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

The roll of the house was called and a quorum was announced present (Record 494).

Present — Mr. Speaker; Agnie; Armbrister; Arnold; Bartle; Barton, B.; Barton, E.; Berfanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cervera; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Del; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoll; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lacey; Lee, D.; Lee, L. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Mccoll; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluter; 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 — Cavazos.

Absent — Clark; Green; Jackson; Parker.

The invocation was offered by Reverend Sam Urrate, pastor, Kinsmen American Lutheran Church, Houston, Texas, as follows:

Our Gracious Father:

Your people hold dual citizenship. We are citizens of both this world and your Kingdom. Your son is at your right hand ruling your Kingdom. At your left hand sits Government ruling this world.

Government is not a creation of men, but a gift of your graciousness and your desire that your will be done on earth as it is in Heaven. Since Government receives its power and authority from you, those who legislate, execute, and judge are your representatives.

We ask your blessing on Governor Mark White, the legislature, and the courts of Texas. Help them humbly to see themselves as the left hand of your power to bring peace and to do justice. Amen.

(Claussen, Parker, Jackson, and Green now present)

LEAVE OF ABSENCE GRANTED

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

Cavazos on motion of A. Moreno.
MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 814 by Lyon, et al., relating to the offense of capital murder, expanding the definition.
SB 924 by Doggett, relating to unfair claim settlement practices by certain self-insurers and to cancellation of a self-insurer's certificate of self-insurance.
SB 1414 by Doggett, relating to licensing, regulation, and supervision of nursing and convalescent homes.

Respectfully,
Betty King
Secretary of the Senate

LEAVE OF ABSENCE GRANTED

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

Wright on motion of Turner.

HR 464 - ADOPTED

Representative Watson moved that all necessary rules be suspended to take up and consider at this time, HR 464.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Watson:

HR 464

WHEREAS, It has long been the custom of the House of Representatives of the State of Texas to honor the children of its members by electing them to the office of mascot; and

WHEREAS, It now seems equally appropriate for the House of Representatives to bestow special recognition upon the grandchildren of its members by naming them honorary mascots of this house; and

WHEREAS, A roster of members' grandchildren has been compiled for this special designation; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby designate the following grandchildren of house members as honorary mascots:

Barbara Agnich, Bruce Agnich, Jonathan Agnich, Michael Agnich, Robert Agnich, Travis Gilger, and Brandon Gonzales, grandchildren of Representative Fred Agnich and his wife Brookscie;

Abbie Ward, grandchild of Representative J. W. Buchanan and his wife Millie;

Cate Burnett and Mike Burnett, grandchildren of Representative Dick Burnett and his wife Midge.
Johnny Angelo Collazo, Jr., Justin Paul Collazo, and Linda Marie Collazo, grandchildren of Representative Frank Collazo and his wife Margaret;
Jacquelyn Diane Crockett, Jonathan Scott Crockett, Jennifer Casey Crockett, and Julie Melissa Crockett, grandchildren of Representative Jim Crockett;
Kwasi Setriator Agbottah and Selena Elmirle Edelen, grandchildren of Representative Wilhelmina Delco and her husband Exalton A. Delco, Jr.;
Nicolas Alanis and Monica Michelle Garcia, grandchildren of Representative Matt Garcia and his wife Minnie;
Amy Aiken, John David Aiken, and Dennis Natho Ellington, grandchildren of Representative Noel Grisham;
Eddie Allen, Greg Allen, Derek Dodd, Donovan Dodd, Corrie Hall, Nikki Hall, Randy Hall, and Steve Hall, grandchildren of Representative Tip Hall;
Adam Albright-Hanna, Joseph Lucas Hanna, Kate Albright-Hanna, and Matthew Thomas Hanna, grandchildren of Representative Joe C. Hanna and his wife Betty;
Traci Golden, Jeremy Harrison, Micah Harrison, Jon Tom Lowrance, and Lyndee Lowrance, grandchildren of Representative Dudley Harrison and his wife Doris;
Kristy Michele Heflin and Shawna Lynn Heflin, grandchildren of Representative Talmadge Heflin and his wife Janice;
Anne Helen Frances Davis, Benjamin Robert Thomas, and Madden Christopher Thomas, grandchildren of Representative Patricia Hill;
Angalee Jones, Caelum Jones, Milton Wayne Jones, Jr., Synamon Dawn Jones, and Jason Richard Messer, grandchildren of Representative Arves E. Jones, Sr., and his wife Stella;
Jamie Cato, Robin Cato, Ryan Cato, and Jonas J. Lee, grandchildren of Representative Don Lee and his wife Dorothy;
John Clayton Zinda, grandson of Representative Jim McWilliams;
Jamie Mankins, Jimi Mankins, James Mercer, Jeffery Mercer, Allan Stanley, and Julie Stanley, grandchildren of Representative Jimmy Mankins and his wife Virginia;
Sean Steele and Shari Steele, grandchildren of Representative Mary Polk;
Amee Renee Thompson, granddaughter of Representative Gary Thompson and his wife Nancy;
Darrell Earl Williams II, grandson of Representative Senfronia Thompson;
Jason Scott Crawford, James Edward Crawford, David Wayne Moake, and Joseph Raymond Moake, grandchildren of Representative Ed R. Watson and his wife Jerry; and, be it further
RESOLVED, That the names of the honorary mascots and their grandparents be placed on the picture panel of the House of Representatives of the 68th Legislature; and, be it further
RESOLVED, That official certificates be prepared for each honorary mascot as a memento of this honor.

The resolution was adopted without objection.

**HR 484 - ADOPTED**

Representative Hinojosa moved that all necessary rules be suspended to take up and consider at this time, **HR 484**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:
By Hinojosa:

**HR 484**, Commending Arnaldo Ramirez, Sr.

The resolution was adopted without objection.

**RESOLUTIONS REFERRED TO COMMITTEES**

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

By G. Hill:

**HCR 262**, Commending the Texas Legislative Service.
To Committee on Rules and Resolutions.

By Russell:

**HR 463**, Congratulating Ann Freeman Hagen and Cannie Freeman Anderson.
To Committee on Rules and Resolutions.

By C. Evans:

**HR 465**, Granting The American Legion Boys State permission to use the house chamber on Friday, June 10, 1983.
To Committee on House Administration.

By D. Lee:

**HR 466**, Congratulating Fidencio Garcia.
To Committee on Rules and Resolutions.

By L. Hall:

To Committee on Rules and Resolutions.

By Messer:

**HR 470**, Commending Charlie Jones.
To Committee on Rules and Resolutions.

By Messer:

**HR 471**, Commending the Honorable James K. Evetts.
To Committee on Rules and Resolutions.

By Granoff:

**HR 472**, Congratulating Dann and Melba Barger.
To Committee on Rules and Resolutions.

By Millsap:

**HR 474**, Designating June 4, 1983, as “Camp El Tesoro Day.”
To Committee on Rules and Resolutions.

By Eckels:

**HR 475**, Officially greeting Christopher Iconos.
To Committee on Rules and Resolutions.

By Eckels:

**HR 476**, Congratulating Gretchen Kay Gilliam.
To Committee on Rules and Resolutions.

By D. Lee:

**HR 477**, Congratulating Allen Goode.
To Committee on Rules and Resolutions.
By Green:
HR 478, Congratulating the McArthur High School baseball team.
To Committee on Rules and Resolutions.

By Green:
HR 479, Congratulating Frank and Ignatia Poche.
To Committee on Rules and Resolutions.

By Eckels:
HR 480, Commending Meredith Francis.
To Committee on Rules and Resolutions.

By L. Hall:
HR 481, Commending Howard Green.
To Committee on Rules and Resolutions.

By Danburg:
HR 482, Commending the Montrose Clinic of Houston.
To Committee on Rules and Resolutions.

By Eikenburg:
HR 483, Authorizing the Plano Service League to use the house chamber on
October 24, 1983.
To Committee on House Administration.

By Russell:
HR 485, Congratulating Michael "Bubba" Minter.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

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

SB 1158 to Committee on Business and Commerce.
SB 1380 to Committee on State Affairs.

HCR 197 WITH SENATE AMENDMENT

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

HCR 197, Calling upon the Houston Metropolitan Transit Authority to open
its books, records, documents, and instruments for inspection by the state auditor.

On motion of Representative Pennington, the house concurred in the senate
amendment to HCR 197 by (Record 495): 124 Yeas, 5 Nays, 5 Present, not
voting.

Yeas — Agnich; Armbister; Arnold; Barton, E.; Berlanga; Blanton; Bomer;
Buchanan; Burnett; Cain; Cary; Ceverha; Clark; Connelly; Coody; Craddick; Criss;
Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg;
Emmett; Evans, C.; Finnell; Fox; Garcia, M.; Gavin; Geistweidt; Gibson, B.;
Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hall, L.; Hall, T.;
Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower;
Hudson, S.; Hur; Jackson; Kemp; Kublak; Kuepnel; Laney; Lee, D.; Lee, E. F.;
Leonard; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Messer; Millsap;
Moreno, A.; Moreno, P.; Oliveira; Parker; Patrick; Patronella; Patterson;
Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel;
Whereas, The Houston Metropolitan Transit Authority has been the subject of certain allegations regarding its expenditures for refurbishment of buses owned by the authority; and

Whereas, These allegations have created doubts in the public mind as to the integrity of the financial affairs of the authority; and

Whereas, The State of Texas, by virtue of its legislation authorizing creation of the authority, and by virtue of the formula and discretionary funds that it contributes to the authority, has a keen interest in the prompt resolution of this matter; and

Whereas, An immediate independent audit, conducted by appropriate state officials, is necessary to allay public doubts and to provide a basis for the formulation of remedial legislation; and

Whereas, It is imperative that such an audit be completed before the authority undertakes financing of any major capital projects; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby call upon the Houston Metropolitan Transit Authority to open its books, records, documents, and instruments for inspection by the State Department of Highways and Public Transportation; and, be it further

Resolved, That copies of this resolution be delivered to the governing board of the authority, and to the State Department of Highways and Public Transportation, with the directive that an audit be commenced prior to July 1, 1983; and, be it further

Resolved, That the audit be completed as expeditiously as possible, resultant findings to be presented in the form of a written report to be filed as required by law, and also with the Houston Metropolitan Transit Authority, with the governor, and with the speaker of the house of representatives and the lieutenant governor, no later than January 1, 1984.

HB 1505 WITH SENATE AMENDMENTS

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

HB 1505, A bill to be entitled An Act relating to housing projects subject to the jurisdiction of a housing authority; creating a penalty.

On motion of Representative Pennington, the house concurred in the senate amendments to HB 1505.
Amend HB 1505 by striking all below the enacting clause and substituting the following:

SECTION 1. Section 13a, Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) For purposes of the public meeting requirements in Subsection (a) of this section and for the purposes of Section 6 of this Act, “housing project” means, in addition to the definition prescribed in Subsection (i), Section 3, of this Act:

1. any work or undertaking that is financed in any way by public funds or tax exempt revenue bonds and undertaken for any of the reasons listed in Subsection (i) of Section 3; or

2. a building over which a housing authority has jurisdiction and which has any part reserved for occupancy by persons receiving income or rental supplements from a governmental entity.

SECTION 2. Section 6, Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 6. INTERESTED COMMISSIONERS [OR-EMPLOYEES]. (a) No commissioner [or employee] of an authority shall own, acquire, or control any interest, direct or indirect, in any housing project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for:

1. the sale of land to be used for a housing project;

2. the construction of a housing project; or

3. the sale of materials or services to be furnished or used in connection with any housing project. Nor shall he have any dealings for pecuniary gain with any housing project.

However, it is not unlawful for a commissioner:

1. to manage a housing project or to own, acquire, or control a management company rendering management services to a housing project;

2. to continue to own or control any interest in a housing project held by the commissioner prior to his term as commissioner; or

3. to own, acquire, or control any interest in or have any dealings with a housing project over which the commissioner’s housing authority has no jurisdiction.

(b) If any commissioner [or employee] of an authority manages, owns, acquires, or controls an interest, direct or indirect, in any property included or planned to be included in any housing project, or if any commissioner has any other dealings for pecuniary gain with any housing project, he [immediately] shall immediately disclose the same in writing to the authority. The disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct of office.

(c) A commissioner who knowingly or intentionally violates Subsection (a) or (b) of this section commits an offense. An offense under this subsection is a felony of the third degree.

(d) A person finally convicted under Subsection (c) of this section is ineligible for future employment with the State, its political subdivisions, or a public corporation formed under authority of the State or a political subdivision of the State.

SECTION 3. The Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes) is amended by adding Section 6a to read as follows:
Sec. 6a. INTERESTED EMPLOYEES. (a) No employee of an authority shall own, acquire, or control any interest, direct or indirect, in any housing project or in any property included or planned to be included in any housing project. Nor shall the employee own, acquire, or control any interest, direct or indirect, in any contract or proposed contract for:

1. the sale of land to be used for a housing project;
2. the construction of a housing project;
3. the sale of materials or services to be furnished or used in connection with any housing project. Nor shall the employee have any dealings for pecuniary gain with any housing project, except in the performance of his duties as an employee of the housing authority.

(b) An employee who knowingly or intentionally violates Subsection (a) of this section commits an offense. An offense under this subsection is a felony of the third degree.

(c) A person finally convicted under Subsection (b) of this section is ineligible for future employment with the State, its political subdivisions, or a public corporation formed under authority of the State or a political subdivision of the State.

SECTION 4. The amendment to the Housing Authorities Law (Article 1269k, Vernon’s Texas Civil Statutes) by this Act does not affect any ground for removal of a commissioner of a housing authority or any criminal ofTcO committed under that Act before the effective date of this Act. A proceeding to enforce such a ground for removal or criminal penalty may be continued or may be initiated on or after the effective date of this Act as if this Act were not in force. The previous law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

SENATE AMENDMENT NO. 2

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

HB 501 WITH SENATE AMENDMENT

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

HB 501, A bill to be entitled An Act relating to landowner consent for hunting or engaging in target shooting in certain counties.

On motion of Representative Polumbo, the house concurred in the senate amendment to HB 501.

HB 501 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 501, A bill to be entitled An Act relating to landowner consent for hunting or engaging in target shooting in certain counties.

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

SECTION 1. Section 62.012, Parks and Wildlife Code, is amended to read as follows:

Sec. 62.012. WRITTEN CONSENT TO HUNT OR TARGET SHOOT REQUIRED. (a) This section applies only to a county having a population of
2,000,000 or more. This section does not apply to a person hunting or target shooting on a public or private shooting range.

(b) Except as provided by Subsection (d) of this section, no person possessing a firearm may hunt a wild animal or wild bird, or engage in target shooting on land owned by another unless the person has in his immediate possession the written consent of the owner of the land to hunt or engage in target shooting on the land.

(c) To be valid, the written consent required by Subsection (b) of this section must:

1. contain the name of the person permitted to hunt or engage in target shooting on the land;
2. identify the land on which hunting or target shooting is permitted;
3. be signed by the owner of the land or by an agent, lessee, or legal representative of the owner; and
4. show the address and phone number of the person signing the consent.

(d) The owner of the land on which hunting or target shooting occurs, the landowner's lessee, agent, or legal representative, and a person hunting or target shooting with the landowner or the landowner's lessee, agent, or legal representative are not required to have in their possession the written consent required by Subsection (b) of this section.

(e) A person who violates Subsection (b) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than $25 nor more than $200.

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

HB 896 WITH SENATE AMENDMENTS

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

HB 896. A bill to be entitled An Act relating to unemployment compensation and the taxes levied for benefits and for the principal of and interest on federal advances.

On motion of Representative Criss, the house concurred in the senate amendments to HB 896 by (Record 496): 108 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Burnett; Cain; Carriker; Cary; Ceverha; Clemons; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Edwards; English; Evans, C.; Evans, L.; Finnell; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, W.; Hightower; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hur, Jackson; Jones, Keller; Kemp; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Rudd; Russell; Salinas; Saunders; Schoelcraft; Shaw; Short; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wilson; Wolens; Word.
Nays — Agnich; Buchanan; Clark; Connelly; Craddick; DeLay; Denton; Eckels; Eikenburg; Fox; Geistweidt; Harrison, D.; Heflin; Hilbert; Hill, P.; Horn; Khoury; Kubiak; McKenna; Patronella; Polombo; Robnett; Schlueter; Shea; Simpson; Smith, A.; Smith, C.; Toomey; Tow.

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

Absent, Excused — Cavazos; Wright.

Absent — Bush; Collazo; Emmett; Gamez; Hernandez; Martinez, W.; Parker; Robinson; Whaley.

STATEMENT BY REPRESENTATIVE STANISWALIS

On the vote to concur in senate amendments to HB 896, I am shown voting yes. This is in error and should be recorded as a no vote.

HB 896 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 896 as follows:

1. On page 12, line 17, between "rate" and "for" insert "computed under this Act".
2. On page 16, line 23, strike "during that same period" and substitute "for the four quarters ending the preceding June 30".

SENATE AMENDMENT NO. 2

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

HB 555 WITH SENATE AMENDMENTS

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

HB 555, A bill to be entitled An Act relating to the location of annexation hearings conducted by a city.

On motion of Representative C. Evans, the house concurred in the senate amendments to HB 555.

HB 555 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 555 by striking line 14 and substituting the following:
within the area proposed to be annexed if, within ten (10) days after the publication of the notice required herein, more than twenty (20)

SENATE AMENDMENT NO. 2

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

HB 741 WITH SENATE AMENDMENTS

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

HB 741, A bill to be entitled An Act relating to the deadline for filing an application for a place on a primary election ballot.

On motion of Representative Jackson, the house concurred in the senate amendments to HB 741.
HB 741 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 741 on page 1 by inserting Subsection (h) after "accepted." and amending it as follows:

(h) Within ten days after the first Monday in February, the state chairman shall file with the Secretary of State, and each county chairman shall file with the county clerk of his county and Secretary of State a list containing the names of all candidates, as the names are to appear on the primary election ballot, arranged by office for which nomination is sought, whose applications have been timely received and the candidates' addresses, as entered on the applications. In like manner each chairman shall file, within three days after any extended filing deadline under Subsection (d) of this section, a supplemental list of candidates whose applications were timely received after the original list was prepared. Each county chairman shall forward to the chairman of the state executive committee a copy of each list which he files with the county clerk.

SENATE AMENDMENT NO. 2

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

HB 1474 WITH SENATE AMENDMENTS

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

HB 1474, A bill to be entitled An Act relating to the provision of dangerous drugs by licensed physicians who practice in rural areas.

On motion of Representative Craddick, the house concurred in the senate amendments to HB 1474.

HB 1474 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend Section 1 of Committee Amendment 1 of HB 1474 by inserting the following sentences before the sentence beginning with the word "FOR" to read as follows:

"Physicians desiring to dispense dangerous drugs under this subsection shall notify both the Texas State Board of Pharmacy and the Texas State Board of Medical Examiners that such physician practices in a rural area, as hereinafter defined. Such physician may continue to so dispense dangerous drugs until the State Board of Pharmacy shall determine, upon notice and hearing to such physician, that such physician no longer practices in a rural area as hereinafter defined."

SENATE AMENDMENT NO. 2

Amend Section 33 of Article 4542a-l, V.T.C.S., in SECTION 1 of HB 1474 by deleting Subsection (c) and substituting the following:

"A licensed physician who practices medicine in a rural area in which there is no pharmacy may maintain a supply of dangerous drugs in the office of the physician to be dispensed in the course of treating the physician's patients and may be reimbursed for the cost of supplying those drugs without obtaining a license under this Act. Such physician shall comply personally with all appropriate labeling sections of this Act, and oversee compliance with packaging and recordkeeping sections applicable to the class of drugs. For the purposes of this subsection:

(1) the term "rural area" means an area in which there is no pharmacy within a 15-mile radius of the physician's office, and is within..."
Amend Section 5.09 of Article 4495b, V.T.C.S., in SECTION 2 of HB 1474 by deleting Subsection (b) and substituting the following:

"(b) A licensed physician who practices medicine in a rural area in which there is no pharmacy may maintain a supply of dangerous drugs in the office of the physician to be dispensed in the course of treating the physician's patients and may be reimbursed for the cost of supplying those drugs without obtaining a license under the Texas Pharmacy Act (Article 4524a-1, Vernon's Texas Civil Statutes). Such physicians shall comply with all appropriate labeling sections applicable to this class of drugs under the Texas Pharmacy Act, and oversee compliance with packaging and recordkeeping sections applicable to this class of drugs. For the purposes of this subsection:

(1) the term "rural area" means an area in which there is no pharmacy within a 15-mile radius of the physician's office, and is within

(A) a county with a total population of 5,000 or less according to the most recent federal census; or

(B) city or town, incorporated or unincorporated, with a population of less than 2,500, according to the most recent federal census; but shall not include a city or town, incorporated or unincorporated, whose boundaries are adjacent to an incorporated city or town with an equal or greater population.

(2) the term "reimbursed for cost" shall mean an additional charge separate from that made for the physician's professional services which include the cost of the drug product and all other actual costs to the physician incidental to providing the dispensing service but not including a separate fee for the act of dispensing the drug product itself."

SENATE AMENDMENT NO. 3

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

HB 1038 WITH SENATE AMENDMENTS

Representative G. Hill called up with senate amendments for consideration at this time,

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

On motion of Representative G. Hill, the house concurred in the senate amendments to HB 1038. (Russell and Kubiak recorded voting no)

HB 1038 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1038 by striking Section 4 and placing in lieu thereof a new Section 4 to read as follows:
SECTION 4. Section 56a, Texas Election Code, as amended (Article 5.24a, Vernon's Texas Election Code), is amended to read as follows:

“Article 56a. COUNTY ELECTIONS ADMINISTRATOR

“Subdivision 1. CREATION OF POSITION [OFFICE]. In any county in this state, the commissioners court by order recorded in its minutes may establish the position [appointive office] of county elections administrator of the county, who shall perform the duties and functions specified in Subdivision 3 of this section. The order of the commissioners court shall state the date on which the creation of the position [office] of administrator becomes effective; but the date may not be earlier than March 1, 1979. The order may provide for placing the administrator-designate on the county payroll at a date not more than 90 days before the effective date for creation of the position [office] so that he may make suitable plans for assuming his duties on the effective date. Within three days after the entry of the order, the county clerk shall send a copy of the order to each member of the county elections commission and to the secretary of state and the comptroller of public accounts.

“Subdivision 2. APPOINTMENT OF ADMINISTRATOR: COUNTY ELECTIONS COMMISSION. (a) Composition of the commission. Where the position [office] of county elections administrator is created in a county, the position [office] shall be filled by appointment of the county elections commission of the county, which shall consist of the following members: the county judge of the county as chairman of the commission; the county clerk of the county as vice-chairman of the commission; the tax assessor-collector of the county as clerk of the commission; and the chairman of the county executive committee of each political party whose nominees at the last general election for state and county officers were nominated by primary election. In any county in which the offices of sheriff and tax assessor-collector are combined, the sheriff shall hold the position specified for the tax assessor-collector. In any county in which a party which nominates by primary election does not have a county organization, the membership of the commission is reduced accordingly. A majority of the total membership of the commission constitutes a quorum. The affirmative vote of a majority of the total membership of the commission is necessary for the selection of an administrator. Each member of the commission who is present at a meeting, including the presiding officer, is entitled to vote. Each appointment made by the commission shall be evidenced by a written resolution or order signed by the number of members necessary to make the appointment, and the resolution or order shall be filed as a public record in the office of the county clerk. Within three days after the filing, the county clerk shall forward a copy of the resolution or order to the secretary of state.

“(b) Meetings of the commission. Meetings of the commission shall be called by the chairman. If the chairman fails to call a meeting within 10 days after the entry of the order creating the position [office] of county elections administrator or within 10 days after a vacancy arises in the position [office, or if he fails to call a meeting by January 15 of an odd-numbered year, preceding the expiration of the administrator's term of office], the vice-chairman shall call the meeting. The person who calls a meeting shall set the time and place for the meeting and shall give written notice of the time and place to each other member at least three days in advance of the meeting date.

“(c) Qualifications for administrator. (1) The person appointed as administrator must be a resident of this state but need not be a resident of the county at the time of his appointment; but after he assumes the position [office, he must maintain his residence in the county during his employment [tenure in office].

“(2) He must be a registered voter at his place of residence.

“(3) He may not be a candidate for public office, as defined by Chapter 14 of this code, while employed as [holding the office of] county elections administrator.
Filing for candidacy constitutes an automatic resignation from the position of county elections administrator effective at the time of filing.

"(4) He may not actively support or contribute to any candidate for public office, any officeholder, or any political party while employed as county elections administrator. Violation of this provision is a Class A misdemeanor and conviction produces automatic termination of employment. A person so convicted is ineligible for appointment as county elections administrator in any county in the state.

"(d) Time of appointment. The county elections commission may make the initial appointment of an administrator at any time after the entry of the commissioners court's order creating the position, regardless of the length of time remaining between the date of the appointment and the effective date of the creation of the position, and it may make an appointment to fill an anticipated vacancy arising from a resignation to take effect at a future date at any time after the resignation is accepted. After an appointment is made and accepted, it may not be rescinded without the consent of the appointee, regardless of any changes that may occur in the membership of the commission before the appointee assumes his duties.

Subdivision 3. DUTIES OF ADMINISTRATOR. (a) Registration of voters. On the effective date of an order entered pursuant to Subdivision 1 of this section, or as soon thereafter as an administrator has been appointed and has qualified, the county elections administrator shall assume and thereafter perform all the duties and functions to be performed by the registrar of voters, pursuant to Section 41a of this code (Article 5.09a, Vernon's Texas Election Code).

"(b) Conduct of elections. In addition to the duties and functions specified in paragraph (a) of this subdivision, the administrator shall perform all the duties and functions which are placed upon the county clerk by any provision of this code or any other statute of this state in connection with the conduct of elections, as more fully defined in Section 56b of this code (Article 5.24b, Vernon's Texas Election Code).

Subdivision 4. SALARY OF ADMINISTRATOR; OFFICE STAFF; OPERATING EXPENSES. Where the position of county elections administrator is created, the commissioners court shall fix his salary, and shall also fix the number, grade, and salaries of paid deputies, assistants, and other persons that he may employ. However, the administrator may appoint unpaid deputies to assist in voter registration, as authorized in Section 52a of this code (Article 5.20a, Vernon's Texas Election Code), without the approval of the commissioners court. The salary of the administrator shall not exceed the salary paid to the county clerk of that county, and the salaries paid to his employees shall not exceed the salaries paid to the employees of the county clerk in comparable positions. The commissioners court may allow such automobile expense as it deems necessary to the administrator and to any of his employees in the performance of their official duties. The commissioners court shall make provision for furnishing the administrator with suitable office space and with the necessary equipment and operating expenses for the proper conduct of his office. The amount appropriated by the commissioners court for the administrator's office shall not be less than the amounts previously appropriated to the county clerk and the county tax assessor-collector for the duties formerly required of them but now assigned to the administrator, with additional appropriations, if required, to compensate for the effects of inflation and rising costs of supplies, equipment, and personnel.

Subdivision 5. TERMINATION OF EMPLOYMENT (TERM—OF OFFICE). The employment of county elections administrator may be terminated at any time for good and sufficient cause on the four-fifths vote of the county elections commission and approval of that action by
a majority vote of the commissioners court [shall be until the beginning of the first regular term] thereafter. The regular term of office for the administrator is for a period of two years beginning on March 1 in each odd-numbered year. Between January 1 and January 15 preceding the expiration of the term, the chairman of the county elections commission shall call a meeting of the commission for the purpose of making an appointment for the succeeding term. Any vacancy in the office shall be filled by the commission for the remainder of the unexpired term. The administrator may be removed from office in the same manner and on the same grounds as provided by general law for removal of county officers or as provided for under paragraph (c) of Subdivision 2 of this section.

"Subdivision 6. BOND OF ADMINISTRATOR AND DEPUTIES. Before entering into the duties of his position [office], the county elections administrator [shall take and subscribe to the official oath and] shall give an official bond in an amount to be fixed by the commissioners court, made payable to the county judge and approved by the commissioners court, conditioned for the faithful performance of the duties of his position [office]. Either the commissioners court or the administrator may require his deputies to give a similar bond in an amount not exceeding the amount of the administrator’s bond.

"Subdivision 7. SEAL OF ADMINISTRATOR. The administrator shall provide himself with an official seal, on which shall be inscribed a star with five points surrounded by the words ‘County Elections Administrator,-----­­-

County, Texas’ (the blank to be filled in with the name of the county), for use in certifying documents which are required to be impressed with the seal of the certifying officer.

"Subdivision 8. TRANSFER OF RECORDS. As soon as practicable after the effective date of the order creating the position [office] of county elections administrator, the officer formerly serving as the registrar of voters shall transfer to the administrator all records and papers pertaining to voter registration, and the county clerk shall transfer to him all voting equipment and supplies of which the clerk has custody and all records and papers in his possession which pertain to an uncompleted election. The commissioners court shall determine which records of prior elections are to be transferred to the administrator and which are to remain in the county clerk’s office.

"Subdivision 9. ABOLISHMENT OF POSITION [OFFICE]. The commissioners court may abolish the position [office] of county elections administrator at any time [after two years have elapsed from the date of the order creating it by having an order entered into the minutes of the court to become effective at the expiration of the current term of the administrator]. If the position [office] is abolished, voter registration duties thereafter shall be performed by the county tax assessor-collector and the other duties shall be performed by the county clerk unless a transfer of duties and functions occurs under Section 41b or 56e of this code, in which case the appropriate officer shall perform the designated duties and functions, except that the commissioners court may designate the county clerk to be the registrar of voters and to perform the duties assigned to the registrar, as authorized in Section 41b of this code. Within three days after the entry of an order abolishing the position [office] of county elections administrator, the county clerk shall send a copy of the order to the secretary of state and the comptroller of public accounts.

"Subdivision 10. OFFICE HOURS ON ELECTION DAY. The office of the county elections administrator shall remain open during the hours the polls are open on the day of any general election, primary election, or runoff primary election in which a statewide office appears on the ballot.

"Subdivision 11. REFERENCE TO OFFICE. Any reference in the law to the appointive office of county elections administrator means the position of county elections administrator as provided by this section."
“Subdivision 12. A person serving as county elections administrator on the effective date of this Act continues to serve in that position as though he had been employed under the law as amended by this Act.”

