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

The roll of the house was called and a quorum was announced present (Record 480).

Present - Mr. Speaker; Agnish; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Cleveria; Clark; Clemens; Colbert; Collazo; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Edema; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia; M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Gossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helfin; Hernandez; Hightower; Hilbert; Hill; A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurley; Jackson; Jones; Keller; Kemp; Khourey; Kubiac; 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; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Connely.

Absent — Cary.

BILL SIGNED BY THE SPEAKER

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

HB 658

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDAR ON THIRD READING

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

SB 223
SB 1075
SB 1242 (Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)
SB 569
HB 2399
HB 2447
HB 2449
SB 21 (Ceverha - no)
SB 303 (C. Smith, Eikenburg, Kuempel, Heflin, Bush, Ceverha, Fox, Craddick, Saunders, Patterson, and Pennington - no)
SB 381
SB 395 (Green, Saunders, Patterson, and Millsap - no)
SB 409 (Ceverha, Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)
SB 410
SB 446 (Eikenburg, Heflin, Pennington, Craddick, and C. Smith - no)
SB 488 (C. Smith, Eikenburg, Pennington, Bush, Green, Fox, Craddick, and G. Hill - no)
SB 515 (Staniswalis, Kuempel, Heflin, Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)
SB 549 (Saunders - no)
SB 647 (G. Thompson, McWilliams, Robinson, Clark, Kubiak, Burnett, Wieting, Bush, Heflin, Ceverha, Crockett, Fox, Craddick, C. Smith, Eikenburg, Collazo, D. Harrison, W. Harrison, Whaley, Hightower, D. Lee, Shaw, B. Gibson, Short, Russell, Waldrop, Geistweidt, Parker, Mankins, Saunders, Patterson, Kuempel, and Pennington - no)
SB 668
SB 688 (Heflin, Schlueter, Khoury, Fox, Craddick, C. Smith, Eikenburg, Saunders, Patterson, and Pennington - no)
SB 715
SB 766
SB 775
SB 776
SB 870 (Green - no)
SB 912
SB 913
SB 927
SB 940 (Heflin, Hilbert, Toomey, Green, and A. Smith - no)
The following bills which were considered on second reading on the previous
legislative day on the local and consent bills calendar were
laid before the house, read third time, and passed by (Record 481): (Members registering votes and the
results of the vote are shown following bill number) 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Belinda; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrasco; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Coody; Craddick; Cress; Crockett; Danburg; Davids; DeLay; Delco; Denton; 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; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hollings; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubek; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Milkap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pevelo; Pierce; Polk; Polubio; Presnal; Price; Ragsdale; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoonover; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.
P resent, not voting — Mr. Speaker(C); Fox.
Absent, Excused — Connellty.
Absent — Jones; Rangel; Salinas; Thompson, S.
SB 1252 (143-0-7)
SB 1260 (143-0-7)
SB 1371 (143-0-7)
HB 2394 (143-0-7)
HB 2430 (Heflin - no) (142-1-7)
SB 1404 (143-0-7)
SB 45 (143-0-7)
SB 317 (143-0-7)
SB 461 (Heflin and Green - no) (141-2-7)
SB 516 (143-0-7)
SB 583 (143-0-7)
SB 587 (Fox, Craddick, C. Smith, Eikenburg, and Pennington - no) (139-5-6)
SB 643 (Jackson - present-not voting) (142-0-8)
SB 787 (Fox, Craddick, C. Smith, Pennington, and Eikenburg - no) (139-5-6)
SB 816 (143-0-7)
SB 818 (Green - no) (142-1-7)
SB 893 (Heflin, Fox, Craddick, Khoury, C. Smith, Eikenburg, and Pennington - no) (137-7-6)
SB 894 (143-0-7)
SB 921 (Heflin and Green - no) (141-2-7)
SB 925 (Heflin, McWilliams, Ceverha, and Saunders - no) (139-4-7)
SB 943 (Green - no) (142-1-7)
SB 1036 (143-0-7)
SB 1088 (Fox, Craddick, C. Smith, Eikenburg, and Pennington - no) (139-5-6)
SB 1094 (143-0-7)
SB 1128 (Hollowell, Fox, Craddick, C. Smith, Eikenburg, and Pennington - no) (138-6-6)
SB 1156 (143-0-7)
SB 1215 (Fox, Craddick, C. Smith, Eikenburg, and Pennington - no) (139-5-6)
SB 1225 (143-0-7)
SB 1283 (143-0-7)
SB 1293 (143-0-7)
SB 1314 (143-0-7)
SB 1316 (143-0-7)
SB 1322 (143-0-7)
SB 1334 (143-0-7)  
SB 1338 (143-0-7)  
SB 1367 (Green - no) (142-1-7)  
HB 1519 (143-0-7)  
HB 1625 (143-0-7)  
HB 1889 (Hollowell, Fox, Eikenburg, Schlueter, Ceverha, Jackson, McWilliams, and Pennington - no) (136-8-6)  
HB 2405 (143-0-7)  
HB 2434 (Fox, Eikenburg, and Pennington - no) (141-3-6)  
HB 2452 (143-0-7)  

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

HB 562 - POSTPONED

Representative Ragsdale moved that consideration of HB 562 be postponed until 11 a.m. tomorrow.

The motion prevailed without objection.

HB 642 WITH SENATE AMENDMENTS

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

HB 642, A bill to be entitled An Act relating to awarding the Texas Department of Human Resources fees for court-ordered social studies.

Representative Willis 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 642 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 642: Willis, chair; Blanton, Russell, Word, and L. Hall.

HB 289 ON THIRD READING

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

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 third time and was passed. (Schlueter, Staniswalis, Craddick, Hanna, Fox, C. Smith, Geistweidt, DeLay, and Clark recorded voting no)

HB 2081 ON THIRD READING

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

HB 2081, A bill to be entitled An Act relating to promptness of payment of workers' compensation benefits, fines, and penalties.
The bill was read third time and was passed. (Heflin and D. Harrison recorded voting no)

**HB 1871 ON THIRD READING**

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

**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.

The bill was read third time and was passed.

**HB 2229 ON THIRD READING**

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

**HB 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.

A record vote was requested.

The bill was read third time and was passed by (Record 482): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Burrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriger; Cavazos; Cervera; Clark; Clemons; Colbert; Collazo; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; DeLeo; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finney; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilburt; Hill, A.; Hill, G.; Hill, P.; Hinjosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kubiak; Kuempel; Lanev; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Master; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalski; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieling; Willis; Wilson; Wolens; Word; Wright.

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

Absent, Excused — Connelly.

Absent — Cary; Fox; Lee, D.; Smith, T.; Toomey.

**HB 1629 ON THIRD READING**

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

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

A record vote was requested.
The bill was read third time and was passed by (Record 483): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomar; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurty; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Meser; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoorl; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uhler; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Wills; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Connelly.

Absent — Collazo; Haley; Jones; Lee, D.; Tejeda.

HB 2383 ON THIRD READING

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

HB 2383, A bill to be entitled An Act relating to the relinquishment and release of certain 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 third time and was passed.

HB 973 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 973.

CSHB 973

A BILL TO BE ENTITLED
AN ACT

relating to reimbursement of school district employees for damaged personal property.

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

SECTION 1. Chapter 21, Texas Education Code, is amended by adding Section 21.918 to read as follows:

Sec. 21.918. REIMBURSEMENT FOR DAMAGED PROPERTY. A school district shall reimburse an employee of the school whose item of personal property is stolen, damaged or destroyed while on school property by a person other than the employee. The school district shall reimburse the employee in an amount
equal to the cost of repairing or replacing the item, whichever is less, but not to exceed $500 in any one school year per incident. A school district shall develop a proper form to be used for the registration of any personal property used by the school employee. This form shall also prescribe standards to determine what items of personal property are permissible under this section. No reimbursement shall be made to the employee unless the proper procedure as prescribed is followed.

SECTION 2. This Act takes effect September 1, 1983.

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

CSHB 973 was read second time and was passed to engrossment. (Fox, D. Harrison, Toomey, Kubiak, Blanton,ieverha, Kuempel, Staniswalis, Geistweidt, DeLay, Clark, and Heflin recorded voting no)

HB 2193 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 2193.

CSHB 2193

A BILL TO BE ENTITLED
AN ACT
relating to the importation of alcoholic beverages for personal use; amending Alcoholic Beverage Code Section 107.07; and declaring an emergency.

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

SECTION 1. Section 107.07, Alcoholic Beverage Code, as heretofore amended, is hereby amended to read as follows:

"Sec. 107.07. Importation for Personal Use; Importation by Railroad Companies. Alcoholic beverages which the producer thereof has established by affidavit filed with the Commission are produced under a registered brand name only in the country in which purchased may be imported without permit or license under the following conditions:

(a) [A Texas resident] An individual may import not more than one quart of liquor or wine for his own personal use without being required to hold a permit. (A Texas resident may import for his own personal use not more than three gallons of wine without being required to hold a permit. A nonresident of Texas may import not more than a gallon of liquor for his own personal use without being required to hold a permit.) A person importing liquor into the state under this subsection must pay the state tax on liquor and affix the required tax stamps. No person under the age of 19 years and no intoxicated person may import any liquor into the state. A person importing wine or liquor under this subsection must personally accompany the wine or liquor as it enters the state. A person may not avail himself of the exemptions set forth in this subsection more than once every thirty days.

(b) A person may import beer into this state for his own personal use without being required to hold a license, but may not import more than 24 twelve-ounce bottles or an equivalent in quantity in one day. He must pay the state tax on beer.

(c) [A member of the armed forces stationed in Texas is treated as a Texas resident for the purposes of Subsections (a) and (b) of this section:]

(d) A railroad company operating in this state may import beer owned by the company in quantities necessary to meet the needs of its passengers, but it may not sell or serve beer in a dry area."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

A record vote was requested.

CSHB 2193 was read second time and was passed to engrossment by (Record 484): 89 Yeas, 45 Nays, 1 Present, not voting.

Y eas - Aglich; Barrientos; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cain; Cazavos; Coody; Craddick; Criss; Danburg; Delco; Denton; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Gamez; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Green; Grisham; Hackney; Hall, T.; Hanna; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, G.; Hollowell; Hudson, D.; Hudson, S.; Hurly; Jackson; Keller; Kemp; Kubiak; Kuempel; Lane; Leonard; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Oliver; Patrick; Patronella; Patterson; Pennington; Pierce; Polmber; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Stiles; Tejeda; Thompson, S.; Tow; Turner; Wallace; Watson; Whaley; Wieting; Wilson; Wolens; Word; Wright.

Nays - Armbrister; Arnold; Barton, B.; Carrker; Ceverha; Clark; Clemons; Crockett; Delay; Eckels; Finnel; Fox; Gandy; Geistweidt; Granoff; Haley; Hall, L.; Hall, W.; Hammond; Harrison, D.; Hellin; Hill, A.; Hill, P.; Hinojosa; Jones; Lee, D.; McKenna; Millsap; Moreno, A.; Moreno, P.; Oliveira; Polk; Robinson; Schlueter; Shea; Smith, C.; Smith, T.; Staniswalis; Sutton; Thompson, G.; Toomey; Valles; Vowell; Waldrop; Willis.

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

Absent, Excused — Connelly.

Absent — Bush; Cary; Colbert; Collazo; Davis; Gibson, J.; Glossbrenner; Horn; Khouyr; Lee, E. F.; Messer; Parker; Peveto; Uber.

STATEMENT BY REPRESENTATIVE ARMBRISTER
I intended to vote yes on HB 2193 but the machine indicated no.

MESSAGE FROM THE SENATE
Austin, Texas, May 24, 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 73 by A. Smith, proposing a constitutional amendment to permit use of public funds and credit for payment of premiums on certain insurance policies and annuity contracts of mutual insurance companies.

