SB 133
SB 148 (Fox, Craddick, Green, and Willis - no)
SB 311
SB 318 (Green and Willis - no)
SB 350
SB 407
SB 512
SB 547
SB 563 (Khoury - no)
SB 669 (Willis - no)
SB 835 (Eckels, Fox, Craddick, Willis, Toomey, and Pennington - no)
SB 878 (Green - no)
SB 901 (Fox and Craddick - no)
SB 906 (Eckels, Toomey, and Pennington - no)
SB 975 (Carriker, Ceverha, DeLay, and Willis - no)
SB 1025
SB 1033 (Eckels, Toomey, and Pennington - no)
SB 1047
SB 1137
SB 1194
SB 1217
SB 1245
SB 1282
SB 1291
SB 1359 (Green - no)
HB 337
HB 358
HB 812 (Green - no)
HB 1080
HB 1142
HB 1241
HB 1273
HB 1370
HB 1562 (Willis - no)
HB 1613 (Eikenburg, Craddick, Ceverha, DeLay, Fox, and Willis - no)
HB 1702
HB 1753
HB 2094
HB 2157
HB 2174
HB 2181 (Heflin, Eckels, Eikenburg, Craddick, A. Smith, Ceverha, DeLay, Khoury, Kuempel, Connelly, Hilbert, Toomey, and Pennington - no)
HB 2249 (Heflin, Eckels, Eikenburg, Craddick, A. Smith, Ceverha, DeLay, Khoury, Kuempel, Connelly, Hilbert, Toomey, Pennington, and Schlueter - no)
HB 2289
HB 2363
HB 2443
HB 2445

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendar were laid before the house, read third time, and passed by (Record 451): (Members registering votes and the results of the vote are shown following bill number) 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bonner; Buchanan; Burnett; Bush; Cain; Carrker; Cavazos; Ceverha; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; 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; Hill; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnak; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Cary; Clark; Luna.

Absent — Thompson, S.

SB 1381 (145-0-5)
SB 1382 (145-0-5)
SB 1385 (145-0-5)
HB 1183 (145-0-5)
HB 1470 (145-0-5)
HB 2310 (Fox and Craddick - no) (143-2-5)
SB 1312 (145-0-5)
HB 2354 (145-0-5)
HB 2385 (145-0-5)
HB 2390 (145-0-5)
HB 2401 (145-0-5)
SB 1383 (145-0-5)
SB 1384 (145-0-5)
SB 1386 (145-0-5)
SB 1387 (145-0-5)
HB 2435 (145-0-5)
SB 82 (145-0-5)
SB 156 (145-0-5)
SB 242 (Willis - no) (144-1-5)
SB 336 (145-0-5)
SB 428 (Eckels, Fox, Craddick, Schlueer, Toomey, and Pennington - no) (139-6-5)
SB 653 (145-0-5)
SB 718 (Green - no) (144-1-5)
SB 728 (145-0-5)
SB 738 (145-0-5)
SB 765 (145-0-5)
SB 843 (Green and Willis - no) (143-2-5)
SB 856 (Green - no) (144-1-5)
SB 872 (Green - no) (144-1-5)
SB 892 (145-0-5)
SB 963 (145-0-5)
SB 1006 (145-0-5)
SB 1143 (145-0-5)
SB 1190 (145-0-5)
SB 1345 (145-0-5)
SB 1358 (Green - no) (144-1-5)
SB 1402 (145-0-5)
HB 52 (Eikenburg, Craddick, Ceverha, DeLay, Kuempel, Connelly, and Hilbert - no) (138-7-5)
HB 1119 (Eckels, Toomey, and Pennington - no) (142-3-5)
HB 1289 (145-0-5)
HB 1643 (145-0-5)
HB 1644 (145-0-5)
HB 1773 (Eikenburg, Ceverha, Craddick, DeLay, and Fox - no) (140-5-5)
HB 1863 (Fox and Craddick - no) (143-2-5)
HB 2128 (145-0-5)
HB 2237 (145-0-5)
HB 2258 (145-0-5)
HB 2259 (145-0-5)
HB 2414 (145-0-5)

On motion of Representative G. Hill, and by unanimous consent, the captions of all senate bills passed on the local and consent calendars, were ordered amended to conform with the body of the bills.

HB 1618 WITH SENATE AMENDMENTS

Representative Salinas called up with senate amendments for consideration at this time,

HB 1618, A bill to be entitled An Act relating to the exemption from the bond requirements for an alcoholic beverage permittee subject to the gross receipts tax on mixed beverages.

On motion of Representative Salinas, the house concurred in the senate amendments to HB 1618.

HB 1618 - TEXT OF SENATE AMENDMENTS

SENA TE AMENDMENT NO. 1

A BILL TO BE ENTITLED
AN ACT
relating to bond requirements for certain alcoholic beverage permittees and licensees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 204.01(d), Alcoholic Beverage Code, is amended to read as follows:
(d) A permittee required to furnish a bond to secure the payment of the gross receipts tax on mixed beverages, the holder of a wholesaler’s or class B wholesaler’s permit or the holder of an importer’s license may furnish, in lieu of all or part of the amount of the bond required:
(1) one or more certificates of deposit or savings assigned to the state, issued by one or more banks or savings institutions authorized to do business in this state; or
(2) one or more letters of credit issued by one or more banks or savings institutions authorized to do business in this state.

SECTION 2. Section 204.01(f), Alcoholic Beverage Code, is amended to read as follows:
(f) A permittee subject to the gross receipts tax on mixed beverages imposed by Section 202.02 of this code, the holder of a wholesaler’s or class B wholesaler’s
permit or the holder of an importer's license is not required to furnish a bond if for the preceding 36 months the permittee or licensee has paid all taxes and fees required by this code on or before the due date. A finding of deficiency under Section 202.09 of this code does not constitute a failure to pay a tax when due for purposes of this subsection or Subsection (g) or (h) of this section if the deficiency and any applicable penalty are paid within 10 days of the date of demand for payment by the commission.

SECTION 3. Section 204.01(g), Alcoholic Beverage Code, is amended to read as follows:

(g) An exemption under Subsection (f) of this section terminates and the permittee or licensee must furnish a bond if the permittee or licensee fails to pay a tax or fee imposed by this code on or before the due date.

SECTION 4. Section 204.01(h), Alcoholic Beverage Code, is amended to read as follows:

(b) A permittee or licensee required to furnish a bond under Subsection (g) of this section is again entitled to exemption from the surety requirement if the permittee or licensee:

(1) pays all delinquent taxes and fees and any applicable penalties; and

(2) pays all taxes and fees required by this code on or before the due date for 18 [36] consecutive months after the month in which the delinquent taxes and fees and the penalties are paid.

SECTION 5. Section 204.01, Alcoholic Beverage Code, is amended by adding Subsection (i) to read as follows:

(i) A permittee or licensee who qualifies for an exemption under Subsection (f) of this section is also exempt from the bonding requirement for any other mixed beverage permit, wholesaler's permit, class B wholesaler's permit or importer's license currently held by or subsequently issued to the same permittee or licensee for use at licensed premises different from and additional to those covered by the permit or license under which the permittee or licensee qualified for exemption. However, if a permittee or licensee fails to pay a tax or fee imposed by this code on or before the due date and the permittee or licensee holds multiple permits or licenses, the requirement for a bond shall be imposed or reimposed under Subsection (g) of this section only on the permit or license covering the licensed premises for which the tax or fee and any applicable penalty were not timely paid.

SECTION 6. (a) This Act takes effect September 1, 1983.
(b) For purposes of Section 2 of this Act, the record of payment for the 36 months preceding the effective date of this Act is taken into account to determine the eligibility for exemption from the bond requirement on the part of the holder of a wholesaler's or class B wholesaler's permit or the holder of an importer's license.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 562 - POSTPONED

Representative Ragsdale moved that consideration of HB 562 be postponed until Monday, May 23, at 3 p.m.

The motion prevailed without objection.

SB 7 ON SECOND READING
(Rudd - House Sponsor)

The chair laid before the house on its second reading and passage to third reading.
SB 7, A bill to be entitled An Act relating to the insanity defense in criminal prosecutions, to hearings and other procedures relating to commitment of persons acquitted by reason of insanity, to discharge, and to outpatient supervision; amending Subsection (a), Section 8.01, Penal Code; and amending Article 46.03, Code of Criminal Procedure, 1965, as amended, by amending Sections 1 and 4.

The bill was on the calendar on May 18 and was postponed until 11 a.m. today.

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

HB 1015 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1015.

CSHB 1015

A BILL TO BE ENTITLED
AN ACT

relating to firemen's and policemen's civil service; providing a penalty.

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

SECTION 1. Section 6, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. DIRECTOR OF CIVIL SERVICE. There is hereby created the office of Director of Firemen's and Policemen's Civil Service, which shall be filled by the appointment of the Commission. The person appointed must meet the same requirements as hereinabove provided for members of the Commission, except that in a city having a population of fewer than 1,500,000, according to the most recent federal census, the Director is not required to meet the three-year local residency requirement prescribed by Section 3 of this Act. Said Director may be either a member of the Commission, another employee of said city, or some other person. The legislative body of such city shall determine what salary, if any, shall be paid to such Director. Said Director shall at all times, be subject to removal by the Commission. He shall serve as Secretary to the Commission, and shall perform all such work incidental to the Firemen's and Policemen's Civil Service as may be required of him by the Commission.

(b) In those cities which have a duly and legally constituted Director of Civil Service, by whatever name he may be called, said Director shall be the Director of the Firemen's and Policemen's Civil Service, but he shall administer civil service pertaining to Firemen and Policemen in accordance with this Law.

SECTION 2. Section 8, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), as amended by Section 1, Chapter 83, Acts of the 66th Legislature, Regular Session, 1979, and Section 3, Chapter 753, Acts of the 66th Legislature, Regular Session, 1979, is amended to read as follows:

Sec. 8. CLASSIFICATION OF FIREMEN AND POLICEMEN; EDUCATIONAL INCENTIVE PAY. (a) In a city having a population of 1,500,000 or more, according to the most recent federal census, the Commission shall provide for the classification of all firemen and policemen. Such classification shall be provided by ordinance of the City Council, or legislative body. Said City Council, or legislative body, shall prescribe by ordinance the number of positions of each classification.

(b) No classification now in existence, or that may be hereafter created in such cities, shall ever be filled except by examination held in accordance with the
provisions of this law. All persons in each classification shall be paid the same salary and in addition thereto be paid any of the following types of pay that they may be entitled to: (1) longevity pay; (2) seniority pay; (3) educational incentive pay; or (4) assignment pay. This shall not prevent the Head of such Department from designating some person from the next lower classification to fill a position in a higher classification temporarily, but any such person so designated by the Head of the Department shall be paid the base salary of such higher position plus his own longevity pay during the time he performs the duties thereof. The temporary performance of the duties of any such position by a person who has not been promoted in accordance with the provisions of this Act shall never be construed to promote such person. All vacancies shall be filled by permanent appointment from eligibility lists furnished by the Commission within ninety (90) days after such vacancy occurs.

(c) Firemen and policemen shall be classified as above provided, and shall be under civil service protection except the Chief or Head of such Fire Department or Police Department, by whatever name he may be known.

(d) Said Chiefs or Department Heads shall be appointed by the Chief Executive, and confirmed by the City Council or legislative body except in cities where the Department Heads are elected. In those cities having elective Fire and Police Commissioners the appointments for Chiefs and Heads of those Departments shall be made by the respective Fire or Police Commissioners in whose Department the vacancy exists, and such appointments shall be confirmed by the City Council or legislative body.

(e) Said City Council or legislative body may authorize educational incentive pay in addition to regular pay for policemen and firemen within each classification, who have successfully completed courses in an accredited college or university, provided that such courses are applicable toward a degree in law enforcement-police science and include the core curriculum in law enforcement or are applicable toward a degree in fire science. An accredited college or university, as that term is used herein, shall mean any college or university accredited by the nationally recognized accrediting agency and the state board of education in the state wherein said college or university is located and approved or certified by the Texas Commission on Law Enforcement Officer Standards and Education as teaching the core curriculum or its equivalent or, in the case of fire science degree courses, approved or certified by the Texas Commission on Fire Protection, Personnel Standards, and Education. Core curriculum in law enforcement, as used herein, shall mean those courses in law enforcement education as approved by the Coordinating Board, Texas College and University System and the Texas Commission on Law Enforcement Officer Standards and Education.

SECTION 3. Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Section 8A to read as follows:

Sec. 8A. CLASSIFICATION AND APPOINTMENT OF CERTAIN FIREMEN AND POLICEMEN. (a) In a city having a population of less than 1,500,000 according to the most recent federal census, the Commission shall provide for the classification of all firemen and policemen. The classification shall be provided by ordinance of the city council or legislative body. The city council or legislative body shall prescribe the number of positions in each classification by ordinance.

(b) Except as prescribed by this section, a classification now in existence, or that may be hereafter created, may not be filled except by examination held in accordance with this Act. If the city council or governing body of the city approves by resolution or ordinance, the chief or head of a fire or police department in which at least four classifications exist below the classification of chief or head may appoint
each person occupying authorized positions in the classification immediately below that of chief or department head, as provided by this section.