SENATE AMENDMENT NO. 2

Amend HB 1038 by adding a new Section 5 to read as follows and renumbering the current Section 5 as Section 6:

SECTION 5. Section 64(a), Texas Election Code (Article 6.09. Vernon’s Texas Election Code), is amended to read as follows:

(a) The authority responsible for furnishing the ballots in an election shall furnish each election precinct a number of ballots equal to the percentage of voters who voted in that precinct in the most recent corresponding election plus 25 percent of that number. The number of ballots furnished may not exceed the total number of registered voters in the precinct [sufficient to conduct the election]. The official ballots to be counted before delivery and sealed up and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each endorsed on the package, and entered of record by the clerk in the minutes of the Commissioners Court or, in an election ordered by an authority of a political subdivision other than a county, on the minutes of the governing body of that subdivision. In like manner, shall be sent the list of qualified voters for the precinct certified to by the collector.

SENATE AMENDMENT NO. 3

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

HB 1174 WITH SENATE AMENDMENT

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

HB 1174, A bill to be entitled An Act relating to the establishment and funding of mutual consent voluntary adoption registries and the maintenance and confidentiality of, and access to, adoption records and birth certificates; providing penalties.

On motion of Representative Schlueter, the house concurred in the senate amendment to HB 1174 by (Record 497): 138 Yea, 0 Nay, 2 Present, not voting.

Yea — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bonner; Buchanan; Burnett; Cain; Carriker; Cary; Cervera; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delcay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Fox; 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; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Lug; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Mill slap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Range; Robnett; Rudd; Russell; Salinas; Sanders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.
Present, not voting — Mr. Speaker(C); Robinson.
Absent, Excused — Cavazos; Wright.
Absent — Bush; Emmett; Gamez; Hernandez; Keller; Martinez, W.; Oliver; Polumbo.

HB 1174 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1174, A bill to be entitled An Act relating to the establishment and funding of mutual consent voluntary adoption registries and the maintenance and confidentiality of, and access to, adoption records and birth certificates; providing penalties.

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

SECTION 1. Subtitle D, Title 2, Human Resources Code, is amended by adding Chapter 49 to read as follows:

CHAPTER 49. VOLUNTARY ADOPTION REGISTRIES

Sec. 49.001. PURPOSE. The purpose of this chapter is to provide for the establishment of mutual consent voluntary adoption registries through which adoptees, birth parents, and biological siblings may voluntarily locate each other.

It is not the purpose of this chapter to inhibit or prohibit persons from locating each other through other legal means, nor to inhibit or affect in any way the provision of postadoptive services and education, by adoption agencies or others, which go further than the procedures set out for registries established pursuant to this chapter.

Sec. 49.002. DEFINITIONS. In this chapter:

(1) "Administrator" means the administrator of a mutual consent voluntary adoption registry established under this chapter.

(2) "Adoptee" means a person 21 years old or older who has been legally adopted in this state during his minority or who was born in this state and legally adopted during his minority under the laws of another state or nation.
"Adoption" means the act of creating the legal relationship of parent and child between a person and a child who is not the biological child of that person. "Adoption" does not include the act of establishing the legal relationship of parent and child between a man and a child through proof of paternity or voluntary legitimation proceedings or the adoption of an adult.

"Adoption agency" means a person, other than a natural parent or guardian of a child, who plans for the placement of or places a child in the home of a prospective adoptive parent.

"Adoptive parent" means an adult who is a parent of an adoptee through a legal process of adoption.

"Authorized agency" means a public social service agency authorized to place children for adoption or other person approved for that purpose by the department. "Authorized agency" includes a licensed or unlicensed private adoption agency that has ceased operations as an adoption agency and has transferred its adoption records to an agency authorized by the department to place children for adoption and a licensed or unlicensed adoption agency that has been acquired by, merged with, or otherwise succeeded by an agency authorized by the department to place children for adoption.

"Biological parent" means the man or woman who is in fact the father or mother of genetic origin of a child.

"Biological siblings" means siblings who share a common birth parent.

"Birth parent" means the biological mother of an adoptee; the man deemed by law or adjudicated to be the biological father of an adoptee, an adoptee's putative father whose name appears on the adoptee's original birth certificate as the adoptee's father, and a putative father who has signed a consent to adoption, affidavit of relinquishment, affidavit of waiver of interest in child, or other written instrument releasing the adoptee for adoption, unless the consent, affidavit, or other instrument includes a sworn refusal to admit or a denial of paternity. "Birth parent" includes a birth mother and birth father but does not include a person adjudicated by a court of competent jurisdiction not to be the biological parent of an adoptee.

"Central registry" means the mutual consent voluntary adoption registry established and maintained by the department under this chapter.

"Putative father" means a man who is not deemed by law or adjudicated to be the biological father of an adoptee and who claims or is alleged to be the adoptee's biological father.

"Registry" means a mutual consent voluntary adoption registry established under this chapter.

"Siblings" means two or more persons who share a common birth or adoptive parent.

Sec. 49.003. ESTABLISHMENT OF VOLUNTARY ADOPTION REGISTRIES. (a) The department shall establish and maintain a mutual consent voluntary adoption registry.

(b) Except as provided by Subsection (c) of this section, an agency authorized by the department to place children for adoption and an association comprised exclusively of those agencies may establish a mutual consent voluntary adoption registry. An agency may contract with any other agency authorized by the department to place children for adoption or with an association comprised exclusively of those agencies to perform registry services on its behalf.

(c) An authorized agency that does not directly or by contract provide registry services as required by this chapter on January 1, 1984, may not provide its own registry service. The department shall operate through the central registry those services for agencies not permitted to provide a registry under this section. An
authorized agency that does not provide registry services shall file a report with the department on all adoptions of minors placed by the agency before January 1, 1984.

(d) The report required by Subsection (c) of this section must include:
(1) the name of the adopted child as shown in the final adoption decree;
(2) the birth date of the adopted child;
(3) the docket number of the adoption suit;
(4) the identity of the court granting the adoption;
(5) the date of the final adoption decree;
(6) the name and last known address of each parent, guardian, managing conservator, or other person whose consent to adoption was required or waived under Section 16.05, Family Code, or whose parental rights were terminated in the adoption suit;
(7) the identity of the agency through which the adopted child was placed.

Sec. 49.004. ADMINISTRATION. (a) Each registry shall be directed by a registry administrator. The administrator of a registry established by an authorized agency may be a person other than the administrator of that agency.

(b) The administrator may delegate to deputy administrators and staff the duties established by this chapter.

Sec. 49.005. CENTRAL INDEX. (a) The administrator of the central registry shall compile a central index through which adoptees and birth parents may identify the appropriate registry through which to register.

(b) The clerk of the court in which an adoption is granted shall, on or before the 10th day of the first month after the month in which the adoption is granted, transmit to the administrator of the central registry a report of adoption with respect to each adoption granted on or after January 1, 1984. The report must include the following information:
(1) the name of the adopted child after adoption as shown in the final adoption decree;
(2) the birth date of the adopted child;
(3) the docket number of the adoption suit;
(4) the identity of the court granting the adoption;
(5) the date of the final adoption decree;
(6) the name and address of each parent, guardian, managing conservator, or other person whose consent to adoption was required or waived under Section 16.05, Family Code, or whose parental rights were terminated in the adoption suit;
(7) the identity of the authorized agency, if any, through which the adopted child was placed for adoption; and
(8) the identity, address, and telephone number of the registry through which the adopted child may register as an adoptee.

(c) An authorized agency not required by Section 49.003(c) of this code to file a report may file with the administrator of the central registry a report of adoption with respect to any person adopted during minority before January 1, 1984. The report may include:
(1) the name of the adopted child as shown in the final adoption decree;
(2) the birth date of the adopted child;
(3) the docket number of the adoption suit;
(4) the identity of the court granting the adoption;
(5) the date of the final adoption decree;
(6) the identity of the agency, if any, through which the adopted child was placed;
(7) the identity, address, and telephone number of the registry through which the adopted child may register as an adoptee.

(d) Upon inquiry by an adoptee who has provided satisfactory proof of age and identity and paid all required inquiry fees, the administrator of the central registry shall review the information on file in the central index. If the index reveals that the adoptee was not placed for adoption through an authorized agency, the administrator of the central registry shall issue the adoptee an official certificate stating that the adoptee is entitled to apply for registration through the central registry. If the index identifies an authorized agency through which the adoptee was placed for adoption, the administrator of the central registry shall determine the identity of the registry through which the adoptee may register. If the administrator of the central registry cannot determine from the index whether or not the adoptee was placed for adoption through an authorized agency, the administrator of the central registry shall determine the identity of the registry with which the adoptee may register. Each administrator shall, within 30 days after receiving an inquiry from the administrator of the central registry, respond in writing to the inquiry that the registrant was not placed for adoption by any agency served by that registry or that the registrant was placed for adoption by an agency served by that registry. If the registrant was placed for adoption by an agency served by the registry, the administrator shall file a report with the administrator of the central registry including the information described by Subdivisions (1) through (6) of Subsection (c) of this section. After completing his investigation, the administrator of the central registry shall issue an official certificate stating:

1. the identity of the registry through which the adoptee may apply for registration, if known, or
2. if the administrator cannot make a conclusive determination, that the adoptee is entitled to apply for registration through the central registry and is entitled to apply for registration through other registries created under this chapter.

(e) Upon inquiry by a birth parent who has provided satisfactory proof of identity and age, and paid all required inquiry fees, the administrator of the central registry shall review the information on file in the central index and consult with the administrators of other registries in the state in order to determine the identity of the appropriate registry or registries through which the birth parent may register. Each administrator shall, within 30 days after receiving an inquiry from the administrator of the central registry, respond in writing to the inquiry. After completing his investigation, the administrator of the central registry shall provide the birth parent with a written statement either identifying the name, address, and telephone number of each registry through which registration would be appropriate or stating that after diligent inquiry the administrator cannot determine the specific registry or registries through which registration would be appropriate.

Sec. 49.006. REGISTRATION ELIGIBILITY. (a) An adoptee may apply to a registry for information about his birth parents.

(b) A birth parent who is 21 years old or older may apply to a registry for information about an adoptee who is a child by birth of the birth parent.

(c) A putative father who acknowledges paternity but is not, at the time of application, a birth father may register as a birth father but may not otherwise be recognized as a birth father for the purposes of this chapter unless:

1. the adoptee's birth mother in her application identifies him as the adoptee's biological father; and
2. additional information concerning the adoptee obtained from other sources is not inconsistent with his claim of paternity.

(d) A biological sibling who is 21 years old or older may apply to the central registry for information about his biological siblings. The application must be
independent of any application submitted by a biological sibling as an adoptee for information about his birth parents.

(c) Only birth parents, adoptees, and biological siblings may apply for information through a registry.

(f) No person, including an authorized agency, may apply for information through a registry as an agent, attorney, or representative of an adoptee, birth parent, or biological sibling.

Sec. 49.007. REGISTRATION APPLICATIONS. (a) The administrator shall require each registration applicant to sign a written, verified application.

(b) An adoptee adopted through an authorized agency must register through the registry maintained by that agency or the registry to which the agency has delegated registry services. An adoptee adopted through an authorized agency may not register through any other registry unless the agency through which he was adopted or the successor of the agency does not maintain a registry, directly or by delegation to another agency, in which case the adoptee may register through the registry maintained by the department.

(c) Birth parents may register through one or more registries.

(d) Biological siblings registering as biological siblings may register through the central registry only.

(e) Each application must contain:

(1) the name, address, and telephone number of the applicant;

(2) all other names and aliases by which the applicant has been known;

(3) the applicant's name, age, date of birth, and place of birth;

(4) the original name of the adoptee, if known;

(5) the adoptive name of the adoptee, if known;

(6) a statement that the applicant is willing to allow his identity to be disclosed to those registrants eligible to learn his identity;

(7) the name, address, and telephone number of the agency or other entity, organization, or person placing the adoptee for adoption, if known; or, if not known, a statement that the applicant does not know that information;

(8) an authorization to the administrator and his delegates to inspect all vital statistics records, court records, and agency records, including confidential records, relating to the birth, adoption, marriage, and divorce of the applicant or to the birth and death of any child or sibling by birth or adoption of the applicant;

(9) the specific address to which the applicant wishes notice of a successful match to be mailed;

(10) a statement that the applicant either does or does not consent to disclosure of identifying information about himself after the applicant's death;

(11) a statement that the registration is to be effective for 99 years or for a stated shorter period selected by the applicant; and

(12) a statement that the adoptee applicant either does or does not desire to be informed that registry records indicate that the applicant has a biological sibling who has registered under this chapter.

(f) The application may contain the applicant's social security number if the applicant, after being advised of his right not to supply such number, voluntarily furnishes it.

(g) The application of an adoptee must include the names and birth dates of all children younger than 21 years old in the adoptee's adoptive family.

(b) The application of a birth mother must include the following information:

(1) the original name and date of birth or approximate date of birth of each adoptee with respect to whom she is registering;

(2) each name known or thought by the applicant to have been used by the adoptee's birth father;
(3) the last known address of the adoptee's birth father; and
(4) other information available to her through which the birth father
may be identified.

(i) The application of the birth father must include the following information:
(1) the original name and date of birth or approximate date of birth
of each adoptee with respect to whom he is registering;
(2) each name, including the maiden name, known or thought by
the applicant to have been used by the adoptee's birth mother;
(3) the last known address of the adoptee's birth mother; and
(4) other information available to him through which the birth
mother may be identified.

(j) The application of a biological sibling must include:
(1) a statement explaining the applicant's basis for believing that he
has one or more biological siblings;
(2) the names of all the applicant's siblings by birth and adoption
and their dates and places of birth, if known;
(3) the names of his legal parents;
(4) the names of his birth parents, if known; and
(5) any other information known to the applicant through which the
existence and identity of the applicant's biological siblings can be confirmed.

(k) An application may also contain additional information through which
the applicant's identity and eligibility to register may be ascertained.

(l) The administrator shall assist the applicant in filling out the application if
the applicant is unable to complete the application without assistance, but the
administrator may not furnish the applicant with any substantive information
necessary to complete the application.

Sec. 49.008. PROOF OF IDENTITY. The department's rules and minimum
standards must provide for proof of identity in order to facilitate the purposes of
this chapter and to protect the privacy rights of adoptees, adoptive parents, birth
parents, biological siblings, and their families.

Sec. 49.009. REGISTRATION. (a) The administrator may not accept an
application for registration unless:
(1) the applicant provides proof of identity in accordance with
Section 49.008 of this code;
(2) the applicant establishes his eligibility to register;
(3) the administrator has determined that the applicant is not
required to register with another registry;
(4) the applicant pays all required registration fees; and
(5) the counseling required under Section 49.013 of this code has
been completed.

(b) Unless earlier withdrawn, a registration remains in full force and effect
from the date of acceptance for 99 years or for a shorter period specified by the
registrant in his application.

(c) A registrant may withdraw his registration without charge at any time.
(d) After withdrawal or expiration of the registration, the registrant shall be
treated as if he had never registered.

Sec. 49.010. REJECTED APPLICATIONS. (a) Registry applications shall
be accepted or rejected within 45 days after the date the application is filed.
(b) If an application is rejected, the administrator shall provide the applicant
with a written statement of the reasons for rejection.
(c) If the basis for rejecting the application is that the applicant is required to
register through another registry, the registry administrator shall identify the registry
through which the applicant is required to apply, if known.
Sec. 49.011. FEES. (a) The costs of establishing, operating, and maintaining a registry may be recovered in whole or in part through users' fees charged to applicants and registrants.

(b) Each registry shall establish a schedule of fees for services provided to users of the registry. Fees set forth in the schedule of fees shall be reasonably related to the direct and indirect costs of establishing, operating, and maintaining the registry. The department shall collect from each registrant a registration fee of $15 or an amount set as provided under H.B. No. 894, Acts of the 68th Legislature, Regular Session, 1983, whichever amount is the larger. The fee collected by the department shall be deposited in the state treasury to the credit of a special fund that may be appropriated only for the administration of the central registry. No fees may be charged for withdrawing a registration.

(c) The administrator may waive users' fees in whole or in part if the applicant provides satisfactory proof of financial inability to pay such fees.

Sec. 49.012. SUPPLEMENTAL INFORMATION. (a) A registrant may amend his registration and may submit additional information to the administrator. A registrant shall notify the administrator of any change in his name or address that occurs after acceptance of his application.

(b) The administrator has no duty to search for a registrant who fails to register any change of name or address.

Sec. 49.013. COUNSELING. (a) The applicant must participate in counseling for at least one hour with a social worker or mental health professional with expertise in postadoption counseling before the administrator may accept his application for registration.

(b) The counseling shall be with a social worker or mental health professional employed or designated by the department or agency operating the registry.

(c) If the applicant is unwilling or unable to counsel with a social worker or mental health professional employed by the department or agency operating the registry, the applicant may arrange for counseling at his expense with any social worker or mental health professional mutually agreeable to the applicant and the registry administrator at a location reasonably accessible to the applicant.

(d) Counseling fees charged by the department or agency operating a registry shall be set forth in the schedule of fees required under Section 49.01(b) of this code.

(e) The social worker or mental health professional with whom the applicant has counseled shall furnish the applicant and the administrator with a written certification that the required counseling has been completed.

Sec. 49.014. MATCHING PROCEDURES. (a) The administrator shall process each registration in an attempt to match the adoptee and his birth parents or a biological sibling and his biological siblings.

(b) The administrator shall determine that there is a match if the adult adoptee, the birth mother, and the birth father have each registered or if any two biological siblings have registered. No match shall be made until the youngest living adoptive sibling of an adoptee who shares a common birth parent with the adoptee is 21 years old or older.

(c) In order to establish or corroborate a match, the administrator shall request confirmation of a possible match from each vital statistics bureau that has possession of the adoptee's or biological siblings' original birth records, unless the department or agency operating the registry has in its own records sufficient information through which the match may be confirmed, in which case, the administrator may, but is not required to, request confirmation from a vital statistics bureau. A vital statistics bureau may, without breaching any duty of confidentiality to the adoptee, adoptive parents, birth parents, or biological siblings involved, and without the necessity of a court order, confirm or deny the match.
(d) In order to establish or corroborate a match, the administrator may also request confirmation of a possible match from the agency, if any, which has possession of records concerning the adoption of an adoptee, from the court that granted the adoption, from the hospital where the adoptee or any biological sibling was born, from the physician who delivered the adoptee or any biological sibling, or from any other person who has knowledge of the relevant facts. The agency, court, hospital, physician, or person with knowledge may, without breaching any duty of confidentiality to the adoptee, adoptive parents, birth parents, or biological siblings involved, confirm or deny the match.

(e) If a match is denied by any source contacted under Subsection (d) of this section, the administrator shall make a full and complete investigation into the reliability of the denial. If the match is corroborated by other reliable sources and the administrator is satisfied that the denial is erroneous, the administrator may make disclosures but shall report to the adoptee, birth parents, and biological siblings involved that the match was not confirmed by all information sources.

Sec. 49.015. PARTIAL MATCH. (a) If the administrator determines that an adoptee and either of the adoptee's birth parents have registered, disclosures may be made without the registration of the other birth parent only if:

(1) the birth parent who did not register, after having been served with citation in person, by publication, or by other substituted service, defaulted in the suit in which the parent-child relationship between the birth parent and the adoptee was terminated or declared not to exist;

(2) the adoptee and birth mother of the adoptee have registered, and each putative father of the adoptee has either died without legitimating the adoptee or failed to legitimate the adoptee after being served with citation in person, by publication, or by substituted service in any suit affecting the parent-child relationship with respect to the adoptee;

(3) the adoptee and the birth mother of the adoptee have registered, and there is no man who is a birth parent of the adoptee;

(4) the birth mother submits, or the administrator obtains from a court of competent jurisdiction in the state where the adoptee's original birth certificate is filed, a copy of a judgment declaring that the identity of the adoptee's biological father is unknown; or

(5) the administrator verifies that no living man was identified and given notice in preadoption legal proceedings of his status as the adoptee's biological father and that before January 1, 1974, either the parent-child relationship between the adoptee and the adoptee's birth mother was terminated or the adoptee was adopted.

(b) After the requirements of Subsection (a) of this section have been satisfied, the administrator shall notify the registrants affected of the match.

Sec. 49.016. NOTIFICATION OF MATCH. (a) When a match has been made and confirmed to the administrator's satisfaction, the administrator shall mail to each registrant, at his last known address, by registered or certified mail, return receipt requested, delivery restricted to addressee only, a written notice:

(1) informing the registrant that a match has been made and confirmed;

(2) reminding the registrant that he may withdraw his registration before disclosures are made, if he so desires, and that identifying information about the registrant may be released after 30 days in the event the registrant fails to withdraw his registration;

(3) notifying the registrant that before any identifying disclosures are made to him, he must sign a written postmatch consent to disclosure acknowledging that he continues to desire that disclosures be made to him; and
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(4) advising the registrant that additional counseling services are

available.

(b) Identifying information about a registrant shall be released without the
registrant's having consented after the match to disclosure if:

(1) the registrant fails to withdraw his registration within 30 days
after receiving the notification of match;

(2) there is no proof that the notification of match was received by
the registrant within 45 days after the date the notification of match was mailed to
the registrant and the administrator, after making due inquiry to the vital statistics
bureaus of this state and the state of the registrant's last known address, has not
within 90 days after the date the notification of match was mailed obtained
satisfactory proof of the registrant's death; or

(3) the registrant is dead, the registrant's registration was valid at the
time of his death, and the registrant had in writing specifically authorized the
postdeath disclosure in his application or in a supplemental statement filed with the
administrator.

(c) Identifying information about a deceased birth parent may not
be released

until each surviving child of the deceased birth parent is an adult unless the child's
surviving parent, guardian, managing conservator, or legal custodian consents in
writing to the disclosure.

(d) The administrator shall release identifying information about each other

registrants who have complied with Section 49.016(a) of this code if within
60 days from the date notification of match was mailed, the remaining registrant or
registrants have not withdrawn their registrations.

Sec. 49.017. DISCLOSURE: ADOPTEE AND BIRTH PARENTS. (a) The

administrator shall prepare disclosure statements and schedule disclosure

conferences with the registrants entitled to disclosure under Section 49.016 of this
code.

(b) Except as provided by Subsection (d) of this section, identifying

information may not be disclosed in any manner other than in a face-to-face
conference attended in person by the registrant entitled to receive such information
and a representative of the registry or of the agency through which the adoptee was
adopted.

(c) At a conference, the registrant must be furnished with a written disclosure

statement including the name, address, and telephone number of each of the
registrant's biological siblings about whom identifying information may be released.

(d) If it would be unduly difficult for a registrant to attend a disclosure

conference in person, the administrator shall, at the request of the registrant and
with written permission from the other registrants affected, waive the requirement
of a face-to-face conference and mail the disclosure statement by registered or
certified mail, return receipt requested, delivery restricted to addressee only, to the
address specified by the registrant.

(e) The registrant shall sign a written statement acknowledging receipt of the
disclosure statement.

Sec. 49.018. DISCLOSURE: BIOLOGICAL SIBLINGS. (a) The

administrator shall prepare disclosure statements and schedule disclosure

conferences with the registrants entitled to disclosure under Section 49.016 of this
code.

(b) Except as provided by Subsection (d) of this section, identifying

information may not be disclosed in any manner other than in a face-to-face
conference attended in person by the registrant entitled to receive the information
and a representative of the registry.

(c) At a conference, the registrant must be furnished with a written disclosure

statement including the name, address, and telephone number of each of the
registrant's biological siblings about whom identifying information may be released.
(d) If it would be unduly difficult for a registrant to attend a disclosure conference in person, the administrator shall, at the request of the registrant and with written permission from the other registrants affected, waive the requirement of a face-to-face conference and mail the disclosure statement by registered or certified mail, return receipt requested, delivery restricted to addressee only, to the address specified by the registrant.

(e) The registrant shall sign a written statement acknowledging receipt of the disclosure statement.

Sec. 49.019. IMPOSSIBILITY OF DISCLOSURE. If the administrator establishes that no match can be made because of the death of an adoptee, birth parent, or biological sibling, the administrator shall promptly notify the registrants affected. The administrator shall disclose the reason that no match can be made and may disclose nonidentifying information concerning the circumstances of death.

Sec. 49.020. REGISTRY RECORDS CONFIDENTIAL. (a) All applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry are confidential and may not be disclosed to any person or entity except in the manner authorized in this chapter.

(b) The information acquired by a registry may not be disclosed under freedom of information or sunshine legislation, rules, or practice.

(c) A person may not file or prosecute class action litigation to force a registry to disclose identifying information of any kind.

Sec. 49.021. RULEMAKING. (a) The department shall make rules and promulgate minimum standards to carry out the provisions of this chapter and to ensure that each registry respects the right to privacy and confidentiality of an adoptee, birth parent, and biological sibling who does not desire to disclose his identity.

(b) The department shall conduct a comprehensive review of all of its rules and standards under this chapter at least every six years.

(c) Before adopting rules and promulgating minimum standards, the department shall send a copy of the proposed rules and standards at least 60 days before they take effect to the administrator of each registry established under this chapter and to the administrator of each agency authorized by the department to place children for adoption in order to provide the administrators an opportunity to review the proposed rules and standards and send written suggestions to the department in connection therewith.

Sec. 49.022. PROHIBITED ACTS; CRIMINAL PENALTIES. (a) An administrator, employee, or agent of the department may not initiate contact with an adult adoptee, birth parent, or biological sibling, directly or indirectly, for the purpose of requesting or suggesting that the adoptee, birth parent, or biological sibling place his name in a registry. This subsection does not prevent the department from making known to the public, by appropriate means, the existence of registries.

(b) Information received by or in connection with the operation of a registry may not be stored in any data bank used for any purpose other than operation of the registry or processed through any data processing equipment accessible by any person not employed by the registry.

(c) A person commits an offense if he, in violation of this chapter, knowingly or recklessly discloses information from registry applications, registrations, records, and other information submitted to, obtained by, or otherwise acquired by a registry. This subsection does not prevent the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a felony of the second degree.

(d) A person commits an offense if he, in violation of this chapter, by criminal negligence causes or permits the disclosure of information from registry applications, registrations, records, and other information submitted to, obtained
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by, or otherwise acquired by a registry. This subsection shall not be construed to penalize the disclosure of information from adoption agency records, as opposed to registry records. An offense under this subsection is a Class A misdemeanor.

(e) A person commits an offense if he impersonates an adoptee, birth parent, or biological sibling with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

(f) A person commits an offense if he impersonates an administrator, agent, or employee of a registry with the intent to secure confidential information from a registry established pursuant to this chapter. An offense under this subsection is a felony of the second degree.

(g) A person commits an offense if he, with intent to deceive and with knowledge of the statement's meaning, makes a false statement under oath in connection with the operation of a registry. An offense under this subsection is a felony of the third degree.

Sec. 49.023. IMMUNITY FROM LIABILITY. (a) Neither the department nor an authorized agency establishing or operating a registry is liable to any person for obtaining or disclosing identifying information about a birth parent, adoptee, or biological sibling within the scope of this chapter and under its provisions.

(b) An employee or agent of the department or of any authorized agency establishing or operating a registry pursuant to this chapter is not liable to any person for obtaining or disclosing identifying information about a birth parent, adoptee, or biological sibling within the scope of this chapter and under its provisions.

(c) A person or entity furnishing information to the administrator or any employee or agent of a registry is not liable to any person for disclosing information about a birth parent, adoptee, or biological sibling within the scope of this chapter and under its provisions.

(d) A person or entity is not immune from liability for performing any act prohibited by Section 49.022 of this code.

SECTION 2. Section 42.045, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) If a child-placing agency terminates operation as a child-placing agency, it shall, after giving notice to the department, transfer its files and records concerning adopted children, their biological families, and their adoptive families to the department or to a facility licensed by the department to place children for adoption.

SECTION 3. Section 11.17(d), Family Code, is amended to read as follows:

(d) The records concerning a child maintained by the district clerk after entry of a decree of adoption, and all the records required under this section to be maintained by the department are confidential, and no person is entitled to access to or information from these records except as provided by this subtitle or on an order of the court which issued the decree [or a district court of Travis County] for good cause.

SECTION 4. Chapter 16, Family Code, is amended by adding Section 16.032 to read as follows:

Sec. 16.032. HEALTH, SOCIAL, EDUCATIONAL, AND GENETIC HISTORY REPORT. (a) Before placing a child for adoption with any person other than the child's stepparent, grandparent, aunt, or uncle by birth, marriage, or prior adoption, the Texas Department of Human Resources, an authorized agency, or the child's parent or guardian shall compile a report on the available health, social, educational, and genetic history of the child to be adopted. If the child has been placed for adoption by any person or entity other than the department, an
authorized agency, or the child's parent or guardian, it is the duty of the person or entity who places the child for adoption to prepare the report.
  
(b) The health history of the child must include information about the child's health status at the time of placement. The health history must include birth, neonatal, and other medical, psychological, psychiatric, and dental history, a record of immunizations, and the available results of medical, psychological, psychiatric, and dental examinations of the child.
  
(c) The social history of the child must include information, to the extent known, about past and existing relationships among the child, his siblings, his parents by birth, his extended family, and other persons who have had physical possession of or legal access to the child.
  
(d) The educational history of the child shall include, to the extent known, information about the enrollment and performance of the child in educational institutions, results of educational testing and standardized tests, and special educational needs, if any, of the child.
  
(e) The genetic history of the child shall include a description of the child's parents by birth and their parents, and shall specifically include, to the extent such information is available, information about:

1. their health and medical history;
2. their health status at the time of placement;
3. the cause of and their age at death;
4. their height and weight and eye and hair color;
5. their nationality and ethnic backgrounds;
6. their general levels of educational and professional achievements, if any;
7. their religious backgrounds, if any; and
8. the existence of any other child or children born to either of the child's parents by birth prior to placement of the child for adoption.

(f) The department, authorized agency, parent, guardian, or person or entity who places the child for adoption shall, at or before the time of placement, provide the adoptive parents with a summary of the report edited to protect the confidentiality of birth parents and their families.

(g) The report and a copy of the report summary submitted to the child's adoptive parents shall be retained for a period of 99 years by the department or authorized agency placing the child for adoption. If the agency ceases to function as an authorized agency, the agency shall transfer all the reports to the department or, after giving notice to the department, to a transferee agency that is assuming responsibility for the preservation of the agency's adoption records. If the child has not been placed for adoption by the department or an authorized agency, and if the child is being adopted by a person other than the child's stepparent, grandparent, aunt, or uncle by birth, marriage, or prior adoption, the person or entity who places the child for adoption shall file the report and a copy of the report summary submitted to the child's adoptive parents with the department, which shall retain such copies for a period of 99 years.