HJR 105 by C. Evans, et al., proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

HB 283 by Luna, relating to the possession and delivery of certain volatile chemicals. (amended)
HB 784 by Rudd, relating to sick leave for public school teachers.
HB 1345 by Craddick, relating to the regulation of pipeline transportation of hazardous liquids and the regulation of hazardous liquid pipeline facilities.
HB 1475 by Craddick, relating to the authority of a county to issue bonds for a public library.
HB 1731 by Danburg, relating to the establishment of a Texas Trails System.
HB 1936 by Kubiak, relating to the licensing of veterinarians in Texas.
HB 2006 by C. Evans, relating to replacing the limitation on the value of an urban homestead with a limitation based on size.

Respectfully,
Betty King
Secretary of the Senate

HB 1771 ON SECOND READING

The speaker laid before the house on its second reading and passage to engrossment, the complete committee substitute for HB 1771.

CSHB 1771

A BILL TO BE ENTITLED
AN ACT
relating to the use of live animals as a lure in dog race training or in dog coursing on a racetrack.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subsection (a), Section 42.11, Penal Code, is amended to read as follows:
(a) A person commits an offense if he intentionally or knowingly:
(1) tortures or seriously overworks an animal;
(2) fails unreasonably to provide necessary food, care, or shelter for an animal in his custody;
(3) abandons unreasonably an animal in his custody;
(4) transports or confines an animal in a cruel manner;
(5) kills, injures, or administers poison to an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent; [or]
(6) causes one animal to fight with another; or
(7) uses a live animal as a lure in dog race training or in dog coursing on a racetrack.

SECTION 2. This Act takes effect September 1, 1983.
SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

CSHB 1771 was read second time and was passed to engrossment. (Schlueter, Khoury, and Heflin recorded voting no)

SB 920 ON THIRD READING
(Polk - House Sponsor)

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

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 third time.

Representative Wilson offered the following amendment to the bill:

Amend SB 920 by striking all language on lines 7 and 8 and substituting in lieu of the following:

“SECTION 1. Section 22.002, Human Resources Code, is amended by adding Subsection (h) and (i) to read as follows:"

The amendment was adopted without objection.

SB 920, as amended, was passed.

On motion of Representative Polk and by unanimous consent, the caption of SB 920 was ordered amended to conform to the body of the bill.

SB 586 ON THIRD READING
(Berlanga - House Sponsor)

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

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.

A record vote was requested.

The bill was read third time and was passed by (Record 485): 118 Ys, 16 Ns, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cebera; Clark; Clemons; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, W.; Hernandez; Hightower; Hilpert; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Shaw; Shea; Short; Simpson; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Blanton; Craddick; DeLay; Eikenburg; Emmett; Fox; Hanna; Heflin; Horn; Hudson, S.; McKenna; Parker; Schlueter; Schoolcraft; Smith, A.; Smith, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Connelly.

Absent — Agnich; Colbert; Collazo; Glossbrenner; Haley; Harrison, D.; Hill, A.; Mankins; Messer; Millsap; Pennington; Ragsdale; Sutton; Wright.

STATEMENT BY REPRESENTATIVE S. HUDSON

On SB 586, I intended to vote yes instead of no.

S. Hudson
SB 215 ON THIRD READING
(Hackney - House Sponsor)

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

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 third time and was passed. (McKenna, P. Hill, and Shea recorded voting no)

On motion of Representative Hackney and by unanimous consent, the caption of SB 215 was ordered amended to conform to the body of the bill.

SB 622 ON THIRD READING
(Keller - House Sponsor)

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

SB 622, A bill to be entitled An Act relating to the pre-parole transfer of prisoners to community residential facilities.

A record vote was requested.

The bill was read third time and was passed by (Record 486): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Boner; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cervera; Clark; Clemmons; Colbert; Collazo; Coody; Cradick; Criss; Crockett; Danburg; Davis; DeLay; Dolce; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pierce; Polk; Polombo; Pressal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Connelly.

Absent — Evans, L.; Helfin; Oliveira; Peveto; Sutton.

STATEMENT BY REPRESENTATIVE McKENNA

I was incorrectly shown voting yes on SB 622.

McKenna
SB 448 ON THIRD READING
(Criss - House Sponsor)

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

SB 448, A bill to be entitled An Act relating to unemployment compensation benefits and the Texas Employment Commission.

The bill was read third time and was passed. (Schlueter, P. Hill, Shea, Fox, and Heflin recorded voting no)

On motion of Representative Criss and by unanimous consent, the caption of SB 448 was ordered amended to conform to the body of the bill.

SB 105 ON THIRD READING
(Laney - House Sponsor)

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

SB 105, A bill to be entitled An Act relating to the membership, operations, and continuance of the Industrial Commission under the name of the Texas Economic Development Commission and to the commission's advisory council on small business assistance.

The bill was read third time.

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

Amend SB 105 on third reading by amending the first sentence of the paragraph beginning with the words "(10) "Project shall mean . . ." on page 1 of Floor Amendment No. 1 by B. Gibson, adopted on second reading, 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, but not limited to, 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 to the general public; 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.

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

Amend the B. Gibson amendment by adding the following sentence after the first sentence of the amendment:

"The Board of Directors shall not approve a project until the Board finds that the project will not create an unjustified competitive disadvantage to any similar business located in the area."

Representative B. Gibson moved to table the Leonard amendment.

The motion to table prevailed.
The B. Gibson amendment was adopted without objection. 

SB 105, as amended, was passed. (Jackson and C. Smith recorded voting no) 

On motion of Representative Laney and by unanimous consent, the caption of SB 105 was ordered amended to conform to the body of the bill.

SB 375 - POSTPONED 

Representative Messer moved that consideration of SB 375 be postponed until 10 a.m. tomorrow. 

The motion prevailed without objection. 

SB 748 ON THIRD READING 
(Messer - House Sponsor) 

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

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 third time and was passed. (D. Harrison recorded voting no) 

On motion of Representative Messer and by unanimous consent, the caption of SB 748 was ordered amended to conform to the body of the bill.

SB 112 ON THIRD READING 
(Clark - House Sponsor) 

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

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 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 third time and was passed. 
(Speaker pro tempore in the chair) 

SB 225 ON THIRD READING 
(G. Hill - House Sponsor) 

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

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 1273b, Vernon's Texas Civil Statutes). 

The bill was read third time and was passed. 

SB 137 ON THIRD READING 
(G. Thompson - House Sponsor) 

The chair laid before the house on its third reading and final passage,
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 third time and was passed.

SB 134 ON THIRD READING
(G. Thompson - House Sponsor)

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

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 third time and was passed.

On motion of Representative G. Thompson and by unanimous consent, the caption of SB 134 was ordered amended to conform to the body of the bill.

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

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

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; and to training, licensing, and disciplining of peace officers, jailers or guards of county jails, and reserve law enforcement officers; amending Sections 1, 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 (e), Section 7B.

The bill was read third time and was passed.

On motion of Representative C. Evans and by unanimous consent, the caption of SB 155 was ordered amended to conform to the body of the bill.

SB 135 ON THIRD READING
(G. Thompson - House Sponsor)

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

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
The bill was read third time and was passed.

On motion of Representative G. Thompson and by unanimous consent, the caption of SB 135 was ordered amended to conform to the body of the bill.

SB 329 ON THIRD READING
(Arnold - House Sponsor)

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

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 third time and was passed.

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

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

SB 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.

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

The speaker stated that SB 315 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

On motion of Representative C. Evans and by unanimous consent, the caption of SB 315 was ordered amended to conform to the body of the bill.

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

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

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 third time and was passed.

On motion of Representative A. Moreno and by unanimous consent, the caption of SB 432 was ordered amended to conform to the body of the bill.

**SB 483 ON THIRD READING**
(DeLay - House Sponsor)

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

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

**SB 649 ON THIRD READING**
(Pennington - House Sponsor)

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

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 third time and was passed.

**SB 429 ON THIRD READING**
(C. Evans - House Sponsor)

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

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 third time and was passed. (Bush recorded voting no; C. Smith, present-not voting)

On motion of Representative C. Evans and by unanimous consent, the caption of SB 429 was ordered amended to conform to the body of the bill.

**SB 866 ON THIRD READING**
(B. Gibson - House Sponsor)

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

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 third time.

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

Amend SB 866, Section 5, page 6, by adding the letter "(a)" after the word "ELIGIBILITY." on line 9, and by adding the following after the word "products." on line 20:

"(b) Notwithstanding any other provision herein, if the agricultural enterprise relates to fish and other seafood products, the Texas Parks and Wildlife Commission
shall review such enterprise for the potential impact of the enterprise upon the existing marine and biological ecosystem to be affected by the enterprise and the environmental impact of the enterprise upon the various fisheries and ecological factors in the area to be directly or indirectly affected by the enterprise. Based on this potential impact, the Texas Parks and Wildlife Commission shall issue notice of its approval or disapproval of such enterprise. Affirmative approval by the Texas Parks and Wildlife Commission of the agricultural enterprise shall be a condition precedent to the eligibility of the enterprise for assistance from a corporation organized under this Act."

The amendment was adopted without objection.

The amendment was adopted without objection.

On motion of Representative B. Gibson and by unanimous consent, the caption of SB 866 was ordered amended to conform to the body of the bill.

POINT OF ORDER OVERRULED

Representative Wilson raised a point of order against further consideration of the calendar on the grounds that the calendar violates Rule 8, Section 12 of the House Rules.

The chair overruled the point of order.

SB 397 ON SECOND READING

(Messer - House Sponsor)

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

SB 397, A bill to be entitled An Act relating to the regulation of monopolies, contracts, combinations, and conspiracies in restraint of trade or commerce; containing enforcement procedures and civil and criminal penalties; adding Sections 15.10, 15.11, 15.24, 15.25, and 15.26 of Chapter 15, Title 2, Business & Commerce Code, as amended; amending Sections 15.01, 15.02, 15.03, 15.04, 15.05, 15.12, 15.13, 15.14, 15.16, 15.20, 15.21, and 15.22 of Chapter 15, Title 2, Business & Commerce Code, as amended; repealing Sections 15.06, 15.15, 15.17, 15.18, 15.19, 15.28, 15.29, 15.30, 15.31, 15.32, 15.33, and 15.34 of Chapter 15, Title 2, Business & Commerce Code; and declaring an emergency.

Representative Messer offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 15.20(a) of SB 397 at line 4 of page 32 to read as follows:

"(a) Suit to Collect Civil Fine. The attorney general may file suit in district court in Travis County, or in any county in the State of Texas in which any of the named defendants resides, does business, or maintains its principal office on behalf of the State of Texas to collect a civil fine from any person, other than a municipal corporation, whom the attorney general believes has violated any of the prohibitions in Subsection (a), (b), or (c) of Section 15.05 of this Act. Every person adjudged to have violated any of these prohibitions shall pay a fine to the state not to exceed $1 million if a corporation, or, if any other person, $100,000.

Committee Amendment No. 1 was adopted without objection.

Representative Messer offered the following committee amendment to the bill:
COMMITTEE AMENDMENT NO. 2

Amend Section 15.21(a)(1) of SB 397 at line 18 of page 34 to read as follows:

"the cost of suit, including a reasonable attorney's fee; provided that interest on
actual damages as specified above may not be recovered when recovered damages
are increased threefold.

Committee Amendment No. 2 was adopted without objection.

Representative Messer offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend Section 15.10(k) of SB 397 at line 19 of page 24 to read as follows:

"(k) Nonexclusive Procedures. Nothing in this section shall preclude the
attorney general from using procedures not specified in the section in conducting
an antitrust investigation; provided, however, that in conducting such an
investigation, the attorney general shall use the procedures set forth in this section
in lieu of those set forth in Art. 1302-5.01 through Art. 1302-5.06, Tex. Rev. Civ

Committee Amendment No. 3 was adopted without objection.

Representatives Messer and Wolens offered the following amendment to the
bill:

Amend SB 397 as follows:

(1) On page 12, line 10, between “Sections” and “15.15,” insert “15.14,”.
(2) On page 12, line 12, strike “15.14,”.
(3) On page 16, strike lines 18-22 and substitute: “the demand or petition
to a person to whom delivery would be appropriate under state law if the demand
or petition were process in a civil suit.”
(4) On page 25, line 3, strike “each for state witnesses and defense witnesses”
and substitute “for a party”.
(5) On page 28, strike lines 6-10 and substitute “[Section 15:14 Discovery
Procedure].
(6) On page 1, strike “15.14,” on line 7.
(7) On page 1, insert “15.14,” between “15.06,” and “15.15,” on line 9.