(c) The total number of persons appointed to the classification immediately below that of the police chief in the police department may not exceed the total number of persons, plus one, serving in the classification immediately below that of the police chief or head of the police department in that city on January 1, 1983. In a city having fewer than 300 certified fire fighters, the chief or head of the department may appoint not more than one person to the classification immediately below that of chief or head. In a city having 300 or more certified fire fighters but not more than 600, the chief or head of the fire department may appoint two persons. In a city having more than 600 certified fire fighters, the chief or head of the department may appoint three persons. This subsection does not apply to a city that has adopted The Fire and Police Employee Relations Act (Article 5154c-1, Vernon’s Texas Civil Statutes), unless the city specifically adopts the appointment procedure prescribed by this subsection through the collective bargaining process.

(d) All persons in each classification shall be paid the same salary and in addition thereto be paid any of the following types of pay to which they may be entitled: (1) longevity or seniority pay; (2) educational incentive pay; (3) assignment pay; and (4) certification pay. This shall not prevent the head of the department from designating some person from the next lower classification to fill a position in a higher classification temporarily, but any person designated by the head of the department shall be paid the base salary of the higher position plus his own longevity or seniority pay, educational incentive pay, and certification pay during the time he performs the duties. The temporary performance of the duties of a higher position by a person who has not been promoted as prescribed by this Act may not be construed as a promotion of the person.

(e) All vacancies in classifications other than the classification immediately below that of the chief or department head which is selected and filled by the chief or department head shall be filled by permanent appointment from eligibility lists furnished by the commission within 60 days after the vacancy occurs. If before the expiration of the current eligibility list a vacancy occurs in a classification other than a classification immediately below that of the chief or department head which is filled by the chief or department head, the commission shall submit names from the list to the department head until the vacancy is filled or the list is exhausted. If no list is in existence, the vacancy shall be filled from a list which the commission shall provide within 90 days after the vacancy occurs.

(f) Except for the chief or head of the fire or police department, and except for those persons selected and appointed to the classification immediately below the chief or department head by the chief or head of the fire or police department, firemen and policemen are classified as prescribed by this section, and are under civil service protection.

(g) Except in cities in which the department heads are elected, the chiefs or department heads are appointed by the chief executive and confirmed by the city council or legislative body. In a city with elected fire and police commissioners, the appointments of the chiefs and heads of those departments shall be made by the fire or police commissioner in whose department the vacancy exists, and the appointments shall be confirmed by the city council or legislative body.

(h) If authorized by this Act and by the city council or legislative body, each person occupying a position in the classification immediately below that of the chief or department head is appointed by the chief or department head in whose department the vacancy exists and serves at the pleasure of the chief or department head. The classification immediately below that of the chief or department head may include a person with a different title but who has the same pay grade.
(i) To be eligible for appointment in the police department, a person must be employed by the police department of that city as a sworn police officer with at least two years' continuous service in that department as a sworn police officer and must meet the requirements for appointment as the chief or head of a police department prescribed by Section 14D(7) of this Act. To be eligible for appointment in the fire department, a person must be employed by the fire department of that city with a permanent classification in an officer level and must meet the requirements for appointment as the chief or head of a fire department prescribed by Section 14D(7) of this Act.

(j) Those persons already serving under permanent appointment to a position in the classification immediately below that of the chief or department head prior to the effective date of this Act are not required to be appointed or reappointed as a condition of tenure or continued employment, nor does failure by any person already serving under permanent employment to fulfill the requirements of this section make the person ineligible for continued employment in the position in his department. The chief or department head shall make all appointments not later than the 90th day after the day on which the vacancy occurs. A person appointed by the chief or department head to a position in the classification immediately below that of the chief or department head who is subsequently removed from that position by the chief or department head shall be reinstated in the department and placed in the same classification, or its equivalent, that the person held prior to appointment, and retains all rights of seniority in the department.

(k) If the person is charged with an offense in violation of civil service rules and indefinitely suspended by the chief or department head, the person shall have the same rights and privileges of a hearing before the commission, and in the same manner and under the same conditions as classified employees. If the commission, the hearing examiner, or a court of competent jurisdiction finds the charges to be untrue or unfounded, the person shall immediately be restored to the same classification, or its equivalent, that the person held prior to appointment. The person shall enjoy all the rights and privileges of his prior position according to seniority and shall be repaid for any lost wages.

(1) The city council or legislative body of a city may authorize educational incentive pay in addition to regular pay for a fireman or policeman who has successfully completed courses at an accredited college or university if the criteria for the educational incentive pay are clearly established, are in writing, and are applied equally to all firemen and policemen meeting the criteria. If all firemen or policemen are afforded an opportunity to qualify themselves for certification, certification pay may be authorized by the city council or legislative body of the city in addition to regular pay for those firemen meeting the requirements for certification set by the Commission on Fire Protection Personnel Standards and Education.

SECTION 4. Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Section 8D to read as follows:

Sec. 8D. ASSIGNMENT PAY. In any city having a population of less than 1,500,000 according to the most recent federal census, the city council or legislative body may authorize assignment pay for fire fighters and police officers performing specialized functions in their respective departments. The assignment pay is in an amount and is payable under conditions as set by ordinance, and is in addition to the fire fighters' and police officers' regular pay. If the ordinance applies equally to all persons meeting criteria established by the ordinance, the ordinance may provide for payment to each fire fighter and police officer who meets training or education criteria for an assignment, or the ordinance may set criteria that provides for payment only to a fire fighter or police officer in a special assignment. The chief or
head of the fire or police department is not eligible for the assignment pay authorized by this section.

SECTION 5. Subsection A, Section 14, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), as amended by Section 1, Chapter 258, Acts of the 66th Legislature, Regular Session, 1979, and by Section 7, Chapter 753, Acts of the 66th Legislature, Regular Session, 1979, is reenacted to read as follows:

A. (1) All promotional examinations shall be open to all policemen who have held a continuous position for two (2) years or more immediately prior to the examination in the classification immediately below, in salary, that classification for which the examination is to be held. In police departments that have adopted a classification plan that classifies positions on the basis of similarity in duties and responsibilities, all promotional examinations shall be open to a policeman who has held a continuous position for two (2) years or more immediately prior to the examination at the next lower paygrade, if it exists, in the classification for which the promotional examination is being offered. When there is not a sufficient number of members in the next lower position with two (2) years' service in that position to provide an adequate number of persons to take the examination, the Commission shall open the examination to members in that position with less than two (2) years' service. If there is still an insufficient number, the Commission may extend the examination to the members in the second lower position in salary to that for which the examination is to be held.

(2) All promotional examinations shall be open to all firemen who have ever held a continuous position for two (2) years or more in the classification immediately below, in salary, that classification for which the examination is being held. In fire departments that have adopted a classification plan that classifies positions on the basis of similarity in duties and responsibilities, all promotional examinations shall be open to a fireman who has ever held a continuous position for two (2) years or more at the next lower paygrade, if it exists, in the classification for which the promotional examination is being offered. This section may not be construed to prohibit lateral crossover between classes. If there are not enough members in the next lower position with two (2) years' service in that position to provide an adequate number of persons to take the examination, the Commission may open the examination to members in that position with less than two (2) years' service. If there is still an insufficient number, the Commission may extend the examination to the members in the second lower position in salary to that for which the examination is to be held.

SECTION 6. Subsection D, Section 14, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

D. (1)(a) Except as prescribed by Subdivision (6) of this subsection, all applicants shall be given an identical examination in the presence of each other, which promotional examination shall be entirely in writing and no part of which shall be by oral interview, and all of the questions asked therein shall be prepared and composed in such a manner that the grading of the examination papers can be promptly completed immediately after the holding of the examination and shall be prepared so as to test the knowledge of the applicants concerning information and facts, and all of said questions shall be based upon material which is a reasonably current publication and has been made reasonably available to all members of the Fire or Police Department involved and shall be based upon the duties of the position sought and upon any study courses given by such Departmental Schools of Instruction. All promotional examination questions must be taken from sources that are listed in a notice that is posted by the Commission at least thirty (30) days before the date of the examination. Firemen or policemen may suggest source
materials for promotional examinations. The notice required by Section 13 of this Act may include the name of each source used and the number of questions taken from each source. When one of the applicants taking an examination for promotion has completed his answers, the grading of such examination shall begin, and all of the examination papers shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading.

(b) The Director is responsible for the preparation and security of all promotional examinations. The fairness of the competitive promotional examinations is the responsibility of the Commission, the Director, and any municipal employee involved in the preparation or administration of the examination. A person who knowingly or intentionally reveals any part of a promotional examination to an unauthorized person or a person who knowingly or intentionally receives from an unauthorized person any part of a promotional examination commits a misdemeanor and shall be fined not less than One Thousand Dollars ($1,000) or imprisoned for not more than one (1) year in the county jail or both.

(2) Except as prescribed by Subdivision (6) of this subsection, the grade which shall be placed on the eligibility list for each policeman applicant shall be computed by adding such policeman applicant's points for seniority to his grade on such written examination. Grades on such written examinations shall be based upon a maximum grade of one hundred (100) points and shall be determined entirely by the correctness of each applicant's answers to such questions. The minimum passing score for the written examination is seventy (70) points.

(3) The grade which shall be placed on the eligibility list for each fireman applicant shall be computed by adding the fireman applicant's points for seniority to his grade on the written examination. Grades on the written examination shall be based on a maximum grade of one hundred (100) points and shall be determined entirely by the correctness of each fireman applicant's answers to the questions. The minimum passing score for the written examination is seventy (70) points.

(4) Each applicant shall have the opportunity to examine the source materials, his examination, and his answers thereto together with the grading thereof and if dissatisfied shall, within five (5) working days, appeal the same to the Commission for review in accordance with the provisions of this Act.

(5) Except as prescribed by Section 8A of this Act, a fireman is not eligible for promotion unless he has served in such Department for at least two (2) years at any time prior to the day of such promotional examination in the next lower position or other positions specified by the Commission, and no person with less than four (4) years' actual service in such Department shall be eligible for promotion to the rank of captain or its equivalent. Except as prescribed by Section 8A of this Act, a policeman is not eligible for promotion unless the policeman has served in the Department for at least two (2) years immediately preceding the date of the promotional examination in the next lower position or other positions specified by the Commission, and no person with less than four (4) years' actual service in such Department at any time prior to the day of promotional examination shall not be applicable to those persons recalled on active military duty for a period not to exceed twenty-four (24) months. The Police Department's requirement of two (2) years' service immediately preceding the date of the promotional examination does not apply to persons recalled to active military duty for a period not to exceed twenty-four (24) months. Such persons shall be entitled to have time spent on active
military duty considered as duty in the Department concerned. However, any person whose absence for active military duty exceeds twelve (12) months, shall be required to serve ninety (90) days upon returning to the Department before he shall become eligible to participate in a promotional examination, such period of time to be considered essential for bringing him up to date on equipment and techniques.

(6)(a) In a city having a population of less than 1,500,000 according to the last preceding federal census, the Commission may, on the recommendation of the Chief or Head of the Police Department and a majority vote of the sworn police officers, adopt an alternate promotional system to select persons to occupy nonentry level positions other than positions that are filled by appointment by the Chief or Head of the Police Department. The promotional system shall comply with the following requirements:

1. The Commission shall order the Director to conduct an election and to submit the revised promotional system by secret ballot to all sworn police officers;
2. The election shall be held no earlier than the thirtieth (30th) day after the day on which notice of the election is posted at the Department. The election shall be conducted throughout each regular work shift at an accessible location within the Department during a 24-hour period;
3. The ballot shall contain the specific amendment to the promotional procedure and each sworn police officer shall be given the opportunity to vote "for" or "against" the amendment;
4. The revised promotional system must be approved by a majority vote of the sworn police officers voting;
5. A defeated promotional system amendment may not be placed on a ballot for vote before the sworn police officers for at least twelve (12) months after the date on which the prior election was held;
6. If approved by the sworn police officers, the promotional system amendment becomes effective after all election disputes have been ruled on and the election votes have been canvassed by the Commission;
7. The Commission shall canvass the votes not later than the thirtieth (30th) day after the date on which the election was held; and
8. All appeals alleging election irregularity must be filed with the Commission not later than the fifteenth (15th) day after the date on which the election closes.

(b) At any time after an alternate promotional system has been adopted under this subdivision and has been in effect for at least one hundred and eighty (180) days, the Police Chief may petition the Commission to terminate the alternate system. If the alternate system is terminated, an additional list may not be created under the alternate system.

(c) At any time after an alternate promotional system has been adopted under this subdivision and has been in effect for at least one hundred and eighty (180) days, a petition signed by at least thirty-five percent (35%) of the sworn police officers may be submitted to the Commission asking that the alternate promotional system be reconsidered. If a petition is submitted, the Commission shall, not later than the sixty-first (60th) day after the date on which the petition was filed, hold an election as prescribed by Paragraph (a) of this subdivision. If a majority of those voting vote to repeal, the Commission shall terminate the alternate promotional system. If the alternate system is terminated, an additional list may not be created under the alternate system.