(h) No petition for adoption of a child by a person other than the child's stepparent, grandparent, aunt, or uncle by birth, marriage, or prior adoption may be granted until a copy of the report summary submitted to the child's adoptive parents has been filed in the record of the suit.

(i) The department, authorized agency, or court retaining a copy of the report summary submitted to the adoptive parents shall provide a copy of that summary to the following persons on request:

1. an adoptive parent of the adopted child;
2. the managing conservator, guardian of the person, or legal custodian of the adopted child;
(3) the adopted child, after he is an adult;
(4) the surviving spouse of the adopted child if the adopted child is dead and the spouse is the parent or guardian of a child of the deceased adopted child; or
(5) a progeny of the adopted child if the adopted child is dead and the progeny is an adult.

(i) A copy of the report summary may not be furnished to any person who cannot furnish satisfactory proof of his identity and of his legal entitlement to receive a copy of the summary.

(j) A person requesting a copy of the report summary must pay the actual and reasonable costs of providing a copy of the summary and verifying his entitlement to the copy.

(k) The department, authorized agency, parent, guardian, person, or entity who prepares and files the original report and summary is required to furnish supplemental medical information to the adoptive parents should it become available, and to file such supplemental information where the original report and summary are filed, where it shall be retained for as long as the original report and summary are required to be retained.

SECTION 5. Section 14, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927 (Rule 47a, Article 4477, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. The standard certificate of birth shall be in such form and shall provide for such items of information as may be prescribed by the State Department of Health. Any person may apply to the State Department of Health to have any indication of illegitimacy removed from his or her birth record, including separate medical records. The Department shall charge a fee of $10.00 for this service. All items prescribed on the certificate of birth are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records. The name of the father or any information by which he might be identified may be written in the birth or death certificate of any child:

(a) whose mother was married at the time of conception or birth; or whose mother was subsequently married to the father; or
(b) where paternity of the father has been established in a judicial proceeding.

The State Department of Health shall be specifically authorized to use and to provide upon request to other state agencies records pertaining to all births in connection with programs to notify the mothers of young children about health needs for the children.

Subject to the regulations of the State Department of Health, any person: (a) who becomes the legitimate child of its father by the subsequent marriage of its parents; (b) whose parentage has been determined by a court of competent jurisdiction; or (c) adopted under the law existing at the time of adoption in this state or any other state or territory of the United States of America may request the state registrar to file a supplementary certificate of birth on the basis of the status subsequently acquired or established and of which proof is submitted. The application to file a supplementary certificate of birth may be filed by the person, if of age, or a legal representative of the person. The state registrar shall require such proof in these cases as the State Department of Health may by regulation prescribe. The application and filing of supplementary certificates of birth based on legitimacy, paternity determination, and adoption shall be in accordance with the regulations of the State Department of Health. Provided, however, that when a child is adopted the new birth certificate shall be in the names of the parents by adoption, and the copies of birth certificates or birth records made therefrom shall not disclose the child to be adopted. After the supplementary certificate is filed, any information disclosed from the record shall be made from the supplementary certificate, and
access to the original certificate of birth and to the documents filed upon which the supplementary certificate is based shall not be authorized except upon order of the [a] court that rendered the decree of adoption, notwithstanding the venue provisions of Article 1995, except as hereinafter provided [of competent jurisdiction].

A certificate of each adoption, annulment of adoption, and revocation of adoption ordered or decreed in this state shall be filed with the state registrar as hereinafter provided. The information necessary to prepare the certificates shall be supplied to the clerk of the court by the petitioner for adoption, annulment of adoption, or revocation of adoption at the time the petition is granted [filed]. The clerk of the court shall thereupon prepare the certificate on a form furnished by and containing such items of information as may be determined by the State Department of Health and shall, immediately after the decree becomes final, complete the certificate. On or before the 10th of each month, the clerk shall forward to the state registrar the certificates completed by him for decrees which have become final during the preceding calendar month.

Provided, that the above provisions shall not, in any way, be construed as affecting the property rights of natural or adoptive parents or of natural or adopted children, or as amending, modifying, or repealing any of the present laws of the State of Texas governing descent and distribution of property. Provided further, that a person seeking access to the original certificate of birth and the documents filed upon which the supplementary certificate is based shall be entitled to know the identity and location of the court that granted the adoption. Provided further, that if such information is not on file, then the director of the Bureau of Vital Statistics shall provide such person with an affidavit stating that the state registrar does not have on file information regarding the identity and location of the court that granted the adoption in question. Such person may then present such affidavit to any court of competent jurisdiction in connection with his or her application to gain access to the original birth certificate, and that court shall have jurisdiction to order such access, notwithstanding anything to the contrary in this article.

Subject to the regulations of the State Department of Health, any person whose name has been changed by court order may request the state registrar to attach to the original birth record an amendment reflecting the change of name. The request to attach such amendment may be made by the person, if of age, or a legal representative of the person. The state registrar shall require such proof of change of name as the State Department of Health may by regulation prescribe.

SECTION 6. Title 61, Revised Statutes, is amended by adding Article 3927c to read as follows:

Art. 3927c. ADDITIONAL FILING FEE—ADOPTIONS. The clerk of the district court, or other court having jurisdiction of a suit affecting the parent-child relationship under Title 2, Family Code, shall on the filing of any suit affecting the parent-child relationship in which the adoption of a child is sought, collect an additional fee of $15. The clerk shall send the fees collected under this article to the Texas Department of Human Resources. The Texas Department of Human Resources shall deposit the fees received under this article to the credit of a special fund in the state treasury. The legislature may appropriate the money in the special fund only for the operation of the central record file under Section 11.17, Family Code, and for the administration of the central registry under Chapter 49, Human Resources Code.

SECTION 7. This Act takes effect January 1, 1984.

SECTION 8. A court having, on the effective date of this Act, jurisdiction of a suit affecting the parent-child relationship in which an adoption is sought may waive the requirement under Section 16.032, Family Code, that a copy of the summary report must be filed, if the court finds that the making or filing of the report is not feasible or would cause an injustice.
SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1141 WITH SENATE AMENDMENTS

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

HB 1141, A bill to be entitled An Act relating to the holding of joint elections by certain political subdivisions on the first Saturday in April.

On motion of Representative Shea, the house concurred in the senate amendments to HB 1141.

HB 1141 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend SECTION 1 of HB 1141 by striking subsection (d) and relettering subsection (e) as subsection (d).

SENATE AMENDMENT NO. 2

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

HB 1121 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative E. F. Lee submitted the following conference committee report on HB 1121:

Austin, Texas, May 23, 1983

Sirs:

We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1121 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

James E. Brown
Ray Farabee
Ike Harris
Ed Howard
Bill Sims
On the part of the Senate

Stan Schluter
El Franco Lee
Bill Messer
Ron Wilson
Robert Saunders
On the part of the House

HB 1121

A BILL TO BE ENTITLED
AN ACT
relating to the tabulation of unofficial returns in certain races by the secretary of state, to certain election procedures to implement the tabulation system, and to the time for convening political party precinct conventions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 1, Texas Election Code, is amended by adding Section 3a to read as follows:
3a. TABULATION OF UNOFFICIAL RETURNS BY SECRETARY OF STATE

Subdiv. 1. For each primary election and general election for state and county officers, the secretary of state shall tabulate the unofficial returns as provided by this section, for contested races for nomination or election to a federal or statewide office as listed by Section 61c of this code (Article 6.05c, Vernon's Texas Election Code); the office of state senator, state representative; and member, State Board of Education; and for constitutional amendments, if any. The secretary of state may include other contested races, political party referenda, and any special elections ordered by the governor.

Subdiv. 2. (a) Not later than February 1 of each odd-numbered year, the lieutenant governor, speaker of the house of representatives, and secretary of state shall each appoint for a two-year term six persons to serve on an elections advisory task force in connection with the tabulation and reporting of election results under this section. Appointments to the advisory task force shall be made without regard to race, creed, sex, religion, and national origin. Instead of making one of the required appointments, each appointing officer or his designee may serve on the task force. Each appointing officer shall allocate at least four of his appointments among members of the various media organizations covering elections in this state. The president, or his designee, Texas Association of Broadcasters; president, or his designee, Texas Press Association; president, or his designee, Texas Daily Newspaper Association; and the chief state executive officer, or his designee, of the Associated Press and United Press International, shall also serve on the task force.

(b) The secretary of state shall designate a chairman and vice-chairman from among the media organization membership on the task force. Meetings of the task force shall be held on the call of the chairman.

(c) Not later than the 90th day before each election covered by this section, the secretary of state shall prepare an operations manual that explains the procedures to be used by the secretary in tabulating the returns. The task force shall review the manual and make any recommendations it considers appropriate.

(d) One or more members chosen by the task force shall be present during the tabulation of the returns at each election.

(e) After the election, the task force shall submit a written report to the secretary of state, governor, lieutenant governor, and speaker of the house of representatives evaluating the tabulation process and making any recommendations it considers appropriate.

Subdiv. 3. (a) During the tabulation, the secretary of state shall provide a sufficient number of display terminals for media representatives to monitor the tabulation.

(b) The secretary shall provide, if practicable, computer-to-computer direct lines as determined by rules prescribed by the secretary of state for the use of the media.

(c) The secretary shall charge reasonable fees which shall approximate actual costs, to defray the costs of providing media access to the tabulation system. Funds collected under this Act shall be reappropriated to the secretary of state. Any unexpended balance is appropriated for use by the secretary of state during the succeeding fiscal year.

(d) For monitoring the tabulations, the secretary shall provide without charge display terminals to the governor, lieutenant governor, and speaker of the house of representatives in their Capitol offices. The secretary shall also provide printing capability at these locations if printing capability is made available at any location. Members of the working news media may not have access to data from the terminals or printers at these locations.
Subdiv. 4. (a) Periodically during the tabulation, the secretary of state shall publish reports covering the various races required to be tabulated under Subdivision 1 of this section to be distributed to the subscribing media. The reports may include:

1. vote totals for all contested races covered by Subdivision 1 of this section;
2. vote totals by county for statewide and federal offices;
3. vote totals for statewide and federal offices in each of the six most populous counties, the total for the next 19 most populous counties, and the total for the remaining 229 counties; and
4. any other information the secretary of state determines to be relevant.

(b) One copy of the reports published under Paragraph (a)(1) of this subdivision shall be posted periodically for public inspection.

Subdiv. 5. (a) After completion of the tabulation, the secretary of state shall publish and distribute final reports for the various races required to be tabulated under Subdivision 1 of this section to the subscribing media. These reports may include:

1. vote totals for all contested races covered by Subdivision 1 of this section;
2. vote totals by county for statewide and federal offices;
3. vote totals for statewide and federal offices in each of the six most populous counties, the total for the next 19 most populous counties, and the total for the remaining 229 counties;
4. vote totals by county for all races;
5. vote totals for statewide and federal offices in a minimum of eight regions designated by the secretary of state on the basis of the geographic scope of the electronic media markets; and
6. any other information the secretary of state determines to be relevant.

(b) The secretary of state shall also publish a report indicating the times the first and last reports of results from each county were received by the secretary.

(c) The secretary of state shall also distribute reports under Subdivision 5(a) of this section to the governor, lieutenant governor, speaker of the house of representatives, and members of the advisory task force. The reports shall also be furnished to other persons on payment of a reasonable charge prescribed by the secretary of state which shall be used to defray the costs of preparing and furnishing the reports.

Subdiv. 6. (a) The secretary of state shall provide a backup system for the tabulation of the returns.

(b) The secretary may post for public inspection at 30-minute intervals or whenever they are available any of the reports prepared under this section.

Subdiv. 7. (a) This subdivision applies to each election covered by Subdivision 1 of this section in addition to and notwithstanding other provisions of this code.

(b) In precincts using paper ballots, voting machines, or electronic voting systems ballot counters, the copy of the returns required to be delivered to the county clerk shall be delivered not later than two hours, or as soon thereafter as practicable, after the official closing of the polls or after the last person voted at the precinct, whichever is later.

(c) In a precinct using electronic voting system ballots to be counted at a central counting station, the ballots shall be delivered to the station not later than two hours, or as soon thereafter as practicable, after the official closing of the polls or after the last person voted at the precinct, whichever is later. The copy of the returns required to be delivered to the county clerk shall be delivered by the presiding judge of the counting station immediately on completion of the preparation of the returns.
(d) The county clerk shall transmit periodically, by telephone or other electronic means, to the secretary of state the results for the races covered by Subdivision 1 of this section. The results shall be transmitted continuously until complete. Costs of transmission of the results of the races may be paid by the state.

(e) The absentee ballots shall be counted periodically throughout the day by the special canvassing board. The county clerk shall transmit, by telephone or other electronic means, to the secretary of state the complete or partial results of the absentee voting for the races covered by Subdivision 1 of this section at 7 p.m. on election day. If only partial results are available, the results shall be transmitted periodically until complete.

Subdiv. 8. The secretary of state shall prescribe by rule any additional procedures necessary to implement this section.

SECTION 2. Section 212(e), Texas Election Code (Article 13.34, Vernon’s Texas Election Code), is amended to read as follows:

(e) The county executive committee in its meeting on the third Monday in March preceding the general primary, provided for in Section 195 of this code (Article 13.17, Vernon’s Texas Election Code), or, upon its failure to act, the county chairman shall determine the hour and place at which the precinct conventions shall be held on primary election day. The committee shall set the [five] time for convening [of] the precinct convention in each precinct [must be set] between the hours of seven [two] o’clock p.m. and nine o’clock p.m., but the precinct convention may not convene until the ballots in the precinct have been counted. The county chairman shall then be required to post a copy of this order on a bulletin board at the county courthouse and file a copy of the same in the office of the county clerk, where it shall be open to public inspection. This notice shall be posted and filed by the county chairman at least ten days prior to the holding of the precinct conventions. Also at this meeting the county executive committee, or, upon its failure to act, the county chairman, shall decide the hour and place at which the county convention shall be held, and the county chairman shall post this order on the bulletin board at the county courthouse and also file a copy of this notice with the county clerk, at least ten days prior to the date of the county convention. When senatorial district conventions are to be held in a county in lieu of the county convention, at this meeting the precinct chairman for the election precincts which will select delegates to each senatorial district convention, or upon their failure to act, the temporary chairman of the convention, shall decide the hour and place at which the precinct convention shall be held, and the county chairman shall post this order on the bulletin board at the county courthouse and also file a copy of this notice with the county clerk, at least ten days prior to the date of the convention. Should the above-designated persons fail to post such orders and file such notices, then any member of the county executive committee who was entitled to participate in the decision may post such orders and file such notices and such shall constitute the orders and notices required herein. Should more than one member of the county executive committee post such orders and file such notices, then the first posting and filing in point of time shall prevail.

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.

Representative E. F. Lee moved to adopt the conference committee report on HB 1121.

The motion prevailed without objection.
HB 1203 WITH SENATE AMENDMENTS

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

HB 1203, A bill to be entitled An Act relating to revision of the Tax Code to conform to recent constitutional amendments concerning property taxation.

On motion of Representative Peveto, the house concurred in the senate amendments to HB 1203. (Russell, Kubiak, Denton, and Colbert recorded voting no)

HB 1203 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1203 by deleting Sections 21 and 22 and renumbering all subsequent sections.

SENATE AMENDMENT NO. 2

Amend HB 1203 by deleting Section 7 and substituting the following in lieu thereof:

SECTION 7. Section 11.161, Tax Code, is amended to read as follows:

Sec. 11.161. IMPLEMENTS OF FARMING AND RANCHING. Implements of husbandry that are used [An individual is entitled to an exemption from ad valorem taxation of implements of husbandry of implements of farming or ranching that he owns and uses] in the production of farm or ranch products are exempt from ad valorem taxation.

SENATE AMENDMENT NO. 3

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

HB 2005 WITH SENATE AMENDMENTS

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

HB 2005, A bill to be entitled An Act relating to the regulation of disposal pits used to store or evaporate oil field brines; providing penalties.

On motion of Representative Geistweidt, the house concurred in the senate amendments to HB 2005.

HB 2005 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2005, as engrossed by renumbering Sec. 91.453(c) as Sec. 91.453(d) and adding a new Sec. 91.453(c) to read as follows:

(c) In cases where it may be conclusively shown that use of a saltwater disposal pit can cause no pollution of surrounding productive agricultural land and no pollution of ground or surface water supplies, either because of the absence of such waters, or due to physical isolation of such waters by naturally occurring impervious barriers, the commission or its designated employee may administratively authorize a person to use a saltwater disposal pit.

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
HJR 19 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Delco submitted the following conference committee report on HJR 19:

Honorable William P. Hobby
President of the Senate
Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 19 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Carl A. Parker
Bob Vale
Grant Jones
Kent Caperton
Bob McFarland
On the part of the Senate

Wilhelmina Delco
Bill Messer
Hugo Berlanga
Lee Jackson
John Gavin
On the part of the House

HJR 19

A JOINT RESOLUTION

proposing a constitutional amendment to provide funds for the support of higher education and to restructure the permanent university fund.

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

SECTION 1. That Article VII of the Texas Constitution be amended by adding Section 17 to read as follows:

Section 17. (a) In the fiscal year beginning September 1, 1985, and each fiscal year thereafter, there is hereby appropriated out of the first money coming into the state treasury not otherwise appropriated by the Constitution $100 million to be used by eligible agencies and institutions of higher education for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair or rehabilitation of buildings or other permanent improvements, and acquisition of capital equipment, library books and library materials. During the regular session of the Legislature that is nearest, but preceding, the beginning of each fifth fiscal year dating from September 1, 1985, the Legislature may by two-thirds vote of the membership of each House adjust the amount of the constitutional appropriation for the ensuing five years but may not adjust the appropriation in such a way as to impair any obligation created by the issuance of bonds or notes in accordance with this Section.

(b) The funds appropriated under Subsection (a) of this section shall be for the use of the following eligible agencies and institutions of higher education (even though their names may be changed):

(1) East Texas State University including East Texas State University at Texarkana;
(2) Lamar University including Lamar University at Orange and Lamar University at Port Arthur;
(3) Midwestern State University;
(4) North Texas State University;
(5) Pan American University including Pan American University at Brownsville;
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(6) Stephen F. Austin State University;
(7) Texas College of Osteopathic Medicine;
(8) Texas State University System Administration and the following component institutions:
   (9) Angelo State University;
   (10) Sam Houston State University;
   (11) Southwest Texas State University;
   (12) Sul Ross State University including Uvalde Study Center;
(13) Texas Southern University;
(14) Texas Tech University;
(15) Texas Tech University Health Sciences Center;
(16) Texas Woman's University;
(17) University of Houston System Administration and the following component institutions:
   (18) University of Houston - University Park;
   (19) University of Houston - Victoria;
   (20) University of Houston - Clear Lake;
   (21) University of Houston - Downtown;
(22) University System of South Texas System Administration and the following component institutions:
   (23) Corpus Christi State University;
   (24) Laredo State University;
   (25) Texas A&I University; and
(26) West Texas State University.

(c) Pursuant to a two-thirds vote of the membership of each house of the legislature, institutions of higher education may be created at a later date by general law, and, when created, such an institution shall be entitled to participate in the funding provided by this section if it is not created as a part of The University of Texas System or The Texas A&M University System. An institution that is entitled to participate in dedicated funding provided by Article VII, Section 18 of this constitution may not be entitled to participate in the funding provided by this section.

(d) In the year 1985 and every ten years thereafter, the legislature or an agency designated by the legislature no later than August 31 of such year shall allocate by equitable formula the annual appropriations made under Subsection (a) of this section to the governing boards of eligible agencies and institutions of higher education. The legislature shall review, or provide for a review, of the allocation formula at the end of the fifth year of each ten-year allocation period. At that time adjustments may be made in the allocation formula, but no adjustment that will prevent the payment of outstanding bonds and notes, both principal and interest, may be made.

(e) Each governing board authorized to participate in the distribution of monies under this section is authorized to expend all monies distributed to it for any of the purposes enumerated in Subsection (a). In addition, unless a single bonding agency is designated as hereinafter provided, such governing board may issue bonds and notes for the purposes of refunding bonds or notes issued under this section or prior law, acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, and for major repair and rehabilitation of buildings or other permanent improvements, and may pledge up to fifty percent (50%) of the monies allocated to such governing board pursuant to this section to secure the payment of the principal and interest of such bonds or notes. Proceeds from the issuance of bonds or notes under this subsection shall be maintained in a local depository selected by the governing board issuing the bonds or notes. The bonds and notes
issued under this subsection shall be payable solely out of the monies appropriated by this section and shall mature serially or otherwise in not more than ten years from their respective dates. All bonds issued under this section shall be sold only through competitive bidding and are subject to approval by the Attorney General. Bonds approved by the Attorney General shall be incontestable. The Permanent University Fund may be invested in the bonds and notes issued under this section. In lieu of the authority granted to each governing board herein, the legislature by general law may designate a single agency to issue bonds and notes authorized under this section and transfer to that agency the authority to collect and pledge monies to the payment of such bonds and notes for the purposes, to the extent, and subject to the restrictions of this section. Provided, that such agency shall be authorized to issue such bonds and notes for the benefit of an eligible institution and pledge monies collected hereunder only as directed by the governing board of each eligible institution.

(f) The funds appropriated by this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

(g) Except for that portion of the allocated funds that may be required to be transferred to a single bonding agency, if one is created, the Comptroller of Public Accounts shall make annual transfers of the funds allocated pursuant to Subsection (d) directly to the governing boards of the eligible institutions.

(h) To assure efficient use of construction funds and the orderly development of physical plants to accommodate the state’s real need, the Legislature may provide for the approval or disapproval of all new construction projects at the eligible agencies and institutions entitled to participate in the funding provided by this section.

(i) The legislature by general law may dedicate portions of the state’s revenues to the creation of a dedicated fund (“the Higher Education Fund”) for the purposes expressed in subsection (a) of this section. The legislature shall provide for administration of the fund, which shall be invested in the manner provided for investment of the permanent university fund. The income from the investment of the Higher Education Fund shall be credited to the Higher Education Fund until such time as the fund totals $2 billion. The principal of the Higher Education Fund shall never be expended. At the beginning of the fiscal year after the fund reaches $2 billion, as certified by the Comptroller of Public Accounts, the dedication of general revenue funds provided for in subsection (a) of this section shall cease. At the beginning of the fiscal year after the fund reaches $2 billion, and each year thereafter, ten percent (10%) of the interest, dividends, and other income accruing from the investments of the Higher Education Fund during the previous fiscal year shall be deposited and become part of the principal of the fund, and out of the remainder of the annual income from the investment of the principal of the fund there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued under this section and the balance of the income shall be allocated, distributed, and expended as provided for the appropriations made under subsection (a).

(j) The state systems and institutions of higher education designated in this section may not receive any additional funds from the general revenue of the state for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements except that:

(1) in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace the uninsured loss of any building or other permanent improvement; and
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(2) the legislature, by two-thirds vote of each house, may, in cases of demonstrated need, which need must be clearly expressed in the body of the act, appropriate additional general revenue funds for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements. This subsection does not apply to Legislative appropriations made prior to the adoption of this amendment.

(k) Without the prior approval of the legislature, appropriations under this section may not be expended for acquiring land with or without permanent improvements, or for constructing and equipping buildings or other permanent improvements, for a branch campus or educational center that is not a separate degree-granting institution created by general law.

(l) This section is self-enacting upon the issuance of the Governor's proclamation declaring the adoption of the amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of any bonds and notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. If the provisions of this section conflict with any other provisions of this Constitution, then the provisions of this section shall prevail, notwithstanding all such conflicting provisions.

SECTION 2. That Article VII, Section 14 of the Texas Constitution be revised to read as follows:

Sec. 14. Prairie View A&M University in Waller County is an institution of the first class under the direction of the same governing board as Texas A&M University referred to in Article VII, Section 13 of this constitution as the Agricultural and Mechanical College of Texas.

SECTION 3. That Article VII, Section 18 of the Texas Constitution be revised to read as follows:

Sec. 18. (a) The board of regents of The Texas A&M University System may issue bonds and notes not to exceed a total amount of ten percent (10%) of the cost value of the investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of the issuance thereof, and may pledge all or any part of its one-third interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this Section or prior law, at or for The Texas A&M University System administration and the following component institutions of the system:

(1) Texas A&M University, including its medical college which the legislature may authorize as a separate medical institution;
(2) Prairie View A&M University, including its nursing school in Houston;
(3) Tarleton State University;
(4) Texas A&M University at Galveston;
(5) Texas Forest Service;
(6) Texas Agricultural Experiment Stations;
(7) Texas Agricultural Extension Service;
(8) Texas Engineering Experiment Stations;
(9) Texas Transportation Institute; and
(10) Texas Engineering Extension Service.

(b) The Board of Regents of The University of Texas System may issue bonds and notes not to exceed a total amount of twenty percent (20%) of the cost value
of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of issuance thereof, and may pledge all or any part of its two-thirds interest in the Available University Fund to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this section or prior law, at or for The University of Texas System administration and the following component institutions of the System:

1. The University of Texas at Arlington;
2. The University of Texas at Austin;
3. The University of Texas at Dallas;
4. The University of Texas at El Paso;
5. The University of Texas of the Permian Basin;
6. The University of Texas at San Antonio;
7. The University of Texas at Tyler;
8. The University of Texas Health Science Center at Dallas;
9. The University of Texas Medical Branch at Galveston;
10. The University of Texas Health Science Center at Houston;
11. The University of Texas Health Science Center at San Antonio;
12. The University of Texas System Cancer Center;
13. The University of Texas Health Center at Tyler;
14. The University of Texas Institute of Texan Cultures at San Antonio.

(c) Pursuant to a two-thirds vote of the membership of each house of the legislature, institutions of higher education may be created at a later date as a part of The University of Texas System or The Texas A&M University System by general law, and, when created, such an institution shall be entitled to participate in the funding provided by this section for the system in which it is created. An institution that is entitled to participate in dedicated funding provided by Article VII, Section 17 of this constitution may not be entitled to participate in the funding provided by this section.

(d) The proceeds of the bonds or notes issued under Subsection (a) or (b) of this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

(e) The Available University Fund consists of the dividends, interest and other income from the Permanent University Fund (less administrative expenses) including the net income attributable to the surface of Permanent University Fund land. Out of one-third of the Available University Fund, there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued by the board of regents of The Texas A&M University System under this section and prior law, and the remainder of that one-third of the Available University Fund shall be appropriated to the board of regents of The Texas A&M University System which shall have the authority and duty in turn to appropriate an equitable portion of the same for the support and maintenance of The Texas A&M University System administration, Texas A&M University, and Prairie View A&M University. The board of regents of The Texas A&M University System, in making just and equitable appropriations to Texas A&M University and Prairie View A&M University, shall exercise its discretion with due regard to such criteria as the board may deem appropriate from year to year, taking into account all amounts appropriated from Subsection (f) of this section. Out of the other two-thirds of the Available University Fund there shall be appropriated an annual sum sufficient to pay the principal and interest due on the bonds and notes issued
by the Board of Regents of The University of Texas System under this section and prior law, and the remainder of such two-thirds of the Available University Fund, shall be appropriated for the support and maintenance of The University of Texas at Austin and The University of Texas System administration.

(f) It is provided, however, that, for ten years beginning upon the adoption of this amendment, before any other allocation is made of The University of Texas System's two-thirds share of the Available University Fund, remaining after payment of principal and interest on its bonds and notes issued under this section and prior law, $6 million per year shall be appropriated out of that share to the board of regents of The Texas A&M University System for said board's use in making appropriations to Prairie View A&M University. This subsection expires and is deleted from this constitution ten years from the adoption of this amendment.

(g) The bonds and notes issued under this Section shall be payable solely out of the Available University Fund, mature serially or otherwise in not more than 30 years from their respective dates, and, except for refunding bonds, be sold only through competitive bidding. All of these bonds and notes are subject to approval by the Attorney General and when so approved are incontestable. The Permanent University Fund may be invested in these bonds and notes.

(h) To assure efficient use of construction funds and the orderly development of physical plants to accommodate the state's real need, the Legislature may provide for the approval or disapproval of all new construction projects at the eligible agencies and institutions entitled to participate in the funding provided by this section except The University of Texas at Austin, Texas A&M University in College Station, and Prairie View A&M University.

(i) The state systems and institutions of a higher education designated in this section may not receive any funds from the general revenue of the state for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements except that:

(1) in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace the uninsured loss of any building or other permanent improvement; and

(2) the legislature, by two-thirds vote of each house, may, in cases of demonstrated need, which need must be clearly expressed in the body of the act, appropriate general revenue funds for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements. This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

(j) This section is self-enacting on the issuance of the Governor's proclamation declaring the adoption of this amendment, and the State Comptroller of Public Accounts and the State Treasurer shall do all things necessary to effectuate this section. This section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms, and the changes herein made in the allocation of the Available University Fund shall not affect the pledges thereof made in connection with such bonds or notes heretofore issued. If the provisions of this section conflict with any other provision of this Constitution, then the provisions of this section shall prevail, notwithstanding any such conflicting provisions.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to create from general revenue a special higher education assistance
Representative Deleco moved to adopt the conference committee report on HJR 19.

A record vote was requested.

The motion prevailed by (Record 498): 131 Yeas, 13 Nays, 2 Present, not voting.

Yea — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Banton; Boner; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Dantburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; 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.; Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robnett; Rudd; Russell; Salinas; Saunders; Schulert; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nay — Agnich; Craddick; Eikenburg; Fox; Geistweidt; Heflin; Hill, P.; Hollowell; Kemp; Polumbo; Robinson; Shea; Smith, C.

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

Absent, Excused — Cavazos; Wright.

Absent — Emmett; Grisham.

SENATE BILLS ON FIRST READING

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

SB 1414 to Committee on Retirement and Aging.

SB 924 to Committee on Insurance.

SB 814 to Committee on Criminal Jurisprudence.

SB 375 - POSTPONED

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

The motion prevailed without objection.

HB 562 - POINT OF ORDER OVERRULED

Representative Fox raised a point of order against further consideration of HB 562 on the grounds that today is senate bill day and house bills cannot be considered.

The speaker stated he was in the process of laying out SB 1304 in lieu of HB 562.
The speaker overruled the point of order.

**SB 1304 ON SECOND READING**  
(Ragsdale - House Sponsor)

The speaker laid before the house, in lieu of **HB 562**, on its second reading and passage to third reading.