The amendment was adopted without objection.

Representative C. Evans offered the following amendment to the bill:

Amend SB 397, quoted Section 15.05 of Section 1 by adding a new Subsection
(i) to read as follows:

“(i) In determining whether a restraint related to the sale or delivery of
professional services is reasonable, except in cases involving price fixing, or other
per se violations, the court may consider, but shall not reach its decision solely on
the basis of, criteria which include: (1) whether the activities involved maintain
or improve the quality of such services to benefit the public interest, (2) whether the
activities involved limit or reduce the cost of such services to benefit the public
interest.”

Representative Messer moved to table the C. Evans amendment.

The motion to table was lost.

The amendment was adopted.

SB 397, as amended, was passed to third reading. (Fox, A. Smith, Toomey,
P. Hill, Shea, and Hilbert recorded voting no)
SB 1000 ON SECOND READING  
(Messer - House Sponsor)  
The chair laid before the house on its second reading and passage to third reading.  
SB 1000, A bill to be entitled An Act relating to the requirement for a saltwater sportfishing stamp and to fees; providing a penalty; amending Chapter 43, Parks and Wildlife Code, as amended, by adding Subchapter L and amending Section 11.032, Parks and Wildlife Code, as amended.  
The bill was read second time and was passed to third reading. (Wieting, W. Harrison, and 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.  
The motion prevailed without objection.  

SB 1023 ON SECOND READING  
(Keller - House Sponsor)  
The chair laid before the house on its second reading and passage to third reading.  
SB 1023, A bill to be entitled An Act relating to increasing penalties for taking redfish and speckled sea trout and for possessing and using certain nets; amending Subsections (d) and (e) of Section 66.2011, Subsection (b) of Section 66.213, and Subsection (b) of Section 66.214, Parks and Wildlife Code, as amended.  
The bill was read second time.  
Representative Keller offered the following amendment to the bill:  
Amend SB 1023, Sec. 47.007, Texas Parks and Wildlife Code, by adding the following language in subsection (c) to read as follows:  
"(c) The commission shall provide by rule for the issuance and use of commercial fishing boat numbers. Each boat required to be licensed by this section shall have the number affixed to the bow of the boat[,] or to such other location on the boat as will be readily accessible for unimpaired visual inspection of the number by a person on another boat. In such instances where the number will not properly affix to a wooden boat, the commission shall provide for an alternate means of identification of such boat. Unless provided otherwise herein or by the rules of the commission, [A] license issued under this section is not valid unless the number is affixed to the boat as required by this section and the rules of the commission."  
The amendment was adopted without objection.  
Representative Arnold offered the following committee amendment to the bill:  
COMMITTEE AMENDMENT NO. 1  
Amend SB 1023 as follows:  
(1) On page 1, line 20, strike "on a third or subsequent conviction".  
(2) On page 1, line 23, insert the following after "confiscated":  
"A person who violates this section three or more times within a five-year period shall have all equipment, including vessels, in his possession used for the taking of redfish or speckled sea trout confiscated."  
Committee Amendment No. 1 was adopted without objection.
SB 1023, as amended, was passed to third reading. (Ceverha, Watson, Uher, and Heflin recorded voting no)

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 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 651 by Polk, relating to state loans to finance the purchase, installation or repair of energy conservation devices and renewable energy systems for use in residences.

HB 1708 by Armbrister, relating to the carrying of nightsticks by certain campus security personnel. (amended)

HB 338 by Millsap, et al., relating to the authority of the Texas Department of Mental Health and Mental Retardation to construct and operate a psychiatric treatment facility in Tarrant County. (amended)

CSHB 718 by E. F. Lee, relating to the class of persons not qualified to vote.

CSHB 1836 by English, relating to the rate of the city hotel occupancy tax.

Respectfully,
Betty King
Secretary of the Senate

HB 2000 - POSTPONED

Representative Jackson moved that consideration of HB 2000 be postponed until Thursday, May 26, at 9 a.m.

The motion prevailed without objection.

SB 116 ON SECOND READING
(Finnell - House Sponsor)

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

SB 116, A bill to be entitled An Act relating to death benefits from the Employees Retirement System of Texas based on service as a law enforcement or custodial officer; Subchapter D, Chapter 24, Title 110B, Revised Statutes, is amended by adding Section 24.305 and amending Subsection (b) of Section 25.313.

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

SB 285 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 285.
CSSB 285

A BILL TO BE ENTITLED
AN ACT
relating to alcoholic beverage permit and license fees and state regulation of distillers and rectifiers of distilled spirits, wines, and other liquors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 11.34(a), Alcoholic Beverage Code, is amended to read as follows:
(a) An applicant for a wholesaler's, class B wholesaler’s, distiller's and rectifier’s, brewer’s, [distiller's] or winery permit may consolidate in a single application his application for that permit and his application for:
(1) private storage;
(2) storage in a public bonded warehouse;
(3) a private carrier's permit; and
(4) any other permit he is qualified to receive.

SECTION 2. Section 11.39(a), Alcoholic Beverage Code, is amended to read as follows:
(a) Every applicant for a pharmacist's medicinal, brewer's, distiller's and rectifier's, mixed beverage, private club registration, winery, wholesaler's, class B wholesaler's, wine bottler's, or package store permit shall give notice of the application by publication at his own expense in two consecutive issues of a newspaper of general circulation published in the city or town in which his place of business is located. If no newspaper is published in the city or town, the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper published in the closest neighboring county and circulated in the county of the applicant's residence.

SECTION 3. Section 12.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 12.02. FEE. The annual state fee for a brewer's permit is $1,500 [§1,500].

SECTION 4. Section 13.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 13.02. FEE. The annual state fee for a nonresident brewer's permit is $1,500 [§1,500].

SECTION 5. Chapter 14, Alcoholic Beverage Code, is amended to read as follows:
CHAPTER 14. DISTILLER'S AND RECTIFIER'S PERMIT
Sec. 14.01. AUTHORIZED ACTIVITIES. (a) The holder of a distiller's and rectifier's permit may:
(1) manufacture [and rectify] distilled spirits[, except alcohol, and bottle, package, and label them];
(2) rectify, purify, and refine distilled spirits and wines;
(3) mix wines, distilled spirits, or other liquors;
(4) bottle, label, and package his finished products;
(5) sell the finished products [distilled spirits] in this state to holders of wholesaler's permits and to qualified persons outside the state; and
(6) import distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits.
(b) The privileges granted to a distiller and rectifier are confined strictly to distilled spirits and wines manufactured and rectified under his permit.
Sec. 14.02. FEE. The annual state fee for a distiller's and rectifier's permit is $1,500 [§1,500].
Sec. 14.03. CONTINUANCE OF OPERATION AFTER LOCAL OPTION ELECTION. The right of a distiller's and rectifier's permittee to continue in operation after a prohibitory local option election is covered by Section 251.76 of this code.

SEC. 6. Section 16.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 16.02. FEE. The annual state fee for a winery permit is $75 [§56].

SEC. 7. Section 18.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 18.02. FEE. The annual state fee for a wine bottler's permit is $225 [§10].

SEC. 8. Section 19.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 19.02. FEE. The annual state fee for a wholesaler's permit is $1,875 [§256].

SEC. 9. Section 20.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 20.02. FEE. The annual state fee for a general class B wholesaler's permit is $200 [§260].

SEC. 10. Section 21.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 21.02. FEE. The annual state fee for a local class B wholesaler's permit is $25 [§50].

SEC. 11. Section 22.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 22.02. FEE. (a) The annual state fee for a package store permit is $300 [in a city or town is based on the population of the city or town according to the last preceding federal census as follows.]

<table>
<thead>
<tr>
<th>Population</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>25,000 or less</td>
<td>$25</td>
</tr>
<tr>
<td>25,001 to 75,000</td>
<td>475</td>
</tr>
<tr>
<td>75,001 or more</td>
<td>250</td>
</tr>
</tbody>
</table>

(b) The annual fee for a package store permit outside a city or town is $125, except as provided in Subsection (c) of this section.

(c) The annual fee for a package store permit within two miles of the corporate limits of a city or town is the same as the fee required in the city or town.

SEC. 12. Section 23.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 23.02. FEE. The annual state fee for a local distributor's permit is $100 [§50]. The fee is in addition to and subject to the same conditions as the fee paid for the holder's package store permit.

SEC. 13. Section 24.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 24.02. FEE. (a) The annual state fee for a wine only package store permit is $75 [in a city or town is based on the population of the city or town according to the last preceding federal census as follows.]

<table>
<thead>
<tr>
<th>Population</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 or less</td>
<td>$5.00</td>
</tr>
<tr>
<td>2,001 to 5,000</td>
<td>7.50</td>
</tr>
<tr>
<td>5,001 to 10,000</td>
<td>10.00</td>
</tr>
<tr>
<td>10,001 or more</td>
<td>12.50</td>
</tr>
</tbody>
</table>

(b) The annual state fee for a wine only package store permit outside a city or town is $5; except as provided in Subsection (c) of this section.
(c) The annual state fee for a wine only package store permit within two miles of the corporate limits of an incorporated city or town is the same as the fee required in the incorporated city or town.

SECTION 14. Section 25.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.02. FEE. Except as provided in Section 25.03 of this code, the annual state fee for a wine and beer retailer's permit is $175 [$350].

SECTION 15. Subsections (a) and (b), Section 25.03, Alcoholic Beverage Code, are amended to read as follows:

(a) A wine and beer retailer's permit may be issued for railway dining, buffet, or club cars on the payment of an annual state fee of $30 [$5] for each car.

(b) A wine and beer retailer's permit may be issued for a regularly scheduled excursion boat which is licensed by the United States Coast Guard to carry passengers on the navigable waters of the state and which has a tonnage of not less than 35 tons, a length of not less than 55 feet, and a passenger capacity of not less than 45 passengers. The annual state fee for the permit is $130 [$35].

SECTION 16. Section 26.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 26.02. FEE. The annual state fee for a wine and beer retailer's off-premise permit is $60 [$1+5].

SECTION 17. Section 27.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 27.02. FEE. The state fee for a temporary wine and beer retailer's permit is $30 [$5]. No refund shall be allowed for the surrender or nonuse of the permit.

SECTION 18. Section 28.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 28.02. FEE. (a) The annual state fee for an original [a] mixed beverage permit is $3,000 [$2,000 for an original permit; $1,500 for the first annual renewal; $1,000 for the second annual renewal; and $500 for each subsequent annual renewal].

(b) The annual state fee for the first renewal of a mixed beverage permit is $2,250.

(c) The annual state fee for the second renewal of a mixed beverage permit is $1,500.

(d) The annual state fee for the third and each subsequent renewal of a mixed beverage permit is $750.

SECTION 19. Section 29.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 29.02. FEE. The annual state fee for a mixed beverage late hours permit is $150 [$100].

SECTION 20. Section 30.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 30.02. FEE. The state fee for a daily temporary mixed beverage permit is $50 [$25] per day.

SECTION 21. Section 31.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 31.02. FEE. The annual state fee for a caterer's permit is $500 [$250].

SECTION 22. Section 32.02(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The permit fee shall be based on the highest number of members in good standing during the year for which the permit fee is to be paid according to the following rates:
0 to 250—$750 ($500) 651 to 750—$2,250 ($750) 
251 to 350—$1,050 ($350) 751 to 850—$5,500 ($3,750) 
351 to 450—$1,350 ($500) 851 to 950—$2,550 ($1,850) 
451 to 550—$1,650 ($1,000) 951 to 1,000—$3,000 ($2,250) 
551 to 650—$1,950 ($1,300) Over 1,000—$3,000 ($2,250) per member. 