(d) A promotional list may not be created if an election under this subdivision is pending. An existing eligibility list, whether created under the system prescribed by this Act or created under an alternate system adopted under this subdivision, may not be terminated before or extended beyond its expiration date. A person promoted under an alternate system has the same rights and the same status as a person promoted under this Act even if the alternate system is later repealed.
(e) This subdivision does not apply to a city that has adopted The Fire and Police Employee Relations Act (Article 5154-1, Vernon’s Texas Civil Statutes).

(7) [60] No person shall be eligible for appointment as Chief or Head of the Fire Department of any city coming under the provisions of this Act who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level or its equivalent as determined by that Commission and who has not served at least five (5) years as a fully paid fireman. No person may be eligible for appointment as Chief or Head of the Police Department who is not eligible for certification by the Commission on Law Enforcement Officer Standards and Education at the intermediate level or its equivalent as determined by that Commission and who has not served as a bona fide law enforcement officer for five (5) years.

SECTION 7. Section 16, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 16. INDEFINITE SUSPENSIONS. (a) In a city having a population of 1,500,000 or more according to the most recent federal census, the Chief or Head of the Fire Department or Police Department of the city government shall have the power to suspend indefinitely any officer or employee under his supervision or jurisdiction for the violation of civil service rules, but in every such case the officer making such order of suspension shall, within one hundred and twenty (120) hours thereafter, file a written statement with the Commission, giving the reasons for such suspension, and immediately furnish a copy thereof to the officer or employee affected by such act; said copy to be delivered in person to the officer or employee by the department head. Said order of suspension shall inform the employee that he has ten (10) days after receipt of a copy thereof, within which to file a written appeal with the Commission. The Commission shall hold a hearing and render a decision in writing within thirty (30) days after it receives said notice of appeal. Said decision shall state whether or not the suspended employee shall be permanently or temporarily dismissed from the Fire or Police Department or be restored to his former position or status in the classified service in the department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

(b) The written statement above provided to be filed by the department head with the Commission, shall not only point out the civil service rule alleged to have been violated by the suspended employee, but shall contain the alleged acts of the employee which the department head contends are in violation of the civil service rules. It shall not be sufficient for the department head merely to refer to the provisions of the rules alleged to have been violated and in case the department head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him. In any civil service hearing hereunder, the department head is hereby restricted to his original written statement and charges, which shall not be amended, and no act or acts may be complained of by said department head which did not happen or occur within six (6) months immediately preceding the date of suspension by the department head. No employee shall be suspended or dismissed by the Commission except for violation of the civil service rules, and except upon a finding by the Commission of the truth of the specific charges against such employee.

(c) In the event the Commission orders that such suspended employee be restored to his position as above provided, it shall be the duty of the department head immediately to reinstate him as ordered and in event the department head fails
to do so, the employee shall be entitled to his salary just as though he had been regularly reinstated.

(d) In the event such department head wilfully refuses to obey the orders of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the chief executive or legislative body of the city to discharge such department head from his employment with the city.

(e) The Commission may punish for contempt any department head who wilfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.

SECTION 8. Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon’s Texas Civil Statutes), is amended by adding Section 16b to read as follows:

Sec. 16b. DISCIPLINARY SUSPENSIONS. (a) In a city having a population of 1,500,000 or more according to the most recent federal census, the head of either the fire or the police department may suspend an officer or employee under his jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed 15 days. If the department suspends a person, the department head shall file with the commission not later than the 120th hour after the person is suspended a written statement of action, and the commission shall, on appeal of the suspended officer or employee, hold a public hearing as prescribed by Section 17 of this Act. The commission shall determine whether just cause exists for the suspension. If the department head fails to file the statement with the commission within the 120-hour time period, the suspension is void and the employee is entitled to his full salary. The commission may reverse the decision of the department head and instruct the department head to immediately restore the employee to his position and to repay the employee for any lost wages. If the commission finds that the period of disciplinary suspension should be reduced, it may order a reduction in the period of suspension. If the department head refuses to obey the order of the commission, the provisions of Section 16 of this Act relating to salaries of employees, the discharge of the department head, and the other provisions relating to the refusal of the department head apply.

(b) In a city having a population of less than 1,500,000 according to the most recent federal census, the chief or head of the fire department or police department may suspend an officer or employee under his supervision or jurisdiction for the violation of a civil service rule for a reasonable period not to exceed 15 calendar days, or for an indefinite period. An indefinite suspension is equivalent to permanent dismissal from the department. If offered by the chief or head of the department, the officer or employee may agree in writing to voluntarily accept, with no right of appeal, a suspension of not less than 16 or more than 90 calendar days for violation of civil service rules. The officer or employee must accept the offer not later than the fifth working day after the offer is made. If the chief or head of a department suspends a person, the chief or head shall, not later than the 120th hour after the hour of suspension, file a written statement with the commission giving the reasons for the suspension, and shall immediately furnish a copy of the statement to the suspended officer or employee. The chief or department head shall deliver the copy in person to the suspended officer or employee. The order of suspension shall inform the officer or employee that if he wishes to appeal, he must file a written appeal with the commission not later than the 10th day after the date on which the officer or employee receives a copy of the statement. If the officer or employee refuses an offer of suspension of not less than 16 or more than 90 calendar days and wishes to appeal to the commission, the officer or employee must file a written appeal with the commission not later than the 15th day after the date the officer or employee receives the statement. Unless the suspended officer or employee and the
commission mutually agree to postpone the hearing for a definite period of time.
the commission shall hold a hearing and render a decision in writing not later than
the 30th day after the date on which it receives the notice of appeal. The decision
of the commission shall state whether or not the suspended officer or employee is
permanently dismissed, or temporarily suspended from the fire or police
department, or restored to his former position or status in the classified service in
the department. If the commission finds that the period of disciplinary suspension
should be reduced, it may order a reduction in the period of suspension. If the
suspended officer or employee is restored to the position or class of service from
which he was suspended, the officer or employee shall receive full compensation at
the rate of pay provided for the position or class of service from which he was
suspected for the actual time lost as a result of the suspension. All hearings of the
commission in case of a suspension are public. The commission may deliberate the
decision in closed session but may not consider evidence that was not presented at
the hearing. The commission shall vote in open session. The written statement filed
by the department head with the commission shall point out the civil service rule
alleged to have been violated by the suspended officer or employee and shall contain
the alleged acts of the officer or employee that the department head contends are
in violation of the civil service rules. It is not sufficient for the department head
merely to refer to the provisions of the rules alleged to have been violated. If the
department head does not specifically point out the act or acts complained of on
the part of the officer or employee, the commission shall promptly reinstate the
officer or employee. In a civil service hearing conducted under this subsection, the
department head is restricted to his original written statement and charges which
may not be amended. In the original written statement and charges and in any
hearing conducted under this subsection, the department head may not complain
of an act or acts that occurred earlier than the 180th day immediately preceding the
date on which the department head suspends the officer or employee. An officer or
employee may not be suspended or dismissed by the commission except for
violation of the civil service rules, and after a finding by the commission of the truth
of specific charges against the officer or employee.

SECTION 9. Chapter 325, Acts of the 50th Legislature, Regular Session,
1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Sections
16c and 16d to read as follows:

Sec. 16c. HEARING EXAMINERS. (a) In a city having a population of less
than 150,000 according to the most recent federal census, in an appeal of an
indefinite suspension, a suspension, a promotional passover, or a recommended
demotion, the appealing employee may elect to appeal to an independent third
party hearing examiner instead of to the commission. To exercise this choice, the
appealing employee must submit a letter to the director stating his decision to appeal
to an independent third party hearing examiner.

(b) The decision of the hearing examiner is final and binding on all parties.
If the employee decides to appeal to an independent third party hearing examiner,
the employee automatically waives all rights to appeal to district court.

(c) If the appealing employee chooses to appeal to a hearing examiner, the
employee and the chief shall first attempt to mutually agree on the selection of an
impartial hearing examiner. If an agreement is not reached on the selection of the
hearing examiner on or before the 10th day after the date the appeal is filed, the
director shall immediately request a list of seven qualified neutral arbitrators from
the American Arbitration Association or Federal Mediation and Conciliation
Service, or their successor in function. The employee and the chief may mutually
agree on one of the seven neutral arbitrators on the list. If they do not agree within
five working days after receipt of the list, each party shall alternate striking a name
from the list and the name remaining shall be the hearing examiner.
(d) The appeal hearing shall commence as soon as the hearing examiner selected can be scheduled. If the hearing examiner cannot commence the hearing within 45 calendar days after the date of selection, the employee may, within two days of learning of that fact, call for the selection of a new hearing examiner using the same procedure as provided by Subsection (c) of this section.

(e) All fees and expenses of the hearing examiner are shared equally by the appealing officer or employee and by the department. The costs of witnesses for either side shall be paid by the party who calls the witnesses.

(f) A state district court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction or that the order was procured by fraud, collusion, or other unlawful means. An appeal must be brought in the state district court having jurisdiction in the municipality in which the department is located.

Sec. 16d. PROCEDURES AFTER CRIMINAL INDICTMENT. (a) In a city having a population of less than 1,500,000 according to the most recent federal census, if a fire fighter or police officer is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, the procedures prescribed by this section apply.

(b) The head of the department may temporarily suspend the fire fighter or police officer with or without pay. The head of the department shall notify the fire fighter or police officer in writing that he is being temporarily suspended with or without pay for a period not to exceed 30 days after the date of final disposition of the specified felony or misdemeanor complaint, and that the temporary suspension is not intended to reflect an opinion on the merits of the indictment or complaint.

(c) If the action directly related to the felony indictment or misdemeanor complaint occurred or was discovered on or after the 180th day before the date of the indictment or complaint, the head of the department may, not later than the 30th day after the date of final disposition of the felony charge or misdemeanor complaint, bring a civil service charge against the fire fighter or police officer.

(d) Conviction of a felony is cause for dismissal, and conviction of a Class A or B misdemeanor may be cause for disciplinary action.

(e) Acquittal or dismissal of an indictment or a misdemeanor complaint does not mean that a fire fighter or police officer has not violated civil service rules or regulations and does not negate the charges that may have been or may be brought against him by the department head.

(f) A fire fighter or police officer indicted for a felony or officially charged with the commission of a Class A or B misdemeanor who has also been charged by the department head with civil service violations directly related to the indictment or misdemeanor complaint may delay the civil service hearing for a period of not more than 30 days after final disposition of the indictment or complaint.

(g) If the head of the department temporarily suspends a fire fighter or police officer who has been indicted for a felony or officially charged with a Class A or B misdemeanor, and the fire fighter or police officer is not found guilty of the indictment or complaint in the court of competent jurisdiction, the fire fighter or police officer may appeal to the commission or to a hearing examiner for recovery of back pay. The commission or hearing examiner may award all or part of the back pay or reject the appeal.

(h) The department head may order an indefinite suspension based on an act or acts classified as a felony or a Class A or B misdemeanor after the 180-day period after discovery of the act or acts by the department if delay is considered necessary by the department head to protect a criminal investigation of the employee's conduct. If the department head intends to order an indefinite suspension after the 180-day period, the department head must file a statement describing the criminal
investigation and its objectives with the attorney general not later than the 180th day after the date on which the act complained of occurred.

SECTION 10. Section 20, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 20. UNCOMPENSATED DUTY. [DISCIPLINARY SUSPENSIONS]
(a) In this section, “uncompensated duty” means days of police work without pay and in addition to regular or normal work days.
(b) In a city having a population of less than 1,500,000 according to the most recent federal census, the head of either the Fire or Police Department may assign [shall have the power to suspend] any officer or employee under his jurisdiction or supervision to uncompensated duty. The chief or department head may not impose uncompensated duty unless the officer or employee agrees. The duty may be in place of or in combination with a period of disciplinary suspension without pay. If uncompensated duty is combined with a disciplinary suspension, the total number of uncompensated duty days may not exceed 15. If the officer or employee agrees to accept uncompensated duty, the chief or department head shall give the officer or employee a written statement that specifies the date or dates on which the officer or employee will perform uncompensated duty for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days; provided, that in every such case, the department head shall file with the Commission within one hundred and twenty (120) hours, a written statement of action, and the Commission shall, upon appeal from the suspended officer or employee, hold a public hearing under Section 17 of this Act. The Commission shall determine whether just cause exists therefor. In the event the department head fails to file said statement with the Commission within one hundred and twenty (120) hours, the suspension shall be void and the employee shall be entitled to his full salary. The Commission shall have the power to reverse the decision of the department head and to instruct him immediately to restore such employee to his position and to repay the employee for any lost wages. If the Commission finds that the period of disciplinary suspension should be reduced, it may order a reduction in the period of suspension. In the event such department head refuses to obey the order of the Commission, then the provisions with reference to salaries of the employees and to the discharge of the department head as well as the other provisions of Section 16, pertaining to such refusal of the department head, shall apply.
(c) An officer or employee may not earn or accrue any wage, salary, or benefit arising from length of service while the officer or employee is suspended or performing uncompensated duty. A disciplinary suspension does not constitute a break in a continuous position or service in the department for the purpose of determining eligibility for a promotional examination. The days on which an officer or employee performs assigned uncompensated duty may not be taken into consideration in determining eligibility for a promotional examination. Except as provided by this subsection, an officer or employee performing assigned uncompensated duty retains all rights and privileges of his position in the Police Department and of his employment by the city.