**SB 1304**, A bill to be entitled An Act relating to the election of all or some of the trustees of certain school districts from single-member trustee districts and to certain powers and duties of the board of trustees of a school district; amending Subchapter A, Chapter 23, Texas Education Code, by adding Section 23.024.

The bill was read second time.

(Simpson in the chair)

Representative Haley offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend **SB 1304**, page 1, lines 10 and 12 by deleting the number "2,500" and adding the number "5,000".

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

Amend **SB 1304** by deleting lines 10-12 on page 1 and substitute in lieu thereof the following:

"Section 23.024. DISTRICT WITH 15,000 OR MORE STUDENTS. (a) This section applies only to an independent school district with 15,000 or more students in average daily attendance."

Representative Ragsdale moved to table the Blanton amendment.

A record vote was requested.

The motion to table prevailed by (Record 499): 79 Yeas, 62 Nays. 2 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cain; Carrillo, Clemens; Colbert; Collazo; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Govin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, W.; Hammond; Harrison, W.; Hernandez; Hightower; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurry; Kemp; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Peveto; Polk; Polumbo; Price; Ragsdale; Rangel; Russell; Salinas; Shaw; Simpson(C); Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Wallace; Watson; Willis; Wilson; Wolens.

Nays — Agnich; Arnold; Blanton; Bomar; Buchanan; Burnett; Cevenha; Clark; Connelly; Craddick; DeLay; Eckels; Eikenburg; English; Evans, C.; Finnell; Fox; Geistweidt; Gibson, J.; Grisham; Haley; Hall, T.; Hanna; Harrison, D.; Heffin; Hilbert; Hill, A.; Hill, P.; Horn; Jackson; Jones; Keller; Kiousy; Kubiak; Kuempel; Laneyp; McKenna; Mankins; Messer; Patrick; Pennington; Pierce; Presnal; Robinson; Robnett; Rudd; Saunders; Schlueter; Schoolect; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Vowell; Waldrop; Whale; Wieting; Word.

Present, not voting — Mr. Speaker; Leonard.
Absent, Excused — Cavazos; Wright.
Absent — Cary; Coody; Emmett; Hall, L.; Millsap.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 106 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Howard, Jones, Traeger, Glasgow, McFarland.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 1121 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 718 by 30 yeas, 0 nays; SB 741 by viva voce vote; SB 948 by 29 yeas, 1 nay.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 928 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Jones, Chairman, Howard, Glasgow, Traeger, Harris.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HJR 19 by the following vote: 29 yeas, 2 nays.

Respectfully,
Betty King
Secretary of the Senate

SB 1304 - (consideration continued)

Committee Amendment No. 1 was adopted.
Representative Heflin offered the following amendment to the bill:

Amend SB 1304 as follows:
On page 1 line 12 after the word “attendance” delete the period and substitute a comma and add, “located in counties with a population of less than 1,000,000 according to the most recent federal census.”

(Speaker in the chair)
Representative Ragsdale moved to table the Heflin amendment.
The motion to table prevailed.
MESSAGE FROM THE SENATE

Austin, Texas, May 25, 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 965 by Jackson, relating to the authority of a commissioners court of a county to impose a fee for registering a vehicle in the county. (amended)
HB 1054 by Messer, relating to the regulation of credit unions. (amended)
HCR 239 by Russell, congratulating Becky Brooks, president-elect of TSTA.
SB 1438 by Sharp, relating to movement of manufactured housing of certain dimensions over highways, roads and streets in Texas.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 642.

The following have been appointed on the part of the Senate: Senators Lyon, Parmer, Sharp, Edwards, Doggett.

Respectfully,
Betty King
Secretary of the Senate

SB 1304 - (consideration continued)

Representative Heflin offered the following amendment to the bill:

Amend SB 1304 as follows:
(1) On page 2, delete Subsection (d) beginning on line 4 and reletter the succeeding subsections accordingly.
(2) On page 2, strike the language beginning with “or if” on line 23 and ending with “districts” on line 26.

Representative Ragsdale moved to table the Heflin amendment.

The motion to table prevailed.

A record vote was requested.

SB 1304, as amended, was passed to third reading by (Record 500): 87 Yeas, 58 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).
Absent, Excused — Cavazos; Wright.
Absent — Emmett; Gibson, J.

SB 1378 - RULES SUSPENDED
Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider SB 1378.
The motion prevailed without objection.

SB 46 - RULES SUSPENDED
Representative Shaw moved to suspend the 48-hour subcommittee report rule to allow the Committee on Liquor Regulation to consider SB 46.
The motion prevailed without objection.

HB 562 - LAID ON THE TABLE SUBJECT TO CALL
Representative Ragsdale moved that HB 562 be laid on the table subject to call.
The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS
The following committee meetings were announced:
Natural Resources, on noon recess today, Desk 70, to consider SB 1026 and SB 1378.
State Affairs, on noon recess today, Desk 97, to consider SB 1119, HB 1855, and other bills pending before the committee.
Liquor Regulation, Subcommittee on SB 46, on noon recess today, Desk 98, to consider SB 46.

RECESS
Representative Watson moved that the house recess until 2 p.m. today.
The motion prevailed without objection.
The house accordingly, at 12:42 p.m., recessed until 2 p.m. today.

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

HR 483 - ADOPTED
Representative Eikenburg moved that all necessary rules be suspended to take up and consider at this time, HR 483.
The motion prevailed without objection.
The speaker laid before the house the following resolution:

By Eikenburg:

HR 483

WHEREAS, The Plano Service League, a noted civic organization, desires to use the house chamber on Monday, October 24, 1983, for the purpose of conducting a seminar on state government; and
WHEREAS, Members of the house support activities that encourage citizen interest in state government; now, therefore, be it
RESOLVED by the House of Representatives of the 68th Legislature, That, in accordance with house rules, the Plano Service League be hereby granted permission to use the chamber of the house of representatives on Monday, October 24, 1983, for a seminar on state government.

The resolution was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 585 by Parker, et al., relating to the exemption of certain recreational boats from ad valorem taxation and from forced sale for debt and authorizing the governing body of each taxing unit to provide for the taxation of recreational boats.

SB 591 by Washington, relating to civil service for certain firemen and policemen.

Respectfully,
Betty King
Secretary of the Senate

CSSB 60 - RULES SUSPENDED

Representative T. Smith moved to suspend Rule 7, Section 12 of the House Rules.

The motion prevailed without objection.

CSSB 60 - VOTE RECONSIDERED

Representative Delco moved to reconsider the vote by which CSSB 60 was tabled on May 18.

The motion to reconsider prevailed.

CSSB 60 ON SECOND READING

(T. Smith - House Sponsor)

The speaker laid before the house on its passage to third reading, CSSB 60.

CSSB 60, A bill to be entitled An Act relating to certificates of completion withheld by proprietary schools, refunds given by proprietary schools, and fees imposed on proprietary schools and their representatives.
Representative Delco offered the following amendment to CSSB 60:

Amend CSSB 60 on page 4, by striking out SECTION 4 of the bill and renumbering the remaining sections of the bill accordingly.

The amendment was adopted without objection.

Representative Delco offered the following amendment to CSSB 60:

Amend CSSB 60 on page 2, by striking lines 24-27, and on page 3 by striking lines 1-5 and substituting the following:

(B) after the first week or one-tenth of the course, whichever is less, but within the first three weeks [quarter] of the course, 80 [75] percent of the remaining tuition;

(C) after the first three weeks of the course, but within the first quarter of the course, 75 percent of the remaining tuition;

(D) [E] during the second quarter of the course, 50 percent of the remaining tuition;

(F) [D] during the third quarter of the course 10 [25] percent of the remaining tuition;

(E) [E] during the last quarter of the course, the student may be considered obligated for the full tuition;

The amendment was adopted without objection.

CSSB 60, as amended, was passed to third reading.

SB 397 ON THIRD READING
(Messer - House Sponsor)

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

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.

The bill was read third time.

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

Amend Section 15.05(i) of SB 397 by adding the following sentence:

For purposes of this subsection, the term "professional services" means services performed by any licensed accountant, physician, or professional engineer in connection with his or her professional employment or practice.

The amendment was adopted without objection.

SB 397, as amended, was passed. (Gamez, Hilbert, P. Hill, Shea, A. Smith, and Toomey recorded voting no)

On motion of Representative Messer and by unanimous consent, the caption of SB 397 was ordered amended to conform to the body of the bill.

SB 1000 ON THIRD READING
(Messer - House Sponsor)

The speaker laid before the house on its third reading and final passage,
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 third time and was passed. (Wieting recorded voting no)

SB 1023 ON THIRD READING
(Keller - House Sponsor)

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

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 third time and was passed.

On motion of Representative Keller and by unanimous consent, the caption of SB 1023 was ordered amended to conform to the body of the bill.

SB 116 ON THIRD READING
(Finnell - House Sponsor)

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

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

SB 285 ON THIRD READING
(Keller - House Sponsor)

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

SB 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.

The bill was read third time.

Representative Rudd offered the following amendment to the bill:

Amend SB 285, as amended on second reading, beginning on page 16 by deleting all of Section 58 and by substituting 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 confiscated liquor fund until the unexpended and unencumbered balance contained in the confiscated liquor fund on September 1, 1983, and the amount deposited in the fund from all sources on or after September 1, 1983, totals $2.4 million. Thereafter, fees and civil penalties received by the commission under this section shall be deposited in the general revenue fund.

The amendment was adopted without objection.

SB 285, as amended, was passed. (Mankins, Horn, and Craddick recorded voting no)
On motion of Representative Keller and by unanimous consent, the caption of SB 285 was ordered amended to conform to the body of the bill.

SB 946 ON THIRD READING  
(Turner - House Sponsor)

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

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 third time and was passed.

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

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

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 third time and was passed.

SB 779 ON THIRD READING  
(Rudd - House Sponsor)

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

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 third time and was passed. (Toomey, Schlueter, Hilbert, and Hollowell recorded voting no)

On motion of Representative Rudd and by unanimous consent, the caption of SB 779 was ordered amended to conform to the body of the bill.

MESSAGE FROM THE SENATE  
Austin, Texas, May 25, 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 4 by Bush, proposing a constitutional amendment relating to the State Commission on Judicial Conduct.

HB 1114 by Granoff, et al., relating to the enforcement of certain vehicle weight limitations. (amended)

HB 1178 by Parker, relating to presentence investigations and reports in criminal cases.

HB 1279 by Presnal, relating to the authority of the Department of Agriculture to transfer funds between programs.
HCR 35 by A. Smith, requesting the Texas Legislative Council to prepare a compilation of state laws relating to persons with disabilities.

Respectfully,
Betty King
Secretary of the Senate

SB 255 ON THIRD READING
(Simpson - House Sponsor)

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

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, Acts of the 54th Legislature, 1955, as added (Article 3.70-2, Vernon’s Texas Insurance Code).

The bill was read third time and was passed. (Kuempel recorded voting yes)

On motion of Representative Simpson and by unanimous consent, the caption of SB 255 was ordered amended to conform to the body of the bill.

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

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

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 third time and was passed.

SB 551 ON THIRD READING
(Hanna - House Sponsor)

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

SB 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), Section 11.0131, Natural Resources Code.

A record vote was requested.

The bill was read third time and was passed by (Record 501): 133 Yeas, 0 Nays, 1 Present, not voting.

Yea — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Beltrana; Blanton; Bonner; Buchanan; Burnett; Cain; Cary; Ceverha; Clemens; Colbert; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.;
Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cavazos; Wright.

Absent — Bush; Carriker; Clark; Collazo; Crockett; Evans, L.; Gibson, J.; Hackney; Hernandez; Jones; Lee, E. F.; Rudd; Thompson, S.; Uher.

On motion of Representative Hanna and by unanimous consent, the caption of SB 551 was ordered amended to conform to the body of the bill.

**SB 84 ON THIRD READING**

(Burnett - House Sponsor)

The speaker laid before the house on its third reading and final passage, 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 Intergency Council on Sex Offender Treatment and cooperation by certain state agencies; making certain records confidential.

The bill was read third time and was passed. (Schoolcraft, Ceverha, Toomey, and Hilbert recorded voting no)

On motion of Representative Burnett and by unanimous consent, the caption of SB 84 was ordered amended to conform to the body of the bill.

**SB 342 ON THIRD READING**

(Berlanga - House Sponsor)

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

Representative Jackson offered the following amendment to the bill:

Amend SB 342 by adding after the word “who” at the end of line 13: “issues a credit card and who”

A record vote was requested.

The amendment failed of adoption (not receiving the necessary two-thirds vote) by (Record 502): 68 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Agnich; Arnold; Blanton; Buchanan; Burnett; Ceverha; Clark; Colbert; Collazo; Connelly; Craddock; Davis; DeLay; Denton; Eckels; Eikenburg; Emmett; Finnell; Fox; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Hackney; Hall, L.; Hammond; Hanna; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Keller; Khoury; Kuempel; Leonard; Luna; McKenna; McWilliams; Mankins; Moreno, A.; Patrick; Patronella; Patterson; Pennington; Polumbo; Robnett; Rudd; Saunders; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Stiles;
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Thompson, G.; Thompson, S.; Toomey; Turner; Uher; Valles; Waldrop; Whaley; Wieting; Wilson; Wolens.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Bertanga; Bomer; Bush; Cain; Carriker; Cary; Clemons; Coody; Criss; Danburg; Delco; Edwards; English; Evans, C.; Evans, L.; Gamez; Gandy; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, T.; Hall, W.; Harrison, D.; Hellin; Hightower; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Kemp; Kubiak; Lee, D.; Lee, E. F.; Madla; Martinez, R.; Millsap; Oliveira; Oliver; Parker; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Russell; Salinas; Short; Smith, C.; Staniswalis; Sutton; Tejeda; Tow; Wallace; Watson; Willis; Word.

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

Absent, Excused — Cavazos; Wright.

Absent — Crockett; Gibson, J.; Hernandez; Jones; Laney; Martinez, W.; Messer; Moreno, P.; Robinson; Schlueter; Vowell.

STATEMENT BY REPRESENTATIVE VALLES

On SB 342 record vote 502, amendment by Jackson, I was shown voting yes when my vote should have shown voting no.

Valles

A record vote was requested.

SB 342 was passed by (Record 503): 105 Yews, 35 Nays, 2 Present, not voting.

Yews — Armbrister; Barrientos; Barton, B.; Barton, E.; Bertanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Clark; Clemons; Colbert; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Hellin; Hightower; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Keller; Khoury; Kubiak; Laney; Lee, D.; Lee, E. F.; Luna; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Shaw; Short; Simpson; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Word.

Nays — Agnich; Arnold; Blanton; Ceverha; Collazo; Connelly; Craddick; Crockett; DeLay; Eckels; Fox; Gandy; Garcia, M.; Gavin; Geisweidt; Hammond; Hilbert; Hill, P.; Horn; Jackson; Kemp; Kuempel; Leonard; McKenna; McWilliams; Oliveira; Patronella; Polumbo; Robnett; Schoolcraft; Shea; Smith, A.; Toomey; Wilson; Wolens.

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

Absent, Excused — Cavazos; Wright.

Absent — Emmett; Gibson, J.; Hernandez; Jones; Schlueter; Vowell.

SB 960 ON THIRD READING

(C. Evans - House Sponsor)

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

On motion of Representative C. Evans and by unanimous consent, the caption of SB 960 was ordered amended to conform to the body of the bill.

SB 1181 ON THIRD READING

(G. Thompson - House Sponsor)

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

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

SB 713 ON THIRD READING

(Rudd - House Sponsor)

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

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

SB 876 ON THIRD READING

(Jackson - House Sponsor)

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

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 third time and was passed. (Clemons, Armbrister, and D. Lee recorded voting no)

SB 624 ON THIRD READING

(Rudd - House Sponsor)

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

SB 624, A bill to be entitled An Act relating to supplemental pay for certain Department of Public Safety commissioned officers; amending Section 17a,
May 25, 1983


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

SB 705 ON THIRD READING
(Colbert - House Sponsor)

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

The bill was read third time and was passed.

On motion of Representative Colbert and by unanimous consent, the caption of SB 705 was ordered amended to conform to the body of the bill.

SB 1167 ON SECOND READING
(Millsap - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading,
SB 1167, A bill to be entitled An Act relating to authorizing the issuance of short term obligations by certain cities, river authorities, navigation districts, joint power agencies, and certain transit authorities and the use of funds generated.

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

SB 482 ON SECOND READING
(Messer - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading,
SB 482, A bill to be entitled An Act relating to the definition of the term “bet” for purposes of the Penal Code prohibitions against gambling; amending Subdivision (1), Section 47.01, Penal Code, as amended.

The bill was read second time and was passed to third reading. (Hollowell, Wieting, Denton, C. Smith, Fox, and Leonard recorded voting no)

SB 24 ON SECOND READING
(Rudd - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 24.

CSSB 24

A BILL TO BE ENTITLED
AN ACT
relating to a driver’s license issued for essential need; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 23A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 23A. (a) Any person whose license has been suspended for causes other than physical or mental disability or impairment may file with the judge of the county court or district court having jurisdiction within the county of his residence, or with the judge of the county court or district court having jurisdiction within the
county where an offense occurred for which his license was suspended, a verified petition setting forth in detail an essential need for operating a motor vehicle [in the performance of his occupation or trade]. The hearing on the petition may be ex parte in nature, except as provided by Subsection (e) of this section.

(b) “Essential need” as used in this section means a need for the use of a motor vehicle:

(1) in the performance of an occupation or trade or for transportation to and from the place where a person practices his occupation or trade;

(2) for transportation to and from an educational facility in which the person is enrolled; or

(3) in the performance of essential household duties.

(c) In determining whether essential need exists, the judge shall consider the driving record of the petitioner and any evidence presented by a person who attends the hearing on the petition under Subsection (e) of this section.

(d) If the petitioner’s license was suspended following a conviction for an offense under Article 6701L-1 or 6701L-2, Revised Statutes, or an offense under Section 19.03(a)(2) or 19.07, Penal Code, the clerk of the court shall send by certified mail a copy of the verified petition and notice of the hearing to the attorney representing the state.

(e) A person receiving a copy of a petition under Subsection (d) of this section may attend the hearing on the petition and may present evidence at the hearing against granting the petition.

(f) The judge hearing the petition shall enter an order either finding that no essential need exists for the operation of a motor vehicle [in the performance of the occupation or trade of the petitioner] or enter an order finding an essential need for operating a motor vehicle [in the performance of the occupation or trade of the petitioner]. In the event the judge enters the order finding an essential need [as set out herein], he shall also, as part of the order [such finding], determine the actual need of the petitioner in operating a motor vehicle. The order [in his occupation or trade] and shall restrict the use of the motor vehicle to the petitioner’s actual occupation or trade and the right to drive to and from the place of employment of the petitioner; and shall require the petitioner to give proof of a valid policy of automobile liability insurance in accordance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon’s Texas Civil Statutes) [provisions of the Texas Safety Responsibility Law, Article 6701h, Vernon’s Annotated Texas Statutes]. The order [Such restrictions] shall be definite as to hours of the day, days of the week, specific reasons for travel, [type of occupation] and areas or routes of travel to be permitted, except that the petitioner shall not be allowed to operate a motor vehicle more than four (4) [ten (10)] hours in any twenty-four (24) consecutive hours. On a proper showing of necessity, however, the court may waive the four-hour [10-hour] restriction and allow the petitioner to operate a motor vehicle for any period determined by the court that does not exceed twelve (12) hours in any twenty-four (24) consecutive hours. An order [Unless further extended at the discretion of the court, orders] entered by the [such] court shall extend for the [a period of twelve (12) months or less from the date of] the original suspension. A certified copy of the petition and the court order setting out the judge’s finding and the restrictions shall be forwarded to the Department.

(g) [hb] Upon receipt of the court order set out in Subsection (f) of this section [as] above and after compliance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon’s Texas Civil Statutes) [provisions of the Texas Safety Responsibility Law, Article 6701h, Vernon’s Texas Civil Statutes], the Department shall issue to the petitioner an occupational license, referring [showing] on its face [the restrictions set out in] the order of the court.
(c) Any person who violates the restrictions on his occupational license shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and such occupational license shall be automatically cancelled.

SECTION 2. Section 25(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), is amended to read as follows:

(a) Whenever any person is convicted of any offense for which this Act makes automatic the suspension of the operator’s, commercial operator’s, or chauffeur’s license of such person, the court in which the [such] conviction is had shall require the surrender to it of all operators’, commercial operators’, and chauffeurs’ licenses then held by the person [so] convicted and the clerk of the [said] court shall [thereupon] forward the licenses [same] together with a record of the [such] conviction. The court may enter an order restricting the operation of a motor vehicle for essential need [to the person’s occupation or to participation in an alcoholic or drug treatment; rehabilitation; or educational program], provided the person has filed a verified petition with the court setting forth in detail an essential need for operating a motor vehicle, has given notice of the hearing and a copy of the verified petition to the person provided under Subsection (d), Section 23A, of this Act, and provided the person gives proof of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act [as amended] (Article 6701h, Vernon’s Texas Civil Statutes). “Essential need” as used in this section has the meaning assigned to it by Section 23A(b) of this Act. The order shall state restrictions as to hours of the day, days of the week, specific reasons for travel [type of occupation or program], and areas or routes of travel to be permitted, except that the person convicted may not be allowed to operate a motor vehicle more than [ten (10) hours in any consecutive twenty-four (24) hours, providing, on proper showing of necessity, the court may waive the four-hour (ten (10) hour) restriction and allow the person to operate a motor vehicle for any period determined by the court that does not exceed twelve (12) hours in any consecutive twenty-four (24) hours. The order shall be effective for [a period to be determined by the judge and may be extended at the discretion of the judge], provided that if the order is granted for longer than a twelve (12) month period, the person convicted must give proof to the Department of Public Safety of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon’s Texas Civil Statutes). But in no event may the order remain in effect beyond the period for which the convicted person’s license has been suspended. A certified copy of the order shall be given to the person convicted and shall be forwarded to the Department together with the person’s licenses and the record of his conviction. Upon receipt of the order, the Department shall issue a license referring on [showing upon] its face to the restrictions and expiration date set out in the order. The person convicted may use the order of the court as a restricted license for a period of fourteen (14) days following the date of the order. [Any person who violates the restrictions of the order of the court or on the license issued under this section is guilty of a misdemeanor and upon conviction shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and the license and order shall be automatically cancelled.]

SECTION 3. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), is amended by adding Section 23B to read as follows:

Sec. 23B. (a) A person who is issued a license under Section 23A or 25 of this Act must carry a certified copy of the court order with him when he is operating
a motor vehicle. The person must allow a peace officer to examine the order at the officer's lawful request.

(b) A person who holds a license issued under Section 23A or 25 of this Act commits an offense if he operates a motor vehicle in violation of the restrictions on the license or if he fails to carry a certified copy of the court order as required by Subsection (a) of this section. An offense under this subsection is a Class C misdemeanor, and on conviction the license and order issued under Section 23A or 25 are automatically terminated.

SECTION 4. This Act takes effect September 1, 1983. Licenses issued under Section 23A or 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), before the effective date of this Act are subject to the law as it existed on the date of issuance, and that law is continued in effect for that purpose.

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

CSSB 24 was read second time and was passed to third reading.

SB 572 ON SECOND READING
(Delco - House Sponsor)

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

SB 572, A bill to be entitled An Act relating to the establishment and administration of a fund and a program to attract to and retain in this state eminent scholars; amending Chapter 51, Texas Education Code, as amended, by adding Subchapter I.

The bill was read second time.

Representative Colbert offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 572 by striking Section 51.454(c)(3) and substituting the following:

(3) determine each eligible institution's disbursement in accordance with the following:

(A) allocate to each eligible institution an amount necessary to match the income earned by the institution with the smallest amount of income earned;

(B) allocate to each institution that is not fully matched by the first allocation an amount necessary to match the income earned by the institution with the next larger amount of earned income;

(C) continue to allocate in the manner provided by Paragraph (B) of this subdivision until the amount that remains cannot be fully allocated in that manner; and

(D) allocate the amount remaining equally among the remaining institutions that have not been fully matched.

Committee Amendment No. 1 was adopted without objection.

SB 572, as amended, was passed to third reading. (Hollowell, A. Smith, and Toomey recorded voting no)
SB 554 ON SECOND READING  
(G. Hill - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading,  
SB 554, A bill to be entitled An Act relating to the verification and filing of a petition for a local option election to legalize or prohibit the sale of liquor; amending Sections 251.10 and 251.11, Alcoholic Beverage Code.  
The bill was read second time and was passed to third reading. (Hollowell and Schlueter recorded voting no)  

SB 468 ON SECOND READING  
(Presnal - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading,  
SB 468, A bill to be entitled An Act relating to the establishment, objectives, duties, and ownership interests of the Institute for Ventures in New Technology as a part of the Texas Engineering Experiment Station, under the control of the board of regents of The Texas A&M University System; adding Subchapter D to Chapter 88, Texas Education Code.  
The bill was read second time and was passed to third reading. (Ceverha, A. Smith, Fox, Heflin, and Toomey recorded voting no)  

SB 120 ON SECOND READING  
(Presnal - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading,  
SB 120, A bill to be entitled An Act relating to residency requirements for certain municipal public officers; adding Subdivision 6 to Section 5, Texas Election Code, as amended (Article 1.05, Vernon's Texas Election Code), and amending Article 987, Revised Statutes.  
The bill was read second time and was passed to third reading.  

SB 272 ON SECOND READING  
(C. Evans - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading,  
SB 272, A bill to be entitled An Act relating to the Southern States Energy Compact and its implementation; to the Southern States Energy Board, its membership, powers, and duties; to the continuation of Texas participation in the compact; and to the powers and duties of the Texas Energy and Natural Resources Advisory Council in connection with the compact; amending Sections 1, 2, 2a, 3, and 6 of and adding Section 3a to Chapter 54, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 4413c-1, Vernon's Texas Civil Statutes).  
The bill was read second time and was passed to third reading.  

SB 273 ON SECOND READING  
(C. Evans - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading,
SB 273, A bill to be entitled An Act relating to the membership and administration of the Texas Mining Council and the reporting by and continuation of the office of the Interstate Mining Compact Commissioner for Texas; adding Sections 132.0041, 132.0042, 132.0051, 132.0081, and 132.0082 to Chapter 132, Natural Resources Code.

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

SB 1287 - POSTPONED

Representative Gavin moved that consideration of SB 1287 be postponed until 3:30 p.m. today.

The motion prevailed without objection.

SB 79 ON SECOND READING

(Madia - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 79.

CSSB 79

A BILL TO BE ENTITLED
AN ACT
relating to access rights to a child by grandparents of the child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 14.03(d), Family Code, is amended to read as follows:
(d) In a suit affecting the parent-child relationship, including a suit brought for the sole purpose of seeking the relief authorized by this subsection and including a proceeding for the modification of a previous order, and without regard to whether or not the appointment of a managing conservator is an issue in the suit, the court may issue and enforce orders granting to a grandparent of the child reasonable access to the child if a parent of the child is, at the time that the relief is requested, a natural parent of the child, if access to the grandparent is in the best interest of the child, and if:
(1) the grandparent seeking access to the child is a parent of a parent of the child and that parent of the child has been incarcerated in jail or prison during the three-month period preceding the filing of the petition, or has been found by a court to be incompetent, or is dead; or
(2) the parents of the child are divorced or have been living apart for the three-month period preceding the filing of the petition or a suit for the dissolution of the parents' marriage is pending; or
(3) the child has been abused or neglected by a parent of the child; or
(4) the child has been adjudicated to be a child in need of supervision or a delinquent child under Title 3 of this code; or
(5) the grandparent seeking access to the child is the parent of a person whose parent-child relationship with the child has been terminated by court decree; or
(6) the child has resided with the grandparent seeking access to the child for at least six months within the 24-month period preceding the filing of the petition.

If the court finds that it is in the best interests of the child as provided in Section 14.07 of this code, the court may grant reasonable access rights to either the maternal or paternal grandparents of the child and to either the natural maternal or paternal grandparents of a child whose parent-child relationship has been terminated or who has been adopted before or after the effective date of this
code. Such relief shall not be granted unless one of the child's legal parents at the
time the relief is requested is the child's natural parent. The court may issue any
necessary orders to enforce said decree.

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.

CSSB 79 was read second time and was passed to third reading. (Ceverha and
Fox recorded voting no)

SB 160 ON SECOND READING
(E. Barton - House Sponsor)

The speaker laid before the house on its second reading and passage to third
reading, the complete committee substitute for SB 160.

CSSB 160

A BILL TO BE ENTITLED
AN ACT
relating to creation of the offense of tampering with food or a drug; defining offenses
and providing penalties; adding Section 22.09 to Chapter 22, Penal Code, as
amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 22, Penal Code, as amended, is amended by
adding Section 22.09 to read as follows:
"Section 22.09. TAMPERING WITH CONSUMER PRODUCT. (a) In this
section:
"(1) 'Consumer Product' means any product offered for sale to or for
consumption by the public and includes 'food' and 'drugs' as those terms are
defined in Section 2, Texas Food, Drug and Cosmetic Act, as amended (Article
4476-5, Vernon's Texas Civil Statutes).
"(2) 'Tamper' means to alter or add a foreign substance to a consumer product
make it probable that the consumer product will cause serious bodily injury.
"(b) A person commits an offense if he knowingly or intentionally tamper
with a consumer product knowing that the consumer product will be offered for sale
to the public or as a gift to another.
"(c) An offense under this Section is a felony of the third degree unless a
person suffers serious bodily injury, in which event it is a felony of the first degree."

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

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.

CSSB 160 was read second time and was passed to third reading.
SB 620 ON SECOND READING
(Collazo - House Sponsor)

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

SB 620, A bill to be entitled An Act relating to the Lamar University System and to certain appropriations by the legislature to Lamar University; amending Chapter 108, Texas Education Code, by amending the title and Sections 108.01, 108.11, 108.13, 108.14, 108.32, 108.33, and 108.34.

The bill was read second time and was passed to third reading. (Ceverha, Horn, Delco, G. Thompson, Agnich, A. Smith, Fox, and Schlueter recorded voting no)

SB 838 ON SECOND READING
(Gandy - House Sponsor)

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


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

SB 801 ON SECOND READING
(D. Lee - House Sponsor)

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

SB 801, A bill to be entitled An Act relating to changing the name of the Harlingen State Chest Hospital to the South Texas Hospital; authorizing the Texas Board of Health to establish certain health services at the South Texas Hospital; adding Subsection (e) to Section 1, Chapter 657, Acts of the 66th Legislature, Regular Session, 1979 (Article 3196a-1, Vernon’s Texas Civil Statutes).