SECTION 23. Section 32.09(b), Alcoholic Beverage Code, is amended to read as follows: 
(b) At the time of his admission the temporary member shall pay the club a fee of $3 ($2), which shall represent the fee payable to the permittee to the state. 
All fees and payments from temporary members shall be collected in cash or through credit cards approved by the commission or administrator. 

SECTION 24. Section 33.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 33.02. FEE. The annual state fee for a private club late hours permit is $750 ($500). 

SECTION 25. Section 34.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 34.02. FEE. The annual fee for an airline beverage permit is $2,200 ($1,800). 

SECTION 26. Section 35.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 35.02. FEE. The annual state fee for an agent's permit is $10 ($5). 

SECTION 27. Section 36.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 36.02. FEE. The annual state fee for a manufacturer's agent's permit is $10 ($5). 

SECTION 28. Section 37.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 37.02. FEE. The annual state fee for a nonresident seller's permit is $150 ($100). 

SECTION 29. Section 38.04, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 38.04. FEE. The annual state fee for an industrial permit is $60 ($10). 

SECTION 30. Section 41.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 41.02. FEE. The annual state fee for a carrier permit is $30 ($10). 

SECTION 31. Section 40.01(a), Alcoholic Beverage Code, is amended to read as follows: 
(a) The holder of a private carrier permit who is also a holder of a brewer's, distiller's and rectifier's, winery, [rectifier's] wholesaler's, or wine bottler's permit may transport liquor from the place of purchase to his place of business and from the place of sale or distribution to the purchaser in vehicles owned or leased in good faith by the holder if the transportation is for a lawful purpose. 

SECTION 32. Section 42.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 42.02. FEE. The annual state fee for a private carrier permit is $30 ($10). 

SECTION 33. Section 43.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 43.02. FEE. The annual state fee for a local cartage permit is $30 ($10). 

SECTION 34. Section 44.02, Alcoholic Beverage Code, is amended to read as follows: 
Sec. 44.02. FEE. The annual state fee for a beverage cartage permit is $20 ($10).
SECTION 35. Section 45.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 45.02. FEE. The annual state fee for a storage permit is $100.

SECTION 36. Section 45.03(a), Alcoholic Beverage Code, is amended to read as follows:
(a) A storage permit may be issued to a holder of a brewer's, distiller's and rectifier's, winery, [rectifier's] wholesaler's, class B wholesaler's, or wine bottler's permit.

SECTION 37. Section 46.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 46.02. FEE. The annual state fee for a bonded warehouse permit is $150.

SECTION 38. Section 62.02(a), Alcoholic Beverage Code, is amended to read as follows:
(a) Each person who establishes, operates, or maintains one or more licensed manufacturing establishments in this state under the same general management or ownership shall pay an annual state fee as follows:
(1) the fee for the first establishment is $250 ($500);
(2) the fee for the second establishment is $1,500 ($3,000);
(3) the fee for the third, fourth, and fifth establishments is $4,275 ($8,550) for each establishment; and
(4) the fee for each establishment in excess of five is $8,400 ($16,000).

SECTION 39. Section 63.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 63.02. FEE. The annual state fee for a nonresident manufacturer's license is $75 ($500). No county or city is entitled to a fee for the issuance of the license.

SECTION 40. Section 64.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 64.02. FEE. The annual state fee for a general distributor's license is $300 ($200).

SECTION 41. Section 65.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 65.02. FEE. The annual state fee for a local distributor's license is $75 ($50).

SECTION 42. Section 66.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 66.02. FEE. The annual state fee for a branch distributor's license is $75 ($50) per year or fraction of a year.

SECTION 43. Section 67.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 67.02. FEE. The fee for an importer's license is $20 ($5) per year or fraction of a year.

SECTION 44. Section 68.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 68.02. FEE. The fee for an importer's carrier's license is $20 ($5) per year or fraction of a year.

SECTION 45. Section 69.02, Alcoholic Beverage Code, is amended to read as follows:
Sec. 69.02. FEE. Except as provided in Section 69.03 of this code, the annual state fee for a retail dealer's on-premise license is $150 ($25).

SECTION 46. Section 69.03, Alcoholic Beverage Code, is amended to read as follows:
Sec. 69.03. ISSUANCE OF LICENSE FOR RAILWAY CARS. A retail dealer's on-premise license may be issued for a railway dining, buffet, or club car. Application for a license of this type shall be made directly to the commission, and the annual state fee is $30 [5] for each car.

SECTION 47. Section 70.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 70.02. FEE. The annual state fee for a retail dealer's on-premise late hours license is $250 [100].

SECTION 48. Section 71.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 71.02. FEE. The annual state fee for a retail dealer's off-premise license is $60 [50].

SECTION 49. Section 72.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 72.02. FEE. The state fee for a temporary license is $30 [5]. No refund shall be allowed for the surrender or nonuse of a temporary license.

SECTION 50. Section 73.02(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The annual state fee for an agent's beer license is $10 [3].

SECTION 51. Section 102.03(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies to the holder of a brewer's, distiller's and rectifier's, winery, [rectifier's] wholesaler's, class B wholesaler's, or wine bottler's permit.

SECTION 52. Section 102.04(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies to any person who has an interest in the business of a distiller-rectifier [distiller], brewer, [rectifier] wholesaler, class B wholesaler, winery, wine bottler, or local distributor's permittee. This section also applies to the agent, servant, or employee of a person who has an interest in one of those businesses.

SECTION 53. Section 102.09, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.09. WHOLESALER: INTEREST IN DISTILLER AND [OR] RECTIFIER. No holder of a wholesaler's permit may be affiliated with the holder of a distiller's and [or] rectifier's permit, or with a person, firm, or corporation engaged in distilling or rectifying liquor inside or outside this state, regardless of whether the affiliation is direct or indirect, through an officer, director, agent, or employee, or by management, direction, or control.

SECTION 54. Section 102.10, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.10. DISTILLER AND [OR] RECTIFIER: INTEREST IN WHOLESALER. (a) This section applies to the following:

(1) a holder of a distiller's and [or] rectifier's permit;

(2) a person, firm, or corporation engaged in distilling or rectifying liquor, either inside or outside this state;

(3) an officer, director, agent, or employee of an entity named in Subdivision (1) or (2) of this subsection; or

(4) an affiliate of an entity named in Subdivision (1) or (2) of this subsection, regardless of whether the affiliation is corporate or by management, direction, or control.

(b) No entity named in Subsection (a) of this section may have any interest in the permit, business, assets, or corporate stock of a holder of a wholesaler's permit.
SECTION 55. Section 102.16(a), Alcoholic Beverage Code, is amended to read as follows:

(a) A brewer, distiller and rectifier, winery permittee, or alcoholic beverage manufacturer, or the agent, servant, or employee of any of them, commits an offense if he orally or in writing enters or offers to enter into an agreement or other arrangement with a wholesaler or other person in the state:

1. by which a person is required or influenced, or that is intended to require or influence a person, to purchase, otherwise obtain, produce, or require a certain volume or quota of business, more or less, of one or more types or brands of alcoholic beverages, either in a certain area, in a certain period of time, or on fulfillment of any condition; or

2. to require or influence a person, or attempt to require or influence a person, to sell an alcoholic beverage in a manner contrary to law or in a manner calculated to induce a violation of the law.

SECTION 56. Section 102.17, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.17. CONTRACT FOR SALE OF LIQUOR. A brewer, distiller and rectifier, winery permittee, manufacturer, or nonresident seller of liquor and the holder of a wholesaler's permit may enter into a contract for the sale and purchase of a specified quantity of liquor to be delivered over an agreed period of time, but only if the contract is first submitted to the commission or administrator and found by the commission or administrator not to be calculated to induce a violation of this code.

SECTION 57. Section 251.76, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.76. CONTINUANCE OF OPERATION AS DISTILLER AND RECTIFIER. Notwithstanding any other provision of this code, a person who has been issued a distiller's and rectifier's permit may not subsequently be denied an original or renewal distiller's and rectifier's permit for the same location on the ground that the sale of distilled spirits has been prohibited in the area by a local option election. A person holding a permit at the time of the election or issued a permit under this section may exercise all privileges granted by this code to the holder of a distiller's and rectifier's permit, including the manufacturing, possessing, storing, packaging, and bottling of distilled spirits and the transportation of them to areas in which their sale is legal.

SECTION 58. Section 205.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 205.02. DISPOSITION OF RECEIPTS. (a) After allocation of funds for deposit in a fund to be known as the liquor act enforcement fund to defray administrative expenses as provided in the current departmental appropriations act, receipts from the sale of tax stamps and funds derived from taxes on distilled spirits, wine, beer, and ale and malt liquor shall be deposited in the general revenue fund. An amount equal to one-fourth of the net revenue shall be transferred to the available school fund, and an amount equal to three-fourths of the net revenue shall be credited to the general revenue fund.

(b) All revenues derived from the collection of permit or license fees provided for in this code [except fees for temporary licenses] shall be deposited to the credit of the general revenue fund.

(c) Receipts derived from the gross receipts tax on mixed beverages imposed by Section 202.02 of this code shall be deposited to the credit of a special clearance fund known as the mixed beverage tax clearance fund.

(d) Revenues received from forfeitures and collections under Sections 202.05 and 202.09(c) of this code shall be deposited in the same manner and in the same
fund as are fees and collections received by the commission under Section 11.64 of this code.

(e) If funds that are by law subject to refund must be refunded after they are deposited in the state treasury, they shall be refunded from the fund into which the funds were deposited.

(f) If clerical or bookkeeping errors result in money being deposited into an incorrect fund in or with the state treasury or in money being cleared from a suspense fund to other than the proper fund, the erroneously deposited or cleared money may be transferred to the correct fund or suspense account within the state treasury on the request of the commission and the approval of the comptroller of public accounts.

(g) If funds are appropriated from the general revenue fund to the commission by a General Appropriations Act, the comptroller of public accounts may allocate the funds from the liquor act enforcement fund instead of from the general revenue fund. The comptroller shall prescribe the procedures by which the commission may allocate funds it collects to the liquor act enforcement fund.

SECTION 59. Chapter 15, Alcoholic Beverage Code, is repealed.

SECTION 60. (a) Each distiller’s permit or rectifier’s permit in existence on the effective date of this Act is converted to a distiller’s and rectifier’s permit subject to the provisions of Chapter 14, Alcoholic Beverage Code, as if the permit had originally been issued under that chapter as amended by this Act. Each of those permits expires on the date it would have expired had this Act not been in effect.

(b) The Alcoholic Beverage Commission shall treat an application for an original or renewal distiller’s permit or rectifier’s permit that is pending on the effective date of this Act as an original or renewal application for a distiller’s and rectifier’s permit. Such an application is sufficient if it was sufficient according to the law that governed it at the time the application was made, or if it is sufficient under the Alcoholic Beverage Code as it exists after this Act takes effect, except that the commission shall require the applicant to submit any additional state fee that may be due before issuance of the original or renewal permit.

SECTION 61. (a) Sections 18, 22, 23, and 24 of this Act take effect September 1, 1984. The following transitional fees apply beginning September 1, 1983, notwithstanding Sections 28.02, 32.02, 32.09, and 33.02, Alcoholic Beverage Code.

(b) Until September 1, 1984, the state fee for a mixed beverage permit issued under Chapter 28 of the code is $2,500 for an original permit, $1,875 for the first renewal of a mixed beverage permit, $1,250 for the second renewal of a mixed beverage permit, and $625 for the third or a subsequent renewal of a mixed beverage permit.

(c) Until September 1, 1984, the fee for a temporary membership in a private club issued under Section 32.09, of the code is $2.50.

(d) Until September 1, 1984, the fee for a private club late hours permit issued under Chapter 33 of the code is $625.

