The house met at 11:15 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 538).

Present — Mr. Speaker; Agnich; Armbister; Barrientos; Barton, B.; Barton, E.; Berlenga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connolly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delays; Delco; Denton; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hefflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubat; Kuempel; Lane; 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; Schlueter; Schoolcraft; Shaw; Shea; Short; 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 — Arnold; Simpson.

Absent — Eckels.

(Eckels now present)

BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

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

SB 232, HJR 19, HB 718, HB 844, HB 861, HB 867, HB 877, HB 896, HB 897, HB 957; HB 1006, HB 1056, HB 1058, HB 1130, HB 1141, HB 1174, HB 1178, HB 1203, HB 1245, HB 1250, HB 1279, HB 1394, HB 1308, HB 1336, HB 1345, HB 1351, HB 1409, HB 1445, HB 1474, HB 1475, HB 1480, HB 1505, HB 1507, HB 1518, HB 1599, HB 1601, HB 1602, HB 1650, HB 1678, HB 1685.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

Representative G. Hill moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent calendars which were considered on the previous legislative day.
The motion prevailed without objection.

LOCAL AND CONSENT BILLS CALENDAR ON THIRD READING

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

SB 631  
SB 875  
SB 1273  
SB 1330  
SB 1366  
SB 1395  
SB 1397  
SB 1409  
SB 1426  
SB 1427  
HB 2329  
HB 2384  
HB 2448  
SB 369  
SB 651  
SB 733  
SB 791  
SB 827  
SB 964  
SB 1281 (Polk - no)  
SB 1318  
SB 1323  
SB 1379

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

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendar were laid before the house, read third time, and passed by (Record 539): (Members registering votes and the results of the vote are shown following bill number) 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha;
Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finelli; 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.; Helin; Hightower; Hibbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurley; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; 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; Schoolcraft; Shaw; Shea; Short; Smith, A.; Smith, C.; Smith, T.; Starnswhals; Stites; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Simpson.

Absent — Davis; Gamez; Hernandez; Jones; Martinez, W.; Schlueter.

SB 1286 (141-0-9)
SB 1335 (141-0-9)
SB 1350 (141-0-9)
SB 1352 (141-0-9)
SB 1356 (141-0-9)
SB 1375 (141-0-9)
HB 2340 (141-0-9)
SB 161 (141-0-9)
SB 380 (141-0-9)
SB 621 (141-0-9)
SB 659 (141-0-9)
SB 757 (Fox, Khoury, and Hollowell - no) (138-3-9)
SB 891 (141-0-9)
SB 926 (141-0-9)
SB 1040 (141-0-9)
SB 1166 (141-0-9)
SB 1184 (141-0-9)
SB 1185 (141-0-9)
SB 1308 (141-0-9)
SB 1348 (141-0-9)
SB 1351 (141-0-9)
SB 1363 (141-0-9)
REPRESENTATION REFERRED TO COMMITTEE
The following resolution was laid before the house and referred to committee:
By S. Hudson:
HCR 265, Granting Sam Hudson permission to sue the state.
To Committee on Judicial Affairs.

HB 283 WITH SENATE AMENDMENTS
Representative Luna called up with senate amendments for consideration at
this time,

HB 283, A bill to be entitled An Act relating to the possession and delivery of
certain volatile chemicals: providing penalties.

On motion of Representative Luna, the house concurred in the senate
amendments to HB 283.

HB 283 - TEXT OF SENATE AMENDMENTS
SENATE AMENDMENT NO. 1
Amend Section 4(a), page 3, line 5, by adding
words "concerning precautions
against inhalation" after the word "requirements" and before the word
"established".

SENATE AMENDMENT NO. 2
Amend the caption to conform to the body of the bill.

MESSAGE FROM THE SENATE
Austin, Texas, May 27, 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 482 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 Harris,
Farabee, Mauzy, Glasgow, McFarland.