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

SB 710 ON SECOND READING
(Keller - House Sponsor)

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

SB 710, A bill to be entitled An Act relating to positions exempt from civil service in the sheriff’s departments in certain counties; amending Subsection (d), Section 8, Chapter 119, Acts of the 67th Legislature, Regular Session, 1981 (Article 2372h-8, Vernon’s Texas Civil Statutes).

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

SB 23 ON SECOND READING
(Kemp - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 23.
CSSB 23

A BILL TO BE ENTITLED
AN ACT
relating to the exemption of certain buildings of veterans' or fraternal organizations
from ad valorem taxation; providing an effective date contingent on passage of a
constitutional amendment; amending Section 11.23, Tax Code, by adding
Subsections (k) and (l).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 11.23, Tax Code is amended by adding Subsection (k) to read as
follows:
“(k) The governing body of a taxing unit in the manner provided by law for
official action by the body may exempt from taxation each of the buildings
(including the land that is reasonably necessary for use of, access to, and
ornamentation of the buildings) of a veterans’ organization chartered by the United
States Congress, composed of members or former members of the armed forces of
the United States, and organized for patriotic and public service purposes, including
the American Legion, Veterans of Foreign Wars of the United States, and Disabled
American Veterans, providing that each of the buildings exempted is owned by that
organization and used primarily as its post or meeting hall, is used exclusively by
the organization or its members, and is not used to produce a profit or for residential
purposes. An organization does not lose an exemption if the building is used by a
person who is not a member of the organization and whose use is limited to civic,
educational, or charitable activities and is incidental to the organization’s use of the
building. A veterans’ organization is not entitled to an exemption under this section
if the organization is classified as subversive by the United States attorney general.”

SECTION 2. Section 11.23, Tax Code, is amended by adding Subsection (l) to read as
follows:
“(l) Fraternal Organizations. The governing body of a taxing unit in the
manner provided by law for official action by the body may exempt from taxation
each of the buildings (including the land that is reasonably necessary for use of,
access to, and ornamentation of the buildings) of a qualified fraternal organization
if the building is owned by that organization, is used primarily as its meeting hall,
is used exclusively by the organization or its members, and is not used to produce
a profit or for residential purposes. A building may be exempt under this subsection
even if the building is used by a person who is not a member of the fraternal
organization if that person’s use is limited to civic, educational, or charitable
activities and is incidental to the organization’s use of the building. To qualify for
an exemption under this subsection, a fraternal organization must:
“(1) be organized to perform and be primarily engaged in performing
charitable and benevolent functions; and
“(2) not practice or advocate discrimination on the basis of race or color.”

SECTION 3. This Act takes effect January 1, 1984, and applies only to taxes
imposed on or after that date, except that if the constitutional amendment proposed
by S.J.R. No. 1 is not approved by the voters, this Act has no effect.

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.

CSSB 23 was read second time and was passed to third reading. (Fox recorded
voting no)
SB 226 ON SECOND READING
(Ceverha - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 226.

CSSB 226

A BILL TO BE ENTITLED
AN ACT
relating to information given to and consent required of parents or guardians of students recommended for attendance at or attending a school-community guidance center.

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

SECTION 1. Chapter 16, Texas Education Code, is amended by adding Section 16.407 to read as follows:

"Sec. 16.407. PARENTAL NOTICE, CONSENT, AND ACCESS TO INFORMATION. (a) Before a student is admitted to a school-community guidance center, the administrator of the center must notify the student's parent or guardian that the student has been assigned to attend the center.

(b) Such notification shall include:

(1) the reason that the student has been assigned to the center;

(2) a statement that upon request, the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and

(3) a statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student. If, after notification, the parent refuses to consent to such testing or treatment, the center shall not provide any further psychological treatment or testing.

(c) A parent or guardian of a student attending a center is entitled to inspect:

(1) any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and

(2) the results of any treatment, testing, or guidance method involving the student.

(d) The administrator of the center may set a schedule for inspection of materials which allows reasonable access but does not interfere with the conduct of classes or business activities of the school."

SECTION 2. This Act takes effect beginning with the 1983-1984 school year.

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 according to its terms, and it is so enacted.

CSSB 226 was read second time and was passed to third reading.

SB 1091 ON SECOND READING
(Wallace - House Sponsor)

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

SB 1091, A bill to be entitled An Act relating to the electronic transfer of funds from the accounts of customers at certain financial institutions to the accounts of merchants at the same or different financial institutions; providing for compliance; adding Article 3c to Chapter IX, The Texas Banking Code of 1943, as amended (Article 342-901 et seq., Vernon's Texas Civil Statutes).
The bill was read second time.

Representative Arnold offered the following amendment to the bill:

Amend SB 1091 on page 4, line 5, after the word “article” by adding the following: “Section 9. Charges. No charges or fees may be imposed by a financial institution in relation to an account in which funds located in that account may be electronically transferred unless such charges or fees are reasonably related to the cost of services performed by the financial institution. The burden of proving the reasonableness of such fees or charges is on the financial institution.”

The amendment was adopted without objection.

SB 1091, as amended, was passed to third reading. (Hollowell, Green, and C. Smith recorded voting no)

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 1279 by Mauzy, relating to the creation and description of the Trinity River State Park.
SB 1407 by Traeger, relating to the creation and dissolution of and annexation and exclusion of land from special utility districts.

Respectfully,
Betty King
Secretary of the Senate

SB 752 ON SECOND READING
(Laney - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 752.

CSSB 752

A BILL TO BE ENTITLED
AN ACT

to be known as the Texas Hospital Equipment Financing Act; providing for the administration of this Act by a public benefit corporation created herein and known as the Texas Hospital Equipment Financing Council; providing for a twelve member board of trustees of such Financing Council; providing for the powers and duties of such Financing Council under this Act; providing for indemnification of any trustee by such Financing Council in certain circumstances; relating to the establishment of health related equipment sale, lease, or loan programs for certain qualified participating health care providers; providing for sale, lease, and loan agreements for such health related equipment; providing the procedures to be followed; authorizing the issuance of revenue bonds, notes, or other evidences of indebtedness, and the refunding of outstanding obligations; prescribing prerequisites and procedures for issuance and the terms of such bonds or notes, including the maximum rate of interest which may be borne thereby; providing
permissible security for such bonds or notes: prohibiting use of any money of the
state or any political subdivision or agency of the state except revenue from any
agreements with participating health care providers for payments on the bonds and
notes which providers are either a political subdivision or an agency of the state;
prohibiting the impairment of the rights and remedies of the holders of such bonds
and notes by the state; making provisions in the event of default in payment of such
bonds or notes or in the event of violation of such agreements; authorizing the
refunding of such bonds or notes; providing for the use and issuance of temporary
receipts or temporary notes or bonds; providing that such bonds or notes shall be
legal investments eligible to secure public deposits; providing for the perfection of
security interests granted by such Financing Council; providing exemption from
taxation of such Financing Council and its bonds or notes or income related thereto
and providing for the taxation of health related equipment, as herein defined, to the
extent and under the conditions described herein; providing that such bonds or
notes shall be exempt securities under the Texas Securities Act, as amended;
providing for the relationship of this Act to the Texas Hospital Survey and
Construction Act; containing other provisions relating to the subject; providing for
severability; and declaring an emergency.

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

SECTION 1. This Act may be cited as the "Texas Hospital Equipment
Financing Act."

SECTION 2. It is hereby found, determined, and declared that health related
equipment, as defined in this Act, in many portions of this state is presently
obsolete, inadequate, or insufficient; that the cost of providing such health related
equipment within this state has in many cases become excessive; and that the
present and prospective health, safety, and general welfare of the people of this state
require as a public purpose the promotion and development of new and expanded
methods of providing such health related equipment. It is the purpose of this Act
to establish the Texas Hospital Equipment Financing Council, the board of trustees
of which shall be comprised of the members of the Hospital Advisory Council, as
created under the Texas Hospital Survey and Construction Act, Article 4437d,
Vernon's Texas Civil Statutes, as amended, or shall be appointed by the Hospital
Advisory Council, as hereinafter provided, and to enable the Financing Council
and the participating health care providers, as herein defined, to provide at a reasonable
cost health related equipment, as herein defined, which the Financing Council
determines will improve the adequacy, cost, and accessibility of health care within
this state. It is therefore determined and declared as a matter of public policy that
the establishment of the Financing Council, as herein defined, the issuance of
revenue bonds and notes by the Financing Council, and the exercise of the other
powers of the Financing Council, all as herein provided, are in the public interest
and in furtherance of an important public purpose. The necessity in the public
interest of the provisions hereinafter enacted is hereby declared as a matter of
legislative determination.

SECTION 3. When used in this Act, unless the context requires a different
definition, the following terms shall mean as follows:

2. "Board" means the board of trustees of the Financing Council, as herein
defined.
3. "Bonds" means revenue bonds, notes, interim certificates, bond
anticipation notes, or other evidences of indebtedness of the Financing Council, as
herein defined, issued pursuant to this Act, including refunding bonds.
4. "Cost" as applied to health related equipment, as herein defined, means
and includes any and all costs of, or related or incidental to, such equipment and,
without limiting the generality of the foregoing, shall include the following:
(A) the cost of the acquisition, repair, reconditioning, restoration, modification, refinancing, or installation of any such health related equipment;

(B) the cost of any property interest in such health related equipment including an option to purchase or a leasehold interest;

(C) the cost of architectural, engineering, legal, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of such health related equipment;

(D) the cost of financing charges and interest prior to acquisition and installation of such health related equipment and for a maximum of two years after such acquisition and installation and start-up costs related to such health related equipment and for a maximum of two years after such acquisition and installation;

(E) any and all costs paid or incurred in connection with the financing of such health related equipment, including out-of-pocket expenses, the cost of financing, legal, accounting, financial advisory, and consulting fees, expenses, and disbursements; the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent;

(F) all direct or indirect costs of the Financing Council, as herein defined, and all direct or indirect costs, if any, of the Hospital Advisory Council, as herein defined, incurred in connection with providing such health related equipment, including, without limitation, reasonable sums to reimburse such Financing Council and, if necessary, the Hospital Advisory Council for time spent by its agents or employees with respect to providing such health related equipment and the financing and refinancing thereof; and

(G) any and all costs paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health related equipment, as herein defined, by the Financing Council; any program for the sale or lease of such health related equipment to any participating health care provider, as herein defined; and any program for loans to such participating health care providers or to any entity which will provide loans to any participating health care provider in either case to enable such providers to purchase such health related equipment.

(5) "Financing Council" means the Texas Hospital Equipment Financing Council created and existing under the provisions of this Act as a public benefit corporation and constituted authority for the purposes set forth in this Act.

(6) "Health facility" means and includes any health care facility which is utilized in providing medical care, medical research, or the training or teaching of health care personnel, any one or all, within this state, and without limiting the generality of the foregoing, shall include a public or private hospital, kidney disease treatment facility, radiation therapy facility, and alcoholism and drug treatment facility, so long as such health care facility shall be licensed by the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, or the Texas Commission on Alcoholism, or any successor or successors to such entities, and health facility shall also include any facility or building related to any health care facility such as a pharmacy, laboratory, laundry facility, and food service and preparation facility.

(7) "Health related equipment" means and includes any equipment which will improve medical care, research, training, or teaching, any one or all, in this state.

(8) "Hospital Advisory Council" means the Texas Hospital Advisory Council, as established under the Texas Hospital Survey and Construction Act, Article 4437d, Vernon's Texas Civil Statutes, as amended.

(9) "Participating health care provider" means a public or private, profit or non-profit, corporation, association, foundation, trust, cooperative, agency, body
political, or similar person or organization authorized by the laws of this state to provide or operate a health facility, as herein defined, and which, pursuant to the provisions of this Act, contracts with, or borrows from, the Financing Council, as herein defined, or any entity which will provide loans for the financing or refinancing of the lease or other acquisition of health related equipment, as herein defined, as provided in this Act.

(10) "State" means the State of Texas.

(11) "Trustee" means any member of the Board, as herein defined. The use of a singular term herein shall also include the plural of such term and the use of a plural term herein shall also include the singular of such term and words of the masculine, feminine, or neuter gender shall include other genders unless the context clearly requires a different connotation.

SECTION 4. There is hereby created a nonmember, nonstock public benefit corporation to be known as the Texas Hospital Equipment Financing Council with the powers herein set forth for the purpose of providing at a reasonable cost health related equipment which the Financing Council determines will improve the adequacy, cost, and accessibility of health care within this state, which purpose is hereby declared to be a public purpose of this state. The exercise by the Financing Council of all powers and duties conferred by this Act shall constitute and be deemed and held to be an essential public purpose of the state, acting by and through the Financing Council, in promoting the general health, welfare, and prosperity of the state and all of its citizens. Neither the state nor the Hospital Advisory Council shall be authorized to lend its credit or grant or loan any public money or thing of value in aid of the Financing Council.

SECTION 5. (a) The board of the Financing Council shall consist of twelve members, entitled trustees.

(b) The members of the Hospital Advisory Council shall serve, ex officio, as trustees. Each such member shall serve as a trustee during the entire time such person is a member unless such member shall decline to serve by so notifying the Hospital Advisory Council in writing in which event the Hospital Advisory Council by majority vote shall appoint a person to serve as a trustee in lieu of such member.

(c) If all or any of the trustees are appointed by the Hospital Advisory Council, each trustee so appointed shall hold office for a term expiring on July 17 of each odd numbered year. Each trustee so appointed shall hold office until a successor is appointed and has qualified by executing the surety bond required by this Act of each trustee. Appointments to the hospital advisory council shall be made with due regard for the race, creed, sex, religion, and national origin of the appointees and the geographical distribution of the members of the hospital advisory council.

(d) Each trustee shall be eligible for reappointment.

(e) Any vacancy in the office of a trustee appointed by the Hospital Advisory Council shall be filled by majority vote by the Hospital Advisory Council. Any such vacancy, except for a vacancy resulting from the expiration of the term of such trustee, shall be filled for the unexpired term only.

(f) To be eligible to serve as a trustee appointed by the Hospital Advisory Council, a person shall be a qualified voter of the state. Members and employees of the Hospital Advisory Council are eligible to serve as trustees. No officer, director, or employee of a participating health care provider shall be eligible to serve as a trustee. Any trustee appointed by the Hospital Advisory Council having any pecuniary interest in any participating health care provider shall resign from the board prior to the authorization of any bonds for the benefit of such participating health care provider and such vacancy shall be filled as otherwise provided in this Act.
SECTION 6. (a) The trustees shall serve as such without compensation except that each trustee shall be reimbursed for his or her actual expenses incurred in the performance of his or her duties hereunder to the extent authorized by the board.

(b) The board shall elect one of the trustees as chairman, who shall preside at all meetings of the board and perform such other duties as are prescribed by the board and this Act. The board shall elect one of the trustees as vice-chairman to perform the duties of the chairman when the chairman is not present or is incapable of performing his duties. The board shall elect a secretary to be the official custodian of the minutes, books, records, and seal of the board and to perform other duties as prescribed by the board. The board may elect a treasurer to perform duties prescribed by the board. The offices of secretary and treasurer may be held by one person and the holder of each of these offices need not be a trustee. The board may appoint one or more persons who need not be trustees to be assistant secretaries who may perform any duty of the secretary.

(c) The chairman, vice-chairman, secretary, and, if elected, the treasurer and any assistant secretaries of the board shall be elected at the first meeting of the board after all trustees have been appointed and qualified for office by executing the surety bond required by this Act of each trustee. Thereafter, officers of the board shall be elected at the first meeting of the board on or following July 17 of each odd-numbered year, or at any time necessary to fill a vacancy.

(d) The chairman is the chief executive and administrative officer of the board. In addition to any other powers and duties prescribed by the board and this Act, the chairman shall administer the duties and functions of the board.

(e) Seven of the members of the board shall constitute a quorum for the transaction of business by the board.

(f) The board shall act and proceed by and through written resolutions adopted by the board. The act of the majority of the trustees present at a meeting at which a quorum of the board is present shall be the act of the board.

(g) The board shall hold regular meetings at any location within the state and at times specified by written resolution of the board and shall hold special meetings at any location within the state when called by the chairman of the board or any two of the trustees.

(h) Written notice of the date, hour, place, and subject of each meeting of the board must be posted at least 72 hours preceding the scheduled time of the meeting by the Secretary of State, who may publish such notice in the Texas Register. In the case of emergency or urgent public necessity, which shall be expressed in the notice, it shall be sufficient if the notice is posted two hours before the meeting is convened. Any action taken by the board at a meeting on a subject for which notice as required above in this paragraph has not been given is voidable.

(i) Prior to taking office as trustee, each trustee shall execute a surety bond in the penal sum of Ten Thousand Dollars, conditioned on the faithful performance of the duties of trustee, executed by a surety company authorized to transact business in this state and filed with the Secretary of State of Texas. The surety bond shall be kept in force at all times thereafter and the cost shall be paid by the Financing Council.

(j) A trustee shall not be liable personally for any bonds issued or contracts executed by the Financing Council.

(k) The initial bylaws of the Financing Council shall be adopted by the board. The power to alter, amend, or repeal the bylaws or to adopt new bylaws shall be vested in the board. The bylaws may contain any provisions for the regulation or management of the affairs of the Financing Council not inconsistent with law, including this Act.

(l) The board, by resolution adopted by a majority of the trustees present at a meeting at which a quorum of the board is present, may designate one or more
committees, which committees shall, however, not have the authority of the board in the management of the Financing Council. Membership on such committees may, but need not be, limited to trustees.

(m) The Financing Council shall indemnify any trustee or officer or former trustee or officer of the Financing Council for expenses and costs (including attorneys’ fees) actually and necessarily incurred by him in connection with any claim asserted against him, by action in court or otherwise, by reason of his being or having been a trustee or officer, except in relation to matters as to which he shall have been guilty of gross negligence or misconduct in respect of the matter in which indemnity is sought.

(n) If the Financing Council has not fully indemnified him, the court in the proceeding in which any claim against such trustee or officer has been asserted, or any court having the requisite jurisdiction of an action instituted by such trustee or officer on his claim for indemnity, may assess indemnity against the Financing Council or its receiver or trustee for the amount paid by such trustee or officer in satisfaction of any judgment or in compromise of any such claim (exclusive in either case of any amount paid to the Financing Council), and any expenses and costs (including attorneys’ fees) actually and necessarily incurred by him in connection therewith to the extent that the court shall deem reasonable and equitable; provided, nevertheless, that indemnity may be assessed under this section only if the court finds that the person indemnified was not guilty of gross negligence or misconduct in respect of the matter in which indemnity is sought.

SECTION 7. The Financing Council shall have all the rights and powers necessary or convenient to accomplish the purposes of the Financing Council as set forth in this Act, including without limitation the powers:

(1) to provide, or cause to be provided by a participating health care provider, by acquisition, lease, fabrication, repair, reconditioning, or installation, one or more items of health related equipment to be located within a health facility in this state;

(2) to lease as lessor any item of health related equipment for such rentals and upon such terms and conditions as the Financing Council may deem advisable and as are not in conflict with the provisions of this Act;

(3) to sell for installment payments or otherwise, to option or contract for sale, and to convey all or any part of any item of health related equipment for such price and upon such terms and conditions as the Financing Council may deem advisable and as are not in conflict with the provisions of this Act;

(4) to make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its bonds in accordance with the provisions of this Act, and secure any of its bonds or obligations by mortgage or pledge of all or any of its property and income;

(5) to make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing of all or any part of the cost of any health related equipment, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the cost of an item of health related equipment, and to charge and collect interest on such loans for such loan payments and upon such terms and conditions as the board may deem advisable and as are not in conflict with provisions of this Act and such loans may be made to a participating health care provider or to any bank, savings and loan association, or other entity which will, directly or indirectly, provide such financing or refinancing;

(6) to lend money for its corporate purposes, invest and reinvest its funds, and take and hold property as security for the payment of funds so loaned or invested;
(8) to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets;
(9) to sue and be sued, and plead and be impleaded, in its own name;
(10) to contract for services with engineers, attorneys, accountants, and health care and financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment, and to fix their compensation;
(11) to select its depository or depositories, subject only to the provisions of this Act and any covenants with respect to the bonds issued pursuant to this Act;
(12) to procure and pay premiums on insurance of any type whatsoever, in amounts and from insurers as the Financing Council deems necessary or advisable;
(13) to appoint agents of the Financing Council for such period of time as the Financing Council may determine and define their duties;
(14) to have a corporate seal which may be altered at its pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed on, affixed to, or in any manner reproduced on instruments of any nature required or authorized to be executed by its proper officers;
(15) to make and alter bylaws, not inconsistent with the laws of this state, for the administration and regulation of the affairs of the Financing Council; and
(16) whether included in the foregoing or not, to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the Financing Council is organized. Provided, however, that, the Financing Council shall not be authorized to incur financial obligations under this Act unless payable solely from the proceeds of bonds, revenues derived from the lease or sale of health related equipment or realized from a loan made by the Financing Council to finance or refinance in whole or in part directly or indirectly health related equipment, revenues derived from the operation or ownership of health related equipment, or any other revenues, including insurance proceeds, as may be provided by a participating health care provider, any one or more; provided further, however, that nothing in this Act shall be interpreted to bestow upon the Financing Council the power of taxation, the power of eminent domain, the police power, or any equivalent sovereign power of this state or the Hospital Advisory Council. Nothing in this section grants any authority to officers or trustees of the Financing Council for the exercise of any of the foregoing powers, inconsistent with limitations on any of the same which may be expressly set forth in this Act or in the bylaws or in any other laws of this state. Authority of officers and trustees to act beyond the scope of the purpose or purposes of the Financing Council is not granted by any provisions of this section.

SECTION 8. The Financing Council is not an “agency” as defined in the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon’s Texas Civil Statutes, as amended, and is not subject to the provisions of such Act. The Financing Council is not a political subdivision or body politic of the state, is prohibited from using any money of the state or the Hospital Advisory Council, and, therefore, shall not be subject to public bidding requirements of the state.

SECTION 9. In addition to the other powers and duties of the Financing Council, the Financing Council is specifically authorized to initiate a program of providing health related equipment to be operated by participating health care providers in health facilities located within the state. In this regard, the Financing Council shall be authorized to exercise the following powers:
(1) to establish financial eligibility standards for participating health care providers;
(2) to obtain or aid in obtaining from any department, agency, or instrumentality of the United States or the state or any private company any insurance or guarantee as to, or of, or for the payment or repayment of, loan
payments, rent payments on any lease or principal, redemption premium, or interest, or any part thereof, on any bonds;

(3) to enter into any agreement, contract, or other instrument with respect to any insurance and to accept payment in the event of damage to or destruction of any health related equipment;

(4) to enter into any agreement, contract, or other instrument with respect to any insurance, guarantee, or letter of credit, to accept payment in such manner and form as provided therein in the event of default by a participating health care provider or another entity to which a loan has been made, and to assign any such insurance or guarantee as security for bonds issued by the Financing Council;

(5) to procure letters of credit from any national or state banking association or other entity authorized to issue a letter of credit to secure the payment of any bonds issued by the Financing Council or to secure the payment of any loan, lease, or purchase payment owed by a participating health care provider to the Financing Council, including the power to pay the cost of obtaining such letter of credit;

(6) to enter into an agreement with any entity securing the payment of bonds issued pursuant to this Act, authorizing said entity to approve the participating health care providers that can receive reimbursement for or finance or refinance health related equipment with proceeds from the bonds secured by said entity and to approve any banks, savings and loan associations, or other entities to which the Financing Council may loan its funds to finance or refinance, directly or indirectly, the cost of health related equipment for participating health care providers; and

(7) to loan to any participating health care provider or a bank or savings and loan association or other entity under an installment purchase contract or loan agreement money to reimburse, finance or refinance, directly or indirectly, the cost of specific items of health related equipment for a participating health care provider and to take back a secured or unsecured promissory note evidencing such loan upon such terms and conditions as the Financing Council may approve.

SECTION 10. (a) The Financing Council may employ such experts and agents and may contract with such independent contractors, as it may see fit, and it may delegate to such experts, agents, and independent contractors the power to manage the routine affairs of the Financing Council required or permitted by this Act including the processing of any applications from any health care providers for loans from the Financing Council for the financing of health related equipment and for the lease or purchase from the Financing Council or financing by the Financing Council of health related equipment.

(b) Notwithstanding anything set forth in paragraph (a) of this Section 10 of this Act, the Financing Council shall not delegate to any employee, expert, agent, or other person any of the following specific duties and powers:

(1) the power to issue, sell, and deliver bonds, as more specifically provided elsewhere in this Act; or

(2) the power to establish financial eligibility standards for participating health care providers.

SECTION 11. All expenses of the Financing Council incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability under this Act shall be incurred by the Financing Council beyond the extent to which money shall have been provided under this Act by the sale of bonds or by participating health care providers, except that, for the purposes of meeting the necessary expenses of initial organization and operation of the Financing Council for the period commencing with the organization of the Financing Council and continuing until such a date as the Financing Council derives money from funds provided to it under the authority of this Act, the Financing Council is empowered to borrow such money as the Financing Council may require. Such money borrowed by the Financing Council
shall subsequently be charged to and apportioned among participating health care providers. No expenses of the Financing Council shall be paid by the Hospital Advisory Council and the Hospital Advisory Council and each member shall incur no liability under this Act. The Hospital Advisory Council shall not lend money to the Financing Council.

SECTION 12. (a) The Financing Council is hereby authorized to issue, sell, and deliver its bonds, in accordance with the terms of this Act, for the purpose of paying all or any part of the cost of health related equipment and to make, either directly or indirectly, through banks, savings and loan associations, or other entities, loans to participating health care providers as provided elsewhere in this Act.

(b) The bonds shall be dated, shall bear interest at such rate or rates (fixed or variable), shall mature at such time or times not exceeding 20 years from their date, and may be made redeemable prior to maturity at such price or prices and upon such terms and conditions as may be determined by the Financing Council. The bonds, including any interest coupons to be initially attached thereto, shall be in such form and denomination or denominations and payable at such place or places, and may be executed or authenticated in such manner, as the Financing Council may determine. In cases where any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of and payment for such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery and payment. The bonds may be issued in coupon or in registered form, or both, or may be payable to a specific person, as the Financing Council may determine, and provision may be made for the registration of any coupon bonds as to principal alone, for the conversion of coupon bonds into fully registered bonds without coupons, and for the reconversion into coupon bonds of any fully registered bonds without coupons. The duty of conversion or reconversion may be imposed upon a bank as trustee in a trust agreement.

(c) The principal of and redemption premium, if any, and interest on such bonds shall be payable solely from and may be secured by a pledge of all or any part of the proceeds of bonds, revenues derived from the lease or sale of health related equipment or realized from a loan made by the Financing Council to finance or refinance in whole or in part health related equipment, revenues derived from operating health related equipment, including insurance proceeds, or any other revenues as may be provided by a participating health care provider, or a bank, savings and loan association, or other entity to which a loan is made, any one or more.

(d) The Financing Council shall sell the bonds at such price or prices as it shall determine, at public or private sale. The net effective interest rate, calculated in accordance with Article 717k-2, Vernon's Texas Civil Statutes, as amended, on any bonds may not exceed 15 percent.

(e) The proceeds of the bonds of each issue shall be used solely for the payment of all or part of the cost of, or for the making of a loan in the amount of all or part of the cost of, health related equipment and, at the option of the Financing Council, for the deposit to a reserve fund or reserve funds for the bonds. Such proceeds shall be disbursed in such manner and under such restrictions, if any, as may be determined by the Financing Council. The Financing Council shall be paid, out of money from the proceeds of the sale and delivery of its bonds issued in accordance with this Act, an amount of money equal to all of the Financing Council's out-of-pocket expenses and costs in connection with the issuance, sale, and delivery of such bonds, including, without limitation, all financing, legal, financial advisory, printing, and other expenses and costs in issuing such bonds, plus an amount of money equal to the compensation paid to the employees, if any, of
the Financing Council for the time such employees have spent on activities relating to the issuance, sale, and delivery of such bonds.

(f) Any bond resolution or related trust agreement, trust indenture, indenture of mortgage or deed of trust may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (1) pledging or assigning the revenues generated by health related equipment, or pledging or assigning the mortgage, lease, or other security given or to be given by participating health care providers (whether or not identified at the time of issuance of such bonds) with respect to which such bonds are to be issued or other specified revenues of the Financing Council; (2) the rentals, fees, and other amounts to be charged, the schedule of principal payments, and the sums to be raised in each year thereby, and the use, investment, and disposition of such sums; (3) setting aside the reserves of sinking funds, and the regulation, investment, and disposition thereof; (4) limitations on the use of health related equipment financed or to be financed by the proceeds of the sale of such bonds; (5) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds; (7) the refunding of outstanding bonds; (8) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amounts of bonds the holders of which must consent thereto, the manner in which such consent may be given and restrictions on the individual rights of action by bondholders; (9) omissions which shall constitute a default in the duties of the Financing Council to holders of its bonds and providing the rights and remedies of such holders in the event of default; and (10) any other matters relating to the bonds which the Financial Council deems desirable. In addition to the foregoing, bonds of the Financing Council may be secured by a pooling of leases, of loan agreements, or of mortgages or other securities (whether or not such leases, loan agreements, or mortgages or other securities exist at the time of sale and delivery of such bonds or are agreed to by the Financing Council or granted to the Financing Council (thereafter) whereby the Financing Council may assign its rights, as lessor, and pledge rents under two or more leases of health related equipment with two or more participating health care providers, as lessees, or assign its rights, as lender, and pledge loan payments under two or more loan agreements relating to two or more items of health related equipment with two or more participating health care providers, as borrowers, or assign its rights as mortgagee and pledge mortgages from two or more participating health care providers, banks, savings and loan associations, or other entities, upon such terms as may be provided for in bond resolutions or other instruments under which such bonds are issued.

(h) Neither the trustees nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of issuance thereof.

(i) Prior to the preparation or issuance of definitive bonds, the Financing Council may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Such interim receipts or temporary bonds shall be for a maximum term of three years.

(j) The Financing Council shall have the power to purchase its bonds out of any available funds thereof. The Financing Council may hold, pledge, cancel, or resell such bonds subject to and in accordance with the resolution or trust indenture relating to such bonds.