(e) Until September 1, 1984, the fee for a private club registration permit issued under Chapter 32 of the code shall be based on the highest number of members in good standing during the year for which the permit fee is to be paid according to the following rates:

<table>
<thead>
<tr>
<th>Number of Members</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 250</td>
<td>$625</td>
</tr>
<tr>
<td>251 to 350</td>
<td>$750 to $2,125</td>
</tr>
<tr>
<td>351 to 450</td>
<td>$1,125</td>
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<tr>
<td>451 to 550</td>
<td>$1,375</td>
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<tr>
<td>551 to 650</td>
<td>$1,625</td>
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<tr>
<td>651 to 750</td>
<td>$1,875</td>
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<tr>
<td>751 to 850</td>
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<tr>
<td>851 to 950</td>
<td>$2,375</td>
</tr>
<tr>
<td>951 to 1,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>$2.50 per member</td>
</tr>
</tbody>
</table>

(f) Until September 1, 1984, the fee for a temporary membership in a private club issued under Section 32.09, of the code is $2.50.

SECTION 62. (a) Except as provided by Section 61, this Act takes effect September 1, 1983, and applies to fees imposed under the Alcoholic Beverage Code for a permit or license issued or renewed on or after that date. The fee for a permit
or license issued or renewed before that date is covered by the law in effect on the date that the permit or license was issued or renewed, and the prior law is continued in effect for that purpose.

(b) If the fee for an original license or permit was collected by a county tax assessor-collector before the effective date of this Act but the license or permit is not issued by the commission until on or after September 1, 1983, the fee set by the prior law is the applicable fee.

(c) As to an application for an original license or permit for which the fee is paid directly to the commission, the fee set by the law in effect at the time the completed application is accepted for processing at an office of the commission is the applicable fee, even though the original license or permit applied for may not actually be issued by the commission until on or after the effective date of this Act or the effective date of an increase of a fee under this Act.

(d) As to a renewal of a license or permit, the amount of the fee is determined by the law in effect on the first day of the renewal period applied for in the application. This subsection applies to a renewal of a license or permit for which the fee is collected by a county tax assessor-collector or by the commission.

SECTION 63. 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 285 was read second time.

Representative Barrientos offered the following amendment to CSSB 285:

Amend CSSB 285 on page 6, line 13, by striking the figure "$60" and substituting in lieu thereof the figure "$30".

The amendment failed of adoption.

Representative Barrientos offered the following amendment to CSSB 285:

Amend CSSB 285 on page 12, line 18, by striking the figure "$60" and substituting in lieu thereof the figure "$30".

The amendment failed of adoption.

Representative Colbert offered the following amendment to CSSB 285:

Amend CSSB 285 by adding a new Section 50 to read as follows and by renumbering the succeeding sections:

SECTION 50. Chapter 109, Alcoholic Beverage Code, is amended as follows:

SUBCHAPTER B. HOME PRODUCTION OF WINE, ALE, MALT LIQUOR OR BEER

Section 109.21. HOME PRODUCTION OF WINE, ALE, MALT LIQUOR OR BEER. (a) The head of a family or an unmarried adult may produce, or have manufactured by a winery permittee, for the use of his family or himself not more than 200 gallons of wine, ale, malt liquid or beer per year. No license or permit is required.

(b) The commission may prohibit the use of any ingredient it finds detrimental to health or susceptible of use to evade this code. Only wine made from the normal alcoholic fermentation of the juices of dandelions or grapes, raisins, or other fruits may be produced under this section. Only ale, malt liquor or beer made from the normal alcoholic fermentation of malted barley with hops, or their products, and with or without other malted or unmalted cereals, may be produced under this section. The possession of wine, ale, malt liquor or beer produced under this section is not an offense if the person making it complies with all provisions of
this section and the wine, ale, malt liquor or beer is not distilled, fortified, or otherwise altered to increase its alcohol content.

(c) There is no annual state fee for beverages produced in compliance with this Section.

The amendment was adopted without objection.

Representative Rudd offered the following amendment to CSSB 285:

Amend CSSB 285 by deleting all of SECTION 58 and substituting in lieu thereof the following:

SECTION 58. Section 11.64(d), Alcoholic Beverage Code, is amended to read as follows:

(d) Fees and civil penalties received by the Commission under this section shall be deposited in the general revenue [confiscated liquor] fund.

Representative Keller moved to table the Rudd amendment.

A record vote was requested.

The motion to table was lost by (Record 487): 59 Yeas, 76 Nays, 5 Present, not voting.

Yees — Barton, B.; Barton, E.; Blanton; Bomer; Coverha; Colbert; Coody; Craddick; Cries; Danburg; DeLay; Denton; Evans, L.; Finnell; Gamer; Garcia, M.; Geistwelt; Gibson, B.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, W.; Hammond; Hightower; Hilbert; Hill, A.; Hudson, S.; Hury; Keller; Kemp; Luna; McWilliams; Madia; Mankins; Martinez, R.; Millsap; Oliveira; Patrick; Patronella; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Russell; Shaw; Short; Smith, A.; Staniswalis; Tejeda; Toomey; Watson; Wieting; Wilson; Word.

Nays — Agnich; Armbrister; Arnold; Barrientos; Buchanan; Burnett; Bush; Cain; Cavazos; Clark; Clemens; Collazo; Crockett; Davis; Delco; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Fox; Gandy; Garcia, A.; Gavin; Gibson, J.; Green; Hall, L.; Hall, T.; Hanna; Harrison, D.; Heflin; Hernandez; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Jackson; Khoury; Kubik; Kuempel; Lee, D.; Lee, E. F.; Leonard; McKenna; Martinez, W.; Moreno, A.; Moreno, P.; Oliver; Parker; Patterson; Pennington; Presnal; Robinson; Robnett; Rudd; Salinas; Saunders; Scholecraft; Shea; Simpson; Smith, C.; Smith, T.; Stiles; Thompson, G.; Tow; Turner; Uher; Valles; Waldrop; Whaley; Willis; Wolens; Wright.

Present, not voting — Mr. Speaker; Berlanga(C); Harrison, W.; Jones; Vowell.

Absent, Excused — Connelly.

Absent — Carrker; Cary; Laney; Messer; Peveto; Schlueter; Sutton; Thompson, S.; Wallace.

The amendment was adopted without objection.

CSSB 285, as amended, was passed to third reading. (Crandick, Uher, Mankins, D. Harrison, and Agnich recorded voting no; W. Harrison, present—not voting)

SB 946 ON SECOND READING

(Turner - House Sponsor)

The chair laid before the house on its second reading and passage to third reading,
SB 946, A bill to be entitled An Act relating to the subdivision and use of mineral-bearing land; to certain powers and duties of the Railroad Commission, to the use of operations sites within a subdivision, and to the authority of municipalities; amending Subtitle B, Title 3, Natural Resources Code, as amended, by adding Chapter 92.

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

SB 330 ON SECOND READING
(D. Lee - House Sponsor)

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

SB 330, A bill to be entitled An Act relating to the limit on the amount of insurance coverage for a debtor under group life insurance; amending Subsection (4), Section 1, Article 3.50, Insurance Code.

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

LEAVE OF ABSENCE GRANTED

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

Laney on motion of Clark.

SB 779 ON SECOND READING
(Rudd - House Sponsor)

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

SB 779, A bill to be entitled An Act relating to a work release program for persons convicted of certain criminal offenses; adding Section 6 to Article 42.03, Code of Criminal Procedure, 1965, as amended.

The bill was read second time.

Representative Eckels offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 779 as follows:

(1) Subsection (a) of SECTION 1, by striking the word “shall” and substituting the word “may” on page 1, line 6.

(2) Subsection (d) of SECTION 1, by striking the words “is unable to” and substituting “does not” on page 1, line 25.

Committee Amendment No. 1 was adopted without objection.

SB 779, as amended, was passed to third reading. (Hollowell, A. Smith, Ceverha, Toomey, and Hilbert recorded voting no)

SB 255 ON SECOND READING
(Simpson - House Sponsor)

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

SB 255, A bill to be entitled An Act relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance; amending Subsection (B), Section 2, Chapter 397,

The bill was read second time.

Representative Polk offered the following amendment to the bill:

Amend SECTION 1 of SB 255 as follows:

Insert the following at the end of the third sentence of Section (B) of Article 3.70-2 between “Doctor of Psychology” and “.”:

“Registered Nurse”

Insert the following at the end of the Section between “Health Service Provider” and “.”:

and “Registered Nurse: One licensed by the Texas Board of Nurse Examiners”

The amendment was adopted.

SB 255, as amended, was passed to third reading. (Ceverha recorded voting no)

SB 836 ON SECOND READING
(L. Hall - House Sponsor)

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

SB 836, A bill to be entitled An Act relating to the testimony or statement in certain civil and criminal proceedings of a child who is a victim of alleged sexual or other abuse or offense, to special procedures for the taking of such testimony or statement.

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

SB 551 ON SECOND READING
(I-Janna - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 551.

CSSB 551

A BILL TO BE ENTITLED
AN ACT
relating to the gulfward boundaries of coastal home-rule cities, to contracts or agreements by coastal home-rule cities, to reformation of city boundaries, to the creation of industrial districts, and to powers and authority of a city in relation to industrial districts and in relation to the reformation of boundaries; amending Subsections (b), (c), and (d) and adding Subsection (e) to Section 11.0131, Natural Resources Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 11.0131, Natural Resources Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

“(b) The boundary of a home-rule city may not extend into the gulf outside of an area that is enclosed by:

“(1) for home-rule cities which have not prior to May 1, 1983, annexed gulfward from the coastline:

“(A) drawing a straight line connecting the two most remote points on the part of the coastline located in the city on June 1, 1983, the distance to be measured along the coastline;"
(B) drawing straight lines that extend gulfward for one marine league from each of the two ends of the line drawn under Paragraph (A) of Subdivision (1) of this subsection and that are perpendicular to the line drawn under Paragraph (A); and

(C) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (B) of Subdivision (1) of this subsection; or

(2) for home-rule cities which have, prior to May 1, 1983, annexed no farther than one marine league gulfward from the coastline:

(A) drawing a straight line that connects the two most remote points on the part of the coastline located in the city on June 1, 1983, and that extends through those two points as far as necessary to draw the lines described by Paragraph (B) of Subdivision (2) of this subsection;

(B) drawing two straight lines that extend gulfward for one marine league, that are perpendicular to the line drawn under Paragraph (A) of Subdivision (2) of this subsection, and that each extend through one of the two most remote points from the coastline on the boundary lines extending gulfward from the coastline;

(C) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (B) of Subdivision (2) of this subsection; or

(3) for home-rule cities which have, prior to May 1, 1983, annexed farther than one marine league gulfward from the coastline:

(A) drawing lines following the two current boundary lines extending gulfward from the coastline for a distance of one marine league;

(B) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (A) of Subdivision (3) of this subsection [annex state owned submerged lands located,]

[(1) gulfward from the coastline, or

[(2) more than 5,280 feet from the corporate city boundaries in bays or estuaries].

(c) A contract or agreement by which a home-rule city purports to pledge, directly or indirectly, taxes or other revenue from or attributable to state-owned submerged lands or other lands located outside the area described by Subsection (b) of this section [more than one marine league gulfward from the coastline] does not create an enforceable right to prevent the reformation of the city's boundary under Subsection (d) of this section [removal by disannexation or other means; of all or part of the submerged lands from the city's jurisdiction].

(d) The boundary of a home-rule city is void to the extent that it violates Subsection (b) of this section, and the boundary is reformed on the effective date of this Act to exclude the territory situated outside the area described by Subsection (b) of this section. [This section expires October 1, 1983].

(e) A home-rule city may create industrial districts in the area that is outside the city limits and that is located in an area formed in the manner prescribed by Subsection (b) of this section except that the lines drawn under Paragraph (B) of Subdivision (1) of Subsection (b) may be extended for no more than five statute miles instead of one marine league. The governing body of such city shall have the right, power, and authority to designate the area described as an industrial district, as the term is customarily used, and to treat such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the right and power to enter into contracts or agreements with the owner(s) or lessee(s) of land in such industrial district upon such terms and considerations as the parties might deem appropriate. The city shall have no authority to regulate oil and gas exploration, production, and transportation operations in an industrial district established pursuant to this Act, but in consideration of such relinquishment and the relinquishment of other rights
under Section 5, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), the city is expressly authorized to require payments of a property owner or lessee(s) in such industrial district in an amount not to exceed 35 percent of the revenue that would be produced if the city imposed a property tax in the industrial district. Nothing herein shall prohibit a city and property owner or lessee(s) from agreement by contract for payments in a lesser amount.