I am directed by the Senate to inform the House that the Senate has refused
to concur in House Amendments to SB 255 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 Vale,
Howard, Harris, Traeger, Parmer.
I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 705 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 Brooks, Whitmire, Parmer, Sharp, Edwards.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 385 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 Doggett, Sarpalius, Truan, Washington, Mauzy.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 921 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 Doggett, Mauzy, Glasgow, Sharp, McFarland.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 1091 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 Harris, Glasgow, Henderson, McFarland, Sharp.

Respectfully,
Betty King
Secretary of the Senate

SCR 124 - ADOPTED
(Peveto - House Sponsor)

Representative Peveto moved that all necessary rules be suspended to take up and consider at this time, SCR 124.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 124, Directing the Criminal Justice Policy Council to establish a Commission on Sentencing Practices and Procedures.

The resolution was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:
Higher Education, noon recess today, Desk 110, to consider HR 167.

RECESS

Representative Watson moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:47 a.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

(Simpson now present)
SB 244 - RULES SUSPENDED

Representative Tejeda moved to suspend all necessary rules to allow the Conference Committee on SB 244 to meet while the house is in session.

The motion prevailed without objection.

SCR 101 - ADOPTED
(Luna - House Sponsor)

Representative Luna moved that all necessary rules be suspended to take up and consider at this time, SCR 101.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 101

WHEREAS, It is our duty as elected officials to reaffirm our commitment to the youth of Texas by expanding educational programs that encourage responsible citizenship, community participation, and a better understanding of government by students who will soon be members of the electorate; and

WHEREAS, Eleventh grade students from throughout the State of Texas will be in Austin Thursday, August 18, through Saturday, August 20, 1983, to participate in the Second Annual Young Leadership Workshop which is sponsored by the National Hispanic Institute; and

WHEREAS, The intent of this program is to educate our youth, encourage them to participate in community affairs, and instill in them a desire to become strong leaders within their communities; and

WHEREAS, This program will simulate the Electoral System through the creation of political parties, which will sponsor candidates for state offices after campaigns and elections are completed; and

WHEREAS, Upon completion of this important event, a reenactment of a state legislative session will transpire; committees will be created, legislative proposals will be developed, and legislative oratory will be presented in a mock legislative session; and

WHEREAS, The sponsors of the Second Annual Young Leadership Workshop desire to use the Senate and House Chambers Thursday, August 18, through August 20, 1983; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the students and teachers of the Second Annual Young Leadership Workshop be and are hereby granted permission to use the Senate and House Chambers of the State Legislature Thursday, August 18, through Saturday, August 20, 1983.

The resolution was adopted without objection.

HR 516 - ADOPTED

Representative Hilbert moved that all necessary rules be suspended to take up and consider at this time, HR 516.

The motion prevailed without objection.

The speaker laid before the house the following resolution:
By Hilbert and Connelly, et al.:

HR 516

WHEREAS, Devastating spring storms struck southeast Texas on May 20 and 21, causing a tragic loss of lives and resulting in millions of dollars in property damage; and
WHEREAS, Residents of the area are now beginning to cope with the shock and grief resulting from the tragedy, but they also must begin to face the difficult task of restoring their homes and work places; and
WHEREAS, Government programs have been established to aid victims of natural disasters, and it is important that this state do all in its power to aid the thousands of Texans who have suffered losses and to take steps to expedite the cleanup and repair of homes and businesses that were destroyed or damaged by the storms and floods; now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby urge Governor Mark White to continue his efforts to ensure that the victims of the Houston-area storms and flooding receive all available state and federal assistance for their efforts to recover from the destruction in the area; and, be it further
RESOLVED, That an official copy of this resolution be forwarded to the Honorable Mark White, Governor of the State of Texas, as an expression of the sentiment of the Texas House of Representatives.

The resolution was adopted without objection.

HR 517 - ADOPTED

Representative Kubiak moved that all necessary rules be suspended to take up and consider at this time, HR 517.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak:

HR 517, Congratulating the Rockdale High School Band.

The resolution was adopted without objection.