(k) All bonds and appurtenant interest coupons, if any, shall be deemed to be "securities" within the meaning of Chapter 8, Texas Uniform Commercial Code, notwithstanding anything in Section 8.102 thereof to the contrary.
SECTION 13. The Financing Council is hereby authorized to issue, sell, and deliver its bonds for the purpose of refunding any bonds of the Financing Council then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The issuance of such bonds, the maturities and other terms thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Financing Council in respect thereof shall be governed by the provisions of this Act insofar as the same shall be applicable. Within the discretion of the Financing Council, such refunding bonds may be issued in exchange or substitution for outstanding bonds or may be sold and the proceeds used for the purpose of paying or redeeming outstanding bonds.

SECTION 14. Bonds issued under the provisions of this Act, and coupons, if any, representing interest thereon, shall be exempt securities under The Securities Act, Article 581-1, et seq., Vernon's Texas Civil Statutes, as amended. A lease agreement, sales agreement, or other contract under this Act shall not be a security within the meaning of The Securities Act.

SECTION 15. (a) The Financing Council's bonds issued under the provisions of this Act shall not constitute obligations of the Hospital Advisory Council, the Texas Department of Health, the state or any political subdivision or agency thereof or a pledge of the faith and credit of any of them. The issuance of bonds under the provisions of this Act shall not, directly or indirectly or contingently, obligate the state or any political subdivision or agency thereof to levy any form of taxation therefor or to make any appropriation for their payment. All bonds issued by the Financing Council pursuant to the provisions of this Act are payable and shall state that they are payable solely from the funds pledged for their payment in accordance with the resolution authorizing their issuance or of any trust indenture or mortgage or deed of trust executed as security therefor.

(b) Each bond of the Financing Council shall contain on its face a statement to the effect that (i) the state is not obligated to pay the principal of and redemption premium, if any, or interest on such bond and (ii) neither the faith and credit nor the taxing power of the state is pledged, given, or loaned to such payment.

(c) The state hereby pledges to and agrees with the holders of any bonds issued under this Act that the state will not limit or alter the rights hereby vested in the Financing Council to fulfill the terms of any agreements made with the said holders thereof or in any way impair the rights and remedies of such holders until such bonds, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders are fully met and discharged. The Financing Council is authorized to include this pledge and undertaking for the state in any agreement with the holders of such bonds.

SECTION 16. (a) This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient within itself for the creation of the Financing Council authorized herein and all actions by the Financing Council authorized hereby without reference to any other general or special laws or specific acts or any restrictions contained therein; and in any case, to the extent of any conflict or inconsistency between any provisions of this Act and any other provisions of law, this Act shall prevail and control; provided, however, that the Financing Council shall have the right to use the provisions of any other laws not in conflict with the provisions hereof to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

(b) Notwithstanding any provision of this Act, nothing in this Act shall exempt the Financing Council or any participating health care provider from compliance with the Texas Health Planning and Development Act, Article 4418h, Vernon's Texas Civil Statutes, as amended.
SECTION 17. Any health related equipment, including any leasehold estate therein, owned by the Financing Council which would otherwise be taxable to the Financing Council under the provisions of the Property Tax Code but for the purposes and non-profit nature of the Financing Council shall be assessed to the participating health care provider using such health related equipment or, if more than one such participating health care provider exists, to such providers in proportion to the value of the rights of such providers to use such health related equipment, all to the same extent and subject to the same exemptions from taxation, if any, as if such health related equipment were owned by such participating health care provider or providers. Each participating health care provider shall be considered to be the owner of any health related equipment being used by such participating health care provider for the purposes of taxes levied or imposed by this state or any political subdivision of this state. It is hereby declared as a matter of public policy that the Financing Council shall be engaged exclusively in the performance of charitable functions and shall be exempt from all taxation by this state and every municipal corporation and political subdivision hereof. All bonds issued by the Financing Council hereunder, their transfer, the interest thereon, and any profits from the sale or exchange thereof shall at all times be free from taxation by this state or any municipal corporation or political subdivision hereof.

SECTION 18. Chapter 151, Tax Code, is amended by adding a Section 151.3131 to read as follows:

"Section 151.3131. TEXAS HOSPITAL EQUIPMENT FINANCING COUNCIL. There are exempted from the taxes imposed by this chapter the receipts from the sale, lease, or rental of any taxable items to or the storage, use, or other consumption of taxable items by the Texas Hospital Equipment Financing Council if the items are for the exclusive use and benefit of the council. The exemption provided by this section does not apply to an item that is to be leased, sold, or lent by the council."

SECTION 19. Unless the bonds issued under this Act are ineligible for investments in accordance with the criterion established in other statutes, rulings, or regulations of the state or the United States, then the bonds issued under this Act shall be and are hereby declared to be legal and authorized investments for any banks; savings banks; trust companies; building and loan associations; insurance companies; fiduciaries; trustees and guardians; and sinking funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the state. Such bonds shall be eligible to secure the deposit of any and all public funds of the state and any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the state, and they shall be lawful and sufficient security for said deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

SECTION 20. The Financing Council may provide procedures for the replacement of any mutilated, lost, stolen, or destroyed bond or interest coupon.

SECTION 21. No trustee or employee of the Financing Council shall have any direct or indirect financial interest in any bond issue or in any transaction pursuant to this Act to which the Financing Council is a party.

SECTION 22. No person in the state shall, on the grounds of race, color, religion, national origin, age, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

SECTION 23. This Act shall be construed liberally to effect the legislative intent and the purposes of this Act, and all powers herein granted shall be broadly interpreted to effect such intent and purposes and not as a limitation of powers.
SECTION 24. No lease, sale, or other transaction involving any health related 
equipment shall be eligible for financing under this Act until the participating health 
care provider complies with the requirements, if any, of the Texas Health Planning 
and Development Act, Article 4418h, Vernon’s Texas Civil Statutes, as amended.

SECTION 25. Any security interest granted by the Financing Council may 
be perfected in the manner and with the effect specified in Chapter 9, Texas 
Uniform Commercial Code, as amended, any provision in Section 9.104 of such 
Code to the contrary notwithstanding.

SECTION 26. (a) The Financing Council shall be a non-profit public benefit 
corporation, and no part of its net earnings remaining after its bonds and its 
expenses have been paid shall inure to the benefit of any person other than the state.
(b) The legislature may, in its sole discretion and at any time, alter the 
structure, organization, programs or activities of the Financing Council, subject 
only to any limitation provided by the Constitution and the laws of the state and 
of the United States relating to the impairment of contracts entered into by the 
Financing Council. Representatives of the Hospital Advisory Council shall have 
access at any time to all books and records of the Financing Council.
(c) Whenever all bonds and obligations of the Financing Council have been 
paid and discharged, or adequate provision has been made therefor, the legislature 
may dissolve the Financing Council.
(d) Whenever dissolution of the Financing Council occurs the title to all funds 
and properties then owned by the Financing Council shall automatically vest in the 
state without any further conveyance, transfer, or act of any kind whatsoever.
(e) The dissolution of the Financing Council shall not take away or impair 
any remedy available to or against the Financing Council or its trustees or officers 
for any right or claim existing, or any liability incurred, prior to such dissolution 
if action or other proceeding thereon is commenced within three years after the date 
of such dissolution. Any such action or proceeding by or against the Financing 
Council may be prosecuted or defended by the Financing Council in its corporate 
name. The trustees and officers shall have the power to take such corporate or other 
action that shall be appropriate to protect such remedy, right, or claim.

SECTION 27. Whenever any notice is required to be given to any trustee 
under the provisions of this Act or under the provisions of the bylaws, a waiver 
thereof in writing signed by the person or persons entitled to such notice, whether 
before or after the time stated therein, shall be equivalent to the giving of such 
notice.

SECTION 28. In case any one or more of the sections, provisions, clauses, 
or words of this Act or the application of such sections, provisions, clauses, or words 
to any situation or circumstance shall for any reason be held to be invalid or 
unconstitutional, such invalidity or unconstitutionality shall not affect any other 
sections, provisions, clauses, or words of this Act or the application of such sections, 
provisions, clauses, or words to any other situation or circumstance. it being 
intended that this Act shall be severable and shall be construed and applied as if any 
such invalid or unconstitutional section, provision, clause, or word has not been 
included herein.

SECTION 29. There is an urgent need to promote the present and 
prospective health, safety, and general welfare of the people of this state, and the 
promotion of new and expanded methods of providing health related equipment 
creates an emergency and an imperative public necessity that the constitutional rule 
requiring bills to be read on three several days in each house be suspended, and such 
rule is hereby suspended and this Act shall take effect and be in force from and after 
its passage, and it is so enacted.

CSSB 752 was read second time.
Representative Jackson offered the following amendment to CSSB 752:

Amend CSSB 752 on page 6, line 20 by striking "profit or non-profit," and substituting "nonprofit".

(T. Smith in the chair)
(Speaker in the chair)

The Jackson amendment failed of adoption.

Representative Messer offered the following amendment to CSSB 752:

Amend CSSB 752 by deleting Section 7(1) on pages 12 and 13 of the House Committee Substitute and substitute the following:

"(1) to provide, or cause to be provided by a participating health care provider, by acquisition, lease, fabrication, repair, reconditioning, or installation, one or more items of health related equipment to be located within a health facility in this State, provided, however, that if such health facility is located within the limits of a sponsoring entity, as such term is defined in Article 1528j, Vernon's Texas Civil Statutes, which has created a health facilities development corporation under Article 1528j, then the Financing Council may exercise such power within the limits of such sponsoring entity only with the consent of the health facilities development corporation thus created and of each sponsoring entity which has theretofore authorized said health facilities development corporation to conduct activities within its limits in accordance with Sec. 4.01(1) of Article 1528j."

The Messer amendment failed of adoption.

CSSB 752 was passed to third reading. (Hanna, Craddick, Watson, Jackson, Geistweidt, DeLay, A. Smith, Fox, and Schlueter recorded voting no)

SB 1287 ON SECOND READING

(Simpson - House Sponsor)

The speaker laid before the house, as postponed business, on its second reading and passage to third reading, the complete committee substitute for SB 1287.

The bill was on the calendar earlier today and was postponed until 3:30 p.m. today.

CSSB 1287

A BILL TO BE ENTITLED
AN ACT
relating to the coverage for mental and emotional illness and disorders in certain accident and sickness insurance policies.

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

SECTION 1. Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3.70-2, Vernon's Texas Insurance Code), is amended by adding Subsection (F) to read as follows:

(F) A group policy of accident and sickness insurance delivered or issued for delivery to a person in this state including a group policy issued by a company subject to Chapter 20 or Chapter 20A, Texas Insurance Code, that provide coverage for treatment of mental or emotional illness or disorder for a person when confined in a hospital must also provide that coverage which is not less favorable shall be applicable for treatment under the direction and continued medical supervision of a Doctor of Medicine or Doctor of Osteopathy in a psychiatric day treatment facility that provides organizational structure and individualized treatment plans separate from an in-patient program; subject to the same durational limits, deductibles and
coinsurance factors. Any benefits so provided shall be determined as if necessary
care and treatment in a psychiatric day treatment facility were in-patient care and
treatment in a hospital, and each full day of treatment in a psychiatric day treatment
facility shall be considered equal to one-half of one day of treatment of mental or
emotional illness or disorder in a hospital or in-patient program for the purpose of
determining policy benefits and benefit maximums. An insurer shall offer and the
policyholder shall have the right to reject such coverage for treatment of mental or
emotional illness or disorder or may select an alternative level of benefits thereunder
if such coverage is offered by or negotiated with such insurer, service plan
corporation or health maintenance organization; provided, however, any such
alternative level of benefits shall provide policy benefits and benefit maximums for
treatment in psychiatric day treatment facilities equal to at least one half of that
provided for treatment in hospital facilities. Any such policy may require that the
treatment must be provided by a day treatment facility that treats a patient for not
more than eight hours in any 24-hour period, that the attending physician certifies
that such treatment is in lieu of hospitalization, and that the psychiatric treatment
facility is accredited by the Program for Psychiatric Facilities, or its successor, of the
Joint Commission on Accreditation of Hospitals. For the purpose of this subsection
a psychiatric day treatment facility is a mental health facility which provides
treatment for individuals suffering from acute, mental and nervous disorders in a
structured psychiatric program utilizing individualized treatment plans with specific
attainable goals and objectives appropriate both to the client and the treatment
modality of the program and that is clinically supervised by a Doctor of Medicine
who is certified in psychiatry by the American Board of Psychiatry and Neurology.

SECTION 2. This Act applies only to policies delivered or issued for delivery
to a group policyholder in this state on or after January 1, 1984. A policy delivered
to a group policyholder before January 1, 1984, is governed by the law in effect at
the time the policy was delivered, and that law is continued in effect for that
purpose.

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.

CSSB 1287 was read second time.

Representative Simpson offered the following amendment to CSSB 1287:

1. Amend CSSB 1287 by deleting the word “provide” on line 12, page 1 and
substituting in lieu thereof, the word “provides”.

2. Amend CSSB 1287 by adding after the word “disorder” on line 5, page
2 the following:
“when confined in a hospital or in a psychiatric day treatment
facility”.

3. Amend CSSB 1287 by adding commas after the word “coverage” on line
14, page 1 and after the word “favorable” on line 15, page 1.

The amendment was adopted without objection.

Representative Gavin offered the following amendment to CSSB 1287:

Amend CSSB 1287 on line 24 by striking the word “client” and inserting in
lieu thereof the word “patient”.

The amendment was adopted without objection.

Representative Gavin offered the following amendment to CSSB 1287:
Amend CSSB 1287 on page 2, line 12, by inserting after the word “facilities” the following:

“but not to exceed the usual and customary charge of the psychiatric day treatment facility.”

The amendment was adopted without objection.

Representative Gavin offered the following amendment to CSSB 1287:

Amend CSSB 1287 on page 1, line 14, by adding a “comma” after the word “provide” and insert between such “comma” and the word “that” the following: “unless rejected by the policyholder,”

and on page 2, line 5, after the word “for” and before the word “treatment” insert the following: “psychiatric day”.

(Bomer in the chair)

Representative Simpson moved to table the Gavin amendment.

A record vote was requested.

The motion to table prevailed by (Record 504): 91 Yeas, 47 Nays, 1 Present, not voting.

Yea — Agnich; Arnold; Barrientos; Barton, B.; Blanton; Buchanan; Cain; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Crockett; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, L.; Gamez; Gandy; Garcia, M.; Geistweidt; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley; Hall, W.; Hammond; Harrison, D.; Heflin; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, S.; Jackson; Jones; Khoury; Kuempel; Laney; Lee, E. F.; McKenna; McWilliams; Madla; Martinez, W.; Messer; Moreno, A.; Moreno, P.; Oliveira; Oliver; Peveto; Pierce; Polk; Prensal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Tejeda; Turner; Uher; Valles; Vowell; Waldrop; Whaley; Willis; Wilson; Word.

Nay — Armbrister; Barton, E.; Bomer(C); Burnett; Carriker; Craddick; Criss; Danburg; Edwards; Evans, C.; Finnell; Fox; Garcia, A.; Gavin; Hackney; Hall, L.; Hall, T.; Hanna; Harrison, W.; Hightower; Hollowell; Hudson, D.; Keller; Kemp; Kubiak; Lee, D.; Luna; Mankins; Martinez, R.; Parker; Patrick; Patronella; Patterson; Pennington; Polumbo; Price; Salinas; Saunders; Smith, C.; Sutton; Thompson, S.; Toomey; Tow; Wallace; Watson; Wieting; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Cavazos; Wright.

Absent — Berlanga; Busby; Cary; Gibson, B.; Gibson, J.; Hury; Leonard; Millsap; Thompson, G.

STATEMENT BY REPRESENTATIVE DANBURG

My vote on the motion to table on record vote No. 504 was inadvertently shown as no. My intent was to vote yes.

Danburg
MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SCR 131 by Glasgow, authorizing the conference committee that is finally considering Senate Bill 1 by Senator Sarpalius to amend Section 3 of the bill, Article 6701-1, Subsection 2, V.T.C.S.

SJR 28 by Montford, proposing a constitutional amendment to prohibit a member of the legislature from benefiting from a state or county contract with a business in which the member has a substantial interest.

SB 825 by Montford, relating to a prohibition of certain contracts by members of the legislature.

Respectfully,
Betty King
Secretary of the Senate

CSSB 1287 - (consideration continued)

CSSB 1287, as amended, was passed to third reading. (Craddick, Hanna, E. Barton, and Watson recorded voting no)

(Speaker in the chair)

(Speaker in the chair)

SB 385 ON SECOND READING
(Madla - House Sponsor)

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

SB 385, A bill to be entitled An Act relating to prehospital and emergency medical services; providing penalties; amending Chapter 636, Acts of the 63rd Legislature, Regular Session, 1973 (Article 44470, Vernon's Texas Civil Statutes); and repealing Chapter 360, Acts of the 48th Legislature, Regular Session, 1943 (Article 4590b, Vernon's Texas Civil Statutes).

The bill was read second time.

Representative Madla offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 385 on page 11, line 2, by inserting between the "(a)" and "The" the following:

"A person may not operate or cause to be operated an emergency medical services vehicle unless the vehicle is permitted and staffed by emergency medical services personnel in accordance with this Act. A person may not practice as emergency medical services personnel unless the person is certified in accordance with this Act and rules adopted under this Act."

Committee Amendment No. 1 was adopted without objection.
Representative Madia offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 2**

Amend SB 385 on page 15, line 10 by deleting the word “may” and inserting in lieu thereof “are appropriated to the department to”.

Committee Amendment No. 2 was adopted without objection.

Representative Madia offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 3**

Amend subdivision (3) of subsection (a) of Section 3.02 of SB 385 to read as follows:

“(3) minimum standards for medical supervision of advanced life support systems by a licensed physician under the terms of the Medical Practice Act (Article 4495b, Vernon’s Texas Civil Statutes) and rules promulgated by the Texas State Board of Medical Examiners pursuant to the terms of the Medical Practice Act.”

Committee Amendment No. 3 was adopted without objection.

Representative Madia offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 4**

Amend SB 385 as follows:

1) On Page 4, line 18, delete “ground”, all of line 19, and on line 20, the words “transfer of the unstable urgently sick or injured,” and the word “other”.

2) On page 5 after line 23, add the following new definition:

“(23) ‘Industrial ambulance’ means any vehicle owned and operated by an industrial facility including both ground vehicles at industrial sites used for the initial transport or transfer of the unstable urgently sick or injured and ground vehicles at industrial sites used to transport persons at those sites who become sick, injured, wounded, or otherwise incapacitated in the course of their employment from job site to an appropriate medical facility; provided, however, that the vehicle is not available for hire or use by the general public except when assisting the local community in disaster situations or when existing ambulance service is not available.”

3) On Page 12, line 6, between the words “residence” and “are”, add “and industrial ambulances”.

Committee Amendment No. 4 was adopted without objection.

Representative Madia offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 5**

Amend SB 385 on page 6, by striking line 6 and substituting the following: medical services. In filling the position of bureau chief, a preference shall be given to any applicant for the position who is a physician.

Committee Amendment No. 5 was adopted without objection.

Representative Eikenburg offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 6**

Amend Section 3.18 of SB 385 to read as follows:

“Sec. 3.18. APPLICABLE STANDARD OF CARE. No person, agency, organization, institution, corporation, or entity of State or local government that
sponsors, participates in, authorizes, supports, finances, or supervises the functions of emergency medical services personnel certified and authorized pursuant to this Act, including advanced life support personnel themselves, shall be liable for any civil damages for any act or omission in connection with sponsorship, participation, authorization, support, finance, or supervision of such emergency medical services activities or personnel, where the act or omission occurs in connection with their training or with any services rendered to a patient or potential patient unless the act or omission was the result of gross negligence or willful misconduct. The limited immunity provided in this section shall be in addition to any other immunity or defense otherwise provided by law.”

Representative Granoff moved to table the Eikenburg amendment.

The motion to table prevailed.

Representative Wright offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 7

Amend SB 385, on page 21, line 8, by striking “or in Travis County”.

Committee Amendment No. 7 was adopted without objection.

Representative Wright offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 8

Amend SB 385 on page 19, by striking lines 2-7 and substituting the following:

“(e) For the purposes of this section, a municipally operated emergency medical service that provides emergency prehospital care with the same personnel who provide fire or police services and that was in existence on January 1, 1983, is considered to be the equivalent of an emergency medical services volunteer provider.”

Committee Amendment No. 8 was adopted without objection.

Representative Schoolcraft offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 9

Amend SB 385 on page 14, between lines 24 and 25, by inserting the following:

“(g) The board shall exempt from the payment of fees under this section all individuals who actively participate in the operations of an emergency medical services volunteer provider.”

Committee Amendment No. 9 was adopted without objection.

Representative Robinson offered the following amendment to the bill:

Amend SB 385 on page 21, between lines 17 and 18, by inserting Section 3.161 to read as follows:

Sec. 3.161. TEMPORARY CEILING ON FEES IN CERTAIN COUNTIES. (a) Before the fiscal year beginning September 1, 1985, in a county with a population of 20,000 or less according to the most recent federal census the total of fees collected for certification of volunteer services may not exceed $50.

(b) This section expires September 2, 1985.

The amendment was adopted without objection.

SB 385, as amended, was passed to third reading. (Robinson, Khoury, Clark, Saunders, Kuempel, Wieting, Uher, Laney, Fox, and Heflin recorded voting no)
HB 1754 ON THIRD READING

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

HB 1754, A bill to be entitled An Act relating to the authority of governmental entity to negotiate a contract for insurance coverage.

The bill was on the calendar on May 23 and was postponed until 3 p.m. today.

The bill was read third time.

Representative Cary offered the following amendment to the bill:

Amend HB 1754 on page 1, lines 8 and 9 by striking “state agency, political subdivision, county, municipality, district, authority, or publicly owned utility” and substitute “county, municipality, or school district”.

The amendment was adopted without objection.

A record vote was requested.

HB 1754, as amended, failed to pass by (Record 505): 27 Yeas, 105 Nays.

Yeas — Burnett; Carriker; Cary; Connelly; Criss; Davis; Eckels; Edwards; Emmett; Evans, C.; Gavin; Harrison, D.; Hellin; Hill, P.; Kuempel; Laney; Oliveira; Oliver; Patrick; Robnett; Shea; Simpson; Sutton; Thompson, G.; Uher; Wilson; Word.

Nays — Agnish; Armbrister; Arnold; Barrientos; Barton, E.; Blanton; Bomer; Buchanan; Bush; Cavazos; Ceverta; Clark; Clemens; Colbert; Collazo; Coody; Craddock; Crockett; Danburg; DeLay; Delco; Denton; Ekenburg; English; Evans, L.; Finnell; Fox; Gamez; Garcia, A.; Garcia, M.; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hanna; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hinjosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubialik; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Parker; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Pressnail; Price; Rangel; Rudd; Russell; Salinas; Saunders; Schlueter; Schoenclaff; Shaw; Short; Smith, C.; Stanislawski; Stiles; Tejeda; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Wolens.

Present, not voting — Mr. Speaker(C); Barton, B.; Cain; Grisham; Ragsdale; Willis.

Absent, Excused — Wright.

Absent — Berlanga; Gandy; Gibson, J.; Hall, W.; Hammond; Jones; Peveto; Robinson; Smith, A.; Smith, T.; Thompson, S.

SB 635 ON SECOND READING

(C. Evans - House Sponsor)

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

SB 635, A bill to be entitled An Act relating to the prohibition of certain discrimination against physicians on the basis of academic medical degree; amending Section 1.02, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).
The bill was read second time.

Representative Millsap offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 635, page 4, by striking the sentence at lines 18-21 and substituting the following:
The provisions contained herein relating to the academic medical degree shall not be applicable to any medical school or college, [on] any programs of a medical school or college, or to any office or offices of physicians singularly or in groups in the conduct of their profession.

Committee Amendment No. 1 was adopted without objection.

Representative Millsap offered the following amendment to the bill:

Amend SB 635 by striking on page 3 line 23, and page 4 line 3 the word "facility" and "facilities" respectively.

The amendment was adopted without objection.

SB 635, as amended, was passed to third reading. (Ceverha, Fox, and C. Smith recorded voting no)

SJR 22 ON SECOND READING
(Messer - House Sponsor)

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

SJR 22, A joint resolution proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled.

A record vote was requested.

The resolution was read second time and was adopted by (Record 506): 106 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Armbrister: Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Clemons; Colbert; Collazo; Coody; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; Ekenburg; English; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Geistweit; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, S.; Kemp; Kubiak; Lancy; Lee, E. F.; Leonard; Luna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Peveto; Polk; Polombo; Presnal; Price; Ragsdale; Rangel; Rudd; Russell; Salinas; Saunders; Schlueter; Shaw; Shea; Short; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Agnich; Buchanan; Ceverha; Clark; Connelly; Craddick; Criss; Eckels; Emmett; Fox; Hanna; Harrison, D.; Heflin; Hilbert; Hudson, D.; Hur; Jackson; Jones; Keller; Khoury; Kuempel; Lee, D.; McKenna; Patrick; Pennington; Pierce; Robinson; Robnett; Schoolcraft; Simpson; Smith, A.; Smith, C.; Staniswalis; Toomey; Uher; Vowell.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.
Absent — Evans, C.; Garcia, M.; Haley; Horn; Smith, T.; Turner.

HR 486 - ADOPTED

The speaker laid before the house the following resolution:

By Presnal:

HR 486

BE IT RESOLVED by the House of Representatives of the State of Texas, That House Rule 14, Chapter C, Sections 9(a) and (b), be suspended in part to enable consideration of, and action on, the following specific matter which may be contained in the conference committee report on Senate Bill 179:

1. That the conference committee members from the house of representatives be allowed to adjust the estimated rate of inflation applied to common objects of expense and items of appropriation of state agencies and institutions of higher education as follows:

   1. In Article I, provide for a two percent reduction in the estimated rate of inflation as applied to nonsalary, nonconstruction items (as was the policy in the house bill), not including items where statutory provisions or funding constraints preclude the implementation of such action;

   2. In Article II, provide for a two percent reduction in the estimated rate of inflation as applied to nonsalary, nonconstruction items (as was the policy in the house bill), not including items where statutory provisions or funding constraints preclude the implementation of such action;

   3. In Article III, provide for an estimated rate of inflation of three percent each year for general academic teaching institutions. With regard to medical schools, provide an estimated rate of inflation of five percent each year for departmental operations and three percent in 1984 and 3.3 percent in 1985 for administrative functions. With regard to public junior colleges, provide for an estimated rate of inflation of four percent each year. For all other agencies, utilize the estimated rates of inflation as reflected in the house or senate version.

Suspension of this limitation is necessary in order to clearly identify the remaining issues which are outside existing conference committee limitations.

A record vote was requested.

The resolution was adopted by (Record 507): 132 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceaverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrsion, W.; HeUin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; SCHOOLcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalsi; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.
May 25, 1983

Nays — Barrientos; Barton, B.; Crockett; García, M.; Glossbrenner; Moreno, P.; Ragasdale; Rangel.

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

Absent, Excused — Wright.

Absent — Berlanga; Granoff; Green; Hernandez; Hury; Robinson; Smith, T.

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

SJR 40 ON SECOND READING

(Gavin - House Sponsor)

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

SJR 40, A joint resolution proposing a constitutional amendment to authorize the issuance of an additional $300 million of Texas Water Development Bonds.

The resolution was read second time.

Representatives Craddick, Staniswalis, and Tov offered the following amendment to the resolution:

Amend SJR 40 by striking all below the resolving clause and substituting the following:

SECTION 1. That Article III of the Texas Constitution be amended by adding Sections 49-d-2, 49-d-3, and 49-d-4 to read as follows:

Sec. 49-d-2. (a) The Texas Water Development Board may issue additional Texas Water Development Bonds up to an additional aggregate principal amount of $300 million. Of the additional bonds authorized to be issued, $150 million of those bonds are dedicated for use for the purposes provided by Sections 49-c and 49-d of this article, and the other $150 million of the additional bonds are dedicated for use for the purposes provided by Section 49-d-1 of this article.

(b) The Texas Water Development Board shall issue the additional bonds authorized by this section for the terms, in the denominations, form, and installments, on the conditions, and subject to the limitations provided by Sections 49-c, 49-d, and 49-d-1, of this article, and by laws adopted by the legislature implementing those sections.

(c) Proceeds from the sale of the bonds authorized by this section shall be deposited in the Texas Water Development Fund to be administered and invested as provided by law.

(d) Financial assistance made available for the purposes provided by this section is subject only to availability of funds. The requirement of Section 49-c of this article that financial assistance terminate on December 31, 1982, does not apply to financial assistance made available under this section.

(e) Bonds issued under this section shall bear interest as provided by Section 65 of this article.

Section 49-d-3. (a) The legislature by law may create one or more special funds in the state treasury for use for or in aid of water development, water conservation, water quality enhancement, or flood control and drainage or any combination of those purposes and shall provide the manner in which deposits will be made to each special fund, the purposes for which each special fund may be used, and the manner and procedure for making money in each special fund available for use for those purposes.

(b) The legislature by law may make money in a special fund available for use for the purposes for which the fund was created by grants, loans, or any other means and may appropriate money to any of the special funds to carry out the purposes of this section.
(c) The legislature by law may provide that appropriations to a special loan fund are not considered appropriations for the purposes of Article VIII, Section 22(a), of this constitution. Loans made from appropriations to a special loan fund under this section shall be repaid with interest to the general revenue fund.

(d) Money deposited in a special fund created under this section may not be used to finance or aid any project that contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable water requirements for the next ensuing 50-year period within the river basin of origin, except on a temporary, interim basis.

Section 49-d-4. (a) In addition to other programs authorized by this constitution, the legislature by law may provide for the creation, administration, and implementation of a bond insurance program to which the state pledges its general credit in an amount not to exceed $250 million to insure the payment in whole or in part of the principal of and interest on bonds or other obligations that are issued by cities, special governmental districts and authorities, and other political subdivisions of the state for use for or in aid of water development, water conservation, or water quality enhancement.

(b) The legislature by law shall designate the state agency to administer the bond insurance program and may authorize that agency to execute insurance contracts that bind the state to pay the principal of and interest on the bonds if the bonds are in default or the bonds are subject to impending default, subject to the limits provided by this section and by law.

(c) The payment by the state of any insurance commitment made under this section must be made from the first money coming into the state treasury that is not otherwise dedicated by this constitution.

