The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 465).

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

Absent, Excused — Delco; Gandy; Hightower; Salinas; Wallace.

Absent — Gilley; Vowell.

The invocation was offered by Reverend James Noffke, Our Savior Lutheran Church, Austin, Texas, as follows:

Eternal God, heavenly Father, you are the creator of heaven and earth, and we praise your holy name. We thank you for bringing these men and women back safely to begin this work week. We give thanks for the day of life you grant to us now. Since the last time we were together, the rains and the winds have come to our state. Our land needed the rain and we thank you for it. Now we pray on behalf of those who have lost loved ones, property, and hope because of the weather. Comfort them, and give them courage, and help us to meet their needs. But most of all, give them hope. Remind them of your presence and your love for them. Now we find ourselves beginning our final week of work in this session. There seems to be so much to do. Give us the understanding, the patience, and the wisdom to accomplish our work. Let each one here, elected officials, administrators, and staff rejoice in their opportunities to serve their God in this special way. These our petitions we bring before you in the name of Jesus Christ our Lord. Amen.

LEAVES OF ABSENCE GRANTED

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

Salinas, temporarily, on motion of Kuempel.
Gandy, temporarily, on motion of Oliver.
Hightower, temporarily, on motion of Stiles.
Delco on motion of Peveto.
Wallace, temporarily, on motion of Shaw.

**SB 565 - REQUEST OF SENATE GRANTED**

On motion of Representative Polk, the house granted the request of the senate for the appointment of a conference committee on SB 565.

**SB 565 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 565: Polk, chair; S. Thompson, A. Hill, E. Barton, and Emmett.

**HB 147 WITH SENATE AMENDMENTS**

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

**HB 147**, A bill to be entitled An Act relating to the determination of local option status under the Bingo Enabling Act.

On motion of Representative Green, the house concurred in the senate amendments to HB 147 by (Record 466): 125 Yeas, 2 Nays, I Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connolly; Coody; Cradick; Criss; Crockett; Danburg; Davis; DeLay; Denton; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinjosa; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khouly; Kubiak; Kuempel; Lane; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pierce; Polk; Polumbo; Ragsdale; Rangel; Robinson; Robnett; Russell; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Fox; Hollowell.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delco; Gandy; Hightower; Salinas; Wallace.

Absent — Agnich; Eckels; English; Gibson, J.; Gilley; Hall, L.; Heflin; Horn; Leonard; Pennington; Peveto; Presnal; Price; Rudd; Schlueter; Smith, C.; Vowell.

**HB 147 - TEXT OF SENATE AMENDMENTS**

SENATE AMENDMENT NO. 1

Amend HB 147 on page 1, line 19, by replacing the period with a comma and adding the following:
“and that this Act take effect and be in force from and after its passage, and it is so enacted.”

SENATE AMENDMENT NO. 2

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

HB 730 WITH SENATE AMENDMENTS

Representative C. Evans called up with senate amendments for consideration at this time,

HB 730, A bill to be entitled An Act relating to the validity of signatures on voters' petitions in certain elections.

On motion of Representative C. Evans, the house concurred in the senate amendments to HB 730.

HB 730 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 730 by adding the following new SECTION 7 and renumbering the subsequent section accordingly:

SECTION 7. No provision in this Act shall be construed to supersede any home rule charter provision or ordinance which imposes requirements in addition to those imposed under this Act, if such charter provision or ordinance was in effect on the effective date of this Act. Provided, further, that no home rule charter or ordinance adopted after the effective date of this Act shall impose requirements in addition to those imposed under this Act.

SENATE AMENDMENT NO. 2

Amend HB 730 by striking line 36 on page 1 of the printed bill and substituting in lieu thereof the following:

applicable state law.

SENATE AMENDMENT NO. 3

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

HCR 72 WITH SENATE AMENDMENTS

Representative C. Evans called up with senate amendments for consideration at this time,

HCR 72, Granting Ron Stanley and Loretha Stanley permission to sue the Burleson Independent School District.

On motion of Representative C. Evans, the house concurred in the senate amendments to HCR 72.

HCR 72 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HCR 72 by striking the words “school function” on line 6 of page one, and substitute therefor the words “Peewee Cheerleading Program on the school grounds”.

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
HJR 59 WITH SENATE AMENDMENTS

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

**HJR 59**, A joint resolution proposing a constitutional amendment to authorize broadened investment authority for certain veteran and university funds.

Representative Schlueter moved that the house do not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

**HJR 59 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HJR 59**: Schlueter, chair; Ceverha, A. Smith, G. Hill, and Armbrister.

HB 377 WITH SENATE AMENDMENTS

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

**HB 377**, A bill to be entitled An Act relating to providing notice to heirs and beneficiaries concerning final settlements in probate proceedings.

On motion of Representative Wright, the house concurred in the senate amendments to **HB 377**.

HB 377 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend **HB 377** by inserting, on page 1, line 17, "by the personal representative" between the words "given" and "to"

SENATE AMENDMENT NO. 2

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

HB 1445 WITH SENATE AMENDMENTS

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

**HB 1445**, A bill to be entitled An Act relating to the assessment of administrative penalties by the Railroad Commission of Texas to enforce certain laws within its jurisdiction.

On motion of Representative Craddick, the house concurred in the senate amendments to **HB 1445**.

HB 1445 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend Section 81.0533(b) in SECTION 1 of **HB 1445** by deleting subsection (b) and substituting the following:

(b) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the person charged with the penalty shall:
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(1) pay the penalty in full, or
(2) if the person seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post with the commission a supersedeas bond in a form approved by the commission for the amount of the penalty, such bond to be effective until all judicial review of the order or decision is final.

Amend Section 27.1013(b) of SECTION 3 of HB 1445 by deleting subsection (b) and substituting the following:

(b) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the person charged with the penalty shall:

(1) pay the penalty in full, or
(2) if the person seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the railroad commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post with the commission a supersedeas bond in a form approved by the commission for the amount of the penalty, such bond to be effective until all judicial review of the order or decision is final.

SENATE AMENDMENT NO. 2

Amend Section 81.0533(c) of SECTION 1 of HB 1445 by deleting subsection (c) and substituting the following:

(c) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the commission, remit the appropriate amount to the person, with accrued interest, or where a supersedeas bond has been posted, the commission shall execute a release of such bond.

Amend Section 141.015(c) of SECTION 6 of HB 1445 by deleting subsection (c) and substituting the following:

(c) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the commission, remit the appropriate amount to the person, with accrued interest, or where a supersedeas bond has been posted, the commission shall execute a release of such bond.

Amend Section 27.1013(c) of SECTION 3 of HB 1445 by deleting subsection (c) and substituting the following:

(c) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the railroad commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the railroad commission, remit the appropriate amount to the person, with accrued interest, or where a supersedeas bond has been posted, the railroad commission shall execute a release of such bond.

Amend Section 29.049(c) of SECTION 7 of HB 1445 by deleting subsection (c) and substituting the following:

(c) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the railroad commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the railroad commission, remit the appropriate amount to the person, with accrued interest, or where a supersedeas bond has been posted, the railroad commission shall execute a release of such bond.
following that determination, if the penalty has been paid to the railroad commission, remit the appropriate amount to the person, with accrued interest, or where a supersedeas bond has been posted, the railroad commission shall execute a release of such bond.

Amend Section 73A(k) of SECTION 4 of HB 1445 by deleting subsection (k) and substituting the following:

(k) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the railroad commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the railroad commission, remit the appropriate amount to the public utility, person, or corporation with accrued interest, or where a supersedeas bond has been posted, the railroad commission shall execute a release of such bond.

Amend Article 6062A(k) of SECTION 5 of HB 1445 by deleting subsection (k) and substituting the following:

(k) If through judicial review of the decision or order it is determined that no violation occurred or that the amount of the penalty should be reduced or not assessed, the railroad commission shall, within the 30-day period immediately following that determination, if the penalty has been paid to the railroad commission, remit the appropriate amount to the public utility, with accrued interest, or where a supersedeas bond has been posted, the railroad commission shall execute a release of such bond.

SENATE AMENDMENT NO. 3

Amend Section 81.0533 of SECTION 1 of HB 1445 by adding a new subsection (e) to read as follows:

(e) Judicial review of the order or decision of the commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon’s Annotated Texas Civil Statutes, as amended.

Amend Section 141.015 of SECTION 6 of HB 1445 by adding a new subsection (e) to read as follows:

(e) Judicial review of the order or decision of the commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon’s Annotated Texas Civil Statutes, as amended.

Amend Section 27.1013 of SECTION 3 of HB 1445 by adding a new subsection (e) to read as follows:

(e) Judicial review of the order or decision of the railroad commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon’s Annotated Texas Civil Statutes, as amended.

Amend Section 27.1013 of SECTION 3 of HB 1445 by adding a new subsection (e) to read as follows:

(e) Judicial review of the order or decision of the railroad commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon’s Annotated Texas Civil Statutes, as amended.

Amend Section 28.049 of SECTION 7 of HB 1445 by adding a new subsection (e) to read as follows:

(e) Judicial review of the order or decision of the railroad commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon’s Annotated Texas Civil Statutes, as amended.

Amend Section 73A of SECTION 4 of HB 1445 by adding a new subsection (n) to read as follows:
(n) Judicial review of the order or decision of the railroad commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon's Annotated Texas Civil Statutes, as amended.

Amend Article 6062A of SECTION 5 of HB 1445 by adding a new subsection (n) to read as follows:

(n) Judicial review of the order or decision of the railroad commission assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with the district court of Travis County, Texas, and not elsewhere, as provided for in Art. 6252-13a, Section 19, Vernon's Annotated Texas Civil Statutes, as amended.

SENATE AMENDMENT NO. 4

Amend Section 141.015(b) in SECTION 6 of HB 1445 by deleting subsection (b) and substituting the following:

(b) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the person charged with the penalty shall:

(1) pay the penalty in full, or

(2) if the person seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post a supersedeas bond with the commission under the following conditions. If the decision or order being appealed is the first final commission decision or order assessing any administrative penalty against the person, the commission shall accept a supersedeas bond. In the case of appeal of any subsequent decision or order assessing any administrative penalty against the person, regardless of the finality of judicial review of any previous decision or order, the commission may accept a supersedeas bond. Each supersedeas bond shall be for the amount of the penalty and in a form approved by the commission and shall stay the collection of the penalty until all judicial review of the decision or order is final.

Amend Section 29.049(b) of SECTION 7 of HB 1445 by deleting subsection (b) and substituting the following:

(b) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the person charged with the penalty shall:

(1) pay the penalty in full, or

(2) if the person seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the railroad commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post a supersedeas bond with the railroad commission under the following conditions. If the decision or order being appealed is the first final railroad commission decision or order assessing any administrative penalty against the person, the railroad commission shall accept a supersedeas bond. In the case of appeal of any subsequent decision or order assessing any administrative penalty against the person, regardless of the finality of judicial review of any previous decision or order, the railroad commission may accept a supersedeas bond. Each supersedeas bond shall be for the amount of the penalty and in a form
approved by the railroad commission and shall stay the collection of the penalty until all judicial review of the decision or order is final.

Amend Section 73A(j) of SECTION 4 of HB 1445 by deleting subsection (j) and substituting the following:

(j) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the public utility, person, or corporation charged with the penalty shall:

(1) pay the penalty in full, or

(2) if the public utility, person, or corporation seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the railroad commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post a supersedeas bond with the railroad commission under the following conditions. If the decision or order being appealed is the first final railroad commission decision or order assessing any administrative penalty against the public utility, person, or corporation, the railroad commission shall accept a supersedeas bond. In the case of appeal of any subsequent decision or order assessing any administrative penalty against the public utility, person, or corporation, regardless of the finality of judicial review of any previous decision or order, the railroad commission may accept a supersedeas bond. Each supersedeas bond shall be for the amount of the penalty and in a form approved by the railroad commission and shall stay the collection of the penalty until all judicial review of the decision or order is final.

Amend Article 6062A(j) of SECTION 5 of HB 1445 by deleting subsection (j) and substituting the following:

(j) Within the 30-day period immediately following the day on which the decision or order is final as provided in Article 6252-13a, Section 16(c), Vernon's Annotated Texas Civil Statutes, as amended, the public utility charged with the penalty shall:

(1) pay the penalty in full, or

(2) if the public utility seeks judicial review of either the amount of the penalty or the fact of the violation, or both:

(A) forward the amount to the railroad commission for placement in an escrow account, or

(B) in lieu of payment into escrow, post a supersedeas bond with the railroad commission under the following conditions. If the decision or order being appealed is the first final railroad commission decision or order assessing any administrative penalty against the public utility, the railroad commission shall accept a supersedeas bond. In the case of appeal of any subsequent decision or order assessing any administrative penalty against the public utility, regardless of the finality of judicial review of any previous decision or order, the railroad commission may accept a supersedeas bond. Each supersedeas bond shall be for the amount of the penalty and in a form approved by the railroad commission and shall stay the collection of the penalty until all judicial review of the decision or order is final.

SENATE AMENDMENT NO. 5

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

SB 149 - REQUEST OF SENATE GRANTED

On motion of Representative Messer, the house granted the request of the senate for the appointment of a conference committee on SB 149.
SB 149 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 149: Messer, chair; Arnold, Russell, Wright, and Coody.

HB 622 WITH SENATE AMENDMENTS

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

HB 622, A bill to be entitled An Act relating to nonprofit corporations a purpose of which is to assist a state agency.

On motion of Representative Jackson, the house concurred in the senate amendments to HB 622.

HB 622 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 622 on page 1, SECTION 1, lines 18 and 19 as follows:
B. The books and records of a corporation except a bona fide alumni association are subject to audit [by] at the discretion of the State Auditor if both of the following obtain:

SENATE AMENDMENT NO. 2

Amend SECTION 1, lines 18 and 19, page 1 of HB 622 as follows:
B. The books and records of a corporation are subject to audit [by] at the discretion of the State Auditor if both of the following obtain:

SENATE AMENDMENT NO. 3

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

HB 1048 WITH SENATE AMENDMENTS

Representative T. Smith called up with senate amendments for consideration at this time,

HB 1048, A bill to be entitled An Act relating to the punishment of habitual offenders.

On motion of Representative T. Smith, the house concurred in the senate amendments to HB 1048.

HB 1048 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1048 on page 1, line 12, to read as follows: any term of not more than 99 years or less than 25 years.

SENATE AMENDMENT NO. 2

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

HB 54 WITH SENATE AMENDMENTS

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

HB 54, A bill to be entitled An Act relating to career education.

On motion of Representative Blanton, the house concurred in the senate amendments to HB 54.
HB 54 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 54, page 2, subsection (e), line 11, by striking the rest of the paragraph beginning with the word "$6,907,980" and inserting the words "an amount set in the General Appropriations Act".

SENATE AMENDMENT NO. 2

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

HB 825 WITH SENATE AMENDMENTS

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

HB 825, A bill to be entitled An Act relating to the definitions, registration, operation, and certification of motorcycles, motor-driven cycles, and mopeds, and the licensing of operators of those vehicles.

On motion of Representative Hackney, the house concurred in the senate amendments to HB 825.

HB 825 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend line 12, page 9, by deleting the words "and no peds".

SENATE AMENDMENT NO. 2

Amend lines 4-7, page 2 to read as follows:

(h) The Department shall issue to each person registering a moped under this Act a license plate for the moped. The license plate shall bear a distinctive lettering designation and the word "moped."

SENATE AMENDMENT NO. 3

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

HB 1422 WITH SENATE AMENDMENTS

Representative A. Smith called up with senate amendments for consideration at this time,

HB 1422, A bill to be entitled An Act relating to approval of certain insurance policy forms and documents.

On motion of Representative A. Smith, the house concurred in the senate amendments to HB 1422.

HB 1422 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1422 by inserting the following language after the word "charged" in line 44 on page 2 of the printed bill:

or the reserve required by Article 6.01 of this code is not maintained by the insurer on the policies issued upon such policy form

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
SB 1 - REQUEST OF SENATE GRANTED

On motion of Representative T. Smith, the house granted the request of the senate for the appointment of a conference committee on SB 1.

SB 1 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 1: T. Smith, chair; Peveto, Keller, Hury, and Toomey.

HB 1766 WITH SENATE AMENDMENTS

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

HB 1766, A bill to be entitled An Act relating to the protection by easement of certain real property having natural or historic value.

On motion of Representative Shaw, the house concurred in the senate amendments to HB 1766.

HB 1766 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1766 by adding a new Subsection (f) to Sec. 183.002 to read as follows:

“(f) If land that is subject to a conservation easement is no longer subject to such easement, an additional tax is imposed on the land equal to the difference, if any, between the taxes imposed on the land for each of the five years preceding the year in which the easement terminates and the taxes that would have been imposed had the land not been subject to a conservation easement in each of those years, plus interest at an annual rate of seven percent calculated from the dates on which the differences would have become due.”

SENATE AMENDMENT NO. 2

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

RESOLUTIONS REFERRED TO COMMITTEES

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

By Criss:
HCR 258, Granting Gulf Coast Regional Mental Health-Mental Retardation Center permission to sue the state.
To Committee on Judicial Affairs.

By L. Evans:
HR 430, Commending Dr. Marjorie Stuart.
To Committee on Rules and Resolutions.

By L. Evans:
HR 431, Commending Ada Ejike.
To Committee on Rules and Resolutions.

By L. Evans:
HR 432, In memory of John Taylor.
To Committee on Rules and Resolutions.
By Wieting:
HR 433, Commending the Honorable B. A. "Pete" Hartman. 
To Committee on Rules and Resolutions.

By Willis:
HR 435, In memory of Ann Brannon. 
To Committee on Rules and Resolutions.

By Willis:
HR 436, Commending the members of the Texas Christian University 
women's golf team. 
To Committee on Rules and Resolutions.

By Turner:
HR 437, Commending The Woodlands Group. 
To Committee on Rules and Resolutions.

By Robinson:
HR 438, Commending Samuel Kelley. 
To Committee on Rules and Resolutions.

By McLemore:
HR 439, Honoring Quinton Carlisle. 
To Committee on Rules and Resolutions.

By Bush:
HR 440, Commending Joe M. "Mac" Swindle. 
To Committee on Rules and Resolutions.

By Clemons:
HR 441, Commending Ida Lambert. 
To Committee on Rules and Resolutions.

By Willis:
HR 444, Congratulating the Texas Christian University basketball team. 
To Committee on Rules and Resolutions.

By Wieting:
HR 447, Commending the Honorable Percy A. Hartman. 
To Committee on Rules and Resolutions.

By Barton:
HR 448, Honoring Oran Bales. 
To Committee on Rules and Resolutions.

By Wright:
HR 449, Directing the House Committee on Public Health to study the role 
of psychologists in the mental health commitment process. 
To Committee on Public Health.

By G. Hill:
HR 450, Honoring the 100th anniversary of Brackenridge Hospital. 
To Committee on Rules and Resolutions.

By G. Hill:
HR 451, Authorizing the legislature to take appropriate action to oppose 
enactment of this legislation and any future legislation which would preempt regulatory authority of local governments over cable television. 
To Committee on Urban Affairs.
By Tejeda:
HR 452, Congratulating Virginia Aguilar.
To Committee on Rules and Resolutions.

By Wieting:
HR 453, In memory of the Honorable Joe Campbell Wade.
To Committee on Rules and Resolutions.

By Burnett:
HR 455, In memory of David Thomas.
To Committee on Rules and Resolutions.

By Carriker:
HR 456, Congratulating Emma Lee Moore.
To Committee on Rules and Resolutions.

By G. Hill:
HR 457, Granting the American Legion Boys State permission to use the House chamber on Friday, June 10, 1983.
To Committee on House Administration.

By Crockett:
HR 458, Designating Lillian Inez Litchfield Jackson a Grand Lady of the Republic.
To Committee on Rules and Resolutions.

By L. Evans:
HR 459, Commending Judge Cecil Bush.
To Committee on Rules and Resolutions.

By Wright:
HR 460, Directing the House Committee on Public Health to study the Texas Health Facilities Commission.
To Committee on Public Health.

By C. Evans:
HR 461, Electing children of members to honorary office of mascot.
To Committee on House Administration.

By C. Evans:
HR 462, In memory of Nenetta Burton Carter.
To Committee on Rules and Resolutions.

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

SB 1342 to Committee on Transportation.

CORRECTION IN REFERRAL

SB 689, relating to the requirements for a bail bondsman license was inadvertently referred to the Committee on County Affairs. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of SB 689 to the Committee on State Affairs.

HR 446 - ADOPTED

Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, HR 446.
The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

HR 446, Congratulating the Robstown High School boys’ baseball team.

The resolution was adopted without objection.

HB 897 WITH SENATE AMENDMENTS

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

HB 897, A bill to be entitled An Act relating to the protection of consumers and regulation of manufactured housing.

On motion of Representative Criss, the house concurred in the senate amendments to HB 897 by (Record 467): 123 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Connolly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Denton; Eckels; Edwards; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madla; Mankins; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Rudd; Russell; Saunders; Schluter; Schoolcraft; Shaw; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Valles; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

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

Absent, Excused — Delco; Gandy; Hightower; Salinas; Wallace.

Absent — Berlanga; Cain; Collazo; Eikenburg; English; Garcia, M.; Gibson, J.; Gilley; Hall, W.; Himonas; Kuempel; Laney; Leonard; Martinez, R.; Moreno, P.; Price; Robnett; Simpson; Uber; Vowell.