SECTION 11. Section 26, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 26. SICK AND INJURY LEAVES OF ABSENCE. (a) Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of one and one-fourth (1-1/4) full working days allowed for each full month employed in a calendar year, so as to total fifteen (15) working days to an employee’s credit each twelve (12) months. Employees shall be
allowed to accumulate fifteen (15) working days of sick leave with pay in one (1) calendar year.

(b) Sick leave with pay may be accumulated without limit and may be used while an employee is unable to work because of any bona fide illness. In the event that the said employee can conclusively prove that the illness was incurred while in performance of his duties, an extension of sick leave in case of exhaustion of time shall be granted.

(c) In the event that a Fireman or Policeman for any reason leaves the classified service, he shall receive, in a lump sum payment, the full amount of his salary for the period of his accumulated sick leave, provided that if the Fireman or Policeman has more than ninety (90) working days of accumulated sick leave, the employer may limit the payment to that sum equal to the sum that the employee would have been paid had he been allowed to use the ninety (90) days of accumulated sick leave during the last six (6) months of employment. [Provided, however, that such payments shall not be based upon more than ninety (90) working days of accumulated sick leave.] The lump-sum payment provided in this section is calculated as follows: the employee is compensated for the accumulated time at the highest permanent classification of pay for which the employee was eligible during the last six (6) months of employment. The employee is paid for the same period of time the employee would have been paid if the sick leave had been taken but excluding additional holidays and any sick leave or vacation time which the employee might have accrued during the ninety (90) working days.

(d) If an active Fireman or Policeman dies as a result of a line of duty injury or line of duty illness, the entire amount of his accumulated sick leave shall be paid as provided in this section. Provided, that in order to facilitate the settlement of the accounts of deceased employees of the Fire or Police Departments, all unpaid compensation due such employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order or precedence and such payments shall be a bar to recovery by any other person of amounts so paid.

First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Civil Service Commission prior to the employee's death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such employee, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.

(e) Provided that all such cities coming under the provisions of this Act shall provide injury leaves of absence and line of duty illness leaves of absence for Firemen and Policemen with full pay for periods of time commensurate with the nature of the line of duty illness or injuries for at least one (1) year. At the expiration of said one-year period, the City Council or governing body may extend such line of duty illness or injury leave, at full or reduced pay, provided that in cities that have a Firemen's or Policemen's Pension Fund, that if said injured employee's salary should be reduced below sixty per cent (60%) of his regular monthly salary, said employee shall have the option of being retired on pension until able to return to duty.

(f) If there are no pension benefits available to an employee who is temporarily disabled by a line of duty injury or illness and the year at full pay and
any extensions which may have been granted by the employer have expired, the employee may use accumulated sick leave, vacation time, and other accrued benefits before being temporarily placed on leave.

(g) If an employee is temporarily disabled by an injury or illness not related to the employee's line of duty, the employee may use all sick leave, vacation time, and any other time the employee may have accumulated before being placed on temporary leave.

(h) After recovery from a temporary disability, a Fireman or Policeman shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave. Another Fireman or Policeman may voluntarily do the work of an injured or ill Fireman or Policeman until the Fireman or Policeman returns to duty.

SECTION 12. Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Section 29 to read as follows:

Sec. 29. LOCAL OPTION REVISION. (a) In a city having a population of less than 1,500,000 according to the most recent federal census, and in which this Act applies, the governing body may adopt this section of this Act if:

(1) the chief executive of the city has recommended the adoption of this section;

(2) a public hearing has been held by the commission on the issue;

(3) the fire fighters or police officers of the city have been given at least 30 days' notice of the election prescribed by Subdivision (4) of this subsection; and

(4) an election by department is held and a majority of the fire fighters or police officers have voted to recommend adoption of this section by department to the governing body of the city.

(b) If the requirements prescribed by Subsection (a) of this section are met, the governing body may adopt this section for the department or departments that approved adoption. If the election fails or the governing body rejects the adoption of this section, the issue may not be raised again for at least two years after the election fails or the governing body rejects adoption.

(c) If this section is adopted, the city may be governed by provisions adopted under this section as if the provisions adopted were amendments to this Act.

(d) The chief of the police or fire department of the city may initiate a proposed amendment or amendments to this Act. An amendment proposed by either the chief of the police department or the chief of the fire department shall be written in the proposed language and submitted to the chief executive of the city for consideration. The chief executive of the city may approve or disapprove the proposed amendment. After the amendment is officially proposed and approved by the chief executive of the city, each fire fighter or police officer shall be provided a copy of the exact wording of the proposed amendment prior to an official vote. After notifying the employees, the proposed amendment shall be submitted to the commission.

(e) If the commission receives more than one proposed amendment, the commission shall submit the amendments as a single proposal by the department which shall be known as the proposed amendment for the date on which the commission sets the election. The proposed amendment may only be adopted in its entirety or rejected in its entirety by the department. Except as prescribed by Subsection (i) of this section, if an amendment is rescinded, it must be rescinded in its entirety by the department.

(f) The commission shall order the director to conduct an election by secret ballot by department of the fire fighters or police officers. The director shall post a notice in the various substations, divisions, departments, and subdepartments and shall notify the fire fighters or police officers of the election date or dates. The
department shall hold the election not earlier than the 30th day or later than the 45th day after the date the notice was posted. The ballot shall contain the heading of each proposed amendment. The employee shall vote "FOR" or "AGAINST" the proposed amendment in its entirety. This section does not require a combined vote of the fire and police departments. Adoption or repeal requires a majority vote of those voting in each department.

(g) All election disputes must be filed with the commission not later than the fifth working day after the date on which the election closed. The commission shall hold a public hearing to settle any challenges or disputes not later than the 30th calendar day after the date of the election. The commission shall call a new election if it finds that the election was not conducted in a fair and impartial manner. The police officers or fire fighters voting on the proposed amendment must approve the amendment by a simple majority of those voting by department. If a proposed amendment is defeated by the employees, the amendment may not be placed before the employees again for at least 12 months. Harassment, coercion, intimidation, or threats against an employee or a person by anyone in support of or in opposition to a proposed amendment is strictly prohibited and may be cause for disciplinary action or for voiding the election.

(h) After a proposed amendment is approved by the fire fighters or police officers and is canvassed and the results declared by the commission, the amendment shall be submitted for consideration to the city council or legislative body of the city. The city council may adopt the proposed amendment or may reject the proposed amendment.

(i) If the amendment is adopted by ordinance, the amendment remains in force and effect for as long as the parties agree to be bound by it. After the amendment has been in force for at least two years, or for at least 180 days in the case of an alternate promotional system, the fire or police chief may recommend repeal of a particular amendment of a certain date to the chief executive of the city, and if the chief executive concurs, he shall officially notify the city council or governing body that management is no longer in accord with an amendment of a certain date. The city council or governing body shall repeal the ordinance adopting that amendment at its next meeting. If after the same time period the fire fighters or police officers wish to repeal the amendment, they must present a petition to the commission containing the signatures of at least 35 percent of the members of the department for which the amendment exists calling for a secret ballot election to reconsider the amendment of a certain date. The commission shall conduct the election not later than the 30th day after the commission receives the petition. The amendment cited in the petition shall be printed on the ballot in the same language in which the amendment was adopted. If a simple majority of those voting vote to repeal the amendment, the commission shall officially notify the city council or governing body that the members of the affected department no longer are in accord with an amendment of a certain date. The city council or governing body shall repeal the ordinance adopting the amendment at its next meeting. If a proposed repeal is defeated, it may not be placed before the employees again for at least 12 months. All rules of an election for adoption of an amendment apply to an election for repeal of an amendment. An amendment which has not been in effect for at least two years, or for 80 days in the case of an alternate promotional system, may be removed by mutual agreement expressed by a recommendation of the chief of the department and by a majority vote of those voting in the affected department.

(j) An amendment approved under the provisions of this section:

(1) may not restrict or expand the political freedoms presently provided by this Act;

(2) may not restrict the commission's powers to oversee or enforce this Act;
(3) may not discriminate against an employee or a person on the basis of race, color, sex, religion, or national origin;

(4) must ensure an open, fair, impartial, and competitive promotion system for all eligible employees;

(5) must provide that a promotion, disciplinary action, or demotion affected by an amendment to this Act is valid and binding on all parties even if the amendment is repealed or expires at a later date;

(6) must provide that an eligibility list for promotion created by an amendment to this Act is valid until the list expires or is exhausted;

(7) must provide that an eligibility list for a promotion in effect at the time of an amendment is valid and binding until the eligibility list expires or is exhausted;

(8) may not change the way a person is hired for an original position in the fire or police department;

(9) may not change the method of appointing members of the commission; and

(10) may not permit a person to be appointed to the classified ranks without taking a competitive examination unless the amendment provides that:

(A) existing employees in a rank opened up for appointment are entitled to remain in that rank and may not be removed or demoted without cause;

(B) a person from outside the department may not be appointed to a classified rank except at entry level;

(C) an employee appointed by the chief of the department to a classified rank under an amendment allowing additional appointments by the chief shall be allowed to return to the employee's previously held rank after the repeal of the amendment or when removed by the chief or head of the department; and

(D) a city in which this section applies may only appoint officers or employees to positions in the classification immediately below that of the chief or department head as provided by Section 8A of this Act.

(k) This section supersedes all conflicting provisions in previous statutes concerning this subject matter and, to the extent of any conflict, the previous conflicting statutory provision is repealed. This section preempts all contrary local ordinances, executive orders, legislation, rules, or regulations adopted by the state or by any of its political subdivisions or agents, including ordinances, orders, legislation, or rules relating to a personnel board, civil service commission, or home-rule municipality. This section does not apply to a city covered by The Fire and Police Employee Relations Act (Article 5154c-l, Vernon's Texas Civil Statutes). This section takes precedence over a state or local civil service provision whenever they are in conflict.

(1) A person who violates this section commits a misdemeanor punishable by a fine of not less than $1,000 or imprisonment for not more than one year in the county jail, or both.

SECTION 13. Chapter 38, Acts of the 49th Legislature, 1945 (Article 1269p, Vernon's Texas Civil Statutes), is amended by adding Section 6C to read as follows:

Sec. 6C. This Act does not prohibit the chief or head of a police department from assigning a policeman under his jurisdiction or supervision to work periods of uncompensated duty as prescribed by Section 20, Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes). A period of uncompensated duty may not be considered or otherwise taken into account in determining compliance with this Act, and Sections 1, 3a, and 5A of this Act do not apply to or include periods of uncompensated duty to which a policeman is assigned.

SECTION 14. This Act takes effect September 1, 1983.

SECTION 15. 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 1015** was read second time.

Representative Edwards offered the following amendment to **CSHB 1015**:

Amend **CSHB 1015** as follows:

1. On page 1, lines 13-14, strike “in a city having a population of fewer than 1,500,000, according to the most recent federal census.”

2. On page 2, lines 11, insert “repealed,” after “is” and strike the remainder of the section (through line 17 of page 4).

3. On page 4, lines 22-23, strike “in a city having a population of less than 1,500,000 according to the most recent federal census, the” and substitute “The”.

4. On page 9, lines 24-26, strike “in a city having a population of less than 1,500,000 according to the most recent federal census, the” and substitute “The”.

5. On page 15, lines 14-15, strike “in a city having a population of less than 1,500,000 according to the last preceding federal census, the” and substitute “The”.

6. On page 18, line 12, insert “repealed,” after “is” and strike the remainder of the section (through line 21 of page 20).

7. On pages 20-21 strike Subsection (a) of Section 16b.

8. On page 21, lines 22-23, strike “(b) In a city having a population of less than 1,500,000 according to the most recent federal census, the” and substitute “The”.

9. On page 24, lines 13-15, strike “a city having a population of less than 1,500,000 according to the most recent federal census, in”.

10. On page 26, lines 2-4, strike “In a city having a population of less than 1,500,000 according to the most recent federal census, if” and substitute “If”.

11. On page 28, lines 9-10, strike “In a city having a population of less than 1,500,000 according to the most recent federal census, the (The)” and substitute “The”.

12. On page 33, lines 13-15, strike “having a population of less than 1,500,000 according to the most recent federal census, and”.

Representative E. F. Lee moved to table the Edwards amendment.

A record vote was requested.

The motion to table prevailed by (Record 452): 124 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Bertlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cavazos; Cervera; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikeburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hailey; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hudson, D.; Hudson, S.; Hurst; Jones; Keller; Kemp; Khoury; Kubak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Mankins; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uher; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.
Nays — Agnich; Edwards; Fox; Horn; Schlueter; Smith, C.
Present, not voting — Mr. Speaker; Martinez, R.
Absent, Excused — Cary; Clark; Luna.
Absent — Carriker; Clemons; Hackney; Hollowell; Jackson; Messer; Oliveira; Patrick; Price; Salinas; Thompson, S.; Valles; Vowell; Waldrop; Wolens.

Representative Messer offered the following amendment to CSHB 1015:
Amend CSHB 1015 by striking the words “either” and “Fire or” on page 28, line 11.

The amendment was adopted without objection.

Representative Messer offered the following amendment to CSHB 1015:
Amend CSHB 1015 by adding the number “1” in front of the number “80” on page 37, line 10, in order to make it read “180 days” instead of “80 days.”