(d) Notwithstanding the total amount of bonds insured under this section, the total amount paid by the state under this section, excluding the costs of administration, may not exceed $250 million.

(e) The legislature by law shall establish the ratio of bonds insured to the total liability of the state.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6, 1984. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the issuance of an additional $300 million of Texas Water Development Bonds and to create special water funds for water development, water conservation, water quality enhancement, and flood control and drainage and a bond insurance program for water development, water conservation, and water quality enhancement."

The amendment was adopted without objection.

A record vote was requested.

SJR 40, as amended, was adopted by (Record 508): 137 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Collazo; Connell; Coody; Craddick; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams;
The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SJR 1.

CSSJR 1, A joint resolution proposing a constitutional amendment to authorize taxing units to exempt from taxation the property of certain veterans' organizations and certain property of fraternal organizations.

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

SECTION 1. That Article VIII, Section 2, of the Texas Constitution be amended by adding Subsections (c) and (d) to read as follows:

"(c) The governing body of a political subdivision may exempt from ad valorem taxation property of veterans' organizations that are chartered by the United States Congress, composed of members or former members of the armed forces of the United States, and organized for patriotic and public service purposes, including the American Legion, Veterans of Foreign Wars, and Disabled American Veterans.

"(d) The governing body of a political subdivision may exempt from ad valorem taxation the property of fraternal organizations that are organized to perform and are primarily engaged in performing charitable and benevolent functions. The legislature by general law may limit the types or amount of property that may be exempted under this subsection and may provide eligibility requirements for an organization to receive an exemption under this subsection."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the legislature to exempt from taxation the property of certain veterans' organizations and to authorize taxing units to exempt from taxation certain property of fraternal organizations."

A record vote was requested.

CSSJR 1 was read second time and was adopted by (Record 509): 135 Yeas, 5 Nays, 1 Present, not voting.

Yea - Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez;
SB 671 ON THIRD READING
(Kuempel - House Sponsor)

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

SB 671, A bill to be entitled An Act relating to the authority of a city, town, or village to make an agreement or contract with a conservation and reclamation district for the purchase of hydroelectric power or energy.

A record vote was requested.

The bill was read third time and was passed by (Record 510): 136 Yeas, 3 Nays, 1 Present, not voting.
Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Bianton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Tejeda; Thompson, G.; Thompson, S.; Toomey; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Kuempel; Rudd; Smith, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Cary; Craddick; English; Gibson, B.; Gilley; Parker; Sutton; Tow; Vowell.

On motion of Representative Kuempel and by unanimous consent, the caption of SB 800 was ordered amended to conform to the body of the bill.

STATEMENT BY REPRESENTATIVE KUEMPEL

My machine malfunctioned and registered a no vote when it should have been a yes vote on Record Vote 510.

Kuempel

SB 1019 ON THIRD READING
(Barrientos - House Sponsor)

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

SB 1019, A bill to be entitled An Act relating to prohibiting staff of a general hospital from certain discriminatory practices in providing emergency diagnoses and services; requiring written notice of the provisions of this Act be given appropriate personnel by a hospital; providing penalties; amending Chapter 495, Acts of the 64th Legislature, Regular Session, 1975 (Article 4438a, Vernon's Texas Civil Statutes), by amending Sections 1, 2 and 3 and by adding Section 4.

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

SB 138 ON THIRD READING
(Criss - House Sponsor)

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

SB 138, A bill to be entitled An Act relating to costs imposed on criminal convictions for the purpose of funding the Compensation to Victims of Crime Fund.
The bill was read third time and was passed. (P. Hill and Shea recorded voting no)

On motion of Representative Criss and by unanimous consent, the caption of SB 138 was ordered amended to conform to the body of the bill.

**SB 118 ON THIRD READING**
(Kubiak - House Sponsor)

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

**SB 118**, A bill to be entitled An Act relating to the reorganization of the 20th and 82nd Judicial Districts; amending Subdivisions 20 and 82, Article 199, Revised Statutes, as amended.

The bill was read third time and was passed.

**SB 129 ON THIRD READING**
(T. Hall - House Sponsor)

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

**SB 129**, A bill to be entitled An Act relating to benefits from the Employees Retirement System of Texas and increasing benefits for elected class service; amending Section 24.102; Subsection (b), Section 24.103; Section 24.104; and Subsection (a), Section 24.202, Title 110B, Revised Statutes.

The bill was read third time and was passed. (Green, P. Hill, Shea and Ceverha recorded voting no)

**SB 216 ON THIRD READING**
(Danburg - House Sponsor)

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

**SB 216**, A bill to be entitled An Act relating to licenses and permits and to license fees, user fees, penalties, and other charges connected with the duties, services, and functions of the Parks and Wildlife Department: amending the Parks and Wildlife Code, as amended, by amending Subsections (a) and (b), Section 31.026; Section 31.030; Subsection (c), Section 31.037; Subsection (b), Section 31.041; Subsection (b), Section 31.043; Subsection (a), Section 31.048; Section 42.012; Section 42.013; Subsection (d), Section 42.017; Section 43.003; Subsection (a), Section 43.012; Section 43.044; Subsection (c), Section 43.072; Section 43.202; Section 43.253; Subsection (a), Section 43.256; Section 44.003; Section 45.003; Subsection (a), Section 46.004; Subsection (b), Section 46.005; Subsection (b), Section 46.006; Subsection (b), Section 46.104; Subsections (b) and (c), Section 47.002; Subsections (b) and (c), Section 47.003; Subsection (b), Section 47.004; Subsection (b), Section 47.005; Subsections (a) and (b), Section 47.007; Subsection (b), Section 47.009; Section 47.010; Subsection (b), Section 47.011; Subsection (b), Section 47.013; Subsection (b), Section 47.014; Subsection (b), Section 47.015; Subsections (b) and (d), Section 47.016; Section 48.005; Section 49.003; Section 49.004; Section 49.005; Section 49.006; Section 49.007; Subsection (b), Section 49.008; Section 50.002; Section 51.005; Subsection (c), Section 66.206; Subsection (d), Section 66.211; Subsection (b), Section 76.017; Section 76.104; Subsection (b), Section 77.031; Subsection (b), Section 77.033; Subsection (b), Section 77.035; Subsection (b), Section 77.042; Subsection (b), Section 77.043; Subsection (b), Section 77.048; and Section 78.003; and by repealing Sections 42.006, 42.007, 42.008, 42.015, 42.016, 43.049, 43.257, 47.006, 47.012, 48.007, 61.208, and 258.032.
The bill was read third time.

Representative Danburg offered the following amendment to the bill:

Amend SB 216 on third reading by inserting the following in Floor Amendment No. 1 between "as follows:" and "'(g):":

SECTION 43. Section 66.201(g), Parks and Wildlife Code, is amended to read as follows:

The amendment was adopted without objection.

Representative Collazo offered the following amendment to the bill:

Amend SB 216 on page 4, line 23, by striking the words "$8" and substituting "$5.25".

The amendment was adopted without objection.

Representative Collazo offered the following amendment to the bill:

Amend SB 216 on page 8, line 5, by striking the words "$8" and substituting "$5".

The amendment was adopted without objection.

Representative Collazo offered the following amendment to the bill:

Amend SB 216 on page 14, line 23, by striking the word "$12" and substituting the word "$8.75".

The amendment was adopted without objection.

SB 216, as amended, was passed. (Schlueter, Hightower, Stiles, Armbrister, Green, Bomer, Stanswallis, Keller, Haley, Uher, Saunders, D. Harrison, and Heflin recorded voting no)

On motion of Representative Danburg and by unanimous consent, the caption of SB 216 was ordered amended to conform to the body of the bill.

SB 224 ON THIRD READING
(Wolens - House Sponsor)

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

SB 224, A bill to be entitled An Act relating to the creation, jurisdiction, personnel, administration, and appeals procedures of municipal courts of record in the City of Dallas and powers and duties of the governing body of the city in connection with the creation of these courts.

The bill was read third time and was passed.

On motion of Representative Wolens and by unanimous consent, the caption of SB 224 was ordered amended to conform to the body of the bill.

SB 557 ON THIRD READING
(T. Smith - House Sponsor)

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

SB 557, A bill to be entitled An Act relating to offenses involving dog fighting and to the disposition of property connected with dog fighting.

The bill was read third time.

Representative S. Hudson offered the following amendment to the bill:
Amend SB 557 by adding the following after line 13, page 2:

“(h) In this section, “gameness” means the willingness, in a fight, to take punishment without quitting.

(i) Conviction for an offense involving dog fighting may not be had unless the prosecution shows at least one of the following:

1. That the fight was not a test to identify dogs that were game; or
2. That such identification was not intended to select breeding stock; or
3. That breedings based upon such identification cannot be reasonably expected to produce offspring that will be game; or
4. That gameness is not a potentially life saving advantage in a protection dog; or
5. That Texans who own game dogs for protection do not number in the hundreds of thousands; or
6. That there exist legal ways to consistently produce game dogs which do not involve breeding to dogs that have been tested for gameness.”

The amendment failed of adoption.

Representative S. Hudson offered the following amendment to the bill:

Amend SB 557 by deleting lines 22, 23, and 24, on page 1, and by deleting line 1 of page 2.

The amendment failed of adoption.

Representative S. Hudson offered the following amendment to the bill:

Amend SB 557 by deleting lines 2, 3, and 4, page 2.

The amendment failed of adoption.

Representative S. Hudson offered the following amendment to the bill:

Amend SB 557 by inserting the following after the word “shelter.” on page 3, line 2:

“Destruction of dogs shall be deemed necessary if and only if no member of the general public, informed of the dog’s history and condition, offers to take them within 60 days of forfeiture.”

The amendment failed of adoption.

SB 557 was passed. (Criss recorded voting no)

On motion of Representative T. Smith and by unanimous consent, the caption of SB 557 was ordered amended to conform to the body of the bill.

SB 864 ON THIRD READING

(Leonard - House Sponsor)

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

SB 864, A bill to be entitled An Act relating to attorney’s fees in certain workers’ compensation death cases; amending Section 8, Article 8306, Revised Statutes, as amended.

The bill was read third time and was passed.

On motion of Representative Leonard and by unanimous consent, the caption of SB 864 was ordered amended to conform to the body of the bill.
SB 1131 ON THIRD READING
(A. Smith - House Sponsor)

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

**SB 1131**, A bill to be entitled An Act relating to life insurance company separate accounts and to contracts providing benefits in variable amounts; adding Article 3.75 to Chapter 3, Insurance Code and repealing Articles 3.39, 3.72, and 3.73; and providing for the extent of application of the Insurance Code to separate accounts and contracts relating to separate accounts.

The bill was read third time and was passed.

On motion of Representative A. Smith and by unanimous consent, the caption of SB 1131 was ordered amended to conform to the body of the bill.

SB 1180 ON THIRD READING
(Russell - House Sponsor)

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

**SB 1180**, A bill to be entitled An Act relating to the repeal of the state law providing that no person other than an elector resident may be appointed to any office by the governing body of a general law city; repealing Article 1003, Revised Statutes, as amended.

A record vote was requested.

The bill was read third time and was passed by (Record 511): 139 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; 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, F.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Pefeto; Pierce; Polk; Polumbo; Presnak; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word.

Nays — Geistwcidt; Jones; Smith, C.; Vowell.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

On motion of Representative Russell and by unanimous consent, the caption of SB 1180 was ordered amended to conform to the body of the bill.

(Speaker pro tempore in the chair)
SB 1034 ON THIRD READING
(Robinson - House Sponsor)

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

SB 1034, A bill to be entitled An Act relating to the collection of special expenses by an incorporated city, town, or village; amending Article 45.06, Code of Criminal Procedure, 1965.

A record vote was requested.

The bill was read third time and was passed by (Record 512): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Wright.

Absent — Bush; Eckels; Gibson, J.; Mankins; Smith, T.; Thompson, G.; Toomey; Waldrop; Wilson.

SB 1298 ON THIRD READING
(Patterson - House Sponsor)

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

SB 1298, A bill to be entitled An Act relating to fees collected by the Department of Agriculture; amending the Agriculture Code by amending Subsections (c), (d), (g), (h), and (i), Section 13.113; Subsection (b), Section 14.005; Subsection (c), Section 16.002; Subsection (c), Section 51.023; Subsection (a), Section 76.044; Section 101.006; Section 102.006, Subsection (c), Section 132.026; Subsection (c), Section 132.027, and Section 132.028.

The bill was read third time and was passed.

SB 860 ON THIRD READING
(Willis - House Sponsor)

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

SB 860, A bill to be entitled An Act relating to membership in and benefits from the Employees Retirement System of Texas for elected class service.
A record vote was requested.

The bill was read third time and was passed by (Record 513): 134 Yeas, 5 Nays, 4 Present, not voting.

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

Nays - Ceverha; Emmett; Fox; Smith, C.; Thompson, G.

Present, not voting — Mr. Speaker; Green; Hall, T.; Willis.

Absent, Excused — Wright.

Absent — Eckels; Gibson, J.; Jackson; Robinson; Simpson; Wolens.

On motion of Representative Willis and by unanimous consent, the caption of SB 860 was ordered amended to conform to the body of the bill.

SB 22 ON THIRD READING
(Criss - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 22, A bill to be entitled An Act relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of armor-piercing ammunition; amending the Penal Code, as amended, by adding Subdivision (12) to Section 46.01 and amending Subsections (a) and (d), Section 46.06.

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

On motion of Representative Criss and by unanimous consent, the caption of SB 22 was ordered amended to conform to the body of the bill.

SB 126 ON THIRD READING
(DeLay - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 126, A bill to be entitled An Act relating to the powers and duties of the Texas Department of Mental Health and Mental Retardation and to certain community centers to receive relevant conviction data on applicants for employment, to deny employment to unqualified applicants, to promulgate rules, to perform psychological testing, and relating to the confidentiality of conviction data; providing penalties; adding Sections 2.28 and 2.29 to the Texas Mental Health
and Mental Retardation Act, as amended (Article 5547-201 et seq., Vernon's Texas Civil Statutes).

The bill was read third time and was passed.

On motion of Representative DeLay and by unanimous consent, the caption of SB 126 was ordered amended to conform to the body of the bill.

SB 250 ON THIRD READING
(Connelly - House Sponsor)

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

SB 250, A bill to be entitled An Act relating to the management of game management areas by the Parks and Wildlife Department, to the execution of any sale or lease by the State Purchasing and General Services Commission, and to licenses to take, purchase, or sell fur-bearing animals issued by the Parks and Wildlife Department to a nonresident: amending Subsections (b) and (c), Section 12.008 and Subsection (a), Section 81.403, Subdivision (6), Section 71.001, Parks and Wildlife Code, as amended.

The bill was read third time and was passed.

SB 238 ON THIRD READING
(D. Lee - House Sponsor)

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

SB 238, A bill to be entitled An Act relating to the regulation of lay midwives and to a lay midwifery board appointed by the Texas Board of Health, its powers and duties; defining an offense under this Act; and providing penalties.

The bill was read third time and was passed. (Schlueter, Ceverha, Blanton, McKenna, and Toomey recorded voting no)

The chair stated that SB 238 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 258 ON THIRD READING
(DeLay - House Sponsor)

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

SB 258, A bill to be entitled An Act relating to the control of venereal disease; providing penalties; amending Title 71, Revised Statutes, by adding Article 4445d and by repealing Articles 4441, 4441a, 4445, 4445a, and 4445c; repealing Sections 1.21 through 1.38, Family Code; amending Subsection (a), Section 35.03, Family Code.

The bill was read third time and was passed.

On motion of Representative DeLay and by unanimous consent, the caption of SB 258 was ordered amended to conform to the body of the bill.

SB 638 ON THIRD READING
(Laney - House Sponsor)

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

SB 638, A bill to be entitled An Act relating to the application of sales, rental, and use taxes on certain vehicles and machinery used for farm purposes and to the definition of motor vehicle in relation to motor vehicle sales, rental, and use taxes.

The bill was read third time and was passed. (Fox recorded voting no)
On motion of Representative Laney and by unanimous consent, the caption of SB 638 was ordered amended to conform to the body of the bill.

**SB 657 ON THIRD READING**
(Valles - House Sponsor)

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

SB 657, A bill to be entitled An Act relating to the annual financial report filed by the Texas Board of Health relating to administration of the law regulating circuses, carnivals, and zoos; amending Subsection (d), Section 13, Chapter 396, Acts of the 67th Legislature, Regular Session, 1981 (Article 4447v, Vernon’s Texas Civil Statutes).

The bill was read third time and was passed.

**SB 1205 ON THIRD READING**
(Hackney - House Sponsor)

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

SB 1205, A bill to be entitled An Act relating to a motor vehicle emissions inspection and maintenance program, to certain powers and duties of the Public Safety Commission, and to certain powers and duties of the Department of Public Safety; amending Section 142, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon’s Texas Civil Statutes), by adding Subsections (d), (e), (f), (g), and (h).

The bill was read third time.

Representative Hackney offered the following amendment to the bill:

SB 1205 is amended as follows:

Strike the word “visual” on line 13, page 1, and substitute “parameter.”

The amendment was adopted without objection.

SB 1205, as amended, was passed. (Green, P. Hill, Shea, Heflin, Craddick, Horn, and Fox recorded voting no)

On motion of Representative Hackney and by unanimous consent, the caption of SB 1205 was ordered amended to conform to the body of the bill.

**SB 444 ON THIRD READING**
(W. Martinez - House Sponsor)

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

SB 444, A bill to be entitled An Act relating to fees for compulsory inspection of certain vehicles and to the raising of funds for the law enforcement and custodial officer supplemental retirement fund; amending Subsection (c), Section 141, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon’s Texas Civil Statutes), and Section 25.405, Title 110B. Revised Statutes.

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

**SB 873 ON THIRD READING**
(Jones - House Sponsor)

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

SB 873, A bill to be entitled An Act relating to the annual meeting of the directors of soil and water conservation districts; authorizing the State Soil and
Water Conservation Board to charge and use fees for paying costs of the meeting; amending Section 201.081, Agriculture Code.

The bill was read third time and was passed.

**SB 596 ON THIRD READING**  
(Patronella - House Sponsor)

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

**SB 596**, A bill to be entitled An Act relating to the definition of banking house; amending Article 3, Chapter IX, The Texas Banking Code of 1943, as amended (Article 342-903, Vernon’s Texas Civil Statutes); and repealing Article 3b, Chapter IX, The Texas Banking Code of 1943 (Article 342-903b, Vernon’s Texas Civil Statutes).

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

**SB 706 ON THIRD READING**  
(Keller - House Sponsor)

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

**SB 706**, A bill to be entitled An Act relating to the licensing of certain agents of legal reserve life insurance companies.

The bill was read third time and was passed.

On motion of Representative Keller and by unanimous consent, the caption of **SB 706** was ordered amended to conform to the body of the bill.

**SB 701 ON THIRD READING**  
(Turner - House Sponsor)

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

**SB 701**, A bill to be entitled An Act relating to a substantive revision of state law governing certain trusts.

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

On motion of Representative Turner and by unanimous consent, the caption of **SB 701** was ordered amended to conform to the body of the bill.

**SB 1226 ON THIRD READING**  
(Bomer - House Sponsor)

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

**SB 1226**, A bill to be entitled An Act relating to the periodic review of certain state agencies under the Texas Sunset Act; amending Section 21.002, Human Resources Code, and Section 2.01B, Texas Mental Health and Mental Retardation Act (Article 5547-202 et seq., Vernon’s Texas Civil Statutes).

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

**SB 641 ON THIRD READING**  
(Wolens - House Sponsor)

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

**SB 641**, A bill to be entitled An Act relating to the formation, termination, administration, and costs of municipally created reinvestment zones that qualify for
tax increment financing; amending Sections 2, 3, 4, 5, 6, 8, 9, 10, and 13, Texas Tax Increment Financing Act of 1981 (Article 1066e, Revised Statutes).

The bill was read third time and was passed.

On motion of Representative Wolens and by unanimous consent, the caption of SB 641 was ordered amended to conform to the body of the bill.

SB 389 ON THIRD READING
(Green - House Sponsor)

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

SB 389, A bill to be entitled An Act relating to the classification and promotion policies for members of police departments in certain cities; prohibiting crossover promotions from certain classes to other classes; amending Section 14A, Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes).

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

SB 417 ON THIRD READING
(Tejeda - House Sponsor)

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

SB 417, A bill to be entitled An Act relating to the registration and registration fees of alarm systems installers and certain private security officers and to certain duties of the Texas Board of Private Investigators and Private Security Agencies; amending Subsection (a), Section 17; Subdivisions (21) and (22) and adding Subdivision (27), Section 2; and Sections 32 and 33, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes).

The bill was read third time and was passed. (McKenna, Toomey, G. Thompson, Ceverha, P. Hill, and Shea recorded voting no)

On motion of Representative Tejeda and by unanimous consent, the caption of SB 417 was ordered amended to conform to the body of the bill.

SB 970 ON THIRD READING
(E. Barton - House Sponsor)

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

SB 970, A bill to be entitled An Act relating to financing, constructing, and operating certain causeways, bridges, and tunnels by certain counties; to use and acquisition of property for purposes of a project and to the status of authorized liens or pledges; amending Chapter 304, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6795b-I, Vernon's Texas Civil Statutes), by amending Section 4 and adding Sections 4a and 4b.

The bill was read third time.

Representative Green offered the following amendment to the bill:

Amend SB 970 by inserting the following on page 6 at the end of line 9 after the word “Act.”: “If the County shall find it necessary to close or change the location of any portion of any non-toll road, street or highway, it shall cause the non-toll road, street or highway to be reconstructed at such a location and in such a fashion as the County shall determine will provide substantially the same access as the non-toll road, street or highway being closed or relocated.”
The amendment was adopted without objection.

SB 970, as amended, was passed. (E. F. Lee and Green recorded voting no)

On motion of Representative Criss and by unanimous consent, the caption of SB 970 was ordered amended to conform to the body of the bill.

SB 961 ON THIRD READING
(Simpson - House Sponsor)

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

SB 961, A bill to be entitled An Act relating to the investments of insurers; authorizing the State Board of Insurance to adopt certain rules and regulations; amending the Insurance Code, as amended, by adding Articles 3.39-1 and 3.39-2.

A record vote was requested.

The bill was read third time and was passed by (Record 514): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Wright.

Absent — Ceverha; Jones; Saunders; Wilson.

On motion of Representative Simpson and by unanimous consent, the caption of SB 961 was ordered amended to conform to the body of the bill.

SB 662 ON THIRD READING
(G. Hill - House Sponsor)

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

SB 662, A bill to be entitled An Act relating to the amount of the fee charged by county clerks and county recorders for a copy of a birth or death certificate; amending Article 3930, Revised Statutes.

The bill was read third time and was passed.
SB 1082 ON THIRD READING

(Armbrister - House Sponsor)

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

SB 1082, A bill to be entitled An Act relating to fees, costs, and deposits to be received by the Clerks of the Courts of Appeals for civil cases; amending Article 3924, Revised Statutes, as amended; and declaring an emergency.

The bill was read third time and was passed.

On motion of Representative Armbrister and by unanimous consent, the caption of SB 1082 was ordered amended to conform to the body of the bill.

SB 802 ON THIRD READING

(Hury - House Sponsor)

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

SB 802, A bill to be entitled An Act relating to the surrender, obtaining, and designation of certificates of title to certain motor vehicles; adding Subsections (c), (d), and (e) to Section 37, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).

A record vote was requested.

The bill was read third time and was passed by (Record 515): 141 Yea's, 0 Nay's, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carmier; Cary; Cavazos; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; 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; Robnett; Rudd; Russell; Salinas; Saunders; Schuetter; Schoeller; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Wright.

Absent — Ceverha; Gibson, J.; Griswold; Haley; Hammond; McWilliams; Robinson.

On motion of Representative Hury and by unanimous consent, the caption of SB 802 was ordered amended to conform to the body of the bill.

SB 764 ON THIRD READING

(Delco - House Sponsor)

The chair laid before the house on its third reading and final passage,
SB 764, A bill to be entitled An Act relating to student fees at The University of Texas at Austin; to the establishment, membership, terms, and operation of a student advisory committee; and to certain powers and duties of the board of regents of The University of Texas System; amending the Texas Education Code, as amended, by adding Sections 67.211 and 67.212 to Subchapter B of Chapter 67; by adding Subsection (h) to Section 54.503; by amending Subsection (c) of Section 67.21; and by repealing Subsection (b) of Section 67.21.

The bill was read third time and was passed.

On motion of Representative Delco and by unanimous consent, the caption of SB 764 was ordered amended to conform to the body of the bill.

SB 808 ON THIRD READING
(Berlanga - House Sponsor)

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

SB 808, A bill to be entitled An Act relating to the retention of redfish and speckled sea trout by shrimpers and to the application of criminal penalties; adding Section 77.0191 to Subchapter B, Chapter 77, Parks and Wildlife Code; repealing Section 77.100, Parks and Wildlife Code, effective on the date of this Act but preserving the section in force after that date only for the purpose of prosecution and punishment of persons who violated the section before repeal.

The bill was read third time and was passed. (Wieting, Ceverha, and Blanton recorded voting no)

SB 834 ON THIRD READING
(Hightower - House Sponsor)

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

SB 834, A bill to be entitled An Act relating to the importation, transportation, and sale of redfish and speckled sea trout; providing penalties; amending Section 66.201, Parks and Wildlife Code, by amending Subsections (f) and (g) and by adding Subsection (k).

The bill was read third time and was passed. (Wieting, Ceverha, and Blanton recorded voting no)

SB 1022 ON THIRD READING
(G. Hill - House Sponsor)

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

SB 1022, A bill to be entitled An Act relating to catching redfish and speckled sea trout by persons on commercial fishing boats; providing penalties; amending Chapter 66, Parks and Wildlife Code, as amended, by adding Section 66.2013.

The bill was read third time and was passed. (Wieting, Ceverha, and Blanton recorded voting no)

SB 147 ON THIRD READING
(Emmett - House Sponsor)

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

SB 147, A bill to be entitled An Act relating to care of the State Capitol, General Land Office Building, their grounds, and their contents.

The bill was read third time and was passed.
On motion of Representative Emmett and by unanimous consent, the caption of SB 147 was ordered amended to conform to the body of the bill.

(Speaker in the chair)

**SB 1038 ON THIRD READING**

*(Mankins - House Sponsor)*

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

**SB 1038**, A bill to be entitled An Act relating to protective clothing for firefighters; giving the Commission on Fire Protection Personnel Standards and Education certain decision-making and enforcement authority; amending Section 8A, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(35), Vernon's Texas Civil Statutes).

A record vote was requested.

The bill was read third time and was passed by (Record 516): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemmons; Colbert; Collazo; Connelly; Condy; Craddick; Criss; Crockett; Danburg; Davis; 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; Granoll; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluster; Schoolcraft; Shaw; Shee; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Berlanga; Fox; Green; Hall, W.

**SB 383 ON THIRD READING**

*(Haley - House Sponsor)*

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

**SB 383**, A bill to be entitled An Act relating to the accounting treatment of the exchange of certain permanent school fund securities; adding Section 15.15 to Chapter 15, Texas Education Code, as amended.

The bill was read third time and was passed.

**SB 899 ON THIRD READING**

*(Presnal - House Sponsor)*

The speaker laid before the house on its third reading and final passage,
SB 899, A bill to be entitled An Act relating to the exemption of the Texas Agricultural Extension Service, the Texas Engineering Extension Service, the Texas Engineering Experiment Station, the Office of South Central Interstate Forest Fire Protection Compact Administrator for Texas, and the Texas Agricultural Experiment Station from the provisions of the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); amending the Texas Education Code by repealing Sections 88.002, 88.003, 88.004, 88.1131, and 88.2031.

The bill was read third time and was passed.

SB 640 ON THIRD READING
(Barrientos - House Sponsor)

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

SB 640, A bill to be entitled An Act relating to credit for good conduct time earned by a prisoner toward reduction of a sentence and to the duty of sheriffs and of the director of the Texas Department of Corrections; amending Section 3, Article 6181-1, Revised Statutes.

A record vote was requested.

The bill was read third time and was passed by (Record 517): 121 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clemens; Colbert; Collazo; Coody; Craddick; Criss; Crockett, Danburg; DeLay; Delco; Denton; Eckels; Edwards; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison; D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Mankind; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Rudd; Russell; Salinas; Saunders; Schlueter; Shaw; Simpson; Smith, A.; Smith, T.; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valle; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Ceverha; Clark; Connelly; Eikenburg; Fox; Green; Haley; Heflin; Keller; Kubiak; McKenna; Robinson; Schoolcraft; Shea; Short; Smith, C.; Staniswalis; Stiles.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Agnich; Davis; Granoff; Hammond; Hill, A.; Messer; Oliveira; Patterson; Robnett.

On motion of Representative Barrientos and by unanimous consent, the caption of SB 640 was ordered amended to conform to the body of the bill.

STATEMENT BY REPRESENTATIVE SCHLUETER

My machine malfunctioned on the record vote on SB 640. I should have been shown voting no.

Schlueter
STATEMENT BY REPRESENTATIVE A. SMITH
On record vote 517, my voting machine recorded yes when my vote was no.

A. Smith

STATEMENT BY REPRESENTATIVE STILES
On SB 640 I wanted to vote yes, inadvertently voted no.

Stiles

SB 277 ON THIRD READING
(Hammond - House Sponsor)
The speaker laid before the house on its third reading and final passage,
SB 277, A bill to be entitled An Act relating to the confidentiality of alarm systems records.
The bill was read third time and was passed.

SB 231 ON THIRD READING
(Emmett - House Sponsor)
The speaker laid before the house on its third reading and final passage,
SB 231, A bill to be entitled An Act relating to the continuation, membership, operation, administration, and powers and duties of the Antiquities Committee and to certain information which a state agency must make available to State Purchasing and General Services Commission.
The bill was read third time and was passed. (Heflin recorded voting no)
On motion of Representative Emmett and by unanimous consent, the caption of SB 231 was ordered amended to conform to the body of the bill.

SB 845 ON THIRD READING
(Madla - House Sponsor)
The speaker laid before the house on its third reading and final passage,
SB 845, A bill to be entitled An Act relating to disciplinary actions by the State Board of Pharmacy, to facts and reports received by the board, and to reporting by peer group review committees and professional committees; absolving participating persons from liability; amending the Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), by amending Section 27 and by adding Section 27A.
The bill was read third time and was passed.
On motion of Representative Madla and by unanimous consent, the caption of SB 845 was ordered amended to conform to the body of the bill.