HB 897 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

HB 897 is amended as follows:

1. Amend HB 897 by deleting the words “or used” from line 49, page 2.
2. Amend HB 897 by deleting the word “manufactured” on line 4, page 4, and substituting therefor the phrase: “HUD-code manufactured”.
3. Amend HB 897 by deleting the word “violating” on line 68, page 5, and substituting therefor the following phrase: “or the violation of”.
4. Amend HB 897 by deleting the word “Affairs” on line 31, page 8, and substituting therefor the word “Development”.
5. Amend HB 897 by adding the phrase “or are” before the word “erected” on line 7, page 8.
6. Amend HB 897 by deleting SECTION 20 and substituting therefor the following: “SECTION 20. Nothing in this Act shall be construed to limit or diminish, nor increase nor add to, the authority of cities, towns or villages, including home rule cities, to limit or otherwise regulate the location of manufactured homes, HUD-code manufactured homes, or mobile homes. Whatever authority such municipalities possess prior to the effective date hereof is not changed by this legislation.

SENATE AMENDMENT NO. 2

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

HB 1304 WITH SENATE AMENDMENT

Representative Criss called up with senate amendment for consideration at this time,

HB 1304, A bill to be entitled An Act relating to the authority of certain cities concerning port and harbor improvements and facilities.

On motion of Representative Criss, the house concurred in the senate amendment to HB 1304 by (Record 468): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agrich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; Delay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, W.; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurst; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Luna; McKenna; McWilliams; Madia; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangel; Robinson; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Sheer; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delco; Gandy; Hightower; Salinas; Wallace.

Absent — Cain; Crockett; English; Gilley; Harrison, D.; Hellin; Hinojosa; Leonard; Mankins; Martinez, R.; Moreno, P.; Price; Robnett; Simpson; Vowell.

HB 1304 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1304, A bill to be entitled An Act relating to the authority of certain cities concerning port and harbor improvements and facilities.

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

SECTION 1. Sections 1-11, Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. This Act shall apply to every incorporated city or town (including Home Rule Cities) located on the coast of the Gulf of Mexico, or any channel, canal,
bay or inlet connected therewith, having a population of more than five thousand (5,000) inhabitants according to the Federal Census last preceding the taking of any action by such city under the provisions of this Act. Every such city or town owning and operating port facilities (referred to hereinafter as "city") is hereby empowered and authorized to build, construct, purchase, acquire, lease as lessee, improve, enlarge, extend, repair, maintain, replace, develop, operate, lease, or cause to be built, constructed, purchased, acquired, leased, improved, enlarged, extended, repaired, maintained, replaced, developed, or operated, any and all improvements and facilities which the governing body thereof deems to be necessary or convenient for the proper operation of the ports or harbors of such city. These powers are public and governmental functions, exercised for a public purpose, and matters of public necessity. Without in any way limiting the generalization of the foregoing, it is expressly provided that such improvements and facilities mentioned above shall include lands, interests in lands, properties, wharves, piers, docks, roadways, belt railways, warehouses, grain elevators, transport facilities, handling facilities, storage facilities, ship repair facilities, bunkering facilities, floating plants and facilities, lightering facilities, towing facilities, any other facilities which a navigation district is or may be authorized to provide by general law or specific act, and all and any equipment and supplies, and all other structures, buildings, and facilities which the governing body deems to be necessary or convenient for the proper operation of the ports or harbors of such city. The improvements and facilities mentioned in this Section I are hereinafter referred to as the "improvements and facilities." The [any city may construct] improvements and facilities may be constructed on land acquired by purchase, lease, or otherwise and may convey such land, or interest therein, or such improvements and facilities may be conveyed by lease [as lessor], sublease [as sublessor] or sale by installment or otherwise upon the terms and conditions as [the city] may be determined [determine] to be advantageous.

Sec. 2. For the purpose of providing funds for any of the improvements and facilities provided in Section I hereof, the governing body of the city shall have the power and authority to issue from time to time bonds or other obligations payable from taxes or revenues [tax bonds or revenue bonds of said city, either] or both; provided, however, that no bonds or other obligations payable from ad valorem taxes, except for refunding [bonds], shall be issued unless and until they have been authorized at an election at which a majority of the persons qualified to vote and voting at said election have voted in favor thereof, said election to be called and held under the provisions of and in accordance with Chapter I of Title 22, Revised Civil Statutes of Texas, 1925, as the same is now or may hereafter be amended. Notwithstanding the provisions or restrictions of any general or special law or charter to the contrary, no election shall be required to authorize the issuance under this Act of bonds or other obligations payable solely from revenues if such bonds or other obligations do not constitute a debt of the city or a pledge of its faith and credit and if the owner or holder of any such bond or other obligation shall never have the right to demand payment out of any funds raised or to be raised by taxation.

Sec. 3. (a) While any revenue bonds or other obligations issued under the provisions of this Act or any interest thereon remain outstanding and unpaid, the management and control of such improvements and facilities and the physical properties comprising the same) and of the income and revenue from them, including the authority to fix charges, prepare budgets, and authorize expenditures, by the terms of the ordinance authorizing the issuance of such bonds or other obligations may be placed in the hands of the governing body of the city or may be placed in the hands of a board of trustees to be named in such ordinance, consisting of not more than seven (7) members, one (1) of whom shall be a member of the
governing body of such city; provided, if the city is operating under a Home Rule Charter and said Charter contains provisions requiring that the improvements and facilities be managed or controlled by a board of trustees, then the provisions of such Charter shall be followed. The compensation of the members of the board of trustees, the terms of office of such members, their powers and duties, the manner of exercising the same, the election or appointment of their successors, and all matters pertaining to their organization and duties shall be specified in said ordinance; provided, if the city is operating under a Home Rule Charter as mentioned above and the Charter contains provisions relating to any of the foregoing matters mentioned in this sentence, it is expressly provided that the provisions of such ordinance relating to such matters shall be in accordance with and governed by the Charter provisions. In all matters where such ordinance or Charter are silent, the laws and rules governing the governing body of the city shall govern said board of trustees so far as applicable.

(b) If the management and control of the improvements and facilities is placed in the hands of a board of trustees by ordinance or Charter under Subsection (a) of this section, the board of trustees constitutes a body politic and corporate for the purpose of issuing bonds or other obligations and shall have and exercise, in addition to the powers enumerated in the ordinance or Charter, the following powers and authority:

1. to exercise full management, control, maintenance, and operation of the improvements and facilities constituting the ports and harbors of the city;
2. to employ a general manager and other officers, employees, and representatives as the board may consider appropriate and to fix their duties and compensation;
3. to prepare and adopt budgets, fix charges for services and facilities, authorize expenditures, and manage and control the income and revenue of the city’s ports and harbors;
4. to determine policies and establish rules and procedures for the operation of the ports and harbors of the city;
5. to acquire property and interest in property for the purposes set forth in Section 1 of this Act in the manner provided by this Act and to construct improvements and facilities on the property;
6. to contract in its own name, but not in the name of the city. Except as otherwise provided by this Act, all such contracts involving the expenditure of more than $5,000 shall be awarded only pursuant to competitive bids. However, competitive bids are not required for contracts for personal or professional services, real estate transactions, operation of port facilities or improvements under specific agreements for a limited term, or insurance, or if the board of trustees determines that the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of port operations;
7. to issue in the name of the board, with the consent of the governing body of the city, revenue bonds or other obligations payable from revenues in the manner set out in this Act for the purpose of providing funds for any of the improvements and facilities provided by Section 1 of this Act or to refund any previously issued bonds or other obligations;
8. to issue in the name of the board, with the consent of the governing body of the city, current expense warrants drawn against all or any part of the current revenues of the board to pay current expenses during the current fiscal year of the board or any part of the current fiscal year. However, in no event shall the aggregate amount of the warrants that are outstanding at any time during any fiscal year exceed 50 percent of the revenues budgeted for that fiscal year after subtracting from the budgeted revenues all principal and interest on bonds or obligations other than current expense warrants to be paid from the revenues during the fiscal year;
(9) to evidence contractual obligations to pay money by issuing in the name of the board, with the consent of the governing body of the city, certificates of participation in the contractual obligations;

(10) to sue and be sued in its own name;

(11) to adopt, use, and alter a corporate seal; and

(12) to establish a port security force and to commission one or more employees of the force as peace officers if they are certified as qualified to be peace officers by the Commission on Law Enforcement Officer Standards and Education, which peace officers commissioned under this Act are vested with all the rights, privileges, obligations, and duties of any other peace officer in this state while they are on the property under the control of the board of trustees, or in the actual course and scope of their employment.

Sec. 4 [3]. (a) Revenue bonds and other obligations issued under this Act and payable from revenues may be paid from and secured solely by a pledge of and payable from the net revenues derived or to be derived from the operation of all or any designated part or parts of the improvements and facilities then in existence or to be improved, constructed, or otherwise acquired, with the duty of the issuer [city] to charge and collect fees, tolls, and charges, so long as such [any of the revenue] bonds or other obligations or interest thereon are outstanding and unpaid, sufficient to pay all maintenance and operation expenses of the improvements and facilities (the net revenues of which are pledged), the interest on such bonds or other obligations as it accrues, the principal of such bonds or other obligations as it matures, and to make any and all other payments as may be prescribed in the bond ordinance or resolution and other proceedings authorizing and relating to the issuance of such bonds or other obligations. [If a city ordinance adopted under Section 7 of this Act places management and control of the improvements, facilities, and properties under a board of trustees while revenue bonds and the interest on them remain outstanding or unpaid, the board of trustees, if authorized by Home Rule Charter, may fix charges, authorize expenditures, prepare budgets, and otherwise manage and control the pledged revenues.] "Net revenues" as used herein shall mean the gross revenues derived from the operation of those improvements and facilities the net revenues of which are pledged to the payment of the bonds or other obligations less (a) the reasonable expenses of maintaining and operating said improvements and facilities, and said maintenance and operation expenses shall include, among other things, necessary repair, upkeep, and insurance of said improvements and facilities, and (b) if the city is operating under a Home Rule Charter, any annual payment of the city as may be set out in said Charter. Revenue bonds and other obligations payable from revenues issued hereunder may be sold at public or private sale, notwithstanding the provisions or restrictions of any general or special law or Charter to the contrary.

(b) [Sec. 3A. Revenue [Notwithstanding anything to the contrary in Section 3 or 7, revenue] bonds or other obligations payable from revenues may be issued secured solely by a pledge of all or any part of the revenue from any leases, subleases, sales or contracts of sale entered into by the [a] city or the board with respect to the improvements and facilities to be financed with such revenue] bonds or other obligations or [and such revenue bonds] may be additionally secured by a trust indenture and by a mortgage or deed of trust lien or security interest upon such improvements and facilities. In connection with the issuance of such revenue bonds or other obligations payable from revenues, the city or the board may lease as lessor, sublease as sublessor or sell to any person, firm, corporation, partnership, political subdivision of the State of Texas, or agency of the United States of America, all or any part of any improvements and facilities to be constructed or acquired with the proceeds of such [revenue] bonds or other obligations, said lease, sublease, sale or contract of sale to contain such terms and provisions (including in the case of
a lease, but not by way of limitation, provisions to sell the improvements and facilities at the termination of said lease and provisions relating to management and operation of the improvements and facilities by the lessee thereof as the city or the board may determine to be advantageous to the city. The terms of said lease or contract of sale may provide that the lessee or purchaser of the improvements and facilities is contractually unconditionally obligated to make payments to the city for use or purchase of the facilities or improvements in amounts adequate to timely pay principal, interest, and premium on the revenue bonds or other obligations of the city issued to finance the construction or acquisition of said facilities and improvements. [Revenue bonds issued hereunder may be sold at public or private sale; notwithstanding the provisions or restrictions of any general or special law or charter to the contrary:]

Sec. 5 [4]. The ordinance of the governing body or the resolution of the board authorizing the issuance of bonds or other obligations payable from revenues [in the ordinance adopted by the governing body authorizing the issuance of any revenue bonds and in the proceedings relating thereto; the governing body] may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, reserve fund or funds, and any other funds provided for therein, and may provide where such funds shall be deposited, and may make such additional covenants with respect to the bonds or obligations and the pledged revenues and the operation, maintenance, and upkeep of those improvements and facilities (the net revenues of which are pledged), including provision for the leasing of all or any part or parts of said improvements and facilities and the use or pledge of moneys derived from leases thereof, as may be considered [it may deem] appropriate. Said ordinance or resolution and other proceedings may also prohibit the further issuance of bonds or other obligations payable from the pledged revenues, or may reserve the right to issue additional bonds or obligations to be secured by a pledge of and payable from said net revenues on a parity with, or subordinate to, the lien and pledge in support of the bonds or obligations being issued, subject to such conditions as are set forth in said ordinance or resolution or other proceedings. Said ordinance or resolution and other proceedings may provide for an annual payment to the general fund of the city of such an amount as may be specified in said ordinance, resolution, or proceedings or as may be specified in the Home Rule Charter of the city if it is operating under such a Charter, said annual payment to be made from revenues received from the operation of the improvements and facilities [(the net revenues of which are pledged) to the payment of the bonds]. Said ordinance or resolution and other proceedings may also provide that surplus net revenues received from the operation of the improvements and facilities (the net revenues of which are pledged) may be used for the payment of interest on and principal of any tax bonds or obligations issued by the city under this Act. Such ordinance or resolution and other proceedings may contain such other provisions and covenants [as the governing body shall determine] not prohibited by the Constitution of the State of Texas or by this Act (provided, however, that if the city is operating under a Home Rule Charter and said Charter contains provisions relating to the improvements and facilities, such ordinance or resolution and other proceedings shall be in keeping with such Charter provisions if such Charter provisions are not inconsistent with the provisions of this Act], and the governing body may adopt and cause to be executed any other proceedings or instruments necessary or convenient in the issuance of said revenue bonds.

Sec. 6 [5]. (a) Obligations payable from taxes and [All bonds of the city (tax bonds and revenue bonds)] issued pursuant to the provisions of this Act shall be authorized by ordinance of the governing body of the city, shall be issued in the name of the city, shall be signed by the mayor (or presiding officer) of the city and countersigned by the city secretary (or city clerk), and shall have the seal of the city.
impressed thereon; provided, that the ordinance [authorizing the issuance of such bonds] may provide for the obligations [bonds] to be signed by the facsimile signatures of said officers, either or both, and for the seal of the city on the obligations [bonds] to be a printed facsimile seal; and provided further that any [the] interest coupons attached to said obligations [bonds] may also be executed by the facsimile signatures of said officers. Said obligations [bonds] shall mature serially or otherwise in not to exceed forty (40) years from their date or dates, and shall be sold at public or private sale at a price and under terms determined by the governing body to be the most advantageous and reasonably obtainable, provided that the obligations shall bear interest at a rate or rates not exceeding the maximum permitted by law [the interest cost to the city, calculated by the use of standard interest tables then currently in use by insurance companies and investment houses; does not exceed six percent (6%) per annum], and within the discretion of the governing body such obligations [bonds] may be callable prior to maturity at such time or times and at such price or prices as may be prescribed in the ordinance authorizing the obligations [bonds]. Such obligations [bonds] may be made registrable as to principal, or as to both principal and interest.

(b) Obligations that are payable from revenues and that are issued pursuant to this Act shall be authorized by ordinance of the governing body of the city, issued in the name of the city, and signed, countersigned, and sold and bear interest as provided by Subsection (a) of this section or, if management and control have been placed in the hands of a board of trustees pursuant to this Act, the obligations may be authorized by resolution of the board of trustees. If the obligations are authorized by resolution of the board of trustees, they shall be issued in the name of the board of trustees, shall be signed by the chairman (or presiding officer) of the board of trustees and countersigned by the secretary or assistant secretary; and shall have the seal of the board of trustees impressed on them. The resolution may provide for facsimile signatures and seals on the obligations and on any interest coupons attached to the obligations. The obligations shall mature serially or otherwise in not to exceed forty (40) years from their date or dates, and shall be sold at public or private sale at a price and under terms determined by the board of trustees to be the most advantageous reasonably obtainable. The obligations shall bear interest at a rate or rates not exceeding the maximum permitted by law, and may be made callable prior to maturity at such times and prices as may be prescribed in the resolution. The obligations may be made registrable as to principal, or as to both principal and interest.

(c) All obligations authorized under this Act (other than current expense warrants) [After bonds have been authorized by the city such bonds] and the record relating to their issuance shall be submitted to the Attorney General of the State of Texas for his examination as to the validity thereof, and if such obligations [bonds] have been authorized in accordance with this Act, the said Attorney General shall approve the same. After such approval, such obligations [bonds] shall be registered by the Comptroller of Public Accounts of the State of Texas. When such obligations [bonds] have been approved by the Attorney General, registered by the Comptroller of Public Accounts, and delivered to the purchasers, they shall thereafter be incontestable except for forgery or fraud. When any revenue obligations [bonds] recite that they are secured partially or otherwise by a pledge of the proceeds of a contract or contracts (including lease contracts) [made between the city and another party or parties (public agencies or otherwise)], a copy of such contract or contracts and of the proceedings authorizing the same shall be submitted to the Attorney General along with the [bond] record, and the approval by the Attorney General of the obligations [bonds] shall constitute an approval of such contract or contracts, and thereafter the contract or contracts shall be incontestable except for forgery or fraud.
Sec. 7. [6]. From the proceeds of sale of any obligations [bonds] issued under the provisions of this Act, there may be appropriated [the governing body may appropriate] or set aside out of such proceeds (i) an amount for the payment of interest expected to accrue during the period of construction, (ii) an amount necessary to pay all expenses incurred and to be incurred in the issuance, sale, and delivery of the obligations [bonds], and, (iii) [in the case of revenue bonds,] such amount or amounts as may be prescribed by the [bond] ordinance or resolution authorizing their issuance to be deposited into the reserve fund or funds and into any other funds specified in the ordinance or resolution; as specified in said ordinance.

[Sec. 7. While any revenue bonds issued under the provisions of this Act or any interest thereon remain outstanding and unpaid, the management and control of such improvements and facilities (and the physical properties comprising the same) and of the income and revenue from them, including the authority to fix charges, prepare budgets, and authorize expenditures, by the terms of the ordinance authorizing the issuance of such bonds may be placed in the hands of the governing body of the city or may be placed in the hands of a board of trustees to be named in such ordinance, consisting of not more than seven [7] members, one (1) of whom shall be a member of the governing body of such city; provided, if the city is operating under a Home Rule Charter and said Charter contains provisions requiring that the improvements and facilities be managed or controlled by a board of trustees, then the provisions of such Charter shall be followed. The compensation of the members of the board of trustees, the terms of office of such members, their powers and duties, the manner of exercising the same, the election or appointment of their successors, and all matters pertaining to their organization and duties shall be specified in said ordinance; provided, if the city is operating under a Home Rule Charter as mentioned above and the Charter contains provisions relating to any of the foregoing matters mentioned in this sentence, it is expressly provided that the provisions of such ordinance relating to such matters shall be in accordance with the city; provided, if the city is operating under a Home Rule Charter as mentioned above and the Charter contains provisions relating to any of the foregoing matters mentioned in this sentence, it is expressly provided that the provisions of such ordinance relating to such matters shall be in accordance with any other provisions contained therein.

Sec. 8. (a) The governing body of the city shall have the power and authority to issue tax obligations [bonds] for the purpose of refunding any outstanding tax obligations [bonds] (original or refunding) issued by the city under the provisions of this Act under the procedures set out in this Act or in any other manner authorized by law [and accrued interest thereon]. Such refunding bonds may be issued to refund bonds of more than one series or issues of outstanding tax bonds. Such refunding bonds shall bear interest at the same or lower rate than that of the bonds refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid.

(b) The governing body of the city or the board of trustees shall have the power and authority to issue obligations payable from revenues [revenue bonds] for the purpose of refunding any outstanding obligations payable from revenues [revenue bonds] (original or refunding) issued by the city under the provisions of this Act, or heretofore issued for any of the purposes covered by Section 1 of this Act or payable from the revenues of any of the improvements and facilities covered by said Section 1, under the procedures set out in this Act or in any other manner authorized by law [and accrued interest thereon]. Revenue refunding obligations [bonds; at the option of the governing body;] may be combined with new or original revenue obligations [bonds] into one series or issue [of bonds]. Such revenue refunding obligations [bonds] may be issued to refund obligations [bonds] of more than one series or issue [of outstanding revenue bonds] and combine pledges for the outstanding obligations [bonds] for the security of the refunding obligations.
[bonds], and [such revenue-refunding bonds] may be secured by pledges of other net revenues and additional net revenues; provided, that such refunding will not impair the contract rights of the holders of any of the outstanding revenue obligations [bonds] which are not to be refunded. Revenue refunding obligations [bonds] may bear interest at a rate higher than that borne by the obligations [bonds] refunded; provided, that such interest rate shall not exceed the rate specified in [Section 6 of] this Act.