The amendment was adopted without objection.

Representative Polumbo offered the following amendment to CSHB 1015:
Amend CSHB 1015 by adding the following to page 26, line 25 “or indefinite suspension”.
Subsection (d) of Section 16d will then read as follows:
(d) Conviction of a felony is cause for dismissal, and conviction of a Class A or B misdemeanor may be cause for disciplinary action or indefinite suspension.

The amendment was adopted without objection.

Representative Polumbo offered the following amendment to CSHB 1015:
Amend CSHB 1015 by deleting Section 12 which adds a Section 29 to I 269m, appearing on page 33, line 10.

Representative Messer moved to table the Polumbo amendment.

The motion to table prevailed.

A record vote was requested.

CSHB 1015, as amended, was passed to third reading by (Record 453): 131 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Bush; Cain; Carriker; Cavazos; Ceverha; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; DeLeo; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Helfin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jones; Keller; Kemp; Khoury; Kuhlak; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word; Wright.
Nays — Burnett; Fox; Hill, G.; LeC; Polumbo; Smith, T.
Present, not voting — Mr. Speaker.
Absent, Excused — Cary; Clark; Luna.
Absent — Gibson, J.; Hackney; Harrison, W.; Jackson; Mankins; Oliveira; Thompson, S.; Valles; Wolens.

STATEMENT BY REPRESENTATIVE McWILLIAMS

On CSHB 1015 my vote was no and my machine malfunctioned showing a yes vote.

HB 1546 ON SECOND READING

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

HB 1546, A bill to be entitled An Act relating to a property tax exemption for religious organizations.

The bill was read second time.
Representative T. Hall offered the following amendment to the bill:
Amend HB 1546 as follows:
SECTION 1.
(a) (5) real or personal property that is owned by . . . Such area can not exceed 20 acres.

The amendment was adopted without objection.

HB 1546, as amended, was passed to engrossment. (Robinson, Danburg, Rudd, Saunders, Haley, and Pennington recorded voting no)

HB 1699 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1699.

CSHB 1699

A BILL TO BE ENTITLED
AN ACT
relating to written investment objectives and performance evaluations concerning the investment of certain state funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 15, Texas Education Code, is amended by adding Section 15.021 to read as follows:
Sec. 15.021. WRITTEN OBJECTIVES; PERFORMANCE EVALUATION. (a) The State Board of Education shall develop written investment objectives concerning the investment of the permanent school fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.

(b) The board shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent school fund. The service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the permanent school fund with the investment of other public and private funds.
SECTION 2. Chapter 66, Texas Education Code, is amended by adding Section 66.06 to read as follows:

Sec. 66.06. WRITTEN OBJECTIVES; PERFORMANCE EVALUATION.
(a) The board of regents of The University of Texas System shall develop written investment objectives concerning the investment of the permanent university fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.
(b) The board of regents shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent university fund. The service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the permanent university fund with the investment of other public and private funds.

SECTION 3. Section 25.301, Title 110B, Revised Statutes, is amended by adding Subsections (c) and (d) to read as follows:
(c) The board of trustees shall develop written investment objectives concerning the investment of assets of the retirement system. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.
(d) The board of trustees shall employ one or more well-recognized performance measurement services to evaluate and analyze the investment results of those assets of the retirement system. Each service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the assets of the retirement system with the investment of other public and private funds.

SECTION 4. Section 35.301, Title 110B, Revised Statutes, is amended to read as follows:
Sec. 35.301. INVESTMENT OF ASSETS. (a) The board of trustees shall invest assets of the retirement system without distinction as to their source.
(b) The board of trustees shall develop written investment objectives concerning the investment of the assets of the retirement system. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.
(c) The board of trustees shall employ one or more performance measurement services to evaluate and analyze the investment results of those assets of the retirement system for which reliable and appropriate measurement methodology and procedures exist. Each service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the assets being evaluated and analyzed with the investment of other public 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 1699 was read second time and was passed to engrossment. (Bush recorded voting no)

HB 1630 ON SECOND READING
The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1630.
CSHB 1630

A BILL TO BE ENTITLED
AN ACT
relating to a statewide index of probate proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 1, Probate Code, is amended by adding Section 15.01 to read as follows:

"SECTION 15.01. Statewide Index of Probate Proceedings.
(a) The Secretary of State shall adopt a form for the reporting of probate proceedings in this state filed on or after the effective date hereof, which form shall provide for the following items of information:
(1) the name of each estate (decedent or ward) and the number of the case;
(2) the court where pending;
(3) the date the case was filed;
(4) the date of death, where applicable, and the date of birth, where available;
(5) the type of proceeding and, where ancillary, the state of the original probate proceeding.

Where applicable, a supplemental form shall be used to report the date the estate was closed.

(b) The Secretary of State shall furnish sufficient copies of the form to each probate court clerk.

(c) When a matter in probate is filed with the clerk, the attorney shall enter the above-listed items of information on the report form or supplemental report form prescribed by the Secretary of State, and such form shall be submitted to the probate court clerk at the time the case is filed.

(d) Weekly, the probate court clerk shall file with the Secretary of State a completed form for each probate proceeding filed during the preceding week.

(e) The probate court clerk shall receive a fee of $10, to be taxed as costs, for each probate report filed with the Secretary of State. An additional fee may not be taxed for any supplemental report forms required.

(f) The Secretary of State shall establish and maintain a consolidated statewide alphabetical index of all probate proceedings based upon the names of the decedent or ward. The Secretary is hereby authorized to make such rules and regulations as he deems necessary to carry out the duties of his office hereunder.

(g) The Secretary of State shall, upon request, furnish to any applicant any information he has on record pertaining to any probate proceeding. The Secretary of State shall charge the applicant a fee of $10.00 for searching the statewide index of probate proceedings, and all fees collected under this section shall be deposited in the state treasury to the credit of the Secretary of State.

(h) The provisions of this section shall apply to all probate cases filed on or after the effective date hereof."

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

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

CSHB 1630 was read second time and was passed to engrossment. (Toomey and Eckels recorded voting no)

HB 1754 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment,
HB 1754, A bill to be entitled An Act relating to the authority of a governmental entity to negotiate a contract for insurance coverage.

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

HB 1075 ON SECOND READING

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

HB 1075, A bill to be entitled An Act relating to the protection of public employees who report a violation of law.

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

HB 2316 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2316.

CSHB 2316

A BILL TO BE ENTITLED

AN ACT

relating to the availability of a defense of necessity in a prosecution for escape from custody.

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

SECTION 1. Sections 9.02 and 38.07, Penal Code, are amended to read as follows:

Sec. 9.02. JUSTIFICATION AS A DEFENSE. Except as otherwise specifically provided, it is a defense to prosecution that the conduct in question is justified under this chapter.

Sec. 38.07. ESCAPE. (a) A person arrested for, charged with, or convicted of an offense commits an offense if he escapes from custody.

(b) The justification provided by Section 9.22 of this Code is excluded if the actor fails to turn himself in to a peace officer or to a district attorney or to a county attorney within a reasonable period of time after he is no longer within the danger of imminent harm.

(c) Except as provided in Subsections (d) (e) and (f) of this section, an offense under this section is a Class A misdemeanor.

(d) (e) An offense under this section is a felony of the third degree if the actor:

(1) is under arrest for, charged with, or convicted of a felony; or

(2) is confined in a penal institution.

(e) (f) An offense under this section is a felony of the second degree if the actor used or threatened to use a deadly weapon to effect his escape.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(b) 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 3. This Act takes effect September 1, 1983.

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

CSHB 2316 was read second time and was passed to engrossment. (Staniswalis and Uher recorded voting no)

SB 567 ON THIRD READING
(Presnal - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 567, A bill to be entitled An Act relating to the rates of state and member contributions to the Teacher Retirement System of Texas.

The bill was read third time.

The vote of the house was taken on final passage of SB 567 and the vote was announced yeas 70, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 454): 66 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Agnich; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Ceverha; Connelly; Criss; DeLay; Eckels; Eikenburg; Emmett; Fox; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Green; Haley; Hall, T.; Hall, W.; Hammond; Harrison, D.; Heflin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Hudson, D.; Jackson; Keller; Kemp; Lane; McMullan; Madla; Mankins; Messer; Millsap; Patrick; Peveto; Presnal; Robnett; Rudd; Salinas; Schlueter; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Stiles; Sutton; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Wieting; Wolens; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Cain; Carriker; Cavazos; Clemens; Colbert; Coody; Craddick; Crockett; Danburg; Davis; Delco; Denton; Edwards; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gilley; Glossbrenner; Granoff; Grisham; Hall, L.; Hanna; Hernandez; Hill, G.; Hinojosa; Hury; Jones; Khoury; Kubik; Leonard; McWilliams; Martinez, R.; Martinez, W.; Moreno, P.; Oliver; Parker; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Price; Ragland; Rangel; Robinson; Rustell; Schoolcraft; Smith, C.; Staniswalis; Tejeda; Wallace; Watson; Willis; Wilson; Word.

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

Absent, Excused — Cary; Clark; Luna.

The chair stated that SB 567 was passed by the above vote.

On motion of Representative Presnal and by unanimous consent, the caption of SB 567 was ordered amended to conform to the body of the bill.

Reason for Vote

Although I voted for the substitute to SB 567 when I would have normally voted against legislation of this type, I did so to fulfill the commitment I made in hammering out a compromise which would limit the reduction to two (2) years and
insure that this reduction would not continue indefinitely. Even with the reduction called for in this bill, approximately one billion dollars in new money will be going into the Teacher Retirement System.

SB 106 ON THIRD READING
(C. Evans - House Sponsor)

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

SB 106, A bill to be entitled An Act relating to the continuation of the State Securities Board and to the membership, qualifications, powers and duties, and administration of the board and the duties of the Securities Commissioner; to procedures for registration of dealers, agents, and salesmen; authorizing certain fees, assessments, and charges; providing for hearings and judicial review; providing for exemption of certain transactions; requiring an annual audit; providing enforcement procedures and penalties and a limitation period for indictment for certain offenses; amending The Securities Act, as amended (Article 581-1 et seq., Vernon's Texas Civil Statutes), by amending Sections 2, 5, 11, 13, 14, 18, 19, 24, 25, 27, 29, 32, 35, and 36 and Subsection F, Section 28-1; adding Section 29-1; and repealing Subsections G through L, Section 28-1.

The bill was read third time and was passed.

On motion of Representative C. Evans and by unanimous consent, the caption of SB 106 was ordered amended to conform to the body of the bill.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of D. Lee.

SB 948 ON SECOND READING
(Wolens - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 948.

CSSB 948

A BILL TO BE ENTITLED
AN ACT
relating to the regulation of compensation paid for the sale of credit insurance.

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

SECTION 1. Subsection A, Section 8, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 3.53, Vernon's Texas Insurance Code), is amended to read as follows:

"Section 8. A. (1) Any insurer may revise its schedules of premium rates from time to time, and shall file such revised schedules with the Commissioner. No insurer shall issue any credit life insurance policy or credit accident and health insurance policy for which the premium rate exceeds that determined by the schedules of such insurer as then on file with the Commissioner.

"(2) The State Board of Insurance may, after notice and hearing, adopt and promulgate a presumptive premium rate which shall be presumed, subject to a rebuttal of such presumption, to be just, reasonable, adequate, and not excessive. Any hearing conducted pursuant to this section shall be held in accordance with the
contested case provisions of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes).

"(3) In determining the presumptive premium rate, the Board shall determine reasonable acquisition costs, loss ratio, administrative expenses, loss settlement expenses and other relevant data. The Board may not set a presumptive premium rate that is unjust, unreasonable, inadequate, confiscatory or excessive to the insurers, the insureds or agents. The Board may not directly or indirectly fix or limit the amount of compensation actually paid by a company to an agent. The Board may request information from any insurer or agent with respect to compensation paid for the sale of credit insurance and it is the duty of each insurer or agent to provide such information to the Board in a timely manner.

"(4) Any person aggrieved by the action of the Board in the setting of a presumptive rate, or any other action taken with regard to the setting of such presumptive rate, may, within thirty days from the date the Board took the action complained of, file a suit in a District Court of Travis County to review the action. Such cases shall be tried de novo in the District Court and shall be governed by the same rules of procedure and evidence as in other civil cases in such courts. The court may enter an order setting aside or affirming the action of the Board."

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 according to its terms, and it is so enacted.

CSSB 948 was read second time.

STATEMENT BY REPRESENTATIVE W. HARRISON

While attending to important state business I missed the verification of the vote on Senate Bill 567—had I been present for the verification, I would have verified my vote as no.

W. Harrison

LEAVES OF ABSENCE GRANTED

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

Vowell on motion of Hinojosa.
Short on motion of Russell.
English on motion of Millsap.

CSSB 948 - (consideration continued)

Representative Gavin moved to table CSSB 948.

A record vote was requested.

The motion to table was lost by (Record 455): 26 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Burnett; Carriker; Cavazos; Collazo; Coody; Delco; Gavin; Grisham; Hall, W.; Hanna; Hernandez; Hill, G.; Jackson; Kubiak; Leonard; Madla; Martinez, W.; Peveto; Price; Salinas; Smith, C.; Tejeda; Uber; Wallace; Watson; Word.