SB 11 ON THIRD READING
(Cain - House Sponsor)
The speaker laid before the house on its third reading and final passage,
SB 11, A bill to be entitled An Act relating to the quorum and the number of votes required for a commissioners court to levy a tax and the meetings at which a tax may be levied; amending Articles 2343, as amended, and 2334, Revised Statutes.
The bill was read third time and was passed. (Delco recorded voting no)
On motion of Representative Salinas and by unanimous consent, the caption of SB 11 was ordered amended to conform to the body of the bill.

**SB 1140 ON THIRD READING**

(Fox - House Sponsor)

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

SB 1140, A bill to be entitled An Act relating to standards for rating energy devices for use in performance rating and certification of the devices and to tax exemption for certain solar energy devices; amending Section 151.325, Tax Code, by amending Subsection (a) and adding Subsection (c).

The bill was read third time and was passed.

**SB 230 ON THIRD READING**

(Saunders - House Sponsor)

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

SB 230, A bill to be entitled An Act relating to the eligibility for unemployment compensation benefits of certain students; amending Subdivision (5), Subsection (g), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes).

A record vote was requested.

The bill was read third time and was passed by (Record 518): 131 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cary; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Mankins; Messenger; Millsap; Moreno, P.; Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Prensal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluter; Schoolcraft; Shaw; Shean; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Stanislawis; Stiles; Sutton; Thompson, G.; Thompson, S.; Tow; Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Hernandez; Martinez, W.; Moreno, A.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Berlanga; Carriker; Cavazos; Ceverha; Grisham; Haley; Hall, W.; Laney; Madla; Martinez, R.; Oliver; Tejeda; Toomey; Uher.

**SB 627 ON THIRD READING**

(G. Thompson - House Sponsor)

The speaker laid before the house on its third reading and final passage,
SB 627, A bill to be entitled An Act relating to the manufacture with intent to deliver and the delivery of a simulated controlled substance and to certain defenses to prosecution and certain evidentiary considerations: providing a penalty; and providing for forfeiture of seized substances.

The bill was read third time and was passed.

SB 1208 ON THIRD READING
(L. Hall - House Sponsor)

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

SB 1208, A bill to be entitled An Act relating to issuance of a driver's license to a person from another state and to the renewal of a driver’s license by mail.

The bill was read third time and was passed. (Delco and G. Hill recorded voting no)

SB 763 ON THIRD READING
(L. Hall - House Sponsor)

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

SB 763, A bill to be entitled An Act relating to contracting to provide for the transportation of public school students.

A record vote was requested.

The bill was read third time and was passed by (Record 519); 80 Yeas, 67 Nays, 1 Present, not voting.

YeaS — Agnich; Armbrister; Blanton; Bomar; Burnett; Bush; Cain; Cary; Ceverha; Clark; Collazo; Connelly; Craddock; DeLay; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Fox; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Grisham; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Jones; Keller; Khoury; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; Messer; Millsap; Oliveira; Patterson; Pennington; Pierce; Plesna; Robnett; Rudd; Salinas; Sanders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Wieting; Willis; Word.

Nays — Arnold; Barrientos; Barton, B.; Barton, E.; Buchanan; Carriker; Cavazos; Clemmons; Colbert; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, W.; Hernandez; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hurst; Kemp; Kubiatk; Lee, D.; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patronella; Peveto; Polk; Polumbo; Price; Ragsdale; Rangel; Robinson; Russell; Shaw; Smith, T.; Sutton; Tejeda; Thompson, S.; Valles; Wallace; Watson; Wilson; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Berlanga.

On motion of Representative L. Hall and by unanimous consent, the caption of SB 763 was ordered amended to conform to the body of the bill.
STATEMENT BY REPRESENTATIVE WILLIS

SB 129 passed today on 3rd reading on a voice vote. I was present and did not vote either yes or no on final passage of SB 129.

Willis

SB 799 ON THIRD READING
(Price - House Sponsor)

The speaker laid before the house on its third reading and final passage, SB 799, A bill to be entitled An Act relating to student service fees at certain institutions of higher education: amending Section 54.503, Texas Education Code, as amended.

The bill was read third time and was passed.

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

The speaker laid before the house on its third reading and final passage, SB 742, A bill to be entitled An Act relating to disclosure in a criminal case of a confidential communication to a clergyman; amending Chapter 38, Code of Criminal Procedure, 1965, as amended, by amending Article 38.10 and by adding Article 38.111.

The bill was read third time and was passed. (Hilbert, Connelly, Waldrop, Arnold, Collazo, Presnal, Willis, Kubiak, C. Smith, Hanna, Russell, Millsap, Ceverha, Blanton, A. Hill, Staniswalis, Heflin, P. Hill, and Shea recorded voting no)

SB 7 ON THIRD READING
(Bush - House Sponsor)

The speaker laid before the house on its third reading and final passage, SB 7, A bill to be entitled An Act relating to the insanity defense in criminal prosecutions, to hearings and other procedures relating to commitment of persons acquitted by reason of insanity, to discharge, and to outpatient supervision.

The bill was read third time and was passed. (S. Thompson, Delco, and Fox recorded voting no)

SB 1062 ON SECOND READING
(A. Smith - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 1062.

CSSB 1062

A BILL TO BE ENTITLED
AN ACT

relating to the counties in the First and Fourteenth Supreme Judicial Districts reimbursing Harris County for certain costs incurred by Harris County pertaining to those courts.

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

SECTION 1. The counties other than Harris County composing the First and Fourteenth Supreme Judicial Districts shall annually reimburse Harris County for the costs incurred by Harris County during its previous fiscal year for:
(1) supplemental salaries and fringe benefits for the justices for those courts; and
(2) furnishings, equipment, supplies, and utility expenses for those courts.

SECTION 2. (a) Each county shall pay a share based on the proportion its population bears to the total population of all the counties in those districts according to the most recent federal census.

(b) A county shall pay its share not later than the 60th day after the beginning of the county’s fiscal year.

SECTION 3. The Commissioners Court of Harris County shall provide each county liable for the expenses with a statement of that county’s share. The statement must be approved by the chief justices of the courts of appeal of the First and Fourteenth Supreme Judicial Districts.

SECTION 4. This Act applies to reimbursement of expenses incurred in the fiscal year 1984 and thereafter.

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

CSSB 1062 was read second time and was passed to third reading.

SB 634 ON SECOND READING
(Rudd - House Sponsor)

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

SB 634, A bill to be entitled An Act relating to requiring participation in an alcohol or drug abuse program as a condition of a bond in certain criminal cases and to forfeiture for violation of the condition of the bond; amending the Code of Criminal Procedure, 1965, as amended, by adding Article 17.40 to Chapter 17 and Article 22.021 to Chapter 22.

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

SB 661 ON SECOND READING
(Green - House Sponsor)

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

SB 661, A bill to be entitled An Act relating to information that a filing officer provides concerning financing and assignment statements under the Business & Commerce Code and to an increase in fees for statements in excess of a certain amount; amending Subsection (b), Section 9.407, Business & Commerce Code, as amended.

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

SB 1027 ON SECOND READING
(G. Hill - House Sponsor)

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

SB 1027, A bill to be entitled An Act relating to acquisition and content of a certificate of title for motorboats and outboard motors, to requirements for transfer...
of title, and to the creation and enforcement of liens on motorboats and outboard motors; amending Sections 31.047, 31.049, 31.052, and 31.053, Parks and Wildlife Code, and Articles 5503 and 5504a, Revised Statutes, as amended.

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

**SB 325 - POSTPONED**

Representative Turner moved that consideration of SB 325 be postponed until 10 a.m., Thursday, May 26.

The motion prevailed without objection.

**SB 239 ON SECOND READING**

(Millsap - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, SB 239, A bill to be entitled An Act relating to the authority of the attorney general to sue to restrain or enjoin violations of certain consumer protection laws.

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

**SB 1228 ON SECOND READING**

(G. Hill - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, SB 1228, A bill to be entitled An Act relating to conventions of political parties required to nominate candidates by primary election; amending the Texas Election Code, as amended, by amending Subsections (a) and (b), Section 212 and Subdivision 17, Section 37 (Articles 13.34 and 5.05, Vernon's Texas Election Code).

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

**SB 812 ON SECOND READING**

(A. Smith - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 812.

**CSSB 812**

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain audiologists, speech pathologists, and language pathologists.

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

SECTION 1. Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended by amending Subsection (B) and adding Subsection (F) to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners who will be recognized by the insurer and those who will not be recognized by this insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the
practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, and Speech-language Pathologist. For purposes of this Act, such designations shall have the following meanings:

- **Doctor of Medicine:** One licensed by the Texas State Board of Medical Examiners on the basis of the degree of "Doctor of Medicine";
- **Doctor of Osteopathy:** One licensed by the Texas State Board of Medical Examiners on the basis of the degree of "Doctor of Osteopathy";
- **Doctor of Dentistry:** One licensed by the State Board of Dental Examiners;
- **Doctor of Chiropractic:** One licensed by the Texas Board of Chiropractic Examiners;
- **Doctor of Optometry:** One licensed by the Texas State Board of Examiners in Optometry; and
- **Doctor of Podiatry:** One licensed by the State Board of Chiropody Examiners.

- **Audiologist:** One with a master's or doctorate degree in audiology from an accredited college or university and who is certified by the American Speech-language and Hearing Association;
- **Speech-language Pathologist:** One with a master's or doctorate degree in speech pathology or speech-language pathology from an accredited college or university and who is certified by the American Speech-language and Hearing Association.

(F) Insurers, nonprofit hospital and medical service plan corporations subject to Chapter 20 of this code, and health maintenance organizations transacting health insurance or providing other health coverage in this state shall offer and make available, under group policies, contracts, and plans providing hospital and medical coverage on an expense incurred, service or prepaid basis, benefits for the necessary care and treatment of loss or impairment of speech or hearing that are not less favorable than for physical illness generally, subject to the same durational limits, dollar limits, deductibles, and coinsurance factors. Such offer of benefits shall be subject to the right of the group policy or contract holder to reject the coverage or to select any alternative level of benefits if such right is offered by or negotiated with such insurer, service plan corporation, or health maintenance organization.

SECTION 2. Article 21.52, Insurance Code, is amended to read as follows: Art. 21.52. RIGHT TO SELECT PRACTITIONER UNDER HEALTH AND ACCIDENT POLICIES. Sec. 1. DEFINITIONS. As used in this Article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.; and

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) [repealed]

(f) "audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is certified by the American Speech-language and Hearing Association;

(g) "speech-language pathologist" means a person who has received a master's or doctorate degree in speech-language pathology from an accredited college or
university and is certified by the American Speech-language and Hearing Association to restore speech loss or correct a speech impairment.

Sec. 2. APPLICATION OF THIS ARTICLE. This article applies to and embraces all insurance companies, associations, and organizations, whether incorporated or not, which provide health benefits, accident benefits, or health and accident benefits for medical or surgical expenses incurred as a result of an accident or sickness. Without limiting the foregoing, this article specifically applies to the insurance companies, associations, and organizations which come within the purview of the following designated chapters of the Insurance Code: Chapter 3, pertaining to life, health and accident insurance companies; Chapter 8, pertaining to general casualty companies; Chapter 10, pertaining to fraternal benefit societies; Chapter 11, pertaining to mutual life insurance companies; Chapter 12, pertaining to local mutual aid associations; Chapters 13 and 14, pertaining to statewide mutual assessment companies, mutual assessment companies, and mutual assessment life, health and accident associations; Chapter 15, pertaining to mutual insurance companies writing other than life insurance: Chapter 18, pertaining to underwriters making insurance on the Lloyd's Plan; Chapter 19, pertaining to reciprocal exchanges; and Chapter 22, pertaining to stipulated premium insurance companies. This article also applies to health maintenance organizations established pursuant to Chapter 214, Acts of the 64th Legislature, Regular Session, 1975 (Articles 20A.01-20A.33., Insurance Code), as now or hereafter amended.

Sec. 3. SELECTION OF PRACTITIONERS. Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies may select a licensed doctor of podiatric medicine, a licensed dentist, or a doctor of chiropractic to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that practitioner. [doctor or a licensed doctor of optometry to perform the services or procedures scheduled in the policy which fall within the scope of the license of that doctor of optometry, an audiologist to measure hearing for the purpose of determining the presence or extent of a hearing loss and to provide aural rehabilitation services to a person with a hearing loss if those services or procedures are scheduled in the policy, or a speech-language pathologist to evaluate speech and language and to provide habilitative and rehabilitative services to restore speech or language loss or to correct a speech or language impairment if those services or procedures are scheduled in the policy. The [and] payment or reimbursement by the insurance company, association or organization for those services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine, a licensed doctor of optometry, [or] a licensed doctor of chiropractic, a licensed dentist, an audiologist, or a speech-language pathologist. There shall not be any classification, differentiation, or other discrimination in the payment schedule or the payment provisions in a health insurance policy, nor in the amount or manner of payment or reimbursement thereunder, between scheduled services or procedures when performed by a doctor of podiatric medicine, a doctor of optometry, [or] a doctor of chiropractic, a licensed dentist, an audiologist, or a speech-language pathologist which fall within the scope of his license or certification and the same services or procedures when performed by any other practitioner of the healing arts whose services or procedures are covered by the policy. Any provision in a health insurance policy contrary to or in conflict with the provisions of this article shall, to the extent of the conflict, be void, but such invalidity shall not affect the validity of the other provisions of this policy. Any presently approved policy form containing any provision in conflict with the requirements of this Act shall be brought into
compliance with this Act by the use of riders and endorsements which have been approved by the State Board of Insurance or by the filing of new or revised policy forms for approval by the State Board of Insurance.

[Sec. 3. SELECTION OF PRACTITIONERS. Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies may select a licensed doctor of podiatric medicine or a licensed dentist to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that doctor or a licensed doctor of optometry or licensed dentist to perform the services or procedures scheduled in the policy which fall within the scope of the license of that doctor of optometry or licensed dentist, and payment or reimbursement by the insurance company, association, or organization for those services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine, a licensed doctor of optometry, or a licensed dentist. There shall not be any classification, differentiation, or other discrimination in the payment schedule or the payment provisions in a health insurance policy, nor in the amount or manner of payment or reimbursement thereunder, between scheduled services or procedures when performed by a doctor of podiatric medicine, a doctor of optometry, or a licensed dentist which fall within the scope of his license and the same services or procedures when performed by any other practitioner of the healing arts whose services or procedures are covered by the policy. Any provision in a health insurance policy contrary to or in conflict with the provisions of this article shall, to the extent of the conflict, be void, but such invalidity shall not affect the validity of the other provisions of this policy. Any presently approved policy form containing any provision in conflict with the requirements of this Act may be brought into compliance with this Act by the use of riders and endorsements which have been approved by the State Board of Insurance or by the filing of new or revised policy forms for approval by the State Board of Insurance.]

SECTION 3. CERTAIN EXEMPTIONS NOT APPLICABLE. The exemptions and exceptions in Articles 13.09 and 21.41 of the Insurance Code do not apply to this article.

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

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

CSSB 812 was read second time and was passed to third reading. (Ceverha, P. Hill, Shea, and Bomer recorded voting no)

SB 813 ON SECOND READING
(Hury - House Sponsor)

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

SB 813, A bill to be entitled An Act relating to the licensing and regulation of speech-language pathologists and audiologists; providing for hearings and judicial review; making an appropriation; providing enforcement procedures and penalties; and declaring an emergency.

The bill was read second time and was passed to third reading. (Ceverha, P. Hill, Shea, and Bomer recorded voting no)
SB 642 ON SECOND READING
(Wolens - House Sponsor)

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

SB 642. A bill to be entitled An Act relating to the regulation of air conditioning contractors; providing a penalty.

The bill was read second time.

Representative Jackson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 642 as follows:

(1) On page 2 by deleting the word “commissioner” at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following: examinations shall be offered only in Travis County, and shall be offered on a quarterly basis.

(2) On page 3, line 6 by deleting the word “defray” and substituting “pay”.

(3) On page 3, line 21 by deleting the “.” and adding the following: and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

(4) On page 5, line 17 by adding the following: (4) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

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

Amend Committee Amendment No. 1 to SB 642 to read as follows:

Amend SB 642 as follows:

(1) On page 2 by deleting the word “commissioner” at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following: examinations shall be offered only in Travis County, and shall be offered on a quarterly basis.

(2) On page 3, line 6 by deleting the word “defray” and substituting “pay”.

(3) On page 3, line 21 by deleting the “.” and adding the following: and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience;

(4) On page 5, line 13 by deleting the word “or”.

(5) On page 5 by deleting lines 15 through 17 and substituting in lieu thereof the following: employed by a regulated electric or gas utility;

(4) performs plumbing work and is licensed under the Plumbing License Law (Article 6243-101, Vernon’s Texas Civil Statutes); or

(3) assists in the performance of air conditioning work under the direct personal supervision of a licensee.
The amendment was adopted without objection.

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

Representative Wolens offered the following amendment to the bill:

Amend SB 642 on page 6 by deleting line 11, and substituting in lieu thereof the following:

SECTION 8. PENALTY. Except as provided in Section 9, a person commits an offense if the

The amendment was adopted without objection.

SB 642, as amended, was passed to third reading. (Ceverha, Robnett, Collazo, Agnich, Horn, Gandy, Gilley, Rudd, Hinojosa, Hollowell, A. Hill, Fox, Patterson, Russell, McKenna, D. Harrison, P. Hill, Shea, Davis, and Colbert recorded voting no)

SB 253 ON SECOND READING
(Shaw - House Sponsor)

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

SB 253, A bill to be entitled An Act relating to regulation of private process servers; giving the secretary of state certain powers and duties; prescribing fees; defining offenses and providing penalties.

The bill was read second time.

Representative Ceverha offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 253 by adding the following language after the word "constables" on line 13, page 1: “and in compliance with the applicable Texas Rules of Civil Procedure governing service and return of civil process”.

Committee Amendment No. 1 was adopted without objection.

Representative Ceverha offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend SB 253 on line 25, page 1 by adding the following after the word “process”: “or be in the civil process serving business prior to the effective date of this act”.

Committee Amendment No. 2 was adopted without objection.

Representative Ceverha offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend SB 253 by adding a new subsection (c) to Section 11 to read as follows: “(c) Fees charged and collected by a licensee for service of process under this act shall be no more than the cost of similar service of process by an officer of the court.”

Committee Amendment No. 3 was adopted without objection.
Representative Green moved to table SB 253.

A record vote was requested.

The motion to table was lost by (Record 520): 43 Yeas, 101 Nays, 1 Present, not voting.

Yea — Barton, E.; Blanton; Clark; Clemons; Colbert; Connelly; Craddick; Criss; Eckels; Eikenburg; Emmett; Fox; Gamez; Gandy; Green; Hackney; Hanna; Hernandez; Hightower; Hilbert; Horn; Keller; Kuempel; Lee, D.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Oliveira; Patronella; Polumbo; Presnal; Rudd; Short; Smith, C.; Stiles; Tejeda; Wallace; Watson.

Nays — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Berlanga; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Collazo; Coody; Crockett; Danburg; Davis; DeLay; DeLeo; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, D.; Harrison, W.; Hellin; Hill, A.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp; Khoury; Kubak; Lee, E. F.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Price; Ragsdale; Rangel; Robinson; Robnett; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Simpson; Smith, A.; Smith, T.; Staniswalis; Sutton; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Whaley; Wieting; Willis; Wilson; Word.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wright.

Absent — Ceverha; Hill, G.; Laney; Wolens.

STATEMENT BY REPRESENTATIVE GRANOFF

I intended to vote yes on the motion to table instead of no.

Granoff

Representative Eckels offered the following amendment to the bill:

Amend SB 253 by adding Subsection 4, Section 3 to read:

(4) Must not be commissioned as a peace officer or reserve peace officer by the Texas Commission on Law Enforcement officer Standards and Education.

Representative Shaw moved to table the Eckels amendment.

The motion to table prevailed.

A record vote was requested.

SB 253, as amended, was passed to third reading by (Record 521): 101 Yeas, 46 Nays, 1 Present, not voting.

Yea — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Berlanga; Bomer; Buchanan; Burnett; Bush; Carriker; Cary; Cavazos; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; DeLay; DeLeo; Denton; Edwards; English; Evans, C.; Evans, L.; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, D.; Harrison, W.; Hellin; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Kemp;
SB 1125 ON SECOND READING
(Colbert - House Sponsor)

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

SB 1125, A bill to be entitled An Act relating to absences from public schools for religious holy days; amending Subsection (!), Section 21.035, Chapter 21, Texas Education Code.

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

SB 853 ON SECOND READING
(Oliveira - House Sponsor)

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

SB 853, A bill to be entitled An Act relating to the duration of a bail bondsman's liability as surety on an appearance bond; amending Subsection (c), Section 13, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes).

(Schlueter in the chair)

The bill was read second time and was passed to third reading. (G. Thompson, Wallace, Khoury, Hinojosa, Wieting, Hollowell, Watson, and Cary recorded voting no)

SB 382 ON SECOND READING
(S. Hudson - House Sponsor)

The chair laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 382.

CSSB 382

A BILL TO BE ENTITLED
AN ACT

relating to the number of ballots furnished for each polling place.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 64(a), Texas Election Code (Article 6.09, Vernon's Texas Election Code), is amended to read as follows:

(a) The authority responsible for furnishing the ballots in an election shall furnish each election precinct a number of ballots equal to the percentage of voters who voted in that precinct in the most recent corresponding election plus 25 percent of that number. The number of ballots furnished may not exceed the total number of registered voters in the precinct [sufficient to conduct the election]. The official ballots to be counted before delivery and sealed up and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each endorsed on the package, and entered of record by the clerk in the minutes of the Commissioners Court or, in an election ordered by an authority of a political subdivision other than a county, on the minutes of the governing body of that subdivision. In like manner, shall be sent the list of qualified voters for the precinct certified to by the collector.

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.

CSSB 382 was read second time and was passed to third reading. (Agnich, A. Smith, and Horn recorded voting no)

SJR 1 - VOTE RECONSIDERED

Representative Kemp moved to reconsider the vote by which SJR 1 was adopted earlier today.

The motion to reconsider prevailed.

SJR 1 ON SECOND READING

(Kemp - House Sponsor)

The chair laid before the house on its adoption,

SJR 1, A joint resolution proposing a constitutional amendment to authorize taxing units to exempt from taxation the property of certain veterans' organizations and certain property of fraternal organizations.

Representative Kemp offered the following amendment to the resolution:

Amend CSSJR 1 on page 2 by striking lines 2-5 and substituting the following: against the proposition: "The constitutional amendment to authorize taxing units to exempt from taxation property of certain veterans' and fraternal organizations."

The amendment was adopted without objection.

A record vote was requested.

SJR 1, as amended, was adopted by (Record 522): 137 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Carriker; Cavazos; Ceveha; Clark; Clemons; Colbert; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa;
Nays — DeLay; Fox; Parker; Saunders.

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

Absent, Excused — Wright.

Absent — Cain; Cary; Collazo; Emmett; Hury; Keller.

STATEMENT BY REPRESENTATIVE SAUNDERS

I intended to vote yes on SJR 1 instead of no.

Saunders

HB 1038 WITH SENATE AMENDMENTS

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

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

Representative G. Hill moved to reconsider the vote by which the House concurred in senate amendments to HB 1038.

The motion to reconsider prevailed without objection.

Representative G. Hill 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 1038 - APPOINTMENT OF CONFERENCE COMMITTEE

The chair announced the appointment of the following conference committee, on the part of the house, on HB 1038: G. Hill, chair; E. F. Lee, Gandy, Shea, and Jackson.

HB 2154 - APPOINTMENT OF CONFERENCE COMMITTEE

The chair announced the appointment of the following conference committee, on the part of the house, on HB 2154: Turner, chair; Jackson, Ceverha, Millsap, and Luna.
SCR 131 - MOTION TO SUSPEND RULES

Representative Uher moved that all necessary rules be suspended to take up and consider at this time, SCR 131.

A record vote was requested.

The motion to suspend the rules was lost by (Record 523): 45 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Barrientos; Barton, B.; Cary; Cavazos; Crockett; Danburg; Davis; DeLay; Delco; Edwards; English; Evans, L.; Gamez; Garcia, A.; Garcia, M.; Geistwicdt; Gilley; Hall, W.; Hammond; Hernandez; Hill, P.; Hinojosa; Hudson, S.; Khoury; Kubiat; Lee, D.; Lee, E. F.; Luna; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Oliveira; Oliver; Parker; Price; Ragsdale; Rangel; Robinson; Salinas; Sutton; Thompson, S.; Uher; Vowell; Wilson.

Nays — Agnich; Armbrister; Arnold; Barton, E.; Berlanga; Blanton; Bommer; Buchanan; Burnett; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddock; Denton; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Gandy; Gavin; Gibson, B.; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hollowell; Horn; Hudson, D.; Hury; Jackson; Jones; Kemp; Kuempel; Laney; Leonard; McKenna; McWilliams; Madia; Messer; Millsap; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Robnett; Russell; Saunders; Schoelcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Tejeda; Thompson, G.; Tow; Turner; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Wolens; Word.

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

Absent, Excused — Wright.

Absent — Bush; Cain; Carriker; Criss; Eckels; Gibson, J.; Green; Keller; Moreno, P.; Rudd; Smith, T.; Toomey; Willis.

(Speaker in the chair)

STATEMENT BY REPRESENTATIVE GAMEZ

On vote 523 my machine malfunctioned and the vote should have been a no instead of a yes.

Gamez

HB 716 - NOTICE GIVEN

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

SENATE JOINT RESOLUTION ON FIRST READING

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

SJR 28 to Committee on State Affairs.
SENATE BILLS ON FIRST READING

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

- SB 1438 to Committee on Business and Commerce.
- SB 1279 to Committee on Environmental Affairs.
- SB 825 to Committee on State Affairs.
- SB 591 to Committee on Urban Affairs.
- SB 585 to Committee on Ways and Means.
- SB 1407 to Committee on County Affairs.

CORRECTION IN REFERRAL

SB 1134, relating to motor vehicle insurance and motor vehicle theft reporting, was inadvertently referred to the Committee on Transportation. HB 1757, relating to the same subject matter, was referred to the Committee on Insurance. The chair, after consultation with author and chairmen of the respective committees, now corrects the referral of SB 1134 to the Committee on Insurance.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 11, SCR 24, SCR 46, SCR 49, SCR 51, SCR 65, SCR 66, SCR 68, SCR 109, SB 283, SB 318, SB 336, SB 350, SB 377, SB 567, SB 669, SB 835, SB 878, SB 1006, SB 1261, SB 1278, SB 1381, SB 1382, SB 1383, SB 1384, SB 1385, SB 1386, SB 1387, HJR 1, HJR 29, HCR 72, HCR 224, HCR 260, HB 2, HB 54, HB 147, HB 279, HB 377, HB 493, HB 622, HB 675, HB 730, HB 825, HB 894, HB 972, HB 1013, HB 1048, HB 1122, HB 1128, HB 1133, HB 1147, HB 1187, HB 1200, HB 1217, HB 1293, HB 1422, HB 1438, HB 1446, HB 1510, HB 1542, HB 1571, HB 1618, HB 1619, HB 1689, HB 1766

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

- Business and Commerce, on adjournment today, Desk 95, to consider SB 1438 and SB 1158.
- Calendars, 8:30 a.m. tomorrow, Room G-14, to set calendar.
- County Affairs, on adjournment today, Desk 99, to consider SB 1407.
- Criminal Jurisprudence, on adjournment today, Desk 120, to consider SB 814.
- Environmental Affairs, on adjournment today, Desk 109, to consider SB 1279.
- Human Services, on adjournment today, Desk 50, to consider SCR 80 and HB 1002.
- State Affairs, on adjournment today, Desk 97, to consider bills pending before committee.
- Cultural and Historical Resources, on adjournment today, Desk 89, to consider SB 1418.
Insurance, on adjournment today, Desk 96.
Liquor Regulation, on adjournment today, speakers committee room.
Retirement and Aging, on adjournment today, Old Supreme Court room, to consider SB 1414.
Ways and Means, on adjournment today, Desk 62, to consider SB 585.
Natural Resources, on adjournment today, Desk 70, to consider SJR 41.

ADJOURNMENT
Representative Parker moved that the house adjourn until 10 a.m. tomorrow.
The motion prevailed without objection.
The house accordingly, at 7:37 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

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

Appropriations - SB 1256
Business and Commerce - SB 1425
County Affairs - SB 1427, SB 1330, SB 1363, SB 1379, SB 1395, SB 1398
Criminal Jurisprudence - SB 380
Environmental Affairs - HB 1425
Financial Institutions - SB 1376
Higher Education - SB 900, SB 1166, SB 1323, SB 1332, SB 1333
Human Services - SB 477
Judicial Affairs - HCR 263, SB 1281, SCR 52, SCR 63, SCR 115, SCR 125
Liquor Regulation - HB 1107
Natural Resources - SB 1026, SB 1348, SB 1373, SB 1378
Retirement and Aging - SB 793, SB 908
Rules and Resolutions - HCR 172, HCR 175, HCR 179, HR 213, HR 214, HR 254, HR 255, HR 257, HR 262, HR 263, HR 264, HR 266, HR 267, HR 268, HR 269
State Affairs - HB 2197, SB 161, SB 621, SB 659, SB 689, SB 926, SB 1213, SB 1347, SB 1355, SB 1370, SB 1401, SCR 104
Transportation - SB 1342, SCR 113
Urban Affairs - HB 1432, SB 266, SB 1351, SB 1388

ENGROSSED
May 24 - HB 289, HB 1629, HB 1871, HB 2081, HB 2383, HB 326, HB 1018, HB 1519, HB 1625, HB 1695, HB 1869, HB 1889, HB 2070, HB 2109, HB 2276, HB 2229, HB 2376, HB 2394, HB 2399, HB 2405,
HB 2430, HB 2434, HB 2447, HB 2449, HB 2452, HB 2357, HCR 110, HCR 111, HCR 189

ENROLLED

May 24 - HB 1056, HB 149, HB 844, HB 1678, HB 1792, HB 1954, HB 197, HB 464, HB 1345, HB 1475, HB 1731, HB 1936, HB 651, HJR 22, HJR 73, HJR 105

COAUTHORS AUTHORIZED

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

HB 784 - D. Hudson
HB 1927 - Gamez

RECOMMENDATIONS OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

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

May 25 - HB 2425, HB 2426, HB 2428