(c) Refunding obligations [bonds (both tax refunding bonds and revenue refunding bonds)] shall be authorized [by ordinance of the governing body of the city] and shall be executed and mature as is provided in this Act for original obligations [bonds]. They shall be approved by the Attorney General of the State of Texas as in the case of original obligations [bonds], and shall be registered by the Comptroller of Public Accounts of the State of Texas upon surrender and cancellation of the obligations [bonds] to be refunded; but in lieu thereof, the ordinance or resolution authorizing their issuance may provide that they shall be sold at public [sale if they are tax refunding bonds and at public] or private sale [if they are revenue refunding bonds] and the proceeds thereof deposited in any [the] place or places where any of the underlying obligations [bonds] are payable, or with the State Treasurer, in which case the refunding obligations [bonds] may be issued in an amount sufficient, not only to pay the principal of the underlying obligations [bonds], but also to pay the interest on the underlying obligations [bonds] to their option or maturity dates, and the Comptroller of Public Accounts shall register them without the surrender and cancellation of the underlying obligations [bonds]. In those situations where the proceeds of revenue refunding obligations [bonds] are deposited in a [the] place or places where the underlying obligations [bonds] are payable, or with the State Treasurer, they shall be so deposited under an escrow agreement so that such proceeds and [at the option of such city, any] interest earned from the investment of such proceeds as hereinafter provided, will be available for the payment of the interest on and principal of said underlying obligations [bonds] as such interest and principal respectively become due; and such escrow agreement may provide that such proceeds may, until such time as the same are needed to pay interest and principal as the same become due, be invested in direct obligations of the United States of America, in which instances the interest earned on such investments may be pledged to the payment of the principal of and interest on the underlying obligations [bonds], the refunding obligations [bonds] or shall be considered as revenues of the improvements and facilities.

(d) When any refunding obligations [bonds (both tax refunding bonds and revenue refunding bonds)] have been approved by the Attorney General and registered by the Comptroller of Public Accounts, they shall thereafter be incontestable except for forgery or fraud.

(e) All the provisions of this Act relating to original obligations [bonds], insofar as the same may be made applicable, shall also apply to refunding obligations [bonds] issued hereunder [both tax refunding bonds and revenue refunding bonds].

Sec. 9. Insofar as the same may be applicable, the provisions of Article 1111 to 1118, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto, shall apply to revenue obligations [bonds] issued under the provisions of this Act, and any city covered by this Act shall have, with respect to revenue obligations [bonds] issued hereunder, all the powers granted by said Statutes. However, where the provisions of said Statutes are in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall govern and prevail. Further, it is expressly provided that the city shall have no power or authority to mortgage or encumber the physical properties of the improvements and
facilities being financed in whole or in part by obligations [bonds] payable from ad
valorem taxes, unless authorized at the election required by Section 2 of this Act.

Sec. 10. All obligations [bonds] issued under the provisions of this Act [tax
bonds and revenue bonds, and original bonds and refunding bonds] shall be, and
are hereby declared to be, investment securities under Chapter 8 of the Business &
Commerce Code and [to have all the qualifications of, negotiable instruments under
the Negotiable Instruments Law of the State of Texas; and all such bonds] shall be,
and are hereby declared to be, legal and authorized investments for banks, savings
banks, trust companies, savings [building] and loan associations, insurance
companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns,
villages, counties, school districts, or other political corporations or subdivisions
of the State of Texas. Such obligations [bonds] shall be eligible to secure the deposit
of any and all public funds of the State of Texas, and any and all public funds of
cities, towns, villages, counties, school districts, or other political corporations or
subdivisions of the State of Texas, and such obligations [bonds] shall be lawful and
sufficient security for said deposits to the extent of their face value when
accompanied by all unmatured interest coupons appurtenant thereto.

Sec. 11. Notwithstanding any provision of this Act to the contrary, a board
of trustees created under this Act shall have no power to issue bonds or other
obligations or to sell any real property unless the governing body of the city approves
such issue or such sale by ordinance.

Sec. 12. This Act is cumulative of all existing laws of the State of Texas that
are applicable, but when any action is taken [a city acts] under the provisions of this
Act, to the extent that such existing laws may be in conflict or inconsistent with
the provisions of this Act, the provisions of this Act shall govern and prevail.

SECTION 2. Article 2.12, Code of Criminal Procedure, 1965, is amended to
read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:
(1) sheriffs and their deputies;
(2) constables and deputy constables;
(3) marshals or police officers of an incorporated city, town, or village;
(4) rangers and officers commissioned by the Public Safety Commission and
the Director of the Department of Public Safety;
(5) investigators of the district attorneys', criminal district attorneys', and
county attorneys' offices;
(6) law enforcement agents of the Alcoholic Beverage Commission;
(7) each member of an arson investigating unit of a city, county or the state;
(8) any private person specially appointed to execute criminal process;
(9) officers commissioned by the governing board of any state institution of
higher education, public junior college or the Texas State Technical Institute;
(10) officers commissioned by the State Purchasing and General Services
Commission [Board of Control];
(11) law enforcement officers commissioned by the Parks and Wildlife
Commission;
(12) airport security personnel commissioned as peace officers by
the governing body of any political subdivision of this state that operates an airport
served by a Civil Aeronautics Board certificated air carrier;
(13) municipal park and recreational patrolmen and security officers; [and]
(14) security officers commissioned as peace officers by the State Treasurer;
and
(15) officers commissioned by a board of trustees under Chapter 341, Acts of
the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil
Statutes).
SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 894 WITH SENATE AMENDMENT

Representative Presnal called up with senate amendment for consideration at this time.

HB 894, A bill to be entitled An Act relating to fees imposed and collected by state agencies.

On motion of Representative Presnal, the house concurred in the senate amendment to HB 894.

HB 894 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HB 894 by adding the following language at the end of Section 2:
This Act does not apply to tuition charged by institutions of higher education.

HB 2371 WITH SENATE AMENDMENT

Representative Presnal called up with senate amendment for consideration at this time.

HB 2371, A bill to be entitled An Act relating to establishment of a juvenile board in Brazos County.

On motion of Representative Presnal, the house concurred in the senate amendment to HB 2371.

HB 2371 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 2371, A bill to be entitled An Act relating to establishment of a juvenile board in Brazos County.

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

SECTION 1. ESTABLISHMENT. There is established a juvenile board in Brazos County. The official name of the board is the Brazos County Juvenile Board.

SECTION 2. COMPOSITION. The juvenile board consists of the district judge, the county judge, the judge of the county court at law, and one citizen member appointed by the judges to serve a two-year term. The county judge shall serve as the chairman.

SECTION 3. MEETINGS. The juvenile board shall hold regular quarterly meetings each year on dates set by the board and shall hold special meetings at the call of the chairman.

SECTION 4. COMPENSATION. In addition to the reimbursement prescribed by Section 9 of this Act, the judges on the juvenile board shall receive an annual salary set by the commissioners court in an amount of not less than $600 or more than $1,200, and the citizen member shall receive an annual salary set by the commissioners court of not more than $600, payable in equal monthly installments out of the general fund or any other available fund of the county. The compensation authorized by this section is in addition to all other compensation provided or allowed by law for a judge.

SECTION 5. FISCAL OFFICER. The juvenile board shall designate a person as the board's fiscal officer. The fiscal officer shall deposit state aid received
from the Texas Juvenile Probation Commission under Chapter 75, Human Resources Code, into a special fund to be used solely for juvenile probation services.

SECTION 6. POWERS. The juvenile board has all the powers conferred on juvenile boards created under Article 5139, Revised Statutes, or by other law.

SECTION 7. DUTIES. In addition to the duties imposed by general law, the juvenile board shall:

1. establish a juvenile probation department and employ personnel, including a director of juvenile services and assistant probation officers if more than one officer is needed, who meet the standards set by the Texas Juvenile Probation Commission to conduct probation services;

2. designate one or more courts as a juvenile court and appoint referees as prescribed by Sections 51.04 and 54.10, Family Code;

3. inspect the juvenile detention facilities of the county on at least an annual basis and certify in writing to the authorities responsible for operating and providing financial support to the facilities that the facilities are suitable or unsuitable for the detention of children as prescribed by Section 51.12, Family Code;

4. report annually to the commissioners court on the suitability of the quarters and facilities of the juvenile court and make recommendations for improvements; and

5. operate or supervise juvenile services at the county level and make recommendations as to the need for and purchase of services.

SECTION 8. PERSONNEL. (a) The director of juvenile services may appoint necessary personnel and set their salaries and allowances with the approval of the board. The director and other juvenile probation officers serve at the pleasure of the appointing authority.

(b) The commissioners courts shall pay the salaries of juvenile probation personnel and other expenses certified by the chairman of the juvenile board as necessary out of the general funds of the counties.

SECTION 9. EXPENSES. The commissioners court shall reimburse a member for the member's reasonable and necessary job-related expenses. Reimbursable expenses include travel, lodging, training, and educational activities. All expenses are paid from the general fund or any other available fund of Brazos County.

SECTION 10. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Messer in the chair)

COMMITTEE APPOINTED

The chair announced the appointment of the following committee, pursuant to HCR 151, to escort Senator John Tower to the speaker's rostrum: Representatives A. Smith, chair; T. Smith, Agnish, Craddick, Delay, Eikenburg, Emmett, Fox, Geistweidt, A. Hill, Horn, Jackson, Jones, Patrick, Pennington, Pierce, Robnett, Schoolcraft, Staniswalis, Vowell, Wright, and Khoury.

(Hightower now present)

HOUSE AT EASE

At 11:25 a.m., the chair announced that the house would stand at ease.
The chair called the house to order at 11:29 a.m.

ADDRESS BY SENATOR JOHN TOWER

(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of HCR 151, providing for a joint session of the senate and the house of representatives today for the purpose of hearing an address by United States Senator John Tower, Lieutenant Governor William P. Hobby and the honorable senators were announced at the door of the house and were admitted.

The senators occupied seats arranged for them.

(Speaker in the chair)

At 11:34 a.m., Senator John Tower and party, escorted by Senators Harris, Leedom, McFarland, Farabee, and Brown, committee on the part of the senate; and Representatives A. Smith, chair; T. Smith, Aglich, Craddick, DeLay, Eikenburg, Emmett, Fox, Geistweidt, A. Hill, Horn, Jackson, Jones, Patrick, Pennington, Pierce, Robnett, Schoolcraft, Staniswalis, Vowell, Wright, and Khoury, committee on the part of the house, were announced at the door of the house and, being admitted, were escorted to the speaker's rostrum.

Lieutenant Governor William P. Hobby called the senate to order.

A quorum of the senate was announced present.

The Honorable Gibson D. Lewis, Speaker of the House, called the house of representatives to order.

Speaker Lewis directed all members present to register.

A quorum of the house was announced present.

Speaker Lewis stated that the two houses were in joint session for the purpose of hearing an address by the Honorable John Tower, United States Senator from the State of Texas.

Speaker Lewis introduced District Judge James Nowlin to the joint session.

Speaker Lewis recognized Representative Craddick who addressed the joint session briefly and introduced Senator John Tower.

Senator Tower addressed the joint session.

SENATE RECESSES

At 11:56 a.m., Lieutenant Governor Hobby stated that the business of the joint session had been accomplished and that the senate would recess until 1:30 p.m.

HOUSE AT EASE

At 11:56 a.m., the speaker announced that the house would stand at ease pending the departure of the guests.

(Vowell and Gilley now present)

The speaker called the house to order at 12:02 p.m.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, scheduled to meet on noon recess, will meet on adjournment, speakers committee room.

Natural Resources, on noon recess today, Desk 70, to consider SB 1241, SB 1350, and HB 2429.
RULES SUSPENDED

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider SB 1241, SB 1350, and HB 2429.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

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

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 1 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Sarpalis, Farabee, Caperton, Glasgow, Lyon.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 100 by 29 yeas, 0 nays; SB 1141 by 29 yeas, 0 nays; SB 1152 by viva voce vote.

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

HCR 224 by Kuempel, commending Mrs. Jane Weinert Blumberg.
SCR 129 by Brooks, acknowledging the important contributions of Spain and General Bernardo Galvez in the American War of Independence.
SCR 130 by Brown, recalling HB 1505 from the house.

The Senate has discharged the conferees for SB 354 and concurred in House amendments by viva voce vote.

Local and Uncontested Calendar

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

SCR 57 by Mauzy, directing the State Department of Highways and Public Transportation to begin a study of the design, color, size and shape necessary to commemorate the Texas Sesquicentennial on license plates.
SCR 113 by Uribe, urging the Houston Metropolitan Transit Authority to purchase buses manufactured in Texas.
SCR 115 by Sanisteban, granting L. Moody Bennett permission to sue the state.
SCR 116 by Brooks, granting Mitchell Development Corporation of the Southwest permission to sue the state.
SCR 123 by Blake, authorizing the lieutenant governor and speaker to appoint joint committees during the interim.
SCR 125 by Uribe, granting Ramon Murillo, Jr., and Graciela Murillo permission to sue the state.
SCR 126 by Brown, directing the Public Utility Commission of Texas to study and examine alternatives for resolving the problems resulting from triplicate telephone service.

SB 4 by Doggett and Caperton, relating to the date on which the terms of office expire for members of the boards of regents of The University of Texas System.
SB 736 by Henderson, relating to certain specifications for qualifying for premium reductions under homeowners insurance.

SB 1081 by Caperton, relating to suits for custody and support of children after entry of a foreign divorce decree.

SB 1134 by Henderson, relating to motor vehicle insurance.

SB 1347 by Parmer, relating to the regulation of the care and treatment of animals in boarding or riding stables.

SB 1375 by Parker, relating to the establishment of a juvenile board in Chambers County.

SB 1391 by Brooks, relating to regulation of the administration of medications in convalescent homes.

SB 1406 by Uribe, relating to the authority of the Commissioners Court of Cameron County to establish and operate or contract for operation of a water supply or sewage system.

SB 1408 by Truan, relating to allowing an incorporated city or town or other political subdivision of the state to issue a permit to a nonprofit organization for the construction of apartment houses.

SB 1425 by Brown, relating to the amendment of a condominium declaration.

Respectfully,
Betty King
Secretary of the Senate

RECESS

Representative Watson moved that the house recess until 2 p.m. today. The motion prevailed without objection. The house accordingly, at 12:06 p.m., recessed until 2 p.m. today.

AFTERNOON SESSION

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

HB 716 - NOTICE GIVEN

Representative Haley gave notice that he would, on the next legislative day, call from the table HB 716.

HCR 158 - ADOPTED

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 158. The motion prevailed without objection. The speaker laid before the house the following resolution:

By Wilson:

HCR 158, Commending Elspeth Davies Rostow.

Representative Wilson offered the following amendment to the resolution:

Amend HCR 158 by inserting between the first and second resolving clauses the following:

"RESOLVED, That the Texas Legislature hereby designate Tuesday, May 31, 1983, as "Elspeth Rostow Day in Texas" to honor this illustrious educator; and, be it further."

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

On motion of Representative G. Hill, the names of all the members of the house were added to HCR 158 as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

The Honorable Speaker of the House of Representatives

House Chamber

The Honorable

Mr. Speaker:

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

HCR 252 by A. Smith, commending Miss Clara W. Bewic.
HB 896 by Criss, relating to unemployment compensation and the taxes levied for benefits and for the principal of and interest on federal advances. (amended)
HB 1409 by Jackson, relating to the authority of certain cities to impose a hotel occupancy tax and declaring an emergency.
CSHB 1174 by Schlueter, relating to the establishment and funding of mutual consent voluntary adoption registries.
HB 1474 by Craddick, relating to the provision of dangerous drugs by licensed physicians who practice in rural areas. (amended)

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

Local and Uncontested Calendar

HB 79 by Leonard, relating to the frequency with which employers must pay wages.
HB 100 by Waldrop, relating to courses held by a community college in facilities of a school district located outside the community college district.
HB 101 by Waldrop, relating to coordinating board approval of junior college construction financed with funds from a source other than the state and to the use of student fees for junior college construction.
HB 229 by S. Hudson, relating to acknowledgments of paternity on birth certificates.
HB 359 by Hinojosa, et al., relating to the compensation of the judges of the district courts in Hidalgo County.
HB 399 by Buchanan, relating to the name and terms of office for directors of the Ground Water Conservation District No. 2, north of the Canadian River.
HB 423 by G. Hill, relating to recovery of collection expense for furnishing labor and materials and to recovery of attorneys' fees and other expenses of defending invalid claims for furnishing labor and materials.
CSHB 501 by Polumbo, relating to landowner consent for hunting or discharging firearms in certain counties.
HB 524 by Laney, relating to the rulemaking procedure of the Department of Agriculture and the Texas Animal Health Commission. (amended)
HB 555 by C. Evans, relating to the location of annexation hearings conducted by a city. (amended)
HB 644 by DeLay, relating to the authority of school districts to put records and reports on microfilm.
HB 669 by Laney, relating to agricultural cooperatives.
HB 706 by Salinas, relating to the issuance of daily temporary mixed beverage permits.
HB 713 by DeLay, relating to the authority of a county to pay certain expenses incurred by another county for the extension of a farm-to-market road.
HB 723 by Blanton, et al., relating to the basic skills assessment instrument required in public schools.
HB 729 by D. Hudson, relating to the limitations period for filing an application for compensation under the Crime Victims Compensation Act.
HB 741 by Jackson, relating to the deadline for filing an application for a place on a primary election ballot. (amended)
HB 747 by Burnett, relating to application of the offense of disorderly conduct to looking into a room in a hotel or similar establishment for a lewd or unlawful purpose.
HB 861 by Rudd, relating to the authority of the court to impose on a defendant a requirement that the defendant participate in a community-service project as a term of probation.
HB 867 by DeLay, relating to payment of certain benefits to family and dependents of a deceased insured under group accident and health insurance.
HB 877 by R. Martinez, et al., relating to opening a container or possessing an open container of liquor or beer on the premises of a holder of a wine and beer retailer’s off-premise permit or a retail dealer’s off-premise license.
HB 957 by Kubik, et al., relating to printing on the ballot and posting the names of candidates for the general election for state and county offices.
HB 1006 by Shea, relating to election contests for the offices of state senator and state representative.
HB 1068 by Criss, et al., relating to continuing legal education of judges and personnel of the municipal courts.
HB 1141 by Shea, et al., relating to the holding of joint elections by certain political subdivisions on the first Saturday in April. (amended)
HB 1212 by T. Smith, et al., relating to continuing legal education and training for certain judges. (amended)
HB 1245 by McWilliams, relating to the purchase by The Texas A&M University System of certain land in Harrison County for use by the Texas Forest Service.
HB 1250 by Peveto, relating to the election, terms of office, and compensation of directors of the Orange County Drainage District of Orange County.
HB 1308 by Kemp, relating to the reporting of the movement of a mobile home for purposes of property tax records.
HB 1336 by Saunders, relating to the attendance of children enrolled in public school kindergarten.
HB 1361 by R. Martinez, relating to changing certain alcoholic beverage on-premise permits or licenses to off-premise permits or licenses.
HB 1480 by A. Smith, relating to the requirement that a housing authority conduct a public hearing before obtaining any governmental permits for a housing project.
HB 1507 by Pennington, relating to the requirement that a municipal court juror live within the municipality in which the court is established.
HB 1518 by Rudd, relating to the transfer of prisoners between jails and other facilities for the purpose of reducing jail overcrowding.
HB 1599 by L. Hall, relating to screening and treatment of newborn infants for certain heritable diseases.
HB 1601 by L. Hall, relating to length requirements of certain vehicles operated on public highways.
HB 1602 by L. Hall, relating to width requirements of certain vehicles operated on public highways.
HB 1650 by Colbert, relating to transactions involving crafted precious metal.
HB 1685 by Armbrister, relating to regulation of the food, drug, health device, and cosmetic salvage brokers and establishments.
HB 1706 by L. Hall, relating to rehabilitation services for crippled children.
HB 1707 by Robinson, et al., relating to the terms of court in the 24th Judicial District.
HB 1741 by Keller, relating to advertising regulations under the Private Investigators and Private Security Agencies Act.
HB 1748 by Schlueter, et al., relating to the clarification of taxable situs rules regarding the allocation to this state of the total market value of movable tangible personal property in general and vessels and other watercraft in particular.
HB 1778 by Luna, relating to fees for motor vehicle dealers and providing for bonds for certain motor vehicle dealers.
HB 1838 by Davis, relating to the validation of the incorporation of certain municipalities.
HB 1845 by DeLay, relating to the duration of a city contract concerning solid waste management.
HB 1883 by Wright, relating to reimbursement of expenses in connection with certain probate proceedings.
HB 1884 by Wright, relating to certain proceedings under the Texas Probate Code.
HB 1981 by Hackney, relating to regulation of private investigators and private security agencies.
HB 2005 by Geistweidt, relating to the regulation of disposal pits used to store or evaporate oil field brines. (amended)
HB 2083 by Rudd, relating to deferred suspension of certain licenses issued by the Department of Agriculture.
HB 2106 by Watson, relating to the second injury fund.
HB 2119 by Hightower, relating to the marking of roads that follow historical routes.
HB 2135 by Geistweidt, relating to the responsibilities of landowners in plugging and replugging abandoned oil and gas wells.
HB 2228 by Davis, relating to the power of the board of aldermen of a town or village to codify its ordinances.
HB 2245 by Polk, relating to entry of certain orders and reports in the minutes of the courts of appeals.
CSHB 2271 by Wright, relating to coordination of activities of state agencies related to health care.
HB 2292 by Buchanan, relating to the terms of office of directors of the Panhandle Ground Water Conservation District Number Three, south of the Canadian River, in Texas.
HB 2305 by Robinson, relating to the assessment and collection of taxes by the Lavaca-Navidad River Authority.
HB 2313 by T. Hall, relating to establishment of a juvenile board in Denton County.
HB 2335 by Armbrister, relating to the directors of the Port O'Connor Municipal Utility District.
HB 2343 by Hurst, relating to the appointment of directors of the Galveston County Water Authority.
HB 2365 by Grisham, relating to the establishment of a juvenile board in Williamson County.
HCR 100 by Hackney, granting Mrs. Warthell Browne Iles permission to sue the state.