SECTION 2. The reformation of a city's boundaries under Section 11.0131, Natural Resources Code, as amended by this Act, does not affect the authority of a city to collect any city taxes for any year preceding and including, prorated, the year of the effective date of this Act on an area that is removed from the city by the reformation of boundaries if, on May 1, 1983, the legality of the annexation or the imposition of the taxes was involved in litigation and the validity of the annexation is upheld in a final, nonappealable judgment in such litigation.

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

CSSB 551 was read second time and was passed to third reading.

(G. Hill in the chair)

SB 84 ON SECOND READING
(Burnett - House Sponsor)

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

SB 84, A bill to be entitled An Act relating to the treatment of sex offenders; providing for the establishment, organization, administration, powers and duties of an Interagency Council on Sex Offender Treatment and cooperation by certain state agencies; making certain records confidential.

The bill was read second time.

Representative Burnett offered the following amendment to the bill:

Amend SB 84 as follows:
Page 1, line 16, last word, strike 11 and add "12".

The amendment was adopted without objection.

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

Amend SB 84 by striking on pages 2 and 3, SECTION 6, and substituting the following:
"SECTION 6. EXPENSES. A member of the council may not receive compensation for performing the duties of the council. A member is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties, at the same rate provided for state employees in the general appropriations act."

The amendment was adopted without objection.

SB 84, as amended, was passed to third reading. (Schlueter, Toomey, Ceverha, Hilbert, Heflin, and Fox recorded voting no)
SB 342 ON SECOND READING
(Berlanga - House Sponsor)

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

SB 342, A bill to be entitled An Act relating to motor fuel marketing franchises and to the prohibition of certain practices relating to those franchises; providing for equitable relief and monetary awards; prescribing a limitation period and allowing certain offset amounts as an affirmative defense.

The bill was read second time.

SB 565 - RULES SUSPENDED

Representative Polk moved to suspend all necessary rules to allow the Conference Committee on SB 565 to meet while the house is in session.

The motion prevailed without objection.

SB 342 - (consideration continued)

Representative Leonard offered the following amendment to the bill:

Amend SB 342, 68th Regular Session, by deleting subsection (c) of SECTION 3, page 3, lines 23, 24, 25 and 26, and page 4, line 1.
Renumber all following subsections accordingly.

Representative Berlanga moved to table the Leonard amendment.

The motion to table prevailed.

Representative Leonard offered the following amendment to the bill:

Amend SB 342 on page 3, line 23 by striking the words “In addition to” and inserting the words “In lieu of”.

Representative Berlanga moved to table the Leonard amendment.

A record vote was requested.

The motion to table prevailed by (Record 488): 95 Yeas, 42 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Clark; Clemons; Coody; Criss; Crockett; Danburg; Davis; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Harrison, D.; Heflin; Hernandez; Hightower; Hilbert; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Keller; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Patterson; Pennington; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robinson; Russell; Salinas; Schlueter; Shaw; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Tooney; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Word; Wright.

Nays — Agnich; Blanton; Cary; Ceverha; Colbert; Collazo; Cradick; DeLay; Deleo; Denton; Eckels; Edwards; Eikenburg; Emmett; Fox; Gavin; Geistweidt; Hammond; Hanna; Hill, A.; Hill, P.; Horn; Jackson; Kuempel; Leonard; McKenna; McWilliams; Mankins; Patronella; Polumbo; Robnett; Rudd; Saunders; Schoolcraft; Shea; Simpson; Smith, A.; Smith, C.; Thompson, G.; Tow; Wilson; Wolens.
Present, not voting — Mr. Speaker; Harrison, W.; Hill, G.(C).

Absent, Excused — Connelly; Laney.

Absent — English; Gibson, J.; Khoury; Martinez, R.; Moreno, P.; Peveto; Short; Smith, T.

Representative Leonard offered the following amendment to the bill:

Amend SB 342 on page 4, line 1 by deleting the period and inserting the following: , provided, however, that in no event shall more than $10,000 be trebled.

Representative Berlanga moved to table the Leonard amendment.

A record vote was requested.

The motion to table prevailed by (Record 489): 96 Yeas, 42 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Clark; Clemmons; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, T.; Harrison, D.; Hefflin; Hernandez; Hightower; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Keller; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madia; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patrick; Patterson; Pennington; Pierce; Polk; Pressal; Price; Ragland; Rangel; Robinson; Russell; Salinas; Shaw; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Agnich; Blanton; Ceverha; Collazo; Craddick; DeLay; Denton; Eckels; Eikenburg; Emmett; Fox; Gavin; Geistweidt; Hall, L.; Hammond; Hanna; Hilbert; Hill, A.; Horn; Jackson; Khoury; Kuempel; Leonard; McKenna; McWilliams; Mankins; Martinez, R.; Oliver; Patronella; Polumbo; Robnett; Rudd; Saunders; Schoolcraft; Shea; Simpson; Smith, A.; Smith, C.; Thompson, G.; Toomey; Uher; Wilson.

Present, not voting — Mr. Speaker; Harrison, W.; Hill, G.(C).

Absent, Excused — Connelly; Laney.

Absent — Gibson, J.; Grisham; Hall, W.; Moreno, P.; Peveto; Schlueter; Short.

Representative Leonard offered the following amendment to the bill:

Amend SB 342 on page 4, line 6 by striking the words “two years” and inserting the words “one year”.

Representative Berlanga moved to table the Leonard amendment.

A record vote was requested.

The motion to table prevailed by (Record 490): 96 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Clark; Clemmons; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Edwards; Emmett;
Representative Leonard offered the following amendment to the bill:

Amend SB 342 on page 2, line 26 by inserting the following between the word "franchisor" and the semi-colon:
insofar as the credit or payment is for motor fuel

Representative Berlanga moved to table the Leonard amendment.

A record vote was requested.

The motion to table prevailed by (Record 491): 89 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clemens; Coody; Cross; Crockett; Danburg; Davis; Delco; Edwards; English; Evans, C.; Evans, L.; Fennell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, T.; Harrison, D.; Heflin; Hernandez; Hightower; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hur; Jones; Keller; Kemp; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, W.; Moreno, A.; Parker; Patrick; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Russell; Salinas; Shaw; Simpson; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Agnich; Blanton; Ceverha; Collazo; Craddick; DeLay; Denton; Eckels; Eikenburg; Fox; Gavin; Geistweidt; Hall, L.; Hammond; Hanna; Hilbert; Hill, A.; Hill, P.; Horn; Jackson; Khourey; Kubiak; Kuempel; Leonard; McKenna; McWilliams; Mankins; Messer; Millsap; Oliveira; Patronella; Robnett; Rudd; Saunders; Schlueter; Schoolcraft; Shea; Short; Smith, A.; Smith, C.; Toomey; Tow; Wilson.

Present, not voting — Mr. Speaker; Harrison, W.; Hill, G.(C).

Absent, Excused — Connelly; Laney.

Absent — Gibson, J.; Hall, W.; Martinez, R.; Moreno, P.; Oliver; Peveto.

The motion to table prevailed by (Record 491): 89 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clemens; Coody; Cross; Crockett; Danburg; Davis; Delco; Edwards; English; Evans, C.; Evans, L.; Fennell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, T.; Hall, W.; Harrison, D.; Heflin; Hernandez; Hightower; Hinojosa; Hudson, D.; Hudson, S.; Hur; Jones; Keller; Kemp; Kubiak; Lee, D.; Lee, E. F.; Madia; Martinez, W.; Moreno, A.; Parker; Patterson; Pennington; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Russell; Salinas; Shaw; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Willis; Wolens; Word; Wright.

Nays — Agnich; Blanton; Ceverha; Clark; Colbert; Collazo; Craddick; DeLay; Denton; Eckels; Eikenburg; Emmett; Fox; Gavin; Geistweidt; Hall, L.; Hammond; Hanna; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Khourey; Kuempel; Leonard; Luna; McKenna; McWilliams; Mankins; Messer; Millsap; Oliveira; Patrick; Patronella; Robnett; Rudd; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Toomey; Tow; Wolens.

Present, not voting — Mr. Speaker; Harrison, W.; Hill, G.(C).

Absent, Excused — Connelly; Laney.

Absent — Martinez, R.; Moreno, P.; Oliver; Peveto; Wieting.
A record vote was requested.  

SB 342 was passed to third reading by (Record 492): 102 Yeas, 37 Nays, 4 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Buchanan; Burnett; Bush; Carriker; Cary; Cavazos; Clark; Clemons; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamed; Gandy; Garcia, A.; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Heftin; Hernandez; Hightower; Hinjosa; Hollowell; Hudson, D.; Hudson, S.; Hur; Jones; Keller; Kemp; Khoury; Kubiak; Leo, D.; Lee, E. F.; Luna; Madla; Mankins; Martinez, W.; Millsap; Moreno, A.; Parker; Patrick; Patterson; Pierce; Polk; Polumbo; Presnal; Price; Ragland; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Shaw; Short; Simpson; Smith, C.; Smith, T.; Stansil; Stiles; Sutton; Tejeda; Thompson, S.; Turner; Uher; Valles; Vowell; Waldrup; Wallace; Watson; Whaley; Wetzel; Willis; Word.

Nays — Agnich; Blanton; Cain; Ceverha; Colbert; Collazo; Craddick; Crockett; DeLay; Ecker; Emmett; Fox; Garcia, M.; Gavin; Hammond; Hibert; Hill, A.; Hill, P.; Horn; Jackson; Kueppez; Leonard; McKenna; McWilliams; Oliveira; Patronella; Pennington; Saunders; Schoolcraft; Shea; Smith, A.; Thompson, G.; Toomey; Tow; Wilson; Wolins; Wright.

Present, not voting — Mr. Speaker; Harrison, W.; Hill, G.(C); Martinez, R.

Absent, Excused — Connelly; Laney.

Absent — Messer; Moreno, P.; Oliver; Peveto; Schlueter.

STATEMENT BY REPRESENTATIVE OLIVER

My voting machine malfunctioned on SB 342. I would have voted no.

Oliver

SB 960 ON SECOND READING

(C. Evans - House Sponsor)

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

SB 960, A bill to be entitled An Act relating to contracts, leases, and other arrangements for the use and occupancy of airport property entered into by joint boards under the Municipal Airports Act; amending Subsection (d), Section 14, Municipal Airports Act (Article 46d-14, Vernon's Texas Civil Statutes).

The bill was read second time.

Representative C. Evans offered the following amendment to the bill:

Amend SB 960 by striking all below the enacting clause and substituting the following:

SECTION 1. Title 3A, Revised Statutes, is amended by adding Articles 46i-1 through 46i-9 to read as follows:

Art. 46i-1. SHORT TITLE. This Act (Articles 46i-1 through 46i-9) may be cited as the Obstruction to Air Navigation Control Act.

Art. 46i-2. DEFINITIONS. In this Act:

(1) "Airport" means a publicly or privately owned airport with a paved runway that is open for use by the general public to licensed aircraft and that does
not require prior approval of the owner for use or an airport operated by the armed forces of the United States or by the Texas National Guard. The term does not include a heliport, balloon port, ultralight aircraft port, glider port, or a facility that is used solely for recreational activities.

(2) "Obstruction to airport use" means a structure that, due to its height or location, prevents or hinders safe and efficient use of airspace and proper air navigation required by aircraft in the use of airports in this state, including takeoffs, landings, and flight between airports.

(3) "Structure" means a mobile or permanent object, constructed or installed by man, including but not limited to a building, tower, smokestack, or overhead transmission line.

(4) "Traverse way" means an avenue for surface transportation used by vehicles whose height may create an obstruction to air navigation. The term includes without limitation railways, roads, streets, highways, bridges, rivers, canals, lakes, and channels.