HB 1473 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Gilley submitted the following conference committee report on HB 1473.

Austin, Texas, May 24, 1983

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 HB 1473 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.

John Leedom
Bill Sims
Hugh Parmer
Ted Lyon
John Traeger
On the part of the Senate

John Smith
Bill Bush
Terral Smith
Mark Stiles
Jim Parker
On the part of the House

HB 1473

A BILL TO BE ENTITLED
AN ACT
relating to the creation or reorganization of certain judicial districts, supplemental compensation of certain district judges, exchange of benches by certain district judges, creation of the office of district attorney in certain judicial districts, duties and election of certain district attorneys, assignment of judges in certain district courts, location at which certain district courts sit, and the juvenile boards of certain counties.

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

SECTION 1. Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.131-3.143 to read as follows:

Sec. 3.131. The 336th Judicial District, composed of the counties of Grayson and Fannin, is created.

Sec. 3.132. (a) The 337th Judicial District, composed of the County of Harris, is created.

(b) The 337th District Court shall give preference to criminal cases.

(c) The terms of the 337th District Court shall begin on the first Mondays in February, May, August, and November of each year, and each term of court continues until the next succeeding term begins.

Sec. 3.133. (a) The 338th Judicial District, composed of the County of Harris, is created.

(b) The 338th District Court shall give preference to criminal cases.

(c) The terms of the 338th District Court shall begin on the first Mondays in February, May, August, and November of each year, and each term of court continues until the next succeeding term begins.

Sec. 3.134. (a) The 339th Judicial District, composed of the County of Harris, is created.

(b) The 339th District Court shall give preference to criminal cases.

(c) The terms of the 339th District Court shall begin on the first Mondays in February, May, August, and November of each year, and each term of court continues until the next succeeding term begins.

Sec. 3.135. (a) The 340th Judicial District, composed of the County of Tom Green, is created.

(b) The terms of the 340th District Court begin on the first Mondays in March and September of each year. Each term of court continues until the next succeeding term begins.

(c) Indictments within Tom Green County issued by any district court in the county may be returned to the 340th District Court.

Sec. 3.136. (a) The 341st Judicial District, composed of the County of Webb, is created.

(b) The judge of the 341st District Court may select jury commissioners and impanel grand juries in Webb County. The judge of the 341st District Court may
alternate the drawing of grand juries with the judge of any other district court in the county. By order entered on the minutes, for any term that the judge considers it necessary, the judge may order grand and petit juries to be drawn. Indictments returned in Webb County may also be returned to the 49th District Court or the 111th District Court. The 341st District Court has concurrent jurisdiction with the 49th District Court in all tax suits and cases.

(c) The terms of the 341st District Court begin on the first Mondays in January, March, May, July, September, and November of each year. Each term continues until the court disposes of its business.

Sec. 3.137. (a) The 342nd Judicial District, composed of the County of Tarrant, is created.

(b) The 342nd District Court shall give preference to civil matters.

Sec. 3.138. The 343rd Judicial District, composed of the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio, is created.

Sec. 3.139. The 344th Judicial District, composed of the County of Chambers, is created.

Sec. 3.140. (a) The 345th Judicial District, composed of the County of Travis, is created.

(b) The 345th District Court shall give preference to civil matters.

Sec. 3.141. The 346th Judicial District, composed of the County of El Paso, is created.

Sec. 3.142. The 347th Judicial District, composed of the County of Nueces, is created.

Sec. 3.143. (a) The 348th Judicial District, composed of the County of Tarrant, is created.

(b) The 348th District Court shall give preference to civil matters.

SECTION 2. Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.144 and 3.145 to read as follows:

Sec. 3.144. The 349th Judicial District, composed of the counties of Anderson and Houston, is created.

Sec. 3.145. The 350th Judicial District, composed of the County of Taylor, is created.

Sec. 3.146. (a) The 351st Judicial District, composed of the County of Harris, is created.

(b) The 351st District Court shall give preference to criminal cases.