Nays — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Cain; Ceverha; Clemons; Colbert; Connelly;
Representative Gavin offered the following amendment to CSSB 948:

A BILL TO BE ENTITLED
AN ACT

SECTION 1. Article 3.53, Insurance Code, as amended, is amended to add a new Section 15 to read as follows:

Sec. 15. Compensation.
A. Any insurer who, for credit insurance written in any of its credit insurance accounts in this state, charges or proposes to charge the presumptive rates of premium promulgated by the Board pursuant to Section 8 of this Act, and who, for the production of such insurance, pays or proposes to pay, directly or indirectly, compensation in excess of the presumptive allowances set out in this section shall:

(1) reduce the premium rates charged in any such account by 4% for credit life insurance, and by 5% for credit accident and health insurance, (or fractions thereof) of the applicable presumptive premium rates set out in these rules for each 1% (or fraction thereof) by which it pays or proposes to pay compensation in excess of the presumptive compensation rate; and

(2) file with the Credit Life Section of the State Board of Insurance a transcribed copy of any agreement, whether written or oral, direct, indirect or reciprocal, by which it pays or proposes to pay compensation in excess of the presumptive compensation rate shall be applied thereafter to all subsequently written net written premium calculated upon the basis of the reduced rates of premium as specified above; and

B. The following compensation allowances are presumed (subject, however, to rebuttal of the presumption) to be reasonable compensation for the sale of credit insurance in this state:

(1) in the aggregate, to any and all persons or entities, including insurance agents, directly or indirectly connected with the creditor, or agents independent of the creditor, 25% of the net written life insurance premiums;

(2) in the aggregate, to any and all persons or entities, including insurance agents, directly or indirectly connected with the creditor, or agents independent of the creditor, 20% of the net written accident and health insurance premiums; and
in the aggregate, to a general agent not directly or indirectly connected with a creditor for such agent's sales and sales service for which an insurance agent's license is required by law, 5.0% of the net written premiums.

C. "Compensation" as used in this section shall include but shall not be limited to the receipt directly, indirectly, or reciprocally of commissions, contingent commissions, service fees, policy fees, expense allowances or reimbursements, gifts, all benefits such as items of merchandise, equipment, travel, conventions, vacations, fishing and hunting trips, hunting leases, rewards, bonuses, trading stamps, script, prohibited transactions, and unfair competition and unfair practices (as such terminology is defined in rules and regulations promulgated under authority of this Article and in the insurance laws of this state), or any other form of remuneration resulting directly or indirectly from the sale of credit insurance or as an inducement to or payment for sales made or volume of sales obtained. Experience refunds, retrospective rate credits, and dividends are treated as compensation for the sole purpose of determining rebuttable compensation allowances under this section. Compensation shall also include any amounts of things of value received from or paid by a general agent, special agent, or any person other than an insurer in consideration of the sale or retention of credit insurance.

D. In the event an insurer pays or proposes to pay a general agent or special agent for any lawful services other than those sales services for which an insurance agent's license is required by law, and the aggregate of all compensation paid to such agent will exceed 5% of net written premiums, such insurer shall file a copy of the contract setting out such other services, the compensation therefor, and data to support the economic benefits of such contract.

E. Nothing herein shall prevent any insurer who by operation of paragraph A of this section is required to reduce premium rates in a credit insurance account from filing for any upward deviation as may be provided by the rules and regulations of the State Board of Insurance; provided, however, such insurer must use the reduced premium rates until such time as an upward deviation has been officially approved by the Commissioner.

F. In the event premium rates for any account of credit insurance are required to be reduced in accordance with this section by reason of base or front-end compensations in excess of the presumptive compensation allowances, the effective date of such reduction shall be the same as the effective date of the agreement providing for such payment. For any reduction of premium rates required by this section by reason of contingent compensations based on favorable experience which, alone or together with base or front-end compensations, exceed the presumptive compensation allowances set out in this section, the effective date of such reduction of premium rates shall be the termination date of the period for which such contingent compensations are paid, and such rate reduction shall remain in effect until the time of the next upward deviation that may be provided for by the rules and regulations of the State Board of Insurance.

G. In the event that premiums are paid and charged to debtors at rates in excess of the reduced rates permitted by this section, whether by inadvertence or otherwise, the insurer shall be responsible for the refund of such overpayment to the person or persons who paid such premiums or insurance charge in addition to any other remedies set out in Articles 1.10 and 3.53 of this Code.

H. In order to assist the enforcement of this section, any insurer writing credit life or credit accident and health insurance in this state within the scope of Article 3.53 of this Code, shall on or before December 31, 1983, and on the same date of each year thereafter, file with the Credit Life Section of the State Board of Insurance
a notarized affidavit executed by one of the insurer's officers who signed the last annual statement of the insurer, stating whether or not said insurer had paid compensation in excess of the presumptive compensation allowances as herein described and set out.

1. In order to assist the enforcement of this section, each general agent writing credit life or credit accident and health insurance in this state within the scope of Article 3.53 of this Code, shall on or before December 31, 1983, and on the same date of each year thereafter, file with the Credit Life Section of the State Board of Insurance a notarized affidavit, stating whether or not said general agent had paid compensation in excess of the presumptive compensation allowances as herein described and set out.

2. Nothing in this section herein shall apply to compensation arrangements under which compensations are paid out of cumulative net earned premiums, without any advance compensation allowances other than an administrative allowance of not more than 5% of net written premiums, and which are paid no more frequently than quarterly in any subsequent year of such arrangement; provided, however, retroactive adjustment of rates of premiums for group insurance policies based upon the loss or expense experience thereunder (experience refunds) may only be made in accordance with the terms of the group insurance policy and may be made only at the end of a policy year and may be retroactive only for the immediately preceding policy year. The insurer shall notify the Commissioner of Insurance in writing and in advance of the election to pay compensation under this subsection for a specified creditor-account, and the Commissioner of Insurance may require the insurer to submit a copy of the agreement providing for such compensation arrangement. For the purpose of this section “net earned premiums” shall mean earned premiums less incurred claims, as those terms are defined in the rules and regulations of the State Board of Insurance adopted under authority of this Article, less expense allowances paid, compensations to general agents, and the insurer's retention.

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.

(G. Thompson in the chair)

Representative Wolens moved to table the Gavin amendment.

The motion to table prevailed.

Representative Peveto offered the following amendment to CSSB 948:

Amend CSSB 948, page 2, lines 3 through 5 by deleting the following:

The Board may not directly or indirectly fix or limit the amount of compensation actually paid by a company to an agent.

Representative Wolens moved to table the Peveto amendment.

A record vote was requested.

The motion to table prevailed by (Record 456): 92 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Agich; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga; Blanton; Buchanan; Cain; Cavazos; Ceverha; Clemens; Colbert; Connelly; Craddick; Criss; Crockett; Danburg; DeLay; Denton; Eckels; Edwards; Eikenburg;
Representative Coody offered the following amendment to CSSB 948:
Amend CSSB 948, page 2, lines 15 through 17 by deleting the following:

Such cases shall be tried de novo in the District Court and shall be governed by the same rules of procedure and evidence as in other civil cases in such courts.

Representative Wolens moved to table the Coody amendment.

A record vote was requested.

The motion to table prevailed by (Record 457): 104 Yeas, 31 Nays, 2 Present, not voting.

Yeas - Agnish; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Cain; Cavazos; Ceverha; Clemens; Collazo; Connelly; Craddock; Crockett; Davis; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gandy; Gavin; Gilley; Glossbrenner; Grisham; Haley; Hall, W.; Hanna; Hernandez; Hill, G.; Jackson; Keller; Kemp; Kubiak; Leonard; Madla; Martinez, W.; Messer; Moreno, P.; Patterson; Peveto; Price; Salinas; Shaw; Smith, C.; Tejeda; Thompson, G.(C); Uher; Wallace; Watson; Willis; Word.

Nays - Barton, B.; Burnett; Bush; Carriker; Colbert; Coody; Criss; Danburg; Delco; Gavin; Grisham; Hall, W.; Hanna; Hernandez; Hill, G.; Jackson; Kemp; Leonard; Messer; Moreno, P.; Patterson; Peveto; Polk; Price; Salinas; Smith, C.; Uher; Wallace; Watson; Willis; Word.

Present, not voting — Mr. Speaker; Parker.

Absent, Excused — Cary; Clark; English; Oliveira; Short; Staniswalis; Vowell.

Absent — Bomer; Garcia, M.; Granoff; Hackney; Hudson, S.; Luna; Thompson, S.; Valles.

A record vote was requested.

The motion to table prevailed by (Record 457): 104 Yeas, 31 Nays, 2 Present, not voting.

Yeas - Agnish; Armbrister; Arnold; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Cain; Cavazos; Ceverha; Clemens; Collazo; Connelly; Craddock; Crockett; Davis; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gandy; Gavin; Gilley; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hammond; Harrison; D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hury; Jones; Khoury; Kuempel; Laney; Lee, D.; Lee, E. F.; McKenna; McWilliams; Mankins; Martinez, R.; Millsap; Moreno, A.; Oliver; Patrick; Patronella; Pennington; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shea; Simpson; Smith, A.; Smith, T.; Stiles; Sutton; Toomey; Tow; Turner; Waldrop; Whaley; Wieting; Wilson; Wolens; Wright.

Nays — Barton, B.; Burnett; Bush; Carriker; Collazo; Coody; Davis; Delco; Fox; Gandy; Gavin; Gilley; Glossbrenner; Grisham; Haley; Hall, W.; Hanna; Hernandez; Hill, G.; Jackson; Keller; Kemp; Kubiak; Leonard; Madla; Martinez, W.; Messer; Moreno, P.; Patterson; Peveto; Price; Salinas; Shaw; Smith, C.; Tejeda; Thompson, G.(C); Uher; Wallace; Watson; Willis; Word.

Present, not voting — Mr. Speaker; Parker.
Representative Gavin offered the following amendment to CSSB 948:

Amend Section I of CSSB 948 by inserting as subparagraph (4) thereof the following, and renumbering the remaining paragraphs:

“(4) If an insurer refunds or pays to an agent, policyholder or creditor any form of experience refund or retroactive compensation relating to any single credit insurance account or group of such accounts, such experience refund or retroactive compensation shall be determined in accordance with a written agreement which provides that it:

(i) shall be paid out of cumulative net earned premiums after deduction for cumulative loss and expense experience and any experience refunds and retroactive compensations previously paid, and

(ii) shall be paid no more frequently than annually in the first year of any such agreement nor more frequently than quarterly in any subsequent year.

An insurer shall notify the commissioner in writing prior to executing an agreement to pay such experience refund or retroactive compensation. Each notice shall disclose the specific credit insurance account or group of such accounts. The commissioner may require that the insurer submit a copy of the proposed agreement with the notice.”

Representative Wolens moved to table the Gavin amendment.

A record vote was requested.

The motion to table prevailed by (Record 458): 103 Yeas, 24 Nays, 3 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Cain; Cavazos; Ceverha; Clemens; Colbert; Connelly; Craddick; Criss; Crockett; Danburg; DeLay; Denton; Echols; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Garcia, A.; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Green; Haley, Hall, L.; Hall, T.; Hammond; Harrison, D.; Harrison, W.; Heffin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurty; Jones; Keller; Kemp; Khoury; Kuempel; Laney; Lee, D.; Lee, E. F.; McKenna; McWilliams; Maldonado; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Patrick; Pennington; Pierce; Polk; Polumbo; Presnal; Ragland; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shea; Smith, A.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.(C); Toomey; Tow; Turner; Waldrop; Whaley; Wieting; Willis; Wilson; Wolens; Wright.

Nays — Barton, B.; Bush; Carriker; Coody; Delco; Gandy; Gavin; Grisham; Hall, W.; Hanna; Leonard; Luna; Messer; Patronella; Patterson; Peveto; Price; Salinas; Shaw; Smith, C.; Uher; Wallace; Watson; Word.

Present, not voting — Mr. Speaker; Kubiak; Parker.

Absent, Excused — Cary; Clark; English; Oliveira; Short; Staniswalis; Vowell.

Absent — Barrientos; Burnett; Collazo; Davis; Garcia, M.; Glossbrenner; Granoff; Hackney; Hernandez; Jackson; Simpson; Thompson, S.; Valles.

**LEAVES OF ABSENCE GRANTED**

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

Staniswalis on motion of Keller.
The following member was granted leave of absence for the remainder of today because of important business:

Gilley on motion of Fox.

CSSB 948 - (consideration continued)

Representative Carriker offered the following amendment to CSSB 948:

Amend CSSB 948 as follows:
(1) On page 2, line 4, strike "directly or indirectly".

The amendment was adopted without objection.

A record vote was requested.

CSSB 948, as amended, was passed to third reading by (Record 459): 103 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cavazos; Ceverha; Clemens; Colbert; Connelly; Craddock; Criss; Crockett; Danburg; DeLay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Geistweidt; Gibson, B.; Gibson, J.; Green; Haley; Hall, L.; Hall, T.; Hammond; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Keller; Kemp; Khoury; Kuempel; Laney; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Oliver; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schütter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.(C); Toomey; Tow; Turner; Waldrop; Whaley; Wieting; Willis; Wolens; Wright.