HCR 141 by T. Hall, et al., memorializing Congress to enact House Bill 1190 relating to a deferral of farmers home administration loan payments.

HCR 159 by Berlanga, granting Speedman Oil Company permission to sue the State of Texas and the General Land Office.

HCR 190 by Bomer, accepting a plaque from the Dogwood Trails Board for placement on the Capitol grounds.

CSHCR 197 by Pennington, calling on the Houston Metropolitan Transit Authority to submit to a state audit.

HCR 173 by M. Garcia, granting Gloria Garcia permission to sue the State of Texas and the Alcoholic Beverage Commission.

HCR 174 by M. Garcia, granting Hector Galvan permission to sue the State of Texas and the Department of Public Safety.

Respectfully,
Betty King
Secretary of the Senate

HB 1125 WITH SENATE AMENDMENTS

Representative Hinojosa called up with senate amendments for consideration at this time;

HB 1125, A bill to be entitled An Act relating to the creation, operation, and dissolution of enterprise zones.

Representative Hinojosa moved that the house do not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

HB 1125 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1125: Hinojosa, chair; Jones, Oliveira, L. Evans, and A. Moreno.

(Wallace now present)

HB 2000 - POSTPONED

Representative Jackson moved that consideration of HB 2000 be postponed until 4 p.m. tomorrow.

The motion prevailed without objection.

HB 1296 - LAID ON THE TABLE SUBJECT TO CALL

Representative Ragsdale moved that HB 1296 be laid on the table subject to call.

The motion prevailed without objection.

HJR 102 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bush moved that HJR 102 be laid on the table subject to call.

The motion prevailed without objection.
RULES SUSPENDED

Representative Messer moved to suspend all necessary rules to take up house bills on third reading out of regular calendar order.

The motion prevailed without objection.

HB 441 ON THIRD READING

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

HB 441, A bill to be entitled An Act relating to furnishing a voter with a written voting aid for use at the polling place.

The bill was read third time and was passed. (Pennington, Ceverha, Fox, Toomey, Hellin, A. Smith, DeLay, Craddick, and C. Smith recorded voting no)

HB 1383 ON THIRD READING

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

HB 1383, A bill to be entitled An Act relating to a limitation on municipal annexation and to the provision of municipal services to an annexed area.

The bill was read third time and was passed.

HB 1631 ON THIRD READING

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

HB 1631, A bill to be entitled An Act relating to the reinstatement or extension of the term of restrictive covenants applicable to certain residential real estate subdivisions.

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

HB 2233 ON THIRD READING

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

HB 2233, A bill to be entitled An Act relating to housing finance corporations and the issuance of revenue bonds in order to carry out the purposes of the Act.

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

HB 940 ON THIRD READING

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

HB 940, A bill to be entitled An Act relating to fees collected by district clerks and to the district judge supplemental salary and support personnel fund.

The bill was read third time and was passed. (Craddick, Fox, and Davis recorded voting no)

On motion of Representative Green and by unanimous consent, the caption of HB 940 was ordered amended to conform to the body of the bill.

HB 2436 ON THIRD READING

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

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

The bill was read third time and was passed. (Kubiak, Shaw, and Wieting recorded voting no)
HB 1253 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 1253, A bill to be entitled An Act relating to offenses of using, disposing of, or storing a pesticide or pesticide container in certain manners: providing penalties.

The bill was read third time and was passed.

HB 24 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 24, A bill to be entitled An Act relating to unlawful carrying of weapons.

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

HB 1015 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 1015, A bill to be entitled An Act relating to firemen’s and policemen’s civil service; providing a penalty.

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

HB 1546 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 1546, A bill to be entitled An Act relating to a property tax exemption for religious organizations.

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

HB 1699 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 1699, A bill to be entitled An Act relating to written investment objectives and performance evaluations concerning the investment of certain state funds.

The bill was read third time and was passed.

HB 1630 ON THIRD READING

The speaker laid before the house on its third reading and final passage, HB 1630, A bill to be entitled An Act relating to a statewide index of probate proceedings.

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

HB 1754 - POSTPONED

Representative M. Garcia moved that consideration of HB 1754 be postponed until Wednesday, May 25, at 3 p.m.

The motion prevailed without objection.
MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

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

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

HB 430 by Cain, relating to the purposes for which cities may engage in zoning.
HB 1130 by Willis, et al., relating to supplemental appropriations to pay the additional cost of purchased utilities at certain institutions of higher education.
HB 1038 by G. Hill, relating to the consolidation of duties in connection with voter registration and the conduct of elections in the office of the county clerk or county tax assessor-collector. (amended)

Respectfully,
Betty King
Secretary of the Senate

SCR 130 - ADOPTED
(Pennington - House Sponsor)

Representative Pennington moved that all necessary rules be suspended to take up and consider at this time, SCR 130.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 130

WHEREAS, House Bill No. 1505 has been passed by the senate and returned to the house of representatives; and
WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it
RESOLVED by the Senate of the 68th Legislature, the House of Representatives concurring, That the chief clerk of the house be hereby authorized to return House Bill No. 1505 to the senate for further consideration.

The resolution was adopted without objection.

HB 1075 ON THIRD READING

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

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

HB 2316 ON THIRD READING

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

HB 2316, A bill to be entitled An Act relating to the availability of a defense of necessity in a prosecution for escape from custody.

The bill was read third time and was passed. (Staniswalis recorded voting no)
HB 289 ON SECOND READING

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

HB 289, A bill to be entitled An Act relating to the imposition, administration, collection, and civil and criminal enforcement of a local option county sales and use tax in certain counties for hospital and health care purposes.

The bill was read second time.

Representative Glossbrenner offered the following amendment to the bill:

Amend HB 289 by striking line 8 on page one and substituting the following: "less than 15,000, that have neither a hospital district nor a hospital authority operating within the county, and that have operated a county hospital for at least five years."

The amendment was adopted without objection.

HB 289, as amended, was passed to engrossment. (Bush, Staniswalis, Bomer, DeLay, Heflin, Craddick, Green, G. Hill, Schlueter, Clark, and Robinson recorded voting no).

HB 2081 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2081.

CSHB 2081

A BILL TO BE ENTITLED
AN ACT
relating to promptness of payment of workers' compensation benefits, fines, and penalties.

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

SECTION 1. Article 8306, Revised Civil Statutes of Texas, is amended by adding Section 18a to read as follows:

(a) Within 20 days from the receipt of written notice of injury which produces compensable lost time the association, including self insureds, shall either initiate weekly indemnity compensation or file with the Board a statement of controversion, or in claims of fatal benefits, a statement of position. The statement of controversion or statement of position shall fully set forth in writing the reasons why the association or self insured has failed or refused to commence the payment of weekly indemnity compensation. When a statement of controversion has been filed, the Board shall promptly set such claim for a prehearing conference on the merits. If the association or self insured fails to initiate weekly indemnity compensation or file a statement of controversion or statement of position within the allotted time, the Board shall notify the association or self insured in writing to its designated Austin Industrial Accident Board representative of its possible violation of the Workers' Compensation Act. If within ten days from receipt of such Board notice the association or self insured has still failed to either commence the payment of weekly indemnity benefits or to file a statement of controversion or in claims for fatal benefits, a statement of position, the Board shall promptly set such claim for a prehearing conference on the merits and thereafter the Board after notice and hearing thereon, by majority vote, may assess a penalty not to exceed 15 percent of the weekly indemnity compensation then past due.

(b) If the association, including self insureds, suspends or stops the payment of weekly indemnity compensation or medical benefits, the association including
self-insureds, shall within ten days file with the Board a statement which fully sets out the reasons why such benefits have been suspended. If the association, including self-insureds, fails to take any such action within the allotted time, the Board shall notify the association, including self-insureds, in writing to its designated Austin Industrial Accident Board representative of its possible violation of the Workers' Compensation Act. If within ten days from receipt of such Board notice, the association or self-insured has still failed to act, the Board shall promptly set such claim for a prehearing conference on the merits and thereafter the Board, after notice and hearing thereon, by majority vote, may assess a penalty not to exceed 15 percent of the weekly indemnity compensation and medical benefits then past due.

(c) All penalties provided under Subsections (a) and (b) shall be for the benefit of the employee, subject to attorneys' fees as allowed by the Act.

(d) If it appears to the Board that the association, or self insured, may be, as a general business practice, contending claims for the reason of its failure to promptly and adequately investigate such claims, or is contending claims when the evidence then available clearly indicates compensability, or is suspending the payment of weekly indemnity compensation or medical benefits without stating fully in writing the reasons therefor, the Board, after notice and hearing, may upon a finding by a majority of the members of the Board, that the association or self insured is in fact engaging in such conduct, issue an order directing the association or self insured, to cease and desist from such pattern of conduct or may fine the association or self insured an amount not to exceed Ten Thousand Dollars or both. A cease and desist order may be imposed for a period not to exceed 12 months. If the association or self insured violates a cease and desist order while the same is in effect, the Board, after notice and hearing, upon a finding by a majority of the members of the Board that such violation occurred, may certify such fact to the Commissioner of Insurance, and said certificate shall be sufficient cause for the said Commissioner to conduct a hearing into the facts relevant to the revocation of the license or permit of such association to do business in Texas or the revocation of the certificate of self insurance of such self insured, provided, said power of the Board shall not be held to deny the association or self insured the right to bring suit or suits to set aside any ruling, order or decision of the Board rendered pursuant to this section.

(e) Appeals arising from the assessment of any penalty under Subsection (a) or (b) of this section shall be de novo and according to the provisions of Article 8307, Section 5, V.C.S., other as to the assessment of any penalty alone and/or as to any ruling, decision or award on the merits, but no decision of the Board as to any penalty shall be admissible before the jury. Appeals arising from Subsection (d) of this section shall be according to the provisions of Article 8307, Section 5, V.R.C., except venue for such appeals under Subsection (d) shall lie solely in any of the District Courts of Travis County, Texas.

(f) Nothing in this Section shall be considered in lieu of or in substitution of any other right or remedy as provided by law.

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

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses creates 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 2081 was read second time and was passed to engrossment. (Heflin, DeLay, and Toomey recorded voting no)

HB 1871 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment.
HB 1871, A bill to be entitled An Act relating to the Coastal Waterway Act of 1975 and the authorization for the State to cooperate and work with other Gulf coastal states in matters relating to the Gulf Intracoastal Waterway; and the inclusion of additional authority of the State in the event the U.S. Corps of Engineers reduces or eliminates its traditional financial support for maintenance of the Gulf Intracoastal Waterway in Texas.

(Waldrop in the chair)

The bill was read second time and was passed to engrossment. (Heflin, Pennington, Rudd, Khoury, Ceverha, Kuempel, Blanton, Robnett, Fox, and Toomey recorded voting no)

HB 1871 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1871.

CSHB 2229

A BILL TO BE ENTITLED
AN ACT
relating to the membership of the Court of Appeals for the Second Supreme Judicial District, and to a supplemental appropriation to that court.

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

SECTION 1. Notwithstanding Section (a), Article 1812, Revised Statutes, the Court of Appeals for the Second Supreme Judicial District is composed of a chief justice and six associate justices.

SECTION 2. In addition to the sums appropriated by Article IV, Chapter 875, Acts of the 67th Legislature, Regular Session, 1981, the following sums are appropriated from the general revenue fund to the Court of Appeals, Second Supreme Judicial District, Fort Worth, for the period ending August 31, 1983:

(1) $2,000 to supplement line item 6, Travel; and
(2) $5,000 to supplement line item 8, Capital Outlay.

SECTION 3. Section 1 of this Act takes effect September 1, 1983. The remainder of this Act takes effect immediately.

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

CSHB 2229 was read second time and was passed to engrossment. (Heflin and Toomey recorded voting no)

HB 1629 ON SECOND READING

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

HB 1629, A bill to be entitled An Act relating to the membership of the Commission on Standards for the Teaching Profession.

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

HB 2383 ON SECOND READING

The chair laid before the house on its second reading and passage to engrossment,
HB 2383, A bill to be entitled An Act relating to the relinquishment and release of all conditions of use, encumbrances, easements, requirements, reservations, trusts and limitations, concerning certain submerged land in Calhoun County, Texas, already conveyed to City of Port Lavaca, Texas by Patent dated September 29, 1921 of record in Volume 11, Page 517, Deed Records of Calhoun County, Texas.

The bill was read second time.

Representative McKenna offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2383 by striking Section 4, page 2, and substituting the following:

Section 4. Conveyance of property with reservation of minerals.

The Commissioner of the General Land Office shall immediately fix a price for the rights of the State of Texas hereby authorized to be relinquished and released including conditions of use, encumbrances, easements, requirements, reservations, public trust and/or limitations concerning the land in Calhoun County, Texas described in this act; and the City of Port Lavaca, Texas, shall then pay to that officer for the benefit of the public free school fund of this State or the fund he determines is entitled to said payment, and upon such payment the Commissioner of the General Land Office shall convey to the City of Port Lavaca, Texas, all of the remaining right, title and interest of the State of Texas, except the Commissioner shall reserve for the State the minerals in or on the property and their ownership and the rights for its exploration.

Committee Amendment No. 1 was adopted without objection.

HB 2383, as amended, was passed to engrossment.

SB 948 ON THIRD READING

(Wolens - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 948, A bill to be entitled An Act relating to the regulation of compensation paid for the sale of credit insurance.

A record vote was requested.

The bill was read third time and was passed by (Record 469): 114 Yeas, 30 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Delco; Gandy; Salinas.

Absent — Luna; Valles.

On motion of Representative Wolens and by unanimous consent, the caption of SB 948 was ordered amended to conform to the body of the bill.

**BILLS AND A RESOLUTION SIGNED BY THE SPEAKER**

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


SB 375 ON THIRD READING
(Messer - House Sponsor)

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

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 third time.

Representative G. Thompson moved that consideration of SB 375 be postponed until 4 p.m. today.

The motion prevailed without objection.

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

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

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 third time and was passed. (Fox and C. Smith recorded voting no)

**SB 741 ON THIRD READING**  
(Criss - House Sponsor)

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

**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 (i), (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 (e), Section 35, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes).

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

**SB 920 ON SECOND READING**  
(Polk - House Sponsor)

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

**SB 920**, A bill to be entitled An Act relating to the authority of the Texas Department of Human Resources to set and charge a fee for providing certain services and to provision of services under certain circumstances; adding Subsections (h) and (i) to Section 22.002, Human Resources Code.

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

**SB 586 ON SECOND READING**  
(Berlanga - House Sponsor)

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

**SB 586**, A bill to be entitled An Act relating to increasing the membership of the Parks and Wildlife Commission; amending Sections 11.013 and 11.015; Subsection (a), Section 11.012; and Subsection (a), Section 11.014, Parks and Wildlife Code.

The bill was read second time and was passed to third reading. (A. Smith, DeLay, Heflin, and Fox recorded voting no)
The chair laid before the house on its second reading and passage to third reading.

SB 215, A bill to be entitled An Act relating to the creation, membership, powers, and duties of the Texas Diabetes Council and to the establishment of pilot programs for persons with diabetes and implementation of certain plans in cooperation with certain other agencies.

The bill was read second time.

Representative Hackney offered the following amendment to the bill:

Amend SB 215 by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:
(1) “Council” means the Texas Diabetes Council.
(2) “Department” means the Texas Department of Health.
(3) “Person with diabetes” means a person who has been diagnosed by a physician as having diabetes.

SECTION 2. TEXAS DIABETES COUNCIL. (a) The Texas Diabetes Council is composed of six private citizen members and one representative each from the Texas Department of Health, the Central Education Agency, the Texas Department of Human Resources, the Texas Commission for the Blind, and the Texas Rehabilitation Commission.
(b) The governor with the advice and consent of the senate shall appoint the following private citizen members:
(1) one member, a licensed physician with a specialization in treating diabetes;
(2) one member from the nursing profession who is a registered nurse with a specialization in diabetes education and training;
(3) one member from the dietitian profession with certification as a nutritionist or dietitian and a specialization in the diabetes education field;
(4) one member with a graduate degree in public health or public policy and with experience and training in public health policy; and
(5) two consumer members, with special consideration given to persons active in the Texas affiliates of the Juvenile Diabetes Foundation or the American Diabetes Association.
(c) The commissioner of each agency listed in Subsection (a) of this section shall appoint that agency’s representative.
(d) Members serve for staggered two-year terms, with the terms of three private citizen members and two agency representatives expiring February 1 of every odd-numbered year and the terms of three private citizen members and three agency representatives expiring February 1 of every even-numbered year. The office of a member appointed by an agency becomes vacant when the person terminates employment with the agency. If the office of a member who is an agency representative becomes vacant, the commissioner of that agency shall appoint an agency representative to serve for the remainder of that member’s term.
(e) The members of the council shall annually elect one private citizen member to serve as chairperson.
(f) The council shall meet at least quarterly and shall adopt rules for the conduct of its meetings.
(g) Any action taken by the council must be approved by a majority of the members present.
SECTION 3. STATE PLAN. (a) The council shall develop and implement a state plan for diabetes treatment, education, and training to ensure that:

1. this Act is properly implemented by the agencies affected;
2. individual and family needs are assessed statewide and all available resources are coordinated to meet those needs;
3. health care provider needs are assessed statewide and strategies are developed to meet those needs;
4. incentives are offered for private sources to maintain present commitments and to assist in developing new programs; and
5. a procedure for review of individual complaints about services provided under this Act is implemented.

(b) The council shall make written recommendations for carrying out its duties under this Act to the State Board of Health and the legislature. If the council considers a recommendation that will affect an agency not represented on the council, the council shall seek the advice and assistance of the agency before taking action on the recommendation. The council's recommendations shall be implemented by the agencies affected by the recommendations.

SECTION 4. ADVISORY COMMITTEE. (a) The council may establish an advisory committee composed of two persons with diabetes, two professionals in health care delivery, two professionals in health care financing, and three representatives of advocacy or volunteer groups or associations. (b) The committee shall meet quarterly and serve under the rules of the council, but the committee shall elect its own chairman. The committee may be divided into regional committees to assist the council in community-level program planning and implementation. (c) Members of the advisory committee serve at the pleasure of the council.

SECTION 5. DUTIES. (a) The council with the advice of the advisory committee, if one is established, shall address contemporary issues affecting health promotion services in the state, including:

1. professional and patient education;
2. successful diabetes education strategies;
3. personnel preparation and continuing education;
4. state expenditures for treatment of chronic diseases;
5. screening services; and
6. public awareness.

(b) The council with the advice of the advisory committee, if one is established, shall advise the legislature on legislation that is needed to further develop and maintain a statewide system of quality education services for all persons with diabetes. The council may develop and submit legislation to the legislature or comment on pending legislation that affects this population.

(c) The council shall:

1. compile and publish regional directories of services for persons with diabetes;
2. design or adapt and publish a handbook in English and Spanish relating to diet, exercise, and other self-care management skills for persons with diabetes;
3. study the feasibility of a statewide hotline for persons with diabetes; and
4. study the standards and structure of pilot programs to provide diabetes education and training in this state.

(d) The council may engage in studies that it determines are necessary or suitable under the state plan as provided by this Act.

(e) The department shall accept funds appropriated for the purposes of this Act. The council shall recommend to the department for allocation of funds appropriated for purposes of this Act. The department shall allocate the funds.

SECTION 6. REIMBURSEMENT AND STAFF SUPPORT. (a) Council and advisory committee members shall be reimbursed by the department for actual
and necessary expenses incurred in performing their duties. Funds for travel reimbursement shall be appropriated to the department.

(b) The agencies represented on the council shall provide periodic staff support of specialists as needed to the council. The agencies may provide staff support to the advisory committee.

SECTION 7. PUBLIC AWARENESS AND TRAINING. (a) The Texas Department of Health, the Texas Commission for the Blind, the Texas Rehabilitation Commission, the Texas Department of Human Resources, and the Central Education Agency shall jointly develop and implement:

(1) a general public awareness strategy focusing on diabetes, its complications, and techniques for achieving good management;

(2) a general public awareness strategy focusing on the pilot programs established by this Act; and

(3) a statewide plan for conducting regional training sessions for public and private service providers, including institutional health care providers, who have routine contact with persons with diabetes.

(b) The council must approve the strategies and plans developed under this section.

SECTION 8. REPORT TO LEGISLATURE. The council shall study morbidity and mortality related to diabetes and shall report its findings to the members of the 69th Legislature before January 31, 1985.

SECTION 9. STAGGERED TERMS. (a) Solely for the purpose of computing terms, the terms of members of the council appointed before February 1, 1984, begin February 1, 1984. At that time, the members shall draw lots for the purpose of staggering terms so that the terms of three private citizen members and two agency representatives expire February 1, 1985.

(b) Members appointed to the council before February 1, 1984, have all the powers and duties of the council.

SECTION 10. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Representative G. Thompson offered the following amendment to the Hackney amendment:

Amend Hackney amendment to SB 215 by striking on page 1 SECTION 2. (a) and (b) and substituting new subsections to read as follows:

"SECTION 2. TEXAS DIABETES COUNCIL. (a) The Texas Diabetes Council is composed of six private citizen members and one representative each from the Texas Department of Health, the Central Education Agency, the Texas Department of Human Resources, the Texas Commission for the Blind, and the Texas Rehabilitation Commission. Appointments to the Council shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(b) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), may not serve as a member of the Council or act as the general counsel.