(c) The terms of the 351st District Court shall begin on the first Mondays in February, May, August, and November of each year, and each term of court continues until the next succeeding term begins.

Sec. 3.147. (a) The 352nd Judicial District, composed of the County of Tarrant, is created.

(b) The 352nd District Court shall give preference to civil matters.

Sec. 3.148. The 353rd Judicial District, composed of the County of Travis, is created.

SECTION 4. Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.149-3.152 to read as follows:

Sec. 3.149. (a) The 354th Judicial District, composed of the counties of Hunt and Rains, is created.

(b) The 354th Judicial District exists for purposes of the primary and general elections in 1984. The qualified voters of the district shall elect the judge at the general election in 1984 for a four-year term beginning January 1, 1985.
Sec. 3.150. The 355th Judicial District, composed of the County of Hood, is created.

Sec. 3.151. (a) The 356th Judicial District, composed of the County of Hardin, is created.

(b) The 356th District Court has and shall exercise concurrent jurisdiction with the county court over all matters of civil and criminal jurisdiction, original and appellate, in cases over which the county court has jurisdiction under the constitution and laws of this state. Matters and proceedings in the concurrent jurisdiction of the 356th District Court and the county court may be filed in either court, and all cases of concurrent jurisdiction may be transferred between the 356th District Court and the county court. A case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred.

(c) The 356th Judicial District exists for purposes of the primary and general elections in 1984. The qualified voters of the district shall elect the judge at the general election in 1984 for a four-year term beginning January 1, 1985.

Sec. 3.152. The 357th Judicial District, composed of the Counties of Cameron and Willacy, is created.

SECTION 5. Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.153 and 3.154 to read as follows:

Sec. 3.153. The 358th Judicial District, composed of the County of Ector, is created.

Sec. 3.154. The 359th Judicial District, composed of the County of Montgomery, is created.

SECTION 6. Section 3.008, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.008. The 173rd Judicial District, composed of the Counties of [Anderson], Henderson, and Houston, is hereby created.

SECTION 7. Section 3.092, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.092. The 266th Judicial District, composed of the Counties of Erath and Hood, is hereby created.

SECTION 8. Subchapter D, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 4.013 to read as follows:

Sec. 4.013. (a) The office of district attorney for the 253rd Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 253rd District Court and shall perform the duties imposed and have all the authority conferred on district attorneys by the general laws of the state.

(c) The district attorney may receive a supplemental salary from any or all of the counties in the district. The supplement is in addition to the state salary and may not exceed $5,000 a year. The Commissioners Court of Chambers County shall pay 40 percent of any supplemental salary, and the Commissioners Court of Liberty County shall pay the remaining 60 percent. The supplemental salary shall be paid from the county officers' salary fund. If that fund is inadequate, the commissioners court may transfer the necessary amount from the county general fund.

SECTION 9. Subchapter D, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 4.014 to read as follows:

Sec. 4.014. (a) The office of district attorney for the 349th Judicial District is created.
(b) The district attorney shall represent the state in all cases before the 349th District Court in Houston County and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state. The district attorney shall be elected only from Houston County. The district attorney may not perform any duties and has no authority conferred on district attorneys in Anderson County.

c) The district attorney shall receive from the state as salary the amount appropriated by the legislature for district attorneys.

d) The district attorney may not actively engage in the private practice of law while serving as district attorney.

e) With the approval of the Commissioners Court of Houston County, the district attorney may appoint the necessary assistants, investigators, and personnel for his office and set the salary of those persons. The salary of a person appointed by the district attorney under this subsection and the operating expenses of the district attorney’s office shall be paid by the commissioners court out of the general fund of the county.

(f) An assistant district attorney and an investigator shall take the constitutional oath of office.

(g) Under the supervision of the district attorney, an assistant district attorney shall exercise the powers and perform the duties conferred and imposed by law on the district attorney.