(5) "Paved runway" means a hard surface area that has been prepared for the landing and takeoff of registered aircraft under all weather conditions. The term does not include a surface composed of turf, dirt, or uncompacted materials.

Art. 46i-3. FUND. The aviation trust fund is created as a special fund in the state treasury. The Texas Aeronautics Commission shall administer the fund and may accept donations and contributions for deposit in the fund from private sources and entities. The commission may use the aviation trust fund in the performance of its functions related to aviation safety, including but not limited to the prevention of obstructions to flight.

Art. 46i-4. APPLICATION FOR PERMIT. (a) A person who plans to construct, position, erect, or replace a structure, or increase the height of an existing mobile or permanent structure, must apply to the commission for a permit before beginning the construction, positioning, erection, placement, or alteration if the structure as planned:

(1) will exceed 200 feet in height above ground level at its site;

(2) will penetrate an imaginary surface extending upward and outward from the nearest point of the nearest runway of each airport with at least one paved runway at a slope of 100 horizontal feet to one vertical foot for a distance of 20,000 horizontal feet; or

(3) would be used as a traverse way for mobile objects of a height that would exceed a standard of Subdivisions (1) and (2) of this subsection, if adjusted upward 17 feet for an interstate highway where overcrossings are designed for a minimum of 17 feet vertical distance; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally use the road, whichever is greater, for a private road; 23 feet for a railroad; and for a waterway or any other traverse way, an amount equal to the height of the highest mobile object that would normally traverse it.

(b) Each permit application filed with the commission must be accompanied by a filing fee of $200 to be retained by the commission to defray administrative expenses. Funds remaining after payment of administrative expenses shall be deposited in the aviation trust fund.

(c) The permit application must contain:

(1) a detailed description and accurate drawing to scale of the proposed structure or alteration;

(2) the proposed location of the structure by county and geographical coordinates in degrees, minutes, and seconds as accurately located by a United States Geological Survey 7.5 Minute Quadratic Map, or its equivalent;

(3) the height of the structure above ground level at the site and above mean sea level;
(4) the name, business address, and telephone number of the applicant, including the names and addresses of corporate officers if the applicant is a corporation, and the names and addresses of all general partners if a partnership; and

(5) the estimated date of completion of the structure.

Art. 46i-5. COMMISSION DETERMINATION. (a) Not later than the 60th day after the application is accepted for filing, the commission shall grant or deny a permit. A political subdivision that owns an airport, the private owner of an airport, or both, if appropriate, and the operator of a military airport that would be affected by a structure for which a permit is required shall be notified of the filing of a permit application and may submit information and participate as a party throughout the permitting process. The commission may accept information from other persons if it considers to have a sufficient interest in the application. In determining whether to grant or deny a permit, the commission shall consider:

(1) the height of the existing terrain and structures in the area that might shield the proposed construction or alteration in such a way that the structure would not be an obstruction to air navigation;

(2) the character of flying operations and existing or planned airports in the area;

(3) whether the proposed construction or alteration would cause an increase in the minimum clearance altitude of an established airway or airport maneuvering area or would cause an increase to instrument approach and landing minimums at an airport;

(4) public and private interests and investments in both the proposed structure and in the airport or airway that might be affected by the structure;

(5) the safety of persons on the ground and in the air; and

(6) any other relevant factors.

(b) A presumption that a proposed structure will create an obstruction to airport use arises if the structure:

(1) will exceed a height of 500 feet above ground level at the site of the object;

(2) will be 200 feet above ground level or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport with a paved runway or within three nautical miles of an airport approach fix, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport or approach fix up to a maximum height of 500 feet;

(3) will be within a federal designated terminal control area or a terminal object clearance area, including an initial approach segment, a departure area, and a circling approach area, that would require an increase in the minimum obstacle clearance altitude for an approach to, or the instrument landing minimums for, any area airport;

(4) would increase the minimum obstacle clearance altitude within an en route obstacle clearance area, including turn and termination areas, or of a federal airway or approved off-airway route, or

(5) would penetrate the takeoff and landing area of an airport or any imaginary surface established under Federal Aviation Regulation Part 77, Sections 77.25, 77.28, and 77.29.

(c) A mobile object that operates under the control of an airport control tower, under the permission of the airport sponsor, or outside the takeoff or landing area clear zones, for a period not to exceed 60 days, is not an obstruction.

Art. 46i-6. EXEMPTIONS. This Act does not apply to:

(1) a tower or other structure for which a Federal Communications Commission construction permit, license, or authorization is required.
(2) a structure that before September 1, 1984, received a determination of no hazard by the Federal Aviation Administration under Part 77 of the Federal Aviation Regulations, as amended (14 Code of Federal Regulations, Part 77);

(3) a structure located within the boundaries of a municipality, city, town, village, or county that has enacted airport zoning or other ordinances regulating obstructions to airport use in any part of the municipality, city, town, village, or county;

(4) a structure located on an airport with the airport owner’s written consent;

(5) a structure the construction of which was commenced before September 1, 1984; or

(6) a structure within or beneath the terminal control area of an airport that is located in more than one county and is operated by a board composed of city officials of two or more cities.

Art. 461-7. PERMITS. If the commission determines that the public interest will be served and that the proposed construction or alteration will not be an obstruction to air navigation, the commission shall grant a permit for the proposed construction or alteration. In granting a permit, the commission may require lighting or other marking of the structure that it determines to be reasonably necessary for safe air navigation.

Art. 461-8. HEARINGS; APPEALS; ENFORCEMENT. (a) If a permit application is denied by the commission, the commission shall notify the applicant of the denial by certified mail, return receipt requested, at the address shown in the application not later than the 60th day after the day the application is accepted for filing. The determination of existence of an obstruction to air navigation is final 30 days after the notice required under this paragraph is mailed, unless the applicant files a written request for a public hearing not later than the 30th day after the day the notice is mailed. The commission shall include in the notice of denial the reasons for the denial and a copy of all documentation on file concerning the application. On receipt of a request for a hearing the commission shall set a date for hearing and notify all interested parties of the hearing. The hearing and any appeal shall be conducted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes).

(b) If the commission learns or has reasonable grounds to believe that any person is positioning, erecting, or altering a structure subject to the provisions of this Act for which an application for a permit has not been filed, it may on its own motion issue an order to the person to appear before the commission and show cause why an application for a permit to position, erect, or alter the structure need not be obtained. The order must require the person to cease construction and preparation of the structure pending determination of the need for a permit by the commission. A date for a hearing shall be set out in the order.

(c) In addition to any other remedy, the commission may institute in a district court in Travis County an action to prevent, restrain, correct, or abate a violation of this Act or of a rule adopted or order issued under this Act. The court may grant the necessary relief by way of injunction or otherwise.

(d) A person who violates this Act or a rule adopted under this Act is subject to a civil penalty not to exceed $500 for each day of the violation. The penalty may be recovered in a court of competent jurisdiction in the county in which the violation occurs or in a district court of Travis County. Suit for the penalty may be instituted and conducted by the attorney general or by the county or district attorney in the county in which the violation occurs. On violation of this Act, of any rule adopted under this Act, or of an order of the commission, the district court of the county in which the violation occurs may issue an injunction to prevent further violation. Bond is not required if the relief is sought by the commission, the attorney general, or a district or county attorney.
Art. 46i-9. RULEMAKING AUTHORITY; FORMS. (a) The commission shall adopt rules for the administration and enforcement of this Act.
(b) The commission shall prescribe and furnish the forms necessary for the administration of this Act.

SECTION 2. A person is not required to obtain a permit under this Act until September 1, 1984.

SECTION 3. This Act takes effect September 1, 1983.

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

The amendment was adopted without objection.

SB 960, as amended, was passed to third reading. (Bush recorded voting no)

(Speaker pro tempore in the chair)

SB 1181 ON SECOND READING
(G. Thompson - House Sponsor)

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

SB 1181, A bill to be entitled An Act relating to the establishment, administration, disbursement, and use of an engineering excellence fund to be used for acquisition of capital equipment for certain engineering colleges in the state; providing method of funding and authorizing appropriations; adding Subchapter J to Chapter 51, Texas Education Code.

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

SB 713 ON SECOND READING
(Rudd - House Sponsor)

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

SB 713, A bill to be entitled An Act relating to the time and manner that motor vehicle tax collections and tax receipts must be sent to the comptroller.

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

SB 876 ON SECOND READING
(Jackson - House Sponsor)

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

SB 876, A bill to be entitled An Act relating to regulation of funeral directors, embalmers, funeral establishments, and apprentices in funeral directing and embalming; prescribing the powers and duties of the State Board of Morticians; providing for fees and other charges and providing rules for proceedings before the board and for judicial review; defining offenses and providing penalties; amending Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon’s Texas Civil Statutes) as follows: amending Section 1 by amending Subsection E and adding Subsections R, S, T, U, and V; amending Subdivision (1), Subsection F and Subsections D, E, and H, Section 3; amending Subsections A and D, Section 4; Subsection A, Section 5; and Subsection (b), Section 6C.
The bill was read second time and was passed to third reading. (W. Harrison recorded voting present-not voting)

SB 624 ON SECOND READING
(Rudd - House Sponsor)

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

SB 624, A bill to be entitled An Act relating to supplemental pay for certain Department of Public Safety commissioned officers; amending Section 17a. Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Article 4413(17a), Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading. (Watson, Heflin, and A. Smith recorded voting no)

SB 705 ON SECOND READING
(Colbert - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 705.

CSSB 705

A BILL TO BE ENTITLED
AN ACT
relating to a program to screen and treat certain young persons for special senses and communication disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. SHORT TITLE. This Act may be cited as the Special Senses and Communication Disorders Act.
SECTION 2. PURPOSE. The purpose of this Act is to establish a program to identify, at as early an age as possible, those individuals from birth through 20 years of age who have special senses and communication disorders and who need remedial vision, hearing, speech, and language services. Early detection and remediation of those disorders will provide the individuals with the opportunity to achieve both academic and social status through adequate educational planning and training.
SECTION 3. DEFINITIONS. In this Act:
(1) “Board” means the Texas Board of Health.
(2) “Communication disorder” means an abnormality of functioning related to the ability to express and receive ideas.
(3) “Department” means the Texas Department of Health.
(4) “Preschool” means an educational or child-care institution that admits children who are three years of age or older but less than five years of age.
(5) “Professional examination” means a diagnostic evaluation performed by a licensed, certified, or sanctioned individual whose expertise addresses the diagnostic needs of the individual identified as having a possible special senses or communication disorder.
(6) “Provider” means an individual, partnership, association, corporation, state agency, or political subdivision of the state that provides remedial services to individuals who have special senses and communication disorders and includes a physician, audiologist, speech pathologist, optometrist, hospital, clinic, rehabilitation center, university, or medical school.
(7) “Remedial services” means professional examinations and prescribed remediation, including prosthetic devices, for special senses or communication disorders.
(8) "School" means an educational institution that admits children who are five years of age or older but less than 21 years of age.

(9) "Screening" means a test or battery of tests for the rapid determination of the need for a professional examination.

(10) "Special senses" means the faculties by which the conditions or properties of things are perceived and includes vision and hearing.

SECTION 4. SCREENING REQUIREMENTS. (a) The board shall adopt rules for the mandatory screening of individuals who attend public or private preschools or schools to detect vision and hearing disorders and any other special senses or communication disorders that the board may specify. The board shall adopt a schedule for implementing the screening requirements and shall give priority to age groups that may derive the greatest educational and social benefits from early identification of special senses and communication disorders. In developing the rules, the board may consider the number of individuals to be screened, the availability of personnel qualified to administer the required screening tests, the availability of appropriate screening equipment, and the availability of state and local funds for screening activities. The rules shall provide for acceptance of screening test results if the screening test has been conducted by a qualified professional utilizing acceptable screening procedures, regardless of whether that professional is under contract with the department.

(b) If the rules require an individual to be screened, the individual shall undergo approved screening tests for vision and hearing disorders and any other special senses and communication disorders specified by the board. The individual shall comply with the board's requirements as soon as possible after the individual's admission to a preschool or school and within the time period set by the board. The individual, or if the individual is a minor, the minor's parent, managing conservator, or guardian, may elect to substitute one or more professional examinations for the required screening tests.