Nays — Barton, B.; Bush; Carriker; Collazo; Coody; Delco; Fox; Gavin; Glossbrenner; Grisham; Hanna; Hernandez; Hill, G.; Jackson; Kubiak; Leonard; Messer; Moreno, P.; Peveto; Price; Salinas; Smith, C.; Uher; Wallace; Watson; Wilson; Word.

Present, not voting — Mr. Speaker; Parker.

Absent, Excused — Cary; Clark; English; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Agnich; Cain; Davis; Garcia, M.; Granoff; Hackney; Hall, W.; Horn; Thompson, S.; Valles.

SB 742 ON SECOND READING
(L. Evans - House Sponsor)

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

SB 742, A bill to be entitled An Act relating to disclosure in a criminal case of a confidential communication to a clergyman; amending Chapter 38, Code of Criminal Procedure, 1965, as amended, by amending Article 38.10 and by adding Article 38.111.

The bill was on the calendar this morning and was postponed until 3 p.m. today.

The bill was read second time and was passed to third reading. (Fox, Ceverha, and Heflin recorded voting no)
The chair laid before the house, as postponed business, on its third reading and final passage.

SB 377, A bill to be entitled An Act relating to the personnel and administrative staff of the Texas Department of Mental Health and Mental Retardation and to the designation of facilities operated by the Texas Department of Mental Health and Mental Retardation; amending Section 2.01, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202 et seq., Vernon's Texas Civil Statutes).

The bill was on the calendar this morning and was postponed until 2 p.m. today.

The bill was read third time.

Representative Oliver offered the following amendment to the bill:

Amend SB 377 by renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

SECTION 2. To avoid unnecessary expenditure of state funds, the Department of Mental Health and Mental Retardation shall, to the extent possible, make necessary modifications of signs at facilities renamed by this Act as part of its ordinary maintenance program.

The amendment was adopted without objection.

A record vote was requested.

The bill, as amended, was passed by (Record 460): 126 Yea's, 0 Nays, 5 Present, not voting.

Yea's — Armbrister, Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Borner; Buchanan; Burnett; Bush; Cain; Carricker; Cavazos; Cerverha; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hur; Jones; Keller; Kemp; Khoury; Kubiak; Kuepfe; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveo; Pierce; Polk; Polumbo; Prensal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.(C); Toomey; Tow; Turner; Uher; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Word; Wright.

Present, not voting — Mr. Speaker; Heflin; McWilliams; Mankins; Whaley.

Absent, Excused — Cary; Clark; English; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Agnich; Garcia, M.; Granoff; Hackney; Horn; Jackson; Messer; Salinas; Thompson, S.; Valles; Wolens.
The chair laid before the house, as postponed business, on its third reading and final passage,

SB 1278, A bill to be entitled An Act relating to the establishment and operation of a Texas Mental Health Code Public Information Program and to certain powers and duties of the Texas Department of Mental Health and Mental Retardation.

The bill was read third time.

Representative Hury offered the following amendment to the bill:

Amend SB 1278 on line 18 of the first page by inserting after the date September 1, 1983, the words "and ending August 31, 1985".

The amendment was adopted without objection.

A record vote was requested.

SB 1278, as amended, was passed by (Record 461): 129 Yeas, 0 Nays, Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Ceverha; Clemmons; Colbert; Collazo; Connelly; Coody; Cuddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.(C); Tow; Turner; Uher; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Cary; Clark; English; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Agnich; Garcia, M.; Granoff; Hackney; Hill, A.; Horn; Luna; Messer; Thompson, S.; Toomey; Valles; Whaley.

On motion of Representative Hury and by unanimous consent, the caption of SB 1278 was ordered amended to conform to the body of the bill.

HB 1651 ON THIRD READING

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

HB 1651, A bill to be entitled An Act relating to transactions in certain counties involving business machines; providing penalties.

The bill was on the calendar this morning and was postponed until 2 p.m. today.
The bill was read third time.

Representative Colbert offered the following amendment to the bill:

Amend HB 1651, Section 2(c), on page 3, line 9 by inserting the words "mail or" between the words "shall" and "deliver".

The amendment was adopted without objection.

Representative Colbert offered the following amendment to the bill:

Amend HB 1651 by renumbering Section 15 as Section 16 and adding a new Section 15 to read as follows:

SECTION 15. AREA OF APPLICATION. This Act applies only to a county containing all or part of a municipality that has a population greater than 1.5 million, according to the most recent federal census.

The amendment was adopted without objection.

A record vote was requested.

The bill, as amended, was passed by (Record 462): 109 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Agnish; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Burnett; Bush; Cain; Carrick; Cavazos; Clemens; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gibson, B.; Gibson, J.; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Kemp; Khoury; Kubiaik; Kuempel; Laney; Lee, D.; Lee, E. F.; McWilliams; Madla; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Simpson; Smith, A.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.(C); Tow; Turner; Uher; Waldrop; Wallace; Watson; Whaley; Wiething; Willis; Wilson; Wolens; Word; Wright.

Nays — Ceverha; Connelly; Craddick; DeLay; Eckels; Eikenburg; Fox; Geistweidt; Hanna; Heßlin; Hilbert; Keller; Leonard; McKenna; Mankins; Shea; Smith, C.

Present, not voting — Mr. Speaker.

Absent, Excused — Cary; Clark; English; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Bomer; Emmett; Garcia, M.; Gavin; Granoff; Green; Hackney; Jones; Luna; Martinez, R.; Robinson; Schlueter; Thompson, S.; Toomey; Valles.

LEAVE OF ABSENCE GRANTED

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

Gavin on motion of Burnett.

SB 375 ON SECOND READING

(Messer - House Sponsor)

The chair laid before the house on its second reading and passage to third reading,
SB 375, A bill to be entitled An Act relating to certain exceptions to the confidentiality of certain medical and other mental health records regarding a patient; amending Subsection (g), Section 5.08, Medical Practice Act, and Subsection (a), Section 4, Chapter 239, Acts of the 66th Legislature, Regular Session, 1979 (Articles 4495b and 5561h, Vernon's Texas Civil Statutes).

The bill was read second time.

Representative Messer offered the following amendment to the bill:

Amend SB 375 by striking lines 1 and 2 on page 3 and substituting the following:

"(7) when the disclosure is relevant to an involuntary civil commitment proceeding, proceeding for court-ordered treatment, or probable cause hearing [or hospitalization proceeding] under:

The amendment was adopted without objection.

Representative Granoff offered the following amendment to the bill:

Amend SB 375 on page 5 by adding new Sections 3 and 4 as follows; and renumbering Sections 3 and 4 accordingly:

"SECTION 3. Subsection (n), Section 5.08, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is added to read as follows:

"(n) Nothing in this Act shall restrict the right of members of the legislative branch of the state government, for legitimate legislative purposes only, to have full access to any and all records of a state agency."

"SECTION 4. Section (c), Article 5561h, Vernon's Texas Civil Statutes, is added as follows:

"(c) Nothing in this Act shall restrict the right of members of the legislative branch of the state government, for legitimate legislative purposes only, to have full access to any and all records of a state agency."

The amendment was adopted without objection.

SB 375, as amended, was passed.

(Messer in the chair)

SB 376 ON SECOND READING
(G. Thompson - House Sponsor)

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

SB 376, A bill to be entitled An Act amending Chapter 63, Subtitle G, Title 110B, Revised Statutes, as amended, by adding Subchapter G, consisting of Section 63.601, providing that municipalities participating in the Texas Municipal Retirement System may allow to eligible members updated service credits calculated to include, on the conditions stated, unforfeited credited service arising from previous employment of the member by other participating municipalities; amending Section 65.402, Title 110B, by adding Subsection (j), which provides that from and after January 1, 1984, participating municipalities in the Texas Municipal Retirement System shall pick-up and make the contributions which employees who are members of the Texas Municipal Retirement System otherwise are required to make and shall, unless the governing body of the employing municipality otherwise provides, offset the contributions so picked-up by corresponding reduction in the compensation of the employee; providing for continued withholding of federal income taxes on picked-up contributions until determination that the same are not
includible in the gross income of the member; providing that picked-up contributions shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code, but shall be treated for all other purposes of Subtitle G, Title 110B, in the same manner and with like effect as employee contributions; providing that picked-up employee contributions shall not be included in calculating certain limitations on municipality contributions; and declaring an emergency.

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

**SB 741 ON SECOND READING**

(Criss - House Sponsor)

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

**SB 741.** A bill to be entitled An Act relating to the regulation of bingo; providing penalties; amending Subdivisions (10), (12), and (13) and adding Subdivisions (17) through (22), Section 2; amending Subsection (b), Section 4; Subsection (d), Section 9; amending Subsections (b), (c), (f), (g), and (h) and adding Subsections (j), (k), (l), (m), (n), and (o), Section 11; amending Subsections (a), (b), (d), and (e) and adding Subsection (f), Section 12; amending Subsection (a), Section 17; Subsections (a) and (c), Section 19; Subsection (c) and adding Subsections (d) and (e), Section 23; amending Subsection (a), Section 29; Subsection (a), Section 36; Subsection (b) and adding Subsection (d), Section 39; amending Sections 7, 13, 14, 16, 18, 20, 22, 30, and 31; adding Sections 13a, 13b, 13c, 13d, and 19a; and repealing Subsection (d), Section 19; and Subsection (c), Section 35, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes).

The bill was read second time.

**COMMITTEE MEETING ANNOUNCEMENT**

Representative G. Hill announced that the Committee on Local and Consent Calendars would meet in the speaker's committee room at this time.

**SB 741 - (consideration continued)**

Representative G. Thompson offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend **SB 741** by striking the words “one year” on page 6, line 4, and by adding the words **two years** in their place.

Committee Amendment No. 1 was adopted without objection.

Representative Gandy offered the following amendment to the bill:

Amend **SB 741** by inserting a new Section 2 to read as follows and by renumbering the succeeding sections accordingly:

**SECTION 2.** Subsection (d), Section 3, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) If a county and a municipality are authorized to impose and have imposed a gross receipts tax on the conduct of bingo games under this section on the same gross receipts:

(1) the tax imposed by the county is at the rate of one percent of the taxable gross receipts instead of the rate provided by Subsection (a) of this section; and

(2) the tax imposed by the municipality is at the rate of one percent of the taxable gross receipts instead of the rate provided by Subsections (b) and (c) of this
The amendment was adopted without objection.

Representatives Willis and L. Hall offered the following amendment to the bill:

Amend S.B. 741 as follows:
(1) On page 1, line 19, insert "(4), (5)," after "Subdivisions".
(2) On page 1, insert the following between lines 21 and 22:
"Fraternal organization" means a nonprofit organization that is organized to perform and engages primarily in performing charitable, benevolent, patriotic, employment-related, or educational functions and that:
(A) has been organized within Texas for at least three years;
(B) during the 3-year period has had a bona fide membership actively and continuously engaged as an organization in furthering its authorized purposes;
(C) has not authorized any person on behalf of its membership, governing body, or officers to support or oppose a particular candidate for public office by making political speeches, passing out cards or other political literature, writing letters, signing or circulating petitions, making campaign contributions, or soliciting votes; and
(D) is not an organization whose members are predominantly veterans or dependents of veterans of the armed services of the United States.
(5) "Religious society" means a church, synagogue, or other organization or association that is organized primarily for religious purposes and that has been in existence within Texas for at least 10 years.

The amendment was adopted without objection.

Representative Willis offered the following amendment to the bill:

Amend SB 741 by striking lines 25 and 26 on page 5 and line 1 on page 6 and substituting the following:

SECTION 2. Subsections (a) and (b), Section 4, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), are amended to read as follows:
(a) The governing body of a county, justice precinct, or municipality shall order and hold an election under this Act in the appropriate political subdivision if the governing body is presented with a petition for an election that meets the requirements of this Act. A governing body may order and hold an election under this Act on its own motion.

Representative Pennington moved to table the Willis amendment.

A record vote was requested.

The motion to table was lost by (Record 463): 57 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Blanton; Bomer; Ceverha; Clemons; Colbert; Connelly; Craddick; DeLay; Denton; Eckels; Eikenburg; Emmett; Fox; Geistweidt; Gibson, B.; Gibson, J.; Green; Haley; Hammond; Hanna; Hefflin; Hernandez; Hilbert; Hill, G.; Hollowell; Horn; Hudson, D.; Jackson; Jones; Keller; Khouy; Laney; Leonard; McKenna; McWilliams; Mankins; Martinez, W.; Messer(C); Patterson; Pennington; Peveto; Pelk; Robnett; Rudd; Saunders; Shaw; She; Simpson; Smith, A.; Smith, C.; Thompson, G.; Tow; Turner; Uher; Waldrop; Wolens; Wright.

Nays — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Bush; Carriker; Cavazos; Collazo; Criss; Crockett; Danburg; Delco;
Edwards; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Glossbrenner; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Hightower; Hill, P.; Hinojosa; Hudson, S.; Hury; Kemp; Kubiak; Kuempel; Lee, D.; Lee, E. F.; Luna; Madia; Martinez, R.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Pierce; Polumbo; Presnal; Ragsdale; Rangel; Russell; Salinas; Schoolcraft; Stiles; Sutton; Tejeda; Wallace; Watson; Whaley; Willis; Wilson; Word.