SECTION 10. Subdivision 42, Article 199, Revised Statutes, is amended to read as follows:

42. TAYLOR, CALLAHAN, AND COLEMAN. The 42nd Judicial District of the State of Texas is composed of the Counties of Taylor, Callahan, and Coleman, and the District Courts herein shall hold their terms and sessions as follows:

Said Court shall convene in Taylor County on the first Monday in January of each year, and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Taylor County; and on the 15th Monday after the first Monday in January of each year, and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Taylor County; and on the first Monday in September and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Taylor County.

Said Court shall convene in Callahan County on the 8th Monday after the first Monday in January of each year, and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Callahan County; and on the 22nd Monday after the first Monday in January, and may continue in session until the date herein fixed for convening of the next regular term of such Court in Callahan County, Texas.

The Court shall hold two terms each year in Coleman County beginning on the first Mondays in January and July. Each term continues until the next succeeding term begins.

SECTION 11. Subdivision 75, Article 199, Revised Statutes, is amended to read as follows:

75. LIBERTY

Sec. 1. The 75th Judicial District shall be composed of Liberty County and Chambers Counties, and shall be known as the District Court of the 75th Judicial District. The District Court of the 75th Judicial District shall have and exercise civil and criminal jurisdiction coextensive with the limits of Liberty County and Chambers Counties in all actions, proceedings, matters and
cases of which District Courts of general jurisdiction are given jurisdiction by the Constitution and laws of the State of Texas.

Sec. 2. There shall be two (2) terms of the District Court of the 75th Judicial District, composed of the Counties of Liberty and Chambers, in each of said Counties each year, as follows:

[In Liberty County] beginning on the first Mondays of April and October of each year, each of said terms to continue until the beginning of the next succeeding term of said Court [in Liberty County].

[In Chambers County beginning on the first Mondays of June and December of each year, each of said terms to continue until the beginning of the next succeeding term of said Court in Chambers County:

Sec. 3. The Judge of the District Court of the 75th Judicial District now serving as such, shall continue to serve as Judge of the 75th Judicial District in and for Liberty and Chambers Counties until the term for which he has been elected expires and until his successor is duly elected and qualified.

Sec. 8. The District Attorney of the 75th Judicial District and the 88th Judicial District now serving as such, shall continue to serve as District Attorney of the 75th Judicial District in and for Liberty and Chambers Counties until the term for which he has been elected expires and until his successor is duly elected and qualified.

Sec. 9. The District Clerks of Liberty and Chambers Counties shall continue to serve as Clerks of the 75th Judicial District in and for Liberty and Chambers Counties, respectively, until the terms for which elected have expired and until their successors are duly elected and qualified. Such clerks shall be compensated as provided by law for District Clerks.

Sec. 11. The official shorthand reporter of the District Court of the 75th Judicial District, shall continue to serve as official shorthand reporter for the District Court of the 75th Judicial District in and for Liberty and Chambers Counties; at the pleasure of the Judge of said Court, and shall be compensated as provided by law.

Sec. 13. All process and writs issued or served and recognizances, bonds and undertakings entered prior to the effective date of this Act, returnable to the District Court of Liberty or Chambers Counties shall be considered as returnable to the District Court of the 75th Judicial District in accordance with the provisions of this Act, and all process and writs issued or served and recognizances, bonds and undertakings entered prior to the effective date of this Act, returnable to the District Court of Hardin or Tyler Counties shall be considered as returnable to the District Court of the 88th Judicial District in accordance with the provisions of this Act; and all such processes are hereby validated and all grand and petit juries drawn and selected under existing law in the District Court of Liberty, Chambers, Hardin or Tyler Counties, shall be considered lawfully drawn or selected for the next term of the District Court of the respective Counties after this Act becomes effective, provided that if the District Court shall be in session in any of such Counties at the time this Act takes effect, such Court shall continue in session until the term thereof shall have expired under the provisions of the existing law, but thereafter, the District Court in and for such County or Counties, shall conform to the provisions of this Act.