(c) The governor, with the advice and consent of the senate shall appoint the following private citizen members:"

The amendment was adopted without objection.
Representative G. Thompson offered the following amendment to the Hackney amendment, as amended:

Amend the Hackney amendment to SB 215 by adding on page 11, Sec. 18A:

"The Texas Diabetes Council is subject to the Texas Sunset Act (Article 5429k, Vernon’s Texas Civil Statutes); and unless continued in existence as provided by that Act the Council is abolished, and this Act expires effective September 1, 1987."

The amendment was adopted without objection.

Representative G. Thompson offered the following amendment to the Hackney amendment, as amended:

Amend the Hackney amendment to SB 215 by striking on page 5, SECTION 6, and substituting a new SECTION 6 to read as follows:

SECTION 6. REIMBURSEMENT AND STAFF SUPPORT. (a) Council and advisory committee members shall be reimbursed by the department for travel and other necessary expenses incurred in performing official duties, at the same rate provided for state employees in the general appropriations act. Funds for travel reimbursement shall be appropriated to the department.

(b) The agencies represented on the council shall provide periodic staff support of specialists as needed to the council. The agencies may provide staff support to the advisory committee."

The amendment was adopted without objection.

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

SB 215, as amended, was passed to third reading. (Schoolcraft, Horn, Cieverha, A. Smith, Kuempel, DeLay, McKenna, Shea, P. Hill, and Fox recorded voting no)

SB 622 ON SECOND READING
(Keller - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 622.

CSSB 622

A BILL TO BE ENTITLED
AN ACT
relating to the pre-parole transfer of prisoners to community residential facilities.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Title 108, Revised Statutes, is amended by adding Article 6166x-4 to read as follows:
Art. 6166x-4. PRE-PAROLE TRANSFER
Sec. 1. In this article:
(1) “Board” means the Board of Pardons and Paroles;
(2) “Community residential facility” means a halfway house certified by and under contract with the Board of Pardons and Paroles under Section 15(h), Article 42.12, Code of Criminal Procedure, 1965, or another facility or residence approved by the Texas Department of Corrections and the Board of Pardons and Paroles;
(3) “Department” means the Texas Department of Corrections;
(4) “Director” means the director of the Texas Department of Corrections;
(5) “Eligible prisoner” means a prisoner or inmate in the actual physical custody of the Texas Department of Corrections for whom a presumptive parole date has been established by the Board of Pardons and Paroles and approved by the governor; and
(6) “Presumptive parole date” means a date specified by the Board of Pardons and Paroles and approved by the governor under Section 15(m), Article 42.12, Code
of Criminal Procedure, 1965, on which an individual’s parole release is to become effective, absent the development of additional negative information in the case or negative changed circumstances resulting in a rescission of the date.

Sec. 2. (a) The director may transfer an eligible prisoner to a community residential facility not more than 180 days before the prisoner’s presumptive parole date. Except as otherwise provided by this article, the prisoner shall serve the remainder of his sentence prior to release on parole in the facility designated by the department.

(b) At the time of the transfer of the prisoner, the department shall designate a community residential facility approved by the board as the prisoner’s assigned unit of confinement. A prisoner transferred pursuant to the terms of this article is deemed to be in the continuing actual physical custody of the department and is subject to the good conduct time provisions of Article 6181-1, Revised Statutes.

(c) A community residential facility receiving prisoners under this section may not serve as a residential facility for persons other than prisoners transferred under the pre-parole transfer program. (d) At the time of transfer of the prisoner, the department may pay the prisoner all or part of the amount of money he would receive on release under Article 6166m-1, Revised Statutes. If at a later date the prisoner is transferred from pre-parole status to parole status, without a rescission of his presumptive parole date, he shall receive any balance of the money authorized under Article 6166m-1.

Sec. 3. (a) The department shall promulgate a written set of rules for the conduct of prisoners transferred under the terms of this article.

(b) On transfer, the prisoner is subject to supervision by the board and shall obey the orders of the board and the department.

(c) An officer assigned by the board to supervise a prisoner transferred under this article must make periodic written reports to the department as required by the department concerning the prisoner’s adjustment. The officer shall immediately report to the department and to the board in writing a violation of the terms of the prisoner’s transfer agreement or the rules of the facility and may include in the report his recommendation as to the disciplinary action the department should take in the case. The officer may also recommend to the board that it rescind or revise the prisoner’s presumptive parole date. The department or the board may require an agent of the board or the community residential facility to conduct a fact-finding inquiry prior to a disciplinary action which the department deems appropriate in the case.

(d) If the department determines that a violation has occurred, the department may reassign the prisoner to a regular unit of the department. If the officer reporting a violation recommends a disciplinary action, the department shall follow the recommendation unless it determines that another disciplinary action is more appropriate. If the officer recommends rescission or revision of the prisoner’s presumptive parole date, the board shall rescind or revise the date unless it determines the action is inappropriate.

Sec. 4. (a) If a prisoner transferred under the terms of this article satisfactorily serves a term in the community residential facility until his presumptive parole date, the board shall transfer the prisoner from pre-parole status to parole status and the board shall issue the prisoner an appropriate certificate of release to conditional freedom pursuant to Article 42.12, Code of Criminal Procedure, 1965.

(b) A prisoner transferred from pre-parole status to parole status is subject to provisions concerning prisoners released on parole provided by Article 42.12, Code of Criminal Procedure, 1965.

Sec. 5. The board and the department may enter into inter-agency contracts for the purpose of accomplishing the pre-parole transfer of prisoners to community residential facilities.
SECTION 2. Section 15, Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Subsection (m) to read as follows:

(m) As an element of the Board's halfway house program, the Board, in cooperation with the Texas Department of Corrections, shall utilize halfway houses for the purpose of diverting from housing in regular units of the department of corrections suitable low-risk prisoners and other prisoners who would benefit from a smoother transition from incarceration to conditional freedom. To accomplish this purpose, the Board, after reviewing all available pertinent information and receiving the approval of the Governor, may designate a presumptive parole date for any inmate who (i) is not serving a sentence for an offense under Title 5, Penal Code, or Section 29.03, Penal Code, (ii) has never been convicted of a felony offense under that title or section, and (iii) has not previously been denied release by the Board. The presumptive parole date may not be a date which is earlier than the prisoner's initial parole eligibility date, as calculated or projected pursuant to Section 15(b) of this article. If a prisoner for whom a presumptive parole date has been established is transferred into a pre-parole residence in a halfway house pursuant to the terms of Article 6166x-4, Revised Statutes, the Board is responsible for his supervision. The Board may rescind or postpone a previously established presumptive parole date on the basis of reports from agents of the Board responsible for supervision or agents of the department of corrections acting in the case. If a prisoner transferred to pre-parole status has satisfactorily served his sentence in the halfway house to which he is assigned, from the date of transfer to the presumptive parole date, without rescission or postponement of the date, the Board shall order his release to parole and issue an appropriate certificate of release. The prisoner is subject to the provisions of this article governing release on parole.

SECTION 3. Section 32, Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

Sec. 32. Any parole officer or supervisor may, upon order of the Board of Pardons and Paroles and by direction of the director, shall be responsible for supervising persons placed on conditional pardon or furlough or prisoners transferred to pre-parole status under Article 6166x-4, Revised Statutes.

SECTION 4. If the constitutional amendment submitted to the voters on November 8, 1983, changing the Board of Pardons and Paroles from a constitutional agency to a statutory agency and giving the board the power to revoke parole is adopted, on and after the effective date of that amendment, the board is not required to receive the governor's approval for dates established for pre-parole transfer under Article 6166x-4, Revised Statutes, or Section 15(m), Article 42.12, Code of Criminal Procedure, 1965.

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.

CSSB 622 was read second time.

Representative Keller offered the following amendment to CSSB 622:

Amend CSSB 622 as follows:

(1) On page 2, strike lines 19-22.
(2) On page 2, line 23, strike "(d)" and substitute "(c)".
(3) On page 5, strike lines 3-6 and substitute the following: "not serving a sentence for an offense listed in Section 3f(a)(1) of this article and whose judgment does not contain an affirmative finding under Section 3f(a)(2) of this article, (ii) has"
never been convicted of an offense listed in Section 3f(a)(1) of this article, and has never had a conviction, the judgment for which contains an affirmative finding under Section 3f(a)(2) of this article, and (iii) has not previously been denied release by the Board. The presumptive”.

The amendment was adopted without objection.

CSSB 622, as amended, was passed to third reading. (McKenna and Heflin recorded voting no)

SB 448 ON SECOND READING
(Criss - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 448.

CSSB 448

A BILL TO BE ENTITLED
AN ACT
relating to unemployment compensation benefits and the Texas Employment Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 3(f), Texas Unemployment Compensation Act (Article 5221b-I, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) Equal Treatment: Benefits based on services for all employers in employment defined in subsection 19(!) shall be payable in the same amount, on the same terms, and subject to the same conditions; except that:

(1) with respect to services in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be payable based on those services for any week commencing during the period between two (2) successive academic years or terms (or, when an agreement provides instead for a similar period between two (2) regular but not successive terms, during that period) to any individual if the individual performs those services in the first of the academic years (or terms) and if there is a contract or reasonable assurance that the individual will perform services in that capacity for any educational institution in the second of the academic years (or terms);

(2) with respect to services in any other capacity for an educational institution: benefits shall not be payable on the basis of those services to any individual for any week which commences during a period between two (2) successive academic years or terms if the individual performs those services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform those services in the second of the academic years or terms; except that

(A) if benefits are denied to any individual for any week under Paragraph (A) of this subdivision and the individual was not offered an opportunity to perform the services for the educational institution for the second of the academic years or terms, the individual is entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of Paragraph (A); and

(B) if benefits are denied to any individual for any week under Paragraph (A) of this subdivision and the individual was not offered an opportunity to perform the services for the educational institution for the second of the academic years or terms, the individual is entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of Paragraph (A); and

(3) with respect to any services described in Paragraphs (1) and (2), benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform
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such services in the period immediately following such vacation period or holiday recess.

SECTION 2. Section 4-A, Texas Unemployment Compensation Act (Article 5221b-2a, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this Act, an otherwise eligible individual may not be denied benefits for any weeks because
he is in training approved under Section 236(a)(1), Trade Act of 1974 (Pub. L. No. 93-618), and the individual may not be denied benefits by reason of leaving work to enter that training if the work left is not suitable employment, or because of the application to any week in training of provisions in this Act or in any applicable federal unemployment compensation law relating to availability for work, active search for work, or refusal to accept work. In this subsection "suitable employment" means, with respect to an individual, work which is of a substantially equal or higher skill level than the individual's past adversely affected employment, as that term is used by the Trade Act of 1974, and for which the wages are not less than 80 percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

SECTION 3. Subsection (a), Section 6-A, Texas Unemployment Compensation Act (Article 5221b-4a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Definitions: As used in this Section, unless the context clearly requires otherwise:

(i) "Extended benefit period" means a period which:

(A) begins with the third (3rd) week after whichever of the following weeks occurs first:

(ii) a week for which there is a national "on" indicator, or

(iii) a week for which there is a State "on" indicator; and

(B) ends with either of the following weeks, whichever occurs last:

(i) the third (3rd) week after the first (1st) week for which there is [both a national "off" indicator and] a State "off" indicator, or

(ii) the thirteenth (13th) consecutive week of such period;

Provided, that no extended benefit period may begin by reason of a State "on" indicator before the fourteenth (14th) week following the end of a prior extended benefit period which was in effect with respect to this State and

[Provided further, that no extended benefit period may begin with a week beginning before January 1, 1972].

(2) There is a national "on" indicator for a week if, for the period consisting of that week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (seasonally adjusted) for all states equalled or exceeded four and five-tenths percent (4.5%). The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of that period:

(3) There is a national "off" indicator for a week if, for the period consisting of that week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (4.5%). The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of that period:

(2) [40] There is a State "on" indicator for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately
preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this Act:

(A) equaled or exceeded one hundred and twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, and

(B) equaled or exceeded five percent (5%) [four percent (4%)].

(3) [§] There is a State "off" indicator for this State for any week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately preceding twelve (12) weeks, either paragraph (A) or (B) of subdivision (2) [§] is not satisfied. Provided that [with respect to benefits for weeks of unemployment beginning after December 31, 1977,] the determination of whether there has been a State "on" or "off" indicator beginning or ending any extended benefit period shall be made under this section as if subdivision (2) [§] did not contain paragraph (A) thereof, and as if the figure "five" (5) ["four" (4)] contained in paragraph (B) thereof were "six" (6) ["five" (5)]; except that, notwithstanding any other provision of this Section, any week for which there would otherwise be a State "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a State "off" indicator.

(4) [§] "Rate of insured unemployment," for purposes of paragraphs (2) [§] and (3) [§] of this subsection, means the percentage derived by dividing:

(A) the average weekly number of individuals filing claims for regular compensation in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Commission on the basis of the Commission's reports to the United States Secretary of Labor, by

(B) the average monthly employment covered under this Act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such 13-week period.

(5) [§] "Regular benefits" means benefits payable to an individual under this Act or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85) other than extended benefits.

(6) [§] "Extended benefits" means benefits (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this Section for benefit periods of unemployment in his eligibility period.

(7) [§] "Eligibility period" of an individual means the period consisting of the benefit periods in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any benefit periods thereafter which begin in such period.

(8) [§] "Exhaustee" means an individual who, with respect to any benefit period of unemployment in his eligibility period:

(A) has received, prior to such benefit period, all of the regular benefits that were available to him under this Act or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his current benefit year that includes such benefit period;

Provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wage credits that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits, or

(B) had a benefit year that expired prior to such benefit period and has no, or insufficient, wage credits on the basis of which he could establish a new benefit year that would include such benefit period; and
(C)(i) has no right to unemployment benefits or allowances, as the case may
to be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of
1962, the Automotive Products Trade Act of 1965, or such other federal laws as are
specified in regulations issued by the United States Secretary of Labor, and
(ii) has not received and is not seeking unemployment benefits under the
unemployment compensation law of Canada; but if he is seeking such benefits and the
appropriate agency finally determines that he is not entitled to benefits under
such law, he is considered an exhaustee.
(2) "State Law" means the unemployment compensation law of any
state that is approved by the United States Secretary of Labor under Section 3304
of the Internal Revenue Code of 1954.
SECTION 4. Section 6-A, Texas Unemployment Compensation Act (Article
5221b-4a, Vernon's Texas Civil Statutes), is amended by adding Subsections (i) and
(j) to read as follows:
(i) Notwithstanding any other provision of this Act, if the benefit year of any
individual ends within an extended benefit period, the remaining balance of
extended benefits that the individual would, but for this section, be entitled to
receive in that extended benefit period, with respect to weeks of unemployment
beginning after the end of the benefit year, shall be reduced (but not below zero) by
the product of the number of weeks for which the individual received any amounts
as trade readjustment allowances under the Trade Act of 1974 (Pub. L. No. 93-618)
within that benefit year, multiplied by the individual's weekly benefit amount for
extended benefits.
(j)(1) Cessation of Extended Benefits When Paid Under an Interstate Claim:
in a State Where Extended Benefit Period Is Not in Effect: Except as provided by
Subdivision (2) of this subsection, an individual is not eligible for extended benefits
for any week if:
(A) extended benefits are payable for the week under an interstate claim filed
in any state under an interstate benefit payment plan; and
(B) no extended benefit period is in effect for the week in that state.
(2) Subdivision (1) of this subsection does not apply with respect to the first
two weeks for which extended benefits are payable determined without regard to this
subsection under an interstate claim filed under an interstate benefit payment plan
to the individual from the extended benefit account established for the individual
with respect to the benefit year.
SECTION 5. Section 15, Texas Unemployment Compensation Act (Article
5221b-13, Vernon's Texas Civil Statutes), is amended by amending Subsection (c)
and by adding Subsection (d) to read as follows:
(c) No Assignment of Benefits; Exemptions: No assignment, pledge, or
encumbrance of any right to benefits which are or may become due or payable
under this Act shall be valid; and such rights to benefits shall be exempt from levy,
exection, attachment, or any other remedy whatsoever provided for the collection
of debt; and benefits received by any individual, so long as they are not mingled with
other funds of the recipient, shall be exempt from any remedy whatsoever for the
collection of all debts except debts incurred for necessary furnished to such
individual or his spouse or dependents during the time when such individual was
unemployed. No waiver of any exemption provided for in this subsection shall be
valid. The protections and limitations contained in the preceding portion of this
section are superseded, to the extent of any conflict, by the provisions regarding
child support obligations set out in Subsection (d) of this section.
(d) Child Support Obligations:
(1) An individual filing a new claim for benefits shall, at the time of filing the
claim, disclose whether or not the individual owes child support obligations as
defined by Subdivision (7) of this subsection. If the individual discloses that he owes
child support obligations and is determined to be eligible for benefits, the
Commission shall notify the state or local child support enforcement agency
enforcing the obligation that the individual has been determined to be eligible for
benefits.

(2) The Commission shall deduct and withhold from any benefits payable to
an individual that owes child support obligations an amount equal to:
(A) the amount specified by the individual to the Commission to be deducted
and withheld under this subdivision, if neither Paragraph (B) nor (C) is applicable;
(B) the amount, if any, determined pursuant to an agreement submitted to
the Commission under Section 454(20)(B)(i), Social Security Act, by the state or
local child support enforcement agency, unless Paragraph (C) is applicable; or
(C) any amount otherwise required to be so deducted and withheld from the
benefits pursuant to legal process, as that term is defined by Section 462(e), Social
Security Act, properly served upon the Commission.

(3) The Commission shall pay any amount deducted and withheld under
Subdivision (2) of this subsection to the appropriate state or local child support
enforcement agency.

(4) Any amount deducted and withheld under Subdivision (2) of this
subsection shall for all purposes be treated as if it were paid to the individual as
benefits and paid by the individual to the state or local child support enforcement
agency in satisfaction of the individual's child support obligations.

(5) In Subdivisions (1) through (4) of this subsection, “benefits” includes
amounts payable by the Commission under an agreement entered under any federal
law that provides for compensation, assistance, or allowances with respect to
unemployment.

(6) This subsection applies only if appropriate arrangements have been made
for reimbursement by the state or local child support enforcement agency for the
administrative costs incurred by the Commission under this subsection which are
attributable to child support obligations being enforced by the state or local child
support enforcement agency.

(7) In this subsection “child support obligations” includes only obligations
that are being enforced pursuant to a plan described by Section 454 of the Social
Security Act that has been approved by the Secretary of Health and Human Services
under Part D, Title IV, Social Security Act.

(8) In this subsection “state or local child support enforcement agency” means
any agency of this state or a political subdivision of this state operating
pursuant to a plan described by Subdivision (7) of this subsection.

SECTION 6. Section 7, Chapter 322, Acts of the 67th Legislature, Regular
Session, 1981 (Article 6252-1 Id, Vernon's Texas Civil Statutes), is amended to read
as follows:

Sec. 7. USE OF COUNCIL SERVICES. (a) A state agency that is required
by federal laws or regulations to have a merit system of personnel administration
shall use the services of the council.

(b) To ensure a merit system of personnel administration, the Texas
Employment Commission shall use the services of the council notwithstanding any
repeal of federal merit requirements.

SECTION 7. This Act takes effect September 1, 1983, and applies only to
claims for unemployment compensation benefits filed on or after that date. Claims
filed before that date are governed by the law in effect on the filing date, and that
law is continued in effect for that purpose.

SECTION 8. The importance of this legislation and the crowded condition
of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days
in each house be suspended, and this rule is hereby suspended.
CSSB 448 was read second time and was passed to third reading. (Fox, Heflin, Shea, P. Hill, and DeLay recorded voting no)

HB 562 - POSTPONED

Representative Ragsdale moved that consideration of HB 562 be postponed until 3 p.m. tomorrow.

The motion prevailed without objection.

SB 144 ON SECOND READING
(Polk - House Sponsor)

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

SB 144, A bill to be entitled An Act relating to the qualifications of the commissioner of mental health and mental retardation; amending Subsection (b), Section 2.07, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202, Vernon's Texas Civil Statutes).

The bill was read second time.

(Gandy now present)

Representative Bush moved to table SB 144.

A record vote was requested.

The motion to table prevailed by (Record 470): 93 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Berlanga; Blanton; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Ceverha; Clemmons; Colbert; Collazo; Connelly; Coody; Craddick; Crockett; DeLay; Edwards; Eikenburg; English; Evans, C.; Finelli; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson, B.; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernande; Hilbert; Hill, A.; Hill, G.; Hinojosa; Horn; Hudson, D.; Jones; Keller; Khoury; Kubiak; Kuempel; Lee, D.; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, F.; Parker; Patrick; Patronella; Patterson; Pierce; Presnal; Rangel; Robnett; Rudd; Saunders; Schoolcraft; Shaw; She; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Turner; Valles; Vowell; Wieting; Willis; Word; Wright.

Nays — Agnich; Barrientos; Barton, B.; Barton, E.; Cary; Clark; Criss; Danburg; Davis; Denton; Emmett; Evans, L.; Gavin; Geistweidt; Gilley; Glossbrenner; Granoff; Highower, Hill, P.; Hudson, S.; Hury; Jackson; Kemp; Lane; Lee, E. F.; Leonard; Millsap; Oliveira; Pennington; Polk; Polombo; Price; Ragsdale; Russell; Short; Smith, C.; Sutton; Tow; Uher; Wallace; Watson; Whaley; Wilson; Wolens.