Present, not voting — Mr. Speaker.

Absent, Excused — Cary; Clark; English; Gavin; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Agnich; Burnett; Cain; Coody; Davis; Garcia, M.; Granoff; Hill, A.; Price; Robinson; Schlueter; Smith, T.; Thompson, S.; Toomey; Valles; Wieting.

The amendment was adopted.

Representative W. Martinez offered the following amendment to the bill:

Amend SB 741 as follows:
On page 34, line 16 add the words “the cost of prizes and” after the word “exclude”.

The amendment failed of adoption.

Representatives A. Smith and Pennington offered the following amendment to the bill:

Amend SB 741 as follows:
(1) On page 29, line 13, strike “~” and insert “twenty-four hour period”.

The amendment was adopted without objection.

Representative A. Garcia offered the following amendment to the bill:

Amend SB 741 on page 13, line 21 by deleting the figure $500. and inserting in its place $750.; and on page 13, line 24 by deleting the figure $2500. and inserting in its place $3750.

Representative Willis moved to table the A. Garcia amendment.

A record vote was requested.

The motion to table prevailed by (Record 464): 83 Yeas, 44 Nays, 2 Present, not voting.

Yees — Arnold; Barton, E.; Blanton; Bomer; Buchanan; Carriker; Ceverha; Clemons; Colbert; Connelly; Craddock; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Geistweidt; Gibson, J.; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, W.; Heflin; Hightower; Hilbert; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Leonard; McKenna; McWilliams; Madla; Mankins; Millsap; Patronella; Patterson; Pennington; Peveto; Polk; Presnal; Robnett; Rudd; Russell; Schlueter; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.; Turner; Uher; Waldrop; Wallace; Watson; Whaley; Wolens; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Berlanga; Burnett; Bush; Cavazos; Collazo; Criss; Crockett; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Gibson, B.; Glossbrenner; Hackney; Harrison, D.; Hernandez; Hinojosa; Hudson, S.; Hury; Lee, D.; Lee, E. F.; Martinez, R.; Martinez, W.; Moreno, A.;
Moreno, P.; Oliver; Parker; Patrick; Pierce; Polumbo; Price; Ragsdale; Rangel; Salinas; Saunders; Schoolcraft; Smith, C.; Tow; Wieting; Wilson.

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

Absent, Excused — Cary; Clark; English; Gavin; Gilley; Oliveira; Short; Staniswalis; Vowell.

Absent — Agnich; Cain; Coody; Garcia, M.; Granoff; Hill, A.; Luna; Robinson; Thompson, S.; Toomey; Valles; Willis.

**LEAVE OF ABSENCE GRANTED**

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

Leonard on motion of Green.

**SB 741 - (consideration continued)**

Representative DeLay offered the following amendment to the bill:

Amend SB 741, Section 10, (10)(c), Line 5, page 21, in the following manner:

or equipment on payment of a [[$3006] $1000] license fee if the comptroller determines that:

Representative Criss moved to table the DeLay amendment.

The motion to table prevailed.

SB 741, as amended, was passed to third reading. (Fox recorded voting no)

**RESOLUTIONS REFERRED TO COMMITTEES**

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

By Valles:

**HCR 259, Granting R. A. Knapp, Karol Knapp, R. E. Knapp, and Barbara Knapp permission to sue the state.**
To Committee on Judicial Affairs.

**SCR 47, Granting William Kenon, Jr., and George Purvis permission to sue the state.**
To Committee on Judicial Affairs.

**SCR 73, Proclaiming that the people of Texas stand in solidarity with Soviet Jewry.**
To Committee on State Affairs.

**SCR 80, Requesting that the funding for federal/state nutrition programs; including food stamps for child nutrition programs, and elderly nutrition programs should be protected from further budget cuts.**
To Committee on Human Services.

**SCR 93, Granting Ercelila Flores permission to sue the state.**
To Committee on Judicial Affairs.

**SCR 107, Granting Southern Union Gas Company permission to sue the state.**
To Committee on Judicial Affairs.

**SCR 109, Granting Lucy and August Sheldon, individually, and Lucy Sheldon as administratrix of the estate of Ann Mae Sheldon permission to sue the state.**
To Committee on Judicial Affairs.
SCR 117, Granting Dan H. Marshall II and Winifred Mildred Marshall Camilleri permission to sue the state.
To Committee on Judicial Affairs.

SCR 120, Requesting the Division of Emergency Management of the Office of the Governor to consider funding of the Public Information Emergency System.
To Committee on State Affairs.

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

SB 1427 to Committee on County Affairs.
SB 1426 to Committee on County Affairs.
SB 1418 to Committee on Cultural and Historical Resources.
SB 1409 to Committee on County Affairs.
SB 1398 to Committee on County Affairs.
SB 1397 to Committee on County Affairs.
SB 1395 to Committee on County Affairs.
SB 1394 to Committee on Environmental Affairs.
SB 1388 to Committee on Urban Affairs.
SB 1379 to Committee on County Affairs.
SB 1378 to Committee on Natural Resources.
SB 1376 to Committee on Financial Institutions.
SB 1346 to Committee on State Affairs.
SB 1373 to Committee on Natural Resources.
SB 1370 to Committee on State Affairs.
SB 1368 to Committee on Retirement and Aging.
SB 1366 to Committee on County Affairs.
SB 1363 to Committee on County Affairs.
SB 1356 to Committee on County Affairs.
SB 1353 to Committee on State Affairs.
SB 1351 to Committee on Urban Affairs.
SB 1348 to Committee on Natural Resources.
SB 1337 to Committee on Higher Education.
SB 1330 to Committee on County Affairs.
SB 1318 to Committee on Judicial Affairs.
SB 1271 to Committee on Ways and Means.
SB 1265 to Committee on Cultural and Historical Resources.
SB 1237 to Committee on Judicial Affairs.
Representative Salinas called up with senate amendments for consideration at this time.

HB 1619, A bill to be entitled An Act relating to filing notice of a sale of real estate under a power conferred by a contract lien.

On motion of Representative Salinas, the house concurred in the senate amendments to HB 1619.

HB 1619 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend section 1 of HB 1619 by adding the following after the word “passed” on line 18 of page 2 of the bill:

“The clerk shall receive a fee of $2.00 for each notice filed.”

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.

HR 454 - ADOPTED

Representative R. Martinez moved that all necessary rules be suspended to take up and consider at this time, HR 454.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Cavazos:

HR 454

WHEREAS, The Honorable Alejandro (Alex) Moreno, Jr., an outstanding Texan who is serving his first term as a member of the house of representatives, will celebrate his 36th birthday on Sunday, May 22, 1983; and

WHEREAS, This occasion is one which his colleagues in the house wish to commemorate, believing that Representative Moreno has indeed done an outstanding job during his first legislative session; and

WHEREAS, An esteemed citizen of Edinburg, this accomplished lawyer has conscientiously and capably represented his constituents of District 40, in Hidalgo County; and
WHEREAS, Through the exceptional legislative skill and leadership he has displayed as a member of the Committee on Liquor Regulations and the Committee on Retirement and Aging, Representative Moreno has garnered the respect and praise of his fellow members in the house; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby wish Alejandro (Alex) Moreno, Jr., a Happy Birthday; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Representative Moreno as a token of best wishes from his colleagues in the Texas House of Representatives.

The resolution was read and was adopted without objection.

On motion of Representative R. Martinez, the names of all the members of the house were added to HR 454 as signers thereof.

HCR 149 WITH SENATE AMENDMENTS

Representative Barrientos called up with senate amendments for consideration at this time,

HCR 149, Granting Mabel Ann Brownlow permission to sue the state.

On motion of Representative Barrientos, the house concurred in the senate amendments to HCR 149.

HCR 149 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HCR 149 in the following ways:
1. Insert the words “in the District Court of Travis County” on page 2, line 1, between “System” and “for.”
2. Insert the word “procedurally” on page 2, line 6, between “tried” and “as.”

SB 477 - RULES SUSPENDED

Representative Polk moved to suspend the 5-day posting rule to allow the Committee on Human Services to consider SB 477 on Monday, May 23.

The motion prevailed without objection.

HB 1579 AND HB 1425 - RULES SUSPENDED

Representative Danburg moved to suspend the 48-hour subcommittee report rule to allow the Committee on Environmental Affairs to consider HB 1579 and HB 1425.

The motion prevailed without objection.

SB 862 - RULES SUSPENDED

Representative Keller moved to suspend all necessary rules to allow the Committee on Law Enforcement to consider SB 862.

The motion prevailed without objection.

HB 1366 - RULES SUSPENDED

Representative Haley moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider HB 1366.

The motion prevailed without objection.
RULES SUSPENDED

Representative Tejeda moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider HCR 259, HCR 73, HCR 255, HB 2340, SB 1184, SB 1185, SB 1286, SB 1352, and HCR 256.

The motion prevailed without objection.

HCR 260 - ADOPTED

Representative Barrientos moved that all necessary rules be suspended to take up and consider at this time, HCR 260.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Barrientos:

HCR 260, Congratulating Arthur Rankin.

The resolution was read and was adopted without objection.

On motion of Representative Danburg, the names of all the members of the house were added to HCR 260 as signers thereof.

SB 895 - RULES SUSPENDED

Representative Geistweidt moved to suspend all necessary rules to allow the Committee on Natural Resources to consider SB 895.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary, on adjournment today, Desk 79, to consider SB 757.
Natural Resources, on adjournment today, Desk 70, to consider SB 895.
Environmental Affairs, on adjournment today, Desk 109, to consider HB 1425 and HB 1579.
Insurance, on adjournment today, Desk 96.
Law Enforcement, on adjournment today, Desk 36, to consider SB 862.

ADJOURNMENT

Representative Eckels moved that the house adjourn until 10 a.m. Monday in memory of Max Moore.

The motion prevailed without objection.

The house accordingly, at 5:40 p.m., adjourned until 10 a.m. Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

County Affairs - HB 2449, HB 2450
Environmental Affairs - HB 1198, HB 2430, HJR 68
Financial Institutions - SB 429, SB 488, SB 1091, SB 1156
Higher Education - SB 468, SB 516, SB 893, SB 913
Insurance - HB 564, SB 515, SB 775, SB 776, SB 927, SB 1094, SB 1293, SB 538
Judicial Affairs - HB 1433, HB 2109, HB 2399, HCR 217, HCR 229, HCR 230, SB 97, SB 748, SB 1086, SB 1097, SB 1252, SB 1306, SB 1312, SB 1334, SCR 51, HB 2340
Judiciary - HB 2070, SB 45
Natural Resources - HB 2413, SB 855, SB 1036
Public Health - HB 1066, SB 78, SB 583, SB 688, SB 810
Retirement and Aging - HB 1665, SB 381, SB 483
Rules and Resolutions - HCR 257, HCR 220, HCR 224, HCR 225, HCR 226, HCR 231, HCR 237, HCR 241, HCR 244, HCR 249, HCR 252, HR 292, HR 320, HR 325, HR 329, HR 333, HR 335, HR 337, HR 341, HR 342, HR 343, HR 345, HR 346, HR 350, HR 356, HR 358, HR 363, HR 364, HR 365, HR 366, HR 367, HR 369, HR 372, HR 374, HR 380, HR 381, HR 382, HR 383, HR 386, HR 387, HR 388, HR 389, HR 390, HR 391, HR 394, HR 398, HR 400, HR 401, HR 402, HR 403, HR 404, HR 423, SCR 99, SCR 108, SCR 110
State Affairs - HB 458
Transportation - SB 24
Urban Affairs - HB 1306, HB 2405, HB 2383, HB 2434, SB 315, SB 551, SB 649, SB 787, SB 1215
Ways and Means - HB 289, HB 1869, SB 713, SB 985, SB 986, SB 987, SB 988

ENROLLED

ENGROSSED
May 20 - HB 52, HB 337, HB 358, HB 812, HB 1080, HB 1119, HB 1142, HB 1183, HB 1241, HB 1273, HB 1289, HB 1370, HB 1470, HB 1562, HB 1613, HB 1643, HB 1644, HB 1651, HB 1702, HB 1753, HB 1773, HB 1863, HB 2094, HB 2128, HB 2129, HB 2157, HB 2174, HB 2181, HB 2237, HB 2249, HB 2258, HB 2259, HB 2289, HB 2294, HB 2295,
HB 2299, HB 2310, HB 2337, HB 2338, HB 2350, HB 2354, HB 2363, HB 2364, HB 2385, HB 2390, HB 2391, HB 2393, HB 2401, HB 2404, HB 2406, HB 2407, HB 2409, HB 2410, HB 2411, HB 2412, HB 2414, HB 2425, HB 2432, HB 2433, HB 2435, HB 2439, HB 2440, HB 2441, HB 2443, HB 2445, HCR 185

SENT TO THE GOVERNOR

May 20 - HB 2437

COAUTHORS AUTHORIZED

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

HB 1015 - Gamez
HB 2000 - Pennington
HB 2436 - Horn
HB 2452 - Delco, G. Hill, Barrientos, B. Barton
HR 433 - Polk