(c) An individual is exempt from the screening requirements of this section if the screening tests conflict with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member. The individual, or if the individual is a minor, the minor's parent, managing conservator, or guardian, shall submit to the admitting officer on or before the day of admission an affidavit stating the objections to screening.

(d) The chief administrator of each preschool or school shall ensure that each individual admitted to the preschool or school has complied with the screening requirements set by the board or has submitted an affidavit of exemption.

(e) The chief administrator of each preschool or school shall maintain screening records for each individual who is in attendance on a form prescribed by the department, and those records must be open for inspection by the department or local health department. An individual's screening records may be transferred among preschools and schools with the specific consent of the individual, or if the individual is a minor, the minor's parent, managing conservator, or guardian.

(f) Each preschool or school shall submit to the department an annual report on the screening status of the individuals in attendance during the reporting year and shall include in the report any other information required by the board. The report must be on a form prescribed by the department and must be submitted according to the board's rules.

(g) The department may coordinate the special senses and communication disorders screening activities of school districts, private schools, state agencies, volunteer organizations, and other entities so that the efforts of each entity are complementary rather than augmented and duplicative. The department may provide technical assistance to those entities in developing screening programs.
SECTION 5. PROVISION OF REMEDIAL SERVICES. (a) The department may provide remedial services either directly or through approved providers to individuals who have certain special senses and communication disorders and who are not eligible for special education services administered by the Central Education Agency through the public schools, but who are eligible for remedial services provided by the department.

(b) The board shall adopt rules to describe the type, amount, and duration of remedial services that the department may provide. The rules must establish medical, financial, and other criteria to be applied by the department in determining an individual's eligibility for the services. The board may establish a schedule to determine financial eligibility and may require an individual, or if the individual is a minor, the minor's parent, managing conservator, or guardian, to pay for or reimburse the department for a part of the cost of the remedial services provided.

Remedial services may not be required without the consent of the individual, or if the individual is a minor, the minor's parent, managing conservator, or guardian.

SECTION 6. ELIGIBILITY. (a) In this section “other benefit” means a benefit to which an individual is entitled, other than a benefit under this Act, for payment of the costs of remedial services, including:

(1) benefits received under a personal insurance contract;
(2) payment received from another person for personal injury caused by the other person's negligence or wrongdoing; and
(3) payments received from any other source.

(b) An individual is not eligible to receive remedial services authorized by this Act to the extent that the individual or the parent, managing conservator, or other person who has a legal obligation to support the individual is eligible for some other benefit that would pay for all or part of the services. On a prior showing of good cause, the department may waive this requirement if the department finds that the enforcement of this section would tend to disrupt the administration or prevent the provision of remedial services to otherwise eligible recipients or defeat the purpose of this Act.

(c) An applicant for or recipient of remedial services authorized by this Act shall inform the department, at the time of application or at any time during eligibility and receipt of services, of any other benefit to which the applicant or recipient may be entitled or to which the parent, managing conservator, or other person who has a legal obligation to support the applicant or recipient may be entitled.

(d) The individual or the parent, managing conservator, or other person who has a legal obligation to support an individual who has received remedial services from the department that are covered by some other benefit shall reimburse the department to the extent of the services provided when the other benefit is received.

(e) The department may recover the expenditure for services provided under this Act from a person who does not reimburse the department as required in this section or from any third party on whom there is a possible legal obligation to pay other benefits and to whom notice of the department's interests in the other benefits has been given. The department has a separate and distinct cause of action, and the commissioner of health may, without written consent, request the attorney general to bring suit in the appropriate court of Travis County on behalf of the department. A suit brought under this section need not be ancillary or dependent on any other action. In a judgment in favor of the department, the court may award attorney's fees, court costs, and interest accruing from the date on which the department first provides services to the individual to the date on which the department is reimbursed.

(f) The department may modify, suspend, or terminate the eligibility of an applicant for or recipient of remedial services after notice to the individual affected.
and the opportunity for a fair hearing. Fair hearings must be conducted in accordance with the board's informal hearing rules. The board shall adopt rules containing criteria for action under this section.

SECTION 7. ADDITIONAL POWERS AND DUTIES. (a) The board shall adopt substantive and procedural rules necessary to administer screening activities and provide remedial services.

(b) The department may require that persons who administer special senses and communication disorders screening tests complete an approved training program, and the department may train those persons and approve training programs.

(c) The department shall monitor the quality of screening activities provided under this Act.

(d) The department may directly or through local health departments enter and inspect records maintained by a preschool or school relating to screening for special senses and communication disorders.

(e) The department may enter into contracts and agreements necessary to administer this Act, including contracts for the purchase of remedial services.

(f) The department may provide educational and other material to assist local screening activities.

(g) The department may conduct research and compile statistics relating to the provision of remedial services to individuals with special senses and communication disorders and relating to the availability of those services in the state.

(h) The department may accept appropriations, donations, and reimbursements, including donations of prosthetic devices, and may apply those items to the purposes of this Act.

(i) The department may direct or through local health departments enter and inspect records maintained by a preschool or school relating to screening for special senses and communication disorders.

(j) The department shall compile and publish a report for the legislature on or before February 1 of each year describing the conduct of the program and its impact on public health.

SECTION 8. SPECIAL PROVISIONS FOR SPEECH, LANGUAGE, AND HEARING SCREENING, PROFESSIONAL EXAMINATION, AND REMEDIAL SERVICES. (a) A person who provides speech and language screening services authorized by this Act must be appropriately licensed or certified or trained by a person who is appropriately licensed or certified.

(b) A person who provides a professional examination or remedial services authorized by this Act for speech, language, or hearing disorders must be appropriately licensed or certified.

SECTION 9. INTERAGENCY COMMITTEE. (a) An interagency committee on special senses and communication disorders is established. The committee is composed of one delegate appointed by the chief administrative officer of each of the following agencies:

(1) the State Commission for the Blind;
(2) the Texas Commission for the Deaf;
(3) the Texas Department of Human Resources;
(4) the Texas Department of Mental Health and Mental Retardation;
(5) the Central Education Agency;
(6) the Texas Department of Community Affairs; and
(7) the Texas Department of Health.

(b) The committee shall adopt written procedures for the conduct of its duties and may elect officers as it finds necessary.

(c) The committee shall assist the department in coordinating among participating agencies the special senses and communication disorders screening program and the remedial services programs.
(d) The committee shall meet at least once each calendar year in Austin and at other times and locations as the committee finds necessary.

SECTION 10. REPEALER. Chapter 754, Acts of the 60th Legislature, Regular Session, 1967 (Article 4447g, Vernon's Texas Civil Statutes), and Chapter 804, Acts of the 66th Legislature, Regular Session, 1979 (Article 4419f, Vernon's Texas Civil Statutes), are repealed.

SECTION 11. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 12. 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.

CSSB 705 was read second time and was passed to third reading. (A. Smith recorded voting no)

SB 278 ON SECOND READING
(Criss - House Sponsor)

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

SB 278, A bill to be entitled An Act relating to the construction of certain pressure vessels, to the regulation of certain pressure vessel manufacturers, and to the powers and duties of a Board of Pressure Vessel Rules and the commissioner of the Department of Labor and Standards.

The bill was read second time.

Representative Emmett moved to table SB 278.

A record vote was requested.

The motion to table prevailed moved by (Record 493): 109 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cervera; Clark; Colbert; Collazo; Coody; Craddick; Crockett; Davis; DeLay; Delco; Denton; Eckels; Elkenburg; Emmett; Evans, C.; Finnell; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Hellin; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lee, D.; Leonard; Luna; McKenna; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robnett; Salinas; Schoolcroft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Tejeda; Toomey; Tow; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Arnold; Barton, B.; Berlanga; Carriker; Cary; Cavazos; Clemens; Criss; Danburg; Edwards; English; Evans, L.; Fox; Gamez; Gilley; Green; Harrison, W.; Hinjosa; Hollowell; Hury; Lee, E. F.; McWilliams; Messer; Parker; Patronella; Robinson; Russell; Saunders; Schlueter; Sutton; Thompson, G.; Turner; Vowell; Wilson.

Present, not voting — Mr. Speaker; Pennington.

Absent, Excused — Connelly; Laney.

Absent — Rightower; Rudd; Thompson, S.
Representative Haley gave notice that he would, on the next legislative day, call from the table HB 716.

**SB 1376 - RULES SUSPENDED**

Representative Coody moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider SB 1376.

The motion prevailed without objection.

**RESOLUTION REFERRED TO COMMITTEE**

The following resolution was laid before the house and referred to committee:

By Leonard:
HCR 263, Granting DiscoverAir permission to sue the state and the Department of Agriculture.
To Committee on Judicial Affairs.

**SB 46 - RULES SUSPENDED**

Representative Shaw moved to suspend all necessary rules to allow the Committee on Liquor Regulation to consider SB 46.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:
Calendars. 30 minutes after adjournment today, Room G-14, to set calendar.
Local and Consent, on adjournment today, Room G-14, to set calendar.
Appropriations, on adjournment today, Desk 58, to consider SB 1256.
Judiciary, on adjournment today, Desk 79, to consider SB 1081.
Business and Commerce, on adjournment today, Desk 95, to consider SB 1425.
Higher Education, on adjournment today, Desk 110, to consider senate bills.
Judicial Affairs, on adjournment today, Desk 102, to consider HCR 263.
Transportation, on adjournment today, Desk 43, to consider SB 1342.

**ADJOURNMENT**

Representative P. Moreno moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 6:13 p.m., adjourned until 10 a.m. tomorrow.
Favorable reports have been filed by committees on bills and resolutions, as follows:

**Business and Commerce** - SB 1408

**County Affairs** - SB 1356, SB 1366, SB 1375, SB 1397, SB 1409, SB 1426

**Criminal Jurisprudence** - HB 5

**Higher Education** - HB 912, SB 891

**Insurance** - SB 827

**Judicial Affairs** - HB 2329, HB 2360, HB 2384, HCR 122, HCR 248, HCR 258, SB 569, SB 631, SB 1184, SB 1286, SB 1237, SB 1318, SB 1335, SB 1352, SCR 35, SCR 47, SCR 93, SCR 107, SCR 109, SCR 117

**Judiciary** - SB 757

**Law Enforcement** - SB 862

**Natural Resources** - SB 895, SB 1236, SB 1350, SJR 42

**Public Education** - SB 1304

**Public Health** - HCR 198, HR 339, HR 352, HR 449, HR 460, SB 791

**Retirement and Aging** - HB 748, SB 1368

**Rules and Resolutions** - HR 405, HR 406, HR 407, HR 408, HR 409, HR 410, HR 411, HR 414, HR 415, HR 418, HR 419, HR 423, HR 424, HR 427, HR 428, SCR 118, SCR 121

**State Affairs** - HB 1295, SB 117, SB 772, SB 773, SB 995

**ENGROSSED**

May 23 - HB 24, HB 441, HB 940, HB 1015, HB 1075, HB 1253, HB 1383, HB 1546, HB 1630, HB 1631, HB 1699, HB 2233, HB 2316, HB 2436, HJR 97, HJR 88, HCR 158

**ENROLLED**

SENT TO THE GOVERNOR

May 24 - HCR 85, HCR 97, HCR 105, HCR 118, HCR 121, HCR 134, HCR 135, HCR 137, HCR 146, HCR 149, HCR 154, HCR 225, HCR 241, HB 658, HB 2161, HB 2183, HB 2226, HB 2301, HB 2306, HB 2307, HB 2320, HB 2369

COAUTHORS AUTHORIZED

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

HB 1744 - Short, Keller
HJR 88 - Short
HJR 97 - Short, Keller, Gamez

RECOMMENDATIONS OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

The following recommendations of the Texas Water Commission were filed with the speaker:

May 23 - HB 2391, HB 2413, HB 2416, HB 2417, HB 2418, HB 2419, HB 2420, HB 2421, HB 2422