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

Absent, Excused — Delco; Peveto; Salinas.

Absent — Bomer; Eckels; Gibson, J.; Hollowell; Messer; Oliver; Robinson; Schlueeter.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business.
Peveto on motion of Horn.

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HJR 30 by Hollowell, proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack.

HCR 220 by Fox, congratulating John G. Morrison.

HCR 226 by D. Lee, congratulating Ned and Betty Lollar.

HCR 231 by Crockett, commending the Pearsall High School Maverick Band.

HCR 237 by Arnold, congratulating the city of Midlothian on its centennial.

HCR 244 by G. Thompson, in memory of A. B. Morris.

HCR 249 by Crockett, declaring George Washington Arnold a National Treasure of the Republic.

HCR 257 by Tow, designating October 1983 as “Crime Stoppers Month.”

HCR 260 by Barrientos, congratulating Arthur Rankin on his 26th birthday.

HB 1732 by Polumbo, relating to establishment of a temporary emergency relief program in certain communities.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1125.

The following have been appointed on the part of the Senate: Senators Uribe, Farabee, Sharp, Traeger, Glasgow.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1473.

The following have been appointed on the part of the Senate: Senators Traeger, Lyon, Parmer, Sims, Leedom.

Respectfully,
Betty King
Secretary of the Senate

SB 105 ON SECOND READING

(Laney - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 105.

CSSB 105

A BILL TO BE ENTITLED
AN ACT
relating to the membership, operations, and continuation of the Industrial Commission under the name of the Texas Economic Development Commission and to the commission’s advisory council on small business assistance.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 83, Revised Statutes, is amended by amending Articles 5183, 5183a, 5184, 5185, 5188, 5189, and 5190, and by adding Articles 5183b, 5185a, 5185b, and 5185c to read as follows:

Art. 5183. APPOINTMENT OF MEMBERS; QUALIFICATIONS; TERMS

Sec. 1. The Texas Economic Development Commission is composed of fifteen members, each of whom shall be from a different geographical area of the state, two of whom shall be employers of labor, two of whom shall be employees or laborers, three of whom shall be residents of rural areas, and eight of whom shall be from the general public.

For the purposes of this article, a person resides in a rural area if he resides in a county which has no city located on or within its boundaries with a population of 50,000 or more, according to the last preceding federal census, and he does not reside in an incorporated city or town which has a population of more than 10,000, according to the last preceding federal census.

Sec. 2. The members of this commission shall be appointed by the Governor with the advice and consent of the Senate, such appointments to be made biannually on or before February 15 of odd-numbered years. Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

Sec. 3. The term of office of each member shall be six years. The terms of five members shall expire every two years. Vacancies occurring in the commission shall be filled by appointment of the Governor for the unexpired term.

Art. 5183a. APPLICATION OF SUNSET ACT. The Texas Economic Development Commission is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1995.

Art. 5183b. REMOVAL FROM COMMISSION

Sec. 1. It is a ground for removal from the commission that a member:

(1) does not have at the time of appointment the qualifications required by Section 1, Article 5183, Revised Statutes, for appointment to the commission;

(2) does not maintain during the service on the commission the qualifications required by Section 1, Article 5183, Revised Statutes, for appointment to the commission; or

(3) violates the prohibition established by Article 5185a, Revised Statutes.

Sec. 2. The validity of an action of the commission is not affected by the fact that it was taken when a ground for removal for a member of the commission existed.

Art. 5184. MEETINGS AND EXPENSES. The commission shall meet quarterly or at the call of the chair. The members of the commission shall serve without pay or salary. The actual expenses incurred during hearings shall be paid out of appropriations made to the executive office for the payment of rewards and the enforcement of the law, until such time as the Legislature may make appropriations to cover such items.

Art. 5185. OFFICERS AND DUTIES

Sec. 1. The governor shall designate one of the members as chair of the commission, to preside at all hearings had under the provisions of this law, with power and authority usually exercised by chairs in such capacity. The chair may appoint committees to perform various functions but these committees may not act for the commission in exercising any official duties or performing functions of the agency.
Sec. 2. The commission shall appoint an executive director who shall serve as executive head of the agency. He shall keep full and accurate minutes of all transactions and proceedings of the commission; he shall be the custodian of all files and records of the commission; and he shall perform such other duties as may be required by the commission. The executive director shall be the administrator of the Texas Economic Development Commission's activities.

Sec. 3. The executive director of the commission or his designee shall develop an intra-agency career ladder program, one part of which shall be the intra-agency posting of all nonentry level positions for at least 10 days before any public posting.

Sec. 4. The executive director of the commission or his designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for commission employees must be based on the system established under this section.

Art. 5185a. CONFLICT OF INTEREST. A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities performed for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

Art. 5185b. AUDIT. The state auditor shall audit the financial transactions of the commission during each fiscal year.

Art. 5185c. INFORMATION FOR THE PUBLIC. The commission shall prepare information of consumer interest describing the functions of the commission and describing the commission's procedures by which consumer complaints are filed with and resolved by the commission. The commission shall make the information available to the general public and appropriate state agencies.

Art. 5185d. OPEN MEETINGS [HEARING TO BE PUBLIC]. The commission is subject to the open meetings law. Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). [All hearings had by this commission shall be open to the public, and the findings and recommendations of the commission shall be furnished to the news agencies and newspapers of the State, to be published by the several papers of this State as news items.]  

Art. 5185e. REPORT TO GOVERNOR AND LEGISLATURE. During January of each year, the commission shall file with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding year. [The commission shall also make full report to the Legislature, if in session; and if not in session, then to the succeeding session, setting forth the findings and recommendations, accompanied by a transcript of the testimony taken at the hearings provided for herein.]

Art. 5185f. NOTICE OF STANDARDS OF CONDUCT [POWER OF COMMISSION]. The commission shall provide to its members and employees as often as is necessary information regarding their qualifications and their responsibilities under applicable laws relating to standards of conduct for state officers or employees. [The commission shall have power to summon witnesses, to issue subpoenas, to compel attendance of witnesses, to compel production of books and records by witnesses, to punish for contempt, to hold sessions and to take testimony in or out of the State of Texas, and to pay witnesses as paid in felony cases.]

SECTION 2. Sections 4 and 5, Small Business Assistance Act of 1975 (Article 5190.3, Vernon's Texas Civil Statutes), are amended to read as follows:
Sec. 4. (a) The Advisory Council on Small Business Assistance is created.
(b) The council consists of [the executive director of the industrial commission; as chairman ex officio; and] nine members, appointed by the governor with the advice and consent of the senate. Five members must be owners or employees of small businesses, one member must be an officer of a financial institution, one member must be an officer of an insurance company, and two members must be members of the general public.
(c) The governor shall designate one member as chair of the council [Service as chairman ex officio of the council is an additional duty of the office of the executive director of the industrial commission].

Sec. 5. Members [a] Except as provided by Subsection (b) of this section; appointive members] of the council are appointed for staggered terms of six years with three members' terms expiring [that terminate] on February [January] 1 of odd-numbered years.

[bb]—For terms beginning on the effective date of this Act the governor shall appoint:
[(1) three members for terms that expire January 31, 1981;
(2) three members for terms that expire January 31, 1979; and
(3) three members for terms that expire January 31, 1977.]

SECTION 3. Section 2(10), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(10) "Project" shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the [promotion of manufacturing development and expansion and for the] industrial development and expansion of airport and port facilities dedicated to the public, [distribution centers, truck terminals operated by regulated common carriers; sewage or solid waste disposal facilities, air or water pollution control facilities, [and other industrial facilities] and facilities which are related to any of the foregoing, and in furtherance of the public purposes of this Act, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. In addition, in blighted or economically depressed areas or federally assisted new communities located within a home-rule city or a federally designated economically depressed county of less than 50,000 persons according to the last federal decennial census, a project may include the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the promotion of commercial development and expansion and in furtherance of the public purposes of this Act, or for use by commercial enterprises, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. As used in this Act, the term blighted or economically depressed areas shall mean those areas and areas immediately adjacent thereto within a city which by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures, or which suffer from a high relative rate of unemployment, or which have been designated and included in a tax incremental district created under Chapter 695, Acts of the 66th Legislature, Regular Session, 1979 (Article 1066d, Vernon's Texas Civil Statutes), or any combination of the foregoing, the city finds and determines, after a hearing, substantially impair or arrest the sound growth of the city, or constitute an economic or social liability and are a menace to the public health, safety, or welfare in their present condition and use. The commission shall adopt guidelines that describe the kinds of areas that may be considered to be blighted or economically depressed. The city shall consider these guidelines in making its findings and determinations. Notice of the hearing at which the city considers establishment of an economically depressed or blighted area shall be posted at the city hall before the [prior to such] hearing.
"Federally assisted new communities" shall mean those federally assisted areas which have received or will receive assistance in the form of loan guarantees under Title X of the National Housing Act and a portion of the federally assisted area has received grants under Section 107(a)(1) of the Housing and Community Development Act of 1974, as amended.

SECTION 4. Section 11, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. (a) The corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, not less than three, each of whom shall be appointed by the governing body of the unit under whose auspices the corporation was created for a term of no more than six years, and each of whom shall be removable by the unit for cause or at will. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

(b) The board of directors is subject to the open meetings act, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon’s Texas Civil Statutes).

SECTION 5. The Development Corporation Act of 1979 (Article 5190.6, Vernon’s Texas Civil Statutes) is amended by adding Section 14A to read as follows:

Sec. 14A. The board of directors is subject to the open records act, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon’s Texas Civil Statutes).

SECTION 6. Section 24(b), Development Corporation Act of 1979 (Article 5190.6, Vernon’s Texas Civil Statutes), is amended to read as follows:

(b) The corporation may submit a transcript of proceedings in connection with the issuance of the bonds to the commission and request that the commission approve the [such] bonds. On filing a request for the commission’s approval of issuance of the bonds, the corporation shall pay to the commission a nonrefundable filing fee. The commission shall set the amount of the fee at an amount reasonable in relation to the costs of administration, but not greater than [of] $1,500. If the commission refuses to approve the [such] bond issue solely on the basis of law, the corporation may seek a writ of mandamus from the Supreme Court, and for this purpose the chair [chairman] of the commission shall be considered a state officer as provided in Article 1733, Revised Civil Statutes of Texas, 1925.

SECTION 7. (a) A member of the Advisory Council on Small Business Assistance who was appointed before the effective date of this Act and was eligible to be a member of the council under the law as it existed at the time of his appointment may serve the remainder of the term for which he was appointed.

(b) As incumbent members of the council vacate their offices or as their terms expire, the governor shall appoint members to the council to achieve as soon as possible the membership scheme established by Section 4, Small Business Assistance Act of 1975 (Article 5190.3, Vernon’s Texas Civil Statutes), as amended by this Act.

SECTION 8. (a) A member of the Texas Economic [Industrial] Commission who was appointed before the effective date of this Act and was eligible to be a member of the commission under the law as it existed at the time of his appointment may serve the remainder of the term for which he was appointed. The grounds for removal from the commission in Article 5183b do not apply to a member of the commission who was appointed before the effective date of this Act.

(b) In making the initial appointments of the three additional public members required by Article 5183, Revised Statutes, as amended by this Act, the governor shall designate one for a term expiring February 15, 1985, one for a term expiring February 15, 1987, and one for a term expiring February 15, 1989.
SECTION 9. The requirements under Sections 3 and 4, Article 5185, Revised Statutes, as added by this Act, that the executive director of the Texas Economic Development [Industrial] Commission develop an intra-agency career ladder program and a system of annual performance evaluations shall be implemented before September 1, 1984. The requirement of Section 4, Article 5185, that merit pay be based on the performance evaluation system shall be implemented before September 1, 1985.

SECTION 10. This Act takes effect September 1, 1983.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

CSSB 105 was read second time.

Representative B. Barton offered the following amendment to CSSB 105:

Amend CSSB 105 as follows:

(1) On page 9, lines 15 and 16 strike “Section 14A” and substitute “Sections 14A and 21A”.

(2) On page 9, after line 19 and before line 20 insert the following:

“Section 21A. A unit may not charge to the corporation for an individual project fees that total more than $1,500 for approving a bond issue or a lease, sale, or loan agreement or for providing any other service to the corporation.”

Representative Messer moved to table the B. Barton amendment.

(Peto now present)

The motion to table prevailed.

HR 469 - NOTICE GIVEN

Pursuant to the provisions of Rule 15, Section 4 of the House Rules, at 4:25 p.m., the chair notified the house that in one hour, Representative Bomer would be recognized to make a motion to suspend all necessary rules in order to take up and consider HR 469.

CSSB 105 - (consideration continued)

Representative B. Gibson offered the following amendment to CSSB 105:

Amend CSSB 105, SECTION 3, by deleting SECTION 3 in its entirety and substituting therefor the following:

SECTION 3. Subdivision (10), Section 2, Development Corporation Act of 1979 (Article 5190.6, Vernon’s Texas Civil Statutes), is amended to read as follows:

(10) “Project” shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the promotion of development and expansion of manufacturing and industrial facilities, transportation facilities (including airports, ports, mass commuting facilities and parking facilities), sewage or solid waste disposal facilities, air or water pollution control facilities, facilities for the furnishing of water, electric energy or gas to the general public, sports facilities, convention and trade show facilities, distribution centers, small warehouse facilities capable of serving as decentralized storage and distribution centers, [manufacturing development and expansion and for the industrial development and expansion of airport and port facilities, distribution centers, truck terminals operated by regulated common carriers, sewage or solid waste disposal facilities, air or water pollution control facilities; and other industrial facilities] and facilities which are related to any of the
foregoing, and in furtherance of the public purposes of this Act, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. As used in this Act, the term "development areas" shall mean any area or areas of a city that the city finds and determines, after a public hearing, should be developed in order to meet the development objectives of the city. In addition, in blighted or economically depressed areas or federally assisted new communities located within a home-rule city or a federally designated economically depressed county of less than 50,000 persons according to the last federal decennial census, a project may include the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the promotion of commercial development and expansion and in furtherance of the public purposes of this Act, or for use by commercial enterprises, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. As used in this Act, the term blighted or economically depressed areas shall mean those areas and areas immediately adjacent thereto within a city which by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures, or which suffer from a high relative rate of unemployment, or which have been designated and included in a tax incremental district created under Chapter 695, Acts of the 66th Legislature, Regular Session, 1979 (Article 1066d, Vernon's Texas Civil Statutes), or any combination of the foregoing, the city finds and determines, after a hearing, substantially impair or arrest the sound growth of the city, or constitute an economic or social liability and are a menace to the public health, safety, or welfare in their present condition and use. The commission shall adopt guidelines that describe the kinds of areas that may be considered to be blighted or economically depressed. The city shall consider these guidelines in making its findings and determinations. Notice of the hearing at which the city considers establishment of a development area or an economically depressed or blighted area shall be posted at the city hall before the [prior-to-speak] hearing.

Federally assisted new communities' shall mean those federally assisted areas which have received or will receive assistance in the form of loan guarantees under Title X of the National Housing Act and a portion of the federally assisted area has received grants under Section 107(a)(1) of the Housing and Community Development Act of 1974, as amended.

Representative Leonard offered the following amendment to the B. Gibson amendment:

Amend the B. Gibson amendment to CSSB 105 by adding the following sentence after the first sentence of the amendment ending with "constructed thereafter."

A project, as described above, shall not be approved until the Board of Directors finds that it will not create an unjustified competitive disadvantage to existing similar businesses located in the area.

Representative B. Gibson moved to table the Leonard amendment.

The motion to table prevailed.
MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

The Honorable Speaker of the House of Representatives

House Chamber

The Honorable

Mr. Speaker:

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

SB 1350 by Caperton, relating to the creation of the New Ulm Municipal Utility District.

The vote by which HB 1505 was finally passed was reconsidered and amended by unanimous consent on third reading and again finally passed.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 2298.

The following have been appointed on the part of the Senate: Senators Vale, Montford, Parmer, Traeger, Lyon.

Respectfully,

Betty King
Secretary of the Senate

CSSB 105 - (consideration continued)

A record vote was requested.

The B. Gibson amendment was adopted by (Record 471): 97 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Berlanga; Banton; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemons; Collazo; Connelly; Coody; Craddock; Danburg; Davis; Elkenburg; English; Evans, C.; Evans, L.; Fennell; Garcia; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Grisham; Haley; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; McWilliams; Mankins; Messer; Millsap; Moreno, P.; Oliveira; Patterson; Pennington; Peveto; Pierce; Polumbo; Presnal; Ragsdale; Rangel; Robnett; Rudd; Russell; Saunders; Schluter; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, S.; Tow; Turner; Uhr; Vowell; Whaley; Wieting; Willis; Wilson; Word; Wright.

Nays — Agnish; Barrientos; Barton, B.; Barton, E.; Ceverha; Colbert; Criss; Crockett; DeLay; Denton; Edwards; Emmett; Fox; Gandy; Geistweidt; Hall, L.; Hammond; Hellin; Hernandez; Horn; Hury; Jackson; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez; W.; Moreno, A.; Oliver; Patrick; Patronella; Polk; Schooler; Smith, C.; Tejeda; Thompson, G.; Toomey; Valles; Wallace; Watson.

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

Absent, Excused — Delco; Salinas.

Absent — Bomer; Eckels; Granoff; Hackney; Parker; Price; Robinson; Wolens.

Representative B. Barton offered the following amendment to CSSB 105:
Amend CSSB 105 by renumbering Sections 7-11 as Sections 8-12 and inserting a new Section 7 to read as follows:

SECTION 7. Section 24, Development Corporation Act of 1979 (Article 5190.6, Vernon’s Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

(g) The commission by rule shall establish a schedule concerning maximum fees that may be charged by attorneys and financial advisors for a bond issue. The commission may not approve a bond issue unless it determines that the fees charged by attorneys and financial advisors for that issue comply with the schedule. The commission may approve a bond issue for which the fees exceed those prescribed by the schedule, however, if:

1. the corporation gives the commission an affidavit by each attorney or financial advisor, as applicable, describing the services provided and itemizing the fees charged for the work; and
2. the fees do not exceed $150 per hour; and
3. the fees are specifically approved by a majority of the members of the commission.

Representative Messer moved to table the B. Barton amendment.

A record vote was requested.

The motion to table prevailed by (Record 472): 89 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Blanton; Buchanan; Burnett; Bush; Cain; Cary; Ceverha; Clark; Connelly; Coody; Craddock; Danburg; Davis; DeLay; Eikenburg; Emmett; English; Evans, C.; Gavin; Gaisteitid; Gibson, B.; Gilley; Glossbrunner; Green; Grisham; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heftin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, S.; Jackson; Jones; Keller; Kemp; Khoury; Kuempel; Laney; Lee, D.; Leonard; Luna; McKenna; McWilliams; Mankins; Messer; Millsap; Oliveira; Patrick; Patronella; Pierce; Polumbo; Prensal; Ragsdale; Robnett; Rudd; Rurrill; Schlueter; Schoolcraft; Shear; Shorr; Simpson; Smith, T.; Stasiwalis; Stiles; Sutton; Thompson, S.; Toomey; Tow; Turner; Uher; Vowell; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Agnich; Barrientos; Barton, B.; Barton, E.; Carricker; Cavazos; Clemens; Colbert; Collazo; Criss; Crockett; Denton; Edwards; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Hernandez; Horn; Hudson, D.; Kubiak; Lee, E. F.; Madia; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliver; Patterson; Pennington; Peveto; Polk; Rangel; Shaw; Smith, A.; Smith, C.; Tejeda; Thompson, G.; Valles; Wallace; Watson.

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

Absent, Excused — Delco; Salinas.

Absent — Berlanga; Bomer; Eckels; Gibson, J.; Granoff; Hackney; Hall, W.; Hurry; Parker; Price; Robinson; Saunders; Wilson.

Representative Ragsdale offered the following amendment to CSSB 105:

Amend CSSB 105, SECTION 1, page 4 by adding a new Section 5 to proposed Article 5185 to read as follows:

Sec. 5. The executive director shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The plans shall include:
(1) a comprehensive analysis of all the agency's workforce by race, sex, ethnic origin, class of position, and salary or wage;
(2) plans for recruitment, evaluation, selection, appointment, training, promotion and other personnel policies;
(3) steps reasonably designed to overcome any identified underutilization of minorities and women in the agency's workforce; and,
(4) objectives and goals, timetables for the achievement of the objectives and goals, and assignments of responsibility for their achievement.

The plans shall be filed with the Governor's office within sixty days of the effective date of this Act, cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor's office within thirty days of November 1 and April 1 of each year and shall include the steps the agency has taken within the reporting period to comply with these requirements.

The amendment was adopted without objection.

CSSB 105, as amended, was passed to third reading. (C. Smith, Schlueter, and Fox recorded voting no)

SB 748 ON SECOND READING
(Messer, et al. - House Sponsor)

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

SB 748, A bill to be entitled An Act relating to adoption of a nonsubstantive revision of the statutes relating to property.

The bill was read second time.

Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 748 as follows:

(1) On page 113, line 10, between "food" and the semicolon insert "and foodstuffs".
(2) On page 204, beginning on line 11, strike "For purposes of Subchapter C, the term includes any legal entity shown as a managing agent or leasing agent on a written lease."
(3) On page 205, line 17-19, delete Subsection (c).
(4) On page 205, line 20, delete "(d)" and substitute "(c)".
(5) On page 205, line 20, delete "neither Subsection (b) nor (c) applies" and substitute "Subsection (b) does not apply".
(6) On page 205, line 23, between "process" and the period insert "unless the owner's name and business street address have been furnished in writing to the tenant".
(7) On page 208, line 1, delete the colon.
(8) On page 208, line 2, delete "(1)" and join this subdivision to the preceding clause.
(9) On page 208, line 5, delete the semicolon and substitute a period.
(10) On page 208, between lines 5 and 6, insert:
"(c) This subchapter does not require the landlord:"
(11) On page 208, line 6, delete "(2)" and substitute "(1)".
(12) On page 208, line 9, delete "(3)" and substitute "(2)".
(13) On page 208, line 10, delete "(c)" and substitute "(d)".
(14) On page 212, line 23, delete "concurrent" and substitute "exclusive".
(15) On page 224, beginning on line 4, delete "is not liable" and substitute "has a defense to liability".
(16) On page 228, beginning on line 1, delete “is not liable” and substitute “has a defense to liability”.
(17) On page 229, line 19, between “unit” and “five” insert “in a building”.
(18) On page 231, line 16, delete “Section 92.255” and substitute Sections 92.255 and 92.257”.
(19) On page 233, line 23, delete “request” and substitute “notice of malfunction or request for repair”.
(20) On page 234, beginning on line 21, delete “is not liable” and substitute “has a defense to liability”.

Committee Amendment No. 1 was adopted without objection.

Representative Messer offered the following amendment to the bill:

Amend SB 748, Senate Engrossment, as follows:
(1) On page 27, line 7, strike “fails to pay” and substitute “defaults in the payment of”.
(2) On page 27, line 13, strike “first day of the notice period is” and substitute “notice period is calculated from”.
(3) On page 55, line 50, strike “clothing” and substitute “wearing apparel”.
(4) On page 98, line 5, between “directly” and “by”, insert “to the utility company”.
(5) On page 100, insert a new Subdivision (3) between lines 36 and 37 to read as follows, and renumber existing Subdivision (3) and the following subdivisions accordingly:

“(3) ‘Lease’ means any written or oral agreement between a landlord and tenant that establishes or modifies the terms, conditions, rules, or other provisions regarding the use and occupancy of a dwelling.”
(6) On page 105, line 14, strike “The landlord may evict the tenant if” and substitute “An eviction based on the following circumstances, which are valid grounds for eviction in any event, does not constitute retaliation”.
(7) On page 105, line 15, strike “owes” and substitute “is delinquent in”.
(8) On page 105, beginning on line 26, strike “before the landlord received actual notice to repair from the tenant” and substitute “the landlord does not receive actual notice from the tenant to repair until after the landlord gives notice of termination”.
(9) On page 106, line 13, strike “conflicting” and substitute “existing”.

The amendment was adopted without objection.

SB 748, as amended, was passed to third reading. (Heflin recorded voting no)

SB 232 - RULES SUSPENDED

Representative Bomer moved to suspend all necessary rules to allow the Conference Committee on SB 232 to meet while the house is in session at 5:30 p.m. today.

The motion prevailed without objection.

SB 112 ON SECOND READING

(Clark - House Sponsor)

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

SB 112, A bill to be entitled An Act relating to technical-vocational education and to the continuation, membership, qualifications, terms, and powers and duties of the Advisory Council for Technical-Vocational Education; giving certain duties
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to the State Board of Education, the Central Education Agency, and the State Auditor; amending the Texas Education Code, as amended, by amending Subsection (a), Section 11.26; Subsections (b) and (c), Section 31.15; Sections 31.01, 31.03, 31.11, 31.12, 31.13, 31.20, 31.31, 31.34, and 31.41; adding Sections 31.21, 31.22, 31.23, 31.24, 31.25, 31.42, 31.43, and 31.44; adding Subchapter F, Chapter 31; and repealing Sections 31.18, 31.32, and 31.33.

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

SB 225 ON SECOND READING

(G. Hill - House Sponsor)

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

SB 225, A bill to be entitled An Act relating to the continuation and operations of the Commission on Uniform State Laws and to the qualifications, duties, and grounds for removal of its members; providing for reimbursement of expenses; placing certain duties on the State Auditor and the State Legislative Council; amending Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1237b, Vernon's Texas Civil Statutes).

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

SB 137 ON SECOND READING

(G. Thompson - House Sponsor)

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

SB 137, A bill to be entitled An Act relating to the continuation, membership, qualifications, and operations of the Texas Advisory Commission on Intergovernmental Relations, to grounds for removal of its members, and to establishment of a complaint procedure; requiring an annual audit and certain reports; amending the Texas Intergovernmental Cooperation Act, as amended (Article 4413(32b), Vernon's Texas Civil Statutes), by amending Sections 4a, 5, 7, 8, 9, 11, and 12 and by adding Sections 7A, 10A, and 10B.

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

(Speaker pro tempore in the chair)

SB 134 ON SECOND READING

(G. Thompson - House Sponsor)

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

SB 134, A bill to be entitled An Act relating to the membership, personnel, qualifications, powers and duties, administration, and continuation of the Texas Commission on the Arts; amending Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes), by amending Sections 1, 1a, 4, 5, and 6 and by adding Sections 2A, 4A, 6A, 6B, and 7A.

The bill was read second time.

Representative Heflin offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 134, by amending Sec. 4A. (c) to read as follows:
"(c) Grants of funds shall be made without regard to the race, creed, sex, religion, or national origin of the applicant."

Committee Amendment No. 1 was adopted without objection.

Representative Ragsdale offered the following amendment to the bill:

Amend SB 134, page 5, line 16, by adding a new Subsection (c) to proposed Section 6B to read as follows:

(c) The executive director shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The plans shall include:

(1) a comprehensive analysis of all the agency's workforce by race, sex, ethnic origin, class of position, and salary or wage;

(2) plans for recruitment, evaluation, selection, appointment, training, promotion and other personnel policies;

(3) steps reasonably designed to overcome any identified underutilization of minorities and women in the agency's workforce; and,

(4) objectives and goals, timetables for the achievement of the objectives and goals, and assignments of responsibility for their achievement.

The plans shall be filed with the Governor's office within sixty days of the effective date of this Act, cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor's office within thirty days of November 1 and April 1 of each year and shall include the steps the agency has taken within the reporting period to comply with these requirements.

The amendment was adopted without objection.

SB 134, as amended, was passed to third reading. (Clemons, Fox, and Schlueter recorded voting no)

(Salinas now present)

SB 155 ON SECOND READING
(C. Evans - House Sponsor)

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

SB 155. A bill to be entitled An Act relating to the continuation of the Commission on Law Enforcement Officer Standards and Education, its membership, functions, powers and duties, and operations; to grounds for removal of members; to training, licensing, and disciplining of peace officers, jailers or guards of county jails, and reserve law enforcement officers; amending Sections 1a, 2, 3, 4, 6, 6A, 7B, 9A, and Subsections (b) and (c), Section 8A, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), and adding Sections 2A and 6B and Subsection (c), Section 2B.

The bill was read second time.

Representative Keller offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 2(a) of Section 1, page 6, by inserting a new Subdivision, (20), following line 13 to read as follows:

"(20) Establish reasonable and necessary fees for the administration of this Act."
Committee Amendment No. 1 was adopted without objection.

Representative Ragsdale offered the following amendment to the bill:

Amend SB 155, page 6, line 14, by adding a new subdivision (j) to read as follows:

(j) The executive director shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The plans shall include:

1. a comprehensive analysis of all the agency’s workforce by race, sex, ethnic origin, class of position, and salary or wage;
2. plans for recruitment, evaluation, selection, appointment, training, promotion and other personnel policies;
3. steps reasonably designed to overcome any identified underutilization of minorities and women in the agency’s workforce; and,
4. objectives and goals, timetables for the achievement of the objectives and goals, and assignments of responsibility for their achievement.

The plans shall be filed with the Governor’s office within sixty days of the effective date of this Act; cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor’s office within thirty days of November 1 and April 1 of each year and shall include the steps the agency has taken within the reporting period to comply with these requirements.

The amendment was adopted without objection.

SB 155, as amended, was passed to third reading.

SB 135 ON SECOND READING

(G. Thompson - House Sponsor)

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

SB 135, A bill to be entitled An Act relating to the membership, administration, powers and duties, and continuation of the Texas Historical Commission; providing for grounds for removal of commission members and establishing a complaint procedure; placing certain responsibility on the State Archeologist; defining historical structures and duties of a using agency of the state in acquiring or leasing real property or upon consideration of construction of a new state building as these relate to historical structures; amending Sections 1b, 2, 3, 9, 12, 13, and 15A, adding a new Section 8, redesignating present Section 8 as Section 8A and amending that section, and adding Sections 2A, 6A, 6B, 8B, 8C, 20A, and 22A, Chapter 200, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes); amending Section 5.01; Subsection (c), Section 5.16; and Subsection (j), Section 6.05; and adding Section 5.01A, State Purchasing and General Services Act, as amended (Article 601b, Vernon's Texas Civil Statutes).

The bill was read second time.

Representative Ragsdale offered the following amendment to the bill:

Amend SB 135, page 5, line 6, by adding a new subdivision (c) to proposed Section 6B to read as follows:

(c) The executive director shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The plans shall include:
(1) a comprehensive analysis of all the agency's workforce by race, sex, ethnic origin, class of position, and salary or wage;
(2) plans for recruitment, evaluation, selection, appointment, training, promotion and other personnel policies;
(3) steps reasonably designed to overcome any identified underutilization of minorities and women in the agency's workforce; and,
(4) objectives and goals, timetables for the achievement of the objectives and goals, and assignments of responsibility for their achievement.

The plans shall be filed with the Governor's office within sixty days of the effective date of this Act, cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor's office within thirty days of November 1 and April 1 of each year and shall include the steps the agency has taken within the reporting period to comply with these requirements.

The amendment was adopted without objection.

SB 135, as amended, was passed to third reading. (Clemons recorded voting no)

SB 329 ON SECOND READING
(Arnold - House Sponsor)

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

SB 329, A bill to be entitled An Act relating to the membership, grounds for removal of members, functions, powers and duties, and continuation of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons, to its subcommittee, and to budget requests of nonprofit agencies of the blind and severely disabled; providing different effective dates; amending Sections 122.002, 122.003, 122.004, 122.006, and Subsection (a) of Section 122.012, Human Resources Code; and amending Chapter 122, Human Resources Code, by adding Sections 122.016, 122.017, 122.018, and 122.019.

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

SB 315 ON SECOND READING
(C. Evans - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 315.

CSSB 315

A BILL TO BE ENTITLED
AN ACT
relating to the continuation, operations, personnel, and the powers and duties of the Texas Department of Community Affairs and to the establishment, membership, grounds for removal, and powers and duties of the Advisory Council on Community Affairs; amending Sections 3a, 4, 5, and 6 and adding Sections 4A, 5a, 5b, 13b, 13c, and 13d, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes); appropriating all fuel overcharge refunds received by the State of Texas to the Department for low-income, energy assistance programs.

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

SECTION 1. Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended
by amending Sections 3a, 4, 5, and 6 and by adding Sections 4A, 5a, 5b, 13b, 13c, and 13d to read as follows:

“Section 3a. APPLICATION OF SUNSET ACT. The Texas Department of Community Affairs is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon’s Texas Civil Statutes); and unless continued in existence as provided by that Act the department is abolished, and this Act expires effective September 1, 1995 [1983].”

“Section 4. The department shall, in addition to other powers and duties invested in it by this Act or by any other law:

(1) maintain communications with local governments and serve as their advocate at the State and federal levels;

(2) assist local governments with advisory and technical services;

(3) provide financial aid to local governments and combinations of local governments for programs which are authorized such assistance;

(4) act as an information center and referral agency for information on State and federal services and programs affecting local government;

(5) administer, conduct, or jointly sponsor educational and training programs for local government officials;

(6) maintain suitable headquarters for the department and such other quarters as the director shall deem necessary to the proper functioning of the department;

(7) conduct research on problems of general concern to local governments;

(8) collect, publish, and disseminate information useful to local government including, but not limited to, data on local governmental finances and employment, housing, population characteristics, and land use patterns;

(9) encourage cooperative action by local governments where appropriate;

(10) advise and inform the Governor and the Legislature concerning the affairs of local government and make recommendations for necessary action;

(11) assist the Governor in the coordination of federal and State activities affecting local governments;

(12) administer, as appropriate, State responsibilities for programs created under the Federal Economic Opportunity Act of 1964, the Omnibus Budget Reconciliation Act of 1981, and all other federal acts creating, implementing, or funding economic opportunity programs or community service block grants or their successors however labeled;

(13) receive and administer any and all funds appropriated by Congress or allotted by a federal agency for low income energy assistance together with all voluntary contributions and gifts designed to aid a low income energy assistance program;

(14) promulgate and adopt such rules and regulations as may be necessary and proper to carry out programs and responsibilities assigned by the Legislature or the Governor;

(15) [REPEALED] perform any other duties concerning local government which may be assigned by the Legislature or the Governor.

Section 4A. (a) In this section, “program” means the Community Development Block Grant Non-entitlement Program authorized by Title I of the Housing and Community Development Act of 1974, as amended (P.L. 93-383 and P.L. 97-35).

(b) The department shall, pursuant to the federal Omnibus Budget Reconciliation Act (P.L. 97-35) and 24 CFR, Part 570, Subpart I, administer the state’s allocation of federal funds provided under the program. Program funds shall be allocated to eligible counties and municipalities in accordance with rules and regulations adopted by the department.
The community development review committee is established. The committee shall consist of twelve (12) members, appointed by the Governor, each of whom must be a member of the governing body of a county or municipality eligible for funding under the program, or a supervisory-level county or municipal employee whose regular duties include involvement in community development activities at the local level. The number of county officials on the committee, when expressed as a ratio of all committee members, shall not exceed the number of counties eligible for funding under the program, when expressed as a ratio of all eligible applicants.

The chairman of the committee shall be designated by the governor and serve at his pleasure.

Members of the committee shall serve for two-year terms. In the event of a vacancy on the committee, the governor shall appoint a new member to fill the remaining portion of the unexpired term.

Committee members shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Service on the committee by officers and employees of counties and municipalities shall be considered as an additional duty of their office or employment and shall not be construed as dual office holding.

The committee shall meet at least twice annually at the call of the director. Nine members of the committee shall constitute a quorum.

(a) The committee shall have the following duties:
1. consult with and advise the director with respect to the administration and enforcement of the program;
2. review applications submitted by counties and municipalities eligible for funding under the program, and advise and assist the director with respect to the allocation of program funds to those applicants; and
3. perform such other duties and functions as may be necessary to carry out the purpose of this Act.

Section 5. PERSONNEL. (a) The administrator and head of the department shall be known as the executive director and shall be a person qualified by training and experience to perform the duties of his office. The director shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's terms of office. He shall receive a salary as provided by the Governor within authorized appropriations. The director, as head of the department, shall:
1. administer the work of the department;
2. appoint and remove officers and other personnel employed within the department;
3. submit through and with the approval of the Governor requests for appropriations and other moneys to operate the department;
4. administer all moneys entrusted to the department;
5. organize the work of the department consistent with this Act and with sound organizational management designed to promote efficient and effective operation;
6. make an annual report to the Governor and the Legislature of the department's operations and provide such other reports as the Governor or the Legislature shall require;
7. perform such other functions as may be prescribed by law or assigned by the Governor.

(b) The director or his designee shall develop an intragency career ladder program, one part of which shall be the intragency posting of all nonentry level positions for at least ten (10) days before any public posting. The director or his designee shall develop a system of annual performance evaluations based on
measurable job tasks. All merit pay for department employees must be based on the system established under this subsection.

Section 5a. LOBBYIST RESTRICTION. A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the department may not serve as the director or act as the general counsel to the department.

Section 5b. OPEN MEETINGS AND ADMINISTRATIVE PROCEDURE. The department is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

Section 6. ADVISORY COUNCIL ON COMMUNITY AFFAIRS. There is hereby established in the Department of Community Affairs an Advisory Council on Community Affairs [of thirteen (13) members], which shall consist of [the director as chairman ex officio, and] twelve (12) [other] members appointed by the Governor with the advice and consent of the Senate, as follows:

(1) three (3) members must be elected or appointed municipal officials who serve in different municipalities;
(2) three (3) members must be elected county officials who serve in different counties;
(3) three (3) members must be elected or appointed officials of other kinds of political subdivisions who serve in different political subdivisions; and
(4) three (3) members must be citizen members who are not elected or appointed officials of any political subdivision.

(1) One member shall be the mayor of a municipality of this State having a population of less than 26,668 inhabitants at the time of his or her appointment;
(2) One member shall be the mayor of a municipality of this State having a population of not less than 26,669 nor more than 249,999 inhabitants at the time of his or her appointment;
(3) One member shall be the mayor of a municipality of this State having a population of 250,000 or more inhabitants at the time of his or her appointment;
(4) Five (5) members shall be appointed at large from among the citizens of this State;
(5) One (1) member shall be appointed from among the membership of each of the four (4) following organizations:
(a) Texas Association of School Boards;
(b) Texas Association of Counties;
(c) Texas Municipal League;
(d) A duly constituted regional planning commission in this State.

(6) Appointments to the advisory council shall be made without regard to the race, creed, sex, religion, or national origin of the appointees and shall be made in a manner that produces representation on the advisory council of the different geographical regions of the state.

(7) Any elected or appointed official of any political subdivision [local government] who shall be appointed as a member of the advisory council [Advisory Council on Community Affairs] or as a member of any special advisory council as provided for in Section 7 of this Act shall perform his duties as a member of such advisory council or councils as an additional or ex officio duty required of him in his other official capacity, and such service on such advisory council or councils shall not be construed as dual office holding.

(8) Members are appointed to the advisory council for staggered terms of two (2) years with six (6) members' terms expiring January 31 of each year.
members first to be appointed, six (6) shall be appointed for a term of office to expire on January 31, 1972, and six (6) shall be appointed for a term of office to expire on January 31, 1973. Successors of all members first appointed shall be for two year terms. Vacancies on the advisory council [Advisory Council on Community Affairs], other than by expiration of terms of office, shall be filled for the unexpired term.

"(e) The advisory council annually shall elect a chairman and a vice-chairman from among its members.

"(f) All members of the advisory council shall serve without compensation but shall be reimbursed for their actual expenses in attending the meetings of the advisory council and in the performance of their other duties.

"(g) It is a ground for removal from the advisory council that a member:

"(1) does not have at the time of appointment the qualifications required by Subsection (a) of this section for appointment to the advisory council; or

"(2) does not maintain during the service on the advisory council the qualifications required by Subsection (a) of this section for appointment to the advisory council.

"(h) It shall be the duty of the advisory council to consult with and advise the director with respect to the affairs and problems of local government and work of the department. The advisory council shall meet at least three times annually at the call of the director and at such other times as the advisory council shall determine, the time and place of such other meetings to be fixed by resolution of the advisory council. It shall be the responsibility of the department to furnish such information, equipment and staff as is necessary to implement the work of the advisory council within the limits of appropriations for the purpose."

Section 13b. GENERAL INFORMATION AND COMPLAINTS. (a) The department shall prepare information of general interest describing the functions of the department and describing the department's procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the general public and appropriate state agencies.

"(b) The department shall keep an information file about each complaint filed with the department relating to an activity of the department.

"(c) If a written complaint is filed with the department relating to an activity of the department, the department, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint.

Section 13c. AUDITS. The State Auditor shall audit the financial transactions of the department during each fiscal year."

Section 13d. There is hereby created within the department an office to operate in conjunction with the community service block grant to be known as the Energy Services Program for Low Income People and having jurisdiction and responsibility for administration of the following:

(1) Low income energy assistance program block grant (LIEAP);
(2) Energy related crisis assistance, from whatever sources funded;
(3) Home weatherization program, from whatever sources funded; and
(4) All other relevant programs funded by fuel overcharge refunds.

SECTION 2. The requirements under Subsection (b), Section 5, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(201), Vernon's Texas Civil Statutes), as added by this Act, that the director of the department develop an intraagency career ladder program and a system of annual performance evaluations shall be implemented before September 1, 1984. The requirement of Subsection (b) of Section 5 that merit pay be based on the performance evaluation system shall be implemented before September 1, 1985.
SECTION 3. (a) A member of the Advisory Council on Community Affairs who holds office on August 31, 1983, is entitled to continue to hold the office for the term for which the member was appointed.

(b) As incumbent members of the advisory council vacate their offices or as their terms expire, the governor shall appoint members to the advisory council to achieve as soon as possible the membership scheme established by Section 6, Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(201), Vernon's Texas Civil Statutes), as amended by this Act.

SECTION 4. All funds received by the State of Texas in this biennium from fuel overcharge refunds are hereby appropriated to the Texas Department of Community Affairs to be used by such department to fund programs for low income people on weatherization, home utility assistance, and other authorized purposes.

SECTION 5. This Act takes effect September 1, 1983.

CSSB 315 was read second time.

Representative C. Evans offered the following amendment to CSSB 315:

Beginning on page 3, strike subsection (12) and add the following:

"(12) administer, as appropriate, State responsibilities for programs created under the Federal Economic Opportunity Act of 1964, any programs which may be assigned to the agency in accordance with the Omnibus Reconciliation Act of 1981, and other federal acts creating economic opportunity programs;"

Strike subsection (13), lines 9 through 12 on page 3, in its entirety;

Strike Section 4A, beginning on line 19, page 3 and continuing through line 9 of page 5, in its entirety.

The amendment was adopted without objection.

Representative G. Thompson offered the following amendment to CSSB 315:

Amend new underlined Section 4A by adding the following new Subsection (h)(3) and renumbering existing Subsection (h)(3) as (h)(4):

(3) may recommend annually to the director a formula, based on need, for allocating funds to each of the geographic state planning regions established by the Governor pursuant to Article 1011m, V.T.C.S.; and

The amendment was adopted without objection.

Representative Ragsdale offered the following amendment to CSSB 315:

Amend CSSB 315, page 6 line 15 by adding a new subsection (c) to proposed Section 5 to read as follows:

(c) The director or his designee shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity whereby all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The plans shall include:

(1) a comprehensive analysis of all the agency's workforce by race, sex, ethnic origin, class of position, and salary or wage;

(2) plans for recruitment, evaluation, selection, appointment, training, promotion and other personnel policies;

(3) steps reasonably designed to overcome any identified underutilization of minorities and women in the agency's workforce; and

(4) objectives and goals, timetables for the achievement of the objectives and goals, and assignments of responsibility for their achievement.
The plans shall be filed with the Governor's office within sixty days of the effective date of this Act, cover an annual period and be updated at least annually. Progress reports shall be submitted to the Governor's office within thirty days of November 1 and April 1 of each year and shall include the steps the agency has taken within the reporting period to comply with these requirements.

The amendment was adopted without objection.

CSSB 315, as amended, was passed to third reading. (Fox and Schlueter recorded voting no)

SB 432 ON SECOND READING
(A. Moreno - House Sponsor)

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

SB 432, A bill to be entitled An Act relating to the regulation of health maintenance organizations; amending the Texas Health Maintenance Organization Act, as amended (Articles 20A.02, 20A.04, 20A.11, 20A.13, and 20A.30, Vernon's Texas Insurance Code), by amending Sections 11 and 30; Subsection (p), Section 2; Subsection (a), Section 4; and adding Subsection (q) to Section 2 and Subsections (g) and (h) to Section 13.

The bill was read second time.

Representative Simpson offered the following amendment to the bill:

Amend SB 432 on page 6, line 15 by deleting the word "fidelity" and inserting in lieu thereof the word "surety", and on line 17 by inserting after the word "Insurance" and before the comma the following:

"for the use and benefit of the health maintenance organization, which said bond shall obligate the principal and surety to pay such pecuniary loss as the health maintenance organization shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction, or willful misapplication by an employee or officer"

The amendment was adopted without objection.

SB 432, as amended, was passed to third reading.

SB 483 ON SECOND READING
(DeLay - House Sponsor)

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

SB 483, A bill to be entitled An Act relating to the application of the Health Facilities Development Act to nursing homes organized for profit.

The bill was read second time and was passed to third reading. (Fox, Schlueter, Shea, and P. Hill recorded voting no)
May 23, 1983

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 1380 by Parmer and Caperon, relating to electric utility energy efficiency programs and incentives, to the authority and duties of the Public Utility Commission.

Respectfully,
Betty King
Secretary of the Senate

HR 469 - ADOPTED

Representative Bomer moved that all necessary rules be suspended to take up and consider at this time, HR 469.

A record vote was requested.

The rules were suspended by (Record 473): 101 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barton, B.; Berlanga(C); Bomer; Buchanan; Burnett; Bush; Cain; Cary; Clark; Connelly; Craddick; Danburg; Davis; Delay; Eckels; Elkenburg; English; Evans, C.; Finnell; Gandy; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Grissom; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Hell; Hernandez; Hightower; Hibbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lane; McKenna; McWilliams; Mankins; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Polombo; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Toomey; Valles; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Barrientos; Barton, E.; Blanton; Carriker; Cervera; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Denton; Edwards; Emmett; Evans, L.; Fox; Gamez; Garcia, A.; Gilley; Green; Hackney; Harrison, W.; Hollowell; Hudson, S.; Hury; Lee, D.; Luna; Madla; Martinez, R.; Messer; Patronella; Smith, A.; Smith, C.; Tejeda; Tow; Uher; Wallace; Watson.

Present, not voting — Mr. Speaker; Leonard.

Absent, Excused — Delco.

Absent — Cavazos; Lee, E. F.; Price; Schlueger; Thompson, S.; Turner; Vowell; Waldrop.

The chair laid before the house the following resolution:
By Bomer, et al.: 

HR 469 

BE IT RESOLVED by the Texas House of Representatives That House Rule 14, Section 9(a) is hereby suspended in order that the conference committee on Senate Bill No. 232 may make appropriate changes to incorporate into Senate Bill No. 232 the language of Senate Bill No. 884 as Senate Bill No. 884 passed the senate and was reported from the House Committee on State Affairs; and, be it further RESOLVED, That the specific limitation suspended by this resolution is the limitation that prohibits a conference committee from adding text on any matter that is not in disagreement; and, be it further 

RESOLVED, That the specific action contemplated by the conference committee is to add language that assigns the regulation of water utilities to the Texas Department of Water Resources and the Texas Water Commission; and, be it further 

RESOLVED, That the suspension of the limitation is being requested for the reason that the responsibilities and duties of the state agencies regulating water utilities need to be clarified.

(Speaker in the chair) 

A record vote was requested.

The resolution was adopted by (Record 474): 96 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barton, B.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Clark; Connelly; Craddick; Danburg; Davis; DeLay; Eckeis; Eikenburg; Emmett; English; Evans, C.; Gandy; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Haley; Hall, L.; Hammond; Hanna; Harrison, D.; Hernandez; Hilbert; Hill, A.; Hill, P.; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubisk; Kuempel; Laney; McKewna; McWilliams; Mankins; Martinez, W.; Millsap; Moreno, P.; Oliveira; Parker, Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Thompson, G.; Toomey; Tow; Turner; Valles; Vowell; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Barrientos; Barton, E.; Blanton; Carriker; Ceverha; Clemons; Colbert; Collazo; Coody; Criss; Crockett; Denton; Edwards; Evans, L.; Finnell; Fox; Gamez; Garcia, A.; Gilley; Green; Hackney; Hall, T.; Hall, W.; Harrison, W.; Heflin; Hightower; Hill, G.; Hinojosa; Hollowell; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Messer; Moreno, A.; Oliver; Patronella; Polumbo; Shaw; Smith, C.; Tejeda; Uher; Wallace; Watson.

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

Absent, Excused — Delco.

Absent — Cavazos; Presnal; Rudd; Sutton; Thompson, S.; Waldrop.

SB 649 ON SECOND READING 

(Pennington - House Sponsor) 

The speaker laid before the house on its second reading and passage to third reading.
SB 649, A bill to be entitled An Act relating to the authority and duties of a city relating to owning, operating, and financing garbage reclamation projects; providing procedures for the issuance of bonds, their terms and conditions.

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

SB 429 ON SECOND READING

(C. Evans - House Sponsor)

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

SB 429, A bill to be entitled An Act relating to bank deposit agreements, to notice, and to subpoenas and examination, production, and disclosure of bank records.

The bill was read second time.

Representative Russell offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 429 as follows:
On page 4, on lines 4 and 5, delete "or a grand jury"

Committee Amendment No. 1 was adopted without objection.

Representative Arnold offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend SB 429, on page 6 at the end of line 2 by inserting the following language: "The provisions of this Act shall not apply to the investigation or prosecution of criminal offenses."

Committee Amendment No. 2 was adopted without objection.

Representative Coody offered the following amendment to the bill:

Amend SB 429 by striking line 23 on page 4 and substituting the following: "entitled to recover reasonable costs of reproduction which it incurs in".

The amendment was adopted without objection.

SB 429, as amended, was passed to third reading. (Bush, Fox, and Schluter recorded voting no; C. Smith, present-not voting)

SB 866 ON SECOND READING

(B. Gibson - House Sponsor)

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

SB 866, A bill to be entitled An Act relating to the creation, regulation, powers, administration, funding, and dissolution of public nonprofit corporations to aid in financing agricultural enterprises and facilities; providing for issuance, payment, security, and characteristics of a corporation's bonds; providing for exemption from taxation of properties of a corporation; enacting other provisions relating to the subject.

The bill was read second time.

Representative B. Gibson offered the following committee amendment to the bill:
COMMITTEE AMENDMENT NO. 1

Amend SB 866 as follows:

Amend Subsection (c), Section 10 by adding "or each of the commissioners courts of all counties served by the corporation," after the word "corporation" on page 11, line 16, and by deleting the word "court" and substituting the word "courts" on page 11, line 20.

Amend Section 12 by adding the words "not less than three," after the word "directors," on page 13, line 23.

Amend Subsection (17)(H) of Section 15 by deleting the word "corporations" on page 19, line 6, and substituting the words "corporation or the board;"

Amend Subsection (22) of Section 15 by deleting the word "insurer" and substituting the word "insurance" on line 13 of page 20.

Amend Subsection (b) of Section 16 by deleting the word "redeeming" on page 22, line 24, and substituting the words "providing for the redemption of".

Amend Subsection (e) of Section 18 on page 26, line 20 by adding after the words "outstanding bonds" the following language "as provided in the resolution authorizing bonds or other document under which the bonds are issued."

Committee Amendment No. 1 was adopted without objection.

Representative B. Gibson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend Section 5 of SB 866, by adding "an individual agricultural producer," after the words "federal law," on page 6, line 18.

Committee Amendment No. 2 was adopted without objection.

SB 866, as amended, was passed to third reading. (Toomey, Fox, Schlutier, Shea, and P. Hill recorded voting no)

HJR 97 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HJR 97.

CSHJR 97

A JOINT RESOLUTION

proposing a constitutional amendment authorizing certain raffles for charitable purposes.

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

SECTION 1. That Article III, Section 47, of the Texas Constitution be amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The Legislature shall pass laws prohibiting lotteries and gift enterprises in this State other than those authorized by Subsections (b) and (d) of this section.

(d) A church, synagogue, religious society, volunteer fire department, nonprofit veterans' organization, fraternal organization, or nonprofit organization may conduct not more than two fund-raising events or activities involving a raffle in any calendar year if all proceeds from the game are spent for charitable purposes of the organization. The definitions that are or may be provided by law for "nonprofit organization" and "charitable purpose," as those terms are used in Subsection (b) of this section, apply to those terms under this subsection. This subsection does not authorize an organization to conduct bingo.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 1983. The ballot shall be printed
to provide for voting for or against the proposition: “The constitutional amendment authorizing certain raffles for charitable purposes.”

A record vote was requested.

CSHJR 97 was read second time and was adopted by (Record 475): 119 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; DeLay; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, S.; Huy; Jones; Keller; Kemp; Khoury; Kuempel; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Peveto; Pierce; Polk; Polumbo; Presnall; Ragsdale; Rangel; Robinson; Roubett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Sheeh; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Wilson; Word; Wright.

Nays — Clark; Clemons; Denton; Fox; Green; Hall, L.; Heflin; Hightower; Hilbert; Hill, A.; Hollowell; Hudson, D.; Kubiak; Leonard; McKenna; Patterson; Pennington; Toomey; Willis.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delco.

Absent — Bomer; Davis; Hammond; Jackson; Messer; Price; Thompson, G.; Thompson, S.; Vowell; Wolens.

HJR 88 ON SECOND READING

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

HJR 88, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt certain property of religious organizations from ad valorem taxation.

The resolution was read second time.

Representative T. Hall offered the following amendment to the resolution:

Amend HJR 88 by striking “real” on page 1, line 11.

The amendment was adopted without objection.

A record vote was requested.

HJR 88, as amended, was adopted by (Record 476): 121 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Cain; Cary; Cavazos; Ceverha; Clemons; Collazo; Connelly; Coody; Craddick; Cockett; Davis; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney;
Representative Finnell moved to suspend the 5-day posting rule to allow the Committee on Retirement and Aging to consider SB 793, SB 1368, and SB 908.

The motion prevailed without objection.

Representative E. Barton moved to suspend the 48-hour subcommittee report rule to allow the Committee on Human Services to consider HB 1002.

The motion prevailed without objection.

Representative Gilley moved to suspend all necessary rules to allow the Conference Committee on HB 1473 to meet while the house is in session tomorrow and the remainder of the session if necessary.

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 SCR 35, SB 569, SB 1237, SB 1318, SB 631, HCR 248, SCR 107, SCR 109, SCR 117, SCR 47, SCR 93, HCR 258, and HCR 122.

The motion prevailed without objection.

Representative Turner called up with senate amendments for consideration at this time.

HB 2154, A bill to be entitled An Act relating to the creation of a commission to examine possible violations of, and to interpret, state ethics provisions.

Representative Turner moved to concur in senate amendments to HB 2154.

Representative Bush moved, as a substitute motion, that the house do not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the bill.
Representative Turner moved to table the substitute motion.

A record vote was requested.

The motion to table was lost by (Record 477): 45 Yeas, 95 Nays, 1 Present, not voting.

Yeas — Blanton; Clemons; Coody; Davis; Eckels; Emmett; Evans, C.; Finnell; Gandy; Gavin; Gibson, B.; Glossbrenner; Grisham; Hammond; Hanna; Hill, A.; Hill, G.; Hill, P.; Hollowell; Hudson, D.; Hury; Jackson; Khoury; Madla; Messer; Millsap; Patrick; Patterson; Pierce; Robnett; Schluter; Schoelcraft; Shaw; Shea; Simpson; Smith, T.; Stiles; Tejeda; Thompson, G.; Toomey; Tow; Waldrop; Whaley; Wolens; Word.

Nays — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Connelly; Clark; Colbert; Collazo; Connelly; Craddick; Criss; Crockett; Danburg; Delay; Denton; Edwards; Eikenburg; English; Evans, L.; Fox; Gamer; Garcia, A.; Garcia, M.; Geistweidt; Gilley; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hinojosa; Horn; Hudson, S.; Jones; Kemp; Kubiaik; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pennington; Peveto; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Smith, A.; Smith, C.; Staniswalis; Sutton; Thompson, G.; Valles; Vowell; Wallace; Watson; Wieting; Willis; Wilson; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Delco.

Absent — Bomer; Cary; Gibson, J.; Keller; Laney; Short; Turner; Uher.

A record vote was requested.

The Bush substitute motion prevailed by (Record 478): 88 Yeas, 53 Nays, 3 Present, not voting.

Yeas — Agnich; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Connelly; Clark; Colbert; Collazo; Connelly; Craddick; Criss; Crockett; Danburg; DeLay; Denton; Edwards; Eikenburg; English; Evans, L.; Fox; Gamer; Garcia, A.; Garcia, M.; Geistweidt; Gilley; Green; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, W.; Hellin; Hernandez; Hill, A.; Hinojosa; Horn; Hudson, S.; Hury; Jones; Kemp; Kubiaik; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pennington; Peveto; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Sanders; Smith, C.; Sutton; Thompson, S.; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wright.

Nays — Armbrister; Blanton; Cary; Clemons; Coody; Davis; Eckels; Emmett; Evans, C.; Finnell; Gandy; Gavin; Gibson, B.; Glossbrenner; Grisham; Hammond; Hanna; Harrison, D.; Hightower; Hilbert; Hill, G.; Hill, P.; Hollowell; Hudson, D.; Jackson; Khoury; Kuempel; Madla; Messer; Millsap; Oliveira; Patrick; Patterson; Pierce; Robnett; Schluter; Schoelcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uher; Whaley; Wolens; Word.

Present, not voting — Mr. Speaker(C); Granoff; Oliver.
Absent, Excused — Delco.
Absent — Bomer; Gibson, J.; Keller; Laney; Short.

RESOLUTIONS REFERRED TO COMMITTEES

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

By Hackney:

HR 467, Directing a joint subcommittee of the House Committee on Energy and the House Committee on State Affairs to study electric utility rates and inverted block rate pricing structure.
To Committee on Energy.

By G. Hill:

HCR 261, In memory of Odis C. Havis.
To Committee on Rules and Resolutions.

SCR 57, Issuance of license plates commemorating the Sesquicentennial in the year 1986.
To Committee on Cultural and Historical Resources.

SCR 113, Directing the Houston Metropolitan Transit Authority to purchase buses manufactured in this state.
To Committee on Transportation.

SCR 115, Granting L. Moody Bennett permission to sue the state and the General Land Office.
To Committee on Judicial Affairs.

SCR 116, Granting Mitchell Development Corporation of the Southwest permission to sue the state and the Texas Parks and Wildlife Department.
To Committee on Judicial Affairs.

SCR 123, Authorizing the Lieutenant Governor and Speaker to appoint joint committees during the interim.
To Committee on House Administration.

SCR 125, Granting Ramon Murillo, Jr., and Graciela Murillo permission to sue the state and The University of Texas System.
To Committee on Judicial Affairs.

SCR 126, Directing the Public Utility Commission of Texas to study and examine alternatives for resolving the problems resulting from triplicate telephone service in municipalities of 2,000 to 2,500 population.
To Committee on State Affairs.

SCR 129, Recognizing General Bernardo de Galvez and his prominent part in American history and requesting that the State Board of Education and Texas Education Agency request such recognition in the state adopted American History textbooks.
To Committee on Public Education.

SENATE BILLS ON FIRST READING

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

SB 4 to Committee on Higher Education.
SB 736 to Committee on Insurance.
SB 1081 to Committee on Judiciary.
SB 1134 to Committee on Transportation.
SB 1347 to Committee on State Affairs.
SB 1350 to Committee on Natural Resources.
SB 1375 to Committee on County Affairs.
SB 1391 to Committee on Retirement and Aging.
SB 1406 to Committee on County Affairs.
SB 1408 to Committee on Business and Commerce.
SB 1425 to Committee on Business and Commerce.

SB 472 - RULES SUSPENDED
Representative W. Hall moved to suspend the 5-day posting rule to allow the Committee on Liquor Regulation to consider SB 472.
The motion prevailed without objection.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR
Representative S. Hudson moved to suspend all necessary rules to set a Congratulatory and Memorial Resolutions Calendar for 9 a.m., Saturday, May 28.
The motion prevailed without objection.

HB 1095 - RULES SUSPENDED
Representative Shaw moved to suspend the 48-hour subcommittee report rule to allow the Committee on Liquor Regulation to consider HB 1095.
The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS
The following committee meetings were announced:
Business and Commerce, on recess today, Desk 95, to consider SB 1408 and SB 1158.
Calendars, one hour after recess today, Room G-14, to set the calendar.
Human Services, on recess today, Desk 103, to consider HB 1002.
Liquor Regulation, on recess today, Room 411, Reagan Building, to consider HB 1107 and SB 46.
Retirement and Aging, on recess today, speakers committee room, to consider SB 793, SB 908, SB 1368, and pending business.
State Affairs, on recess today, speakers committee room, to consider posted bills and pending legislation.
County Affairs, 9:30 a.m. tomorrow, Desk 99, to consider senate bills.
Ways and Means, on recess today, Room 346, to consider SB 982, SB 1329, and other pending business.
Local and Consent Calendars, 10 minutes before house convenes tomorrow, back hall.
Human Services, on recess today, Desk 50, to consider SB 477.

Natural Resources, on recess today, Desk 70, to consider SB 1235, SB 1309, SJR 41, and SB 378.

State Affairs, Subcommittee on HB 883, 9:45 a.m. tomorrow, Desk 47, to consider HB 883.

Urban Affairs, Subcommittee on SB 266, on recess today, Desk 43, to consider SB 266.

Public Health, on recess today, Desk 65, to consider HR 449, HR 460, HR 339, HR 352, HCR 198, and SB 791.

Public Education, on recess today, Desk 26.

Rules and Resolutions, on recess today, Desk 144, to consider Saturday's calendar.

RECESS

Representative Wallace moved that the house recess until 10 a.m. tomorrow in memory of the Honorable J. L. Briscoe, former member.

The motion prevailed without objection.

The house accordingly, at 6:38 p.m., recessed until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Business and Commerce - HB 2071, SB 397, SB 876
County Affairs - HB 2448, HB 2452, SB 1404
Criminal Jurisprudence - HB 326, HB 1355, SB 647, SB 715
Financial Institutions - HB 2055
Higher Education - SB 410, SB 894, SB 912
Human Services - SB 816
Insurance - SB 538, SB 1040, SB 1287
Judicial Affairs - HB 2328, HB 2340, HCR 73, HCR 227, HCR 255, HCR 256, HCR 259, SB 223, SB 564, SB 1273, SCR 37
Liquor Regulation - HB 1889, HB 2193, HR 111, HR 362, SB 21, SB 964
Public Education - HB 9, HB 2127, SB 226
Public Health - HR 116
Retirement and Aging - HB 2358, HCR 110, HCR 111, SB 768
State Affairs - HB 1903, HB 2201, HJR 74, H.JR 108, SB 470, SB 651, SB 771, SB 923, SB 1167, SB 1308, SB 1314
Transportation - SB 722
Natural Resources - HB 2429, SB 1235, SB 1241
Urban Affairs - SB 958
Ways and Means - HB 1625, HB 2136, SB 23, SJR 1

ENROLLED

May 19 - HB 639
May 20 - HB 1618, HB 1619, HCR 149

SENT TO THE GOVERNOR


COAUTHORS AUTHORIZED

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

HB 139 - W. Martinez, Gamez
HB 1295 - Horn
HB 2310 - Gamez
HR 469 - Keller, Short, Turner, Laney