Sec. 14. Upon the effective date of this Act, all cases, proceedings, and matters then pending on the docket of the District Court of the 88th Judicial District in Liberty and Chambers Counties, respectively, shall be deemed as pending in the 75th Judicial District Court of said Counties, and the District Clerks of Liberty and Chambers Counties, respectively, shall make record transfers to effect this purpose. Upon the effective date of this Act, all cases, proceedings, and matters then pending on the docket of the District Court of the 75th Judicial District in Hardin and Tyler Counties, respectively, shall be deemed as pending in the 88th Judicial District
Court of said Counties, and the District Clerks of Hardin and Tyler Counties, respectively, shall make record transfers to effect this purpose.

SECTION 12. Subsections (a) and (b), Section 2, Chapter 150, Acts of the 51st Legislature, Regular Session, 1949 (Article 199 (115), Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The 115th District Court of Texas shall be composed of Upshur[Wood;] and Marion Counties, and the terms of the Court shall be as follows:

In the County of Upshur on the first Mondays in January and June of each year, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular term of said Court in Upshur County.

In the County of Wood on the first Mondays in February and July, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular term of said Court in Wood County.

In the County of Marion on the first Mondays in March and September, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular term of said Court in Marion County.

(b) The jurisdiction of the 115th District Court is concurrent with the jurisdiction of the 276th District Court in Marion County[, and with the 114th District Court in Wood County. The Judges of the 114th and 115th District Courts in Wood County may transfer on their dockets any case to be tried in Wood County with the consent of the Court to which transferred; and each may sit in the other Court to hear cases without transferring the case]. The Judges of the 115th and 276th District Courts in Marion County may transfer on their dockets any case to be tried in Marion County with the consent of the court to which transferred, and each may sit in the other court to hear cases without transferring the case. The 115th District Court in Marion County shall have and exercise concurrent jurisdiction with the County Court over all matters of criminal jurisdiction, original and appellate, in cases over which under the constitution and laws of this state the County Court has jurisdiction. In the County, matters and proceedings in the concurrent jurisdiction of the 115th District Court and the County Court may be filed in either Court and all cases of concurrent jurisdiction may be transferred between the 115th District Court and the County Court. All writs and processes issued and bonds and recognizances made in cases transferred are returnable to the court to which transferred, as if originally issued there.

SECTION 13. Chapter 295, Acts of the 55th Legislature, Regular Session, 1957 (Article 199(156), Vernon's Texas Civil Statutes), is amended to read as follows:

156. ARANSAS, BEE, LIVE OAK, McMULLEN, SAN PATRICIO

Sec. 1. The 156th Judicial District is composed of the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio.

Sec. 2. The 156th District Court shall hold two terms in each county within its jurisdiction beginning on the first Mondays in January and July of each year. Each term of court in each county continues until the next succeeding term begins.

Sec. 3. The judges of the district courts in the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio may hear and dispose of any suit or other proceeding on the docket of any of the district courts of the county in which the action or proceeding is instituted without the necessity of transferring the suit or proceeding from one court to the other court. The judges may transfer cases from one court to another court by an order entered on the docket of the court from which the case is transferred, except that a case may not be transferred without the
consent of the judge of the court to which it is transferred. Each judgment and order shall be entered in the minutes of the district court in which the proceeding is pending. The clerk of the district court in each county shall keep minutes for each district court and record all judgments and orders of the court in the minutes.

Sec. 4. Each of the judges of the district courts in the counties of Aransas, Bee, Live Oak, McMullen, and San Patricio shall sign the minutes of each term of his court in each of the counties not later than the 30th day after the end of the term and shall also sign the minutes of the other courts covering the proceedings that were held before him.

156. Aransas, San Patricio, Bee, Live Oak, McMullen

[Sec. 1.] There is hereby created and established the 156th Judicial District in and for the Counties of Aransas, San Patricio, Bee, Live Oak and McMullen, with jurisdiction over civil cases only, and the limits of such District shall be coextensive with the limits of said Counties. The District Court of the 156th Judicial District shall be known as the 156th District Court:

[Sec. 2.] Immediately on the effective date of this Act the Governor shall appoint a suitable person having the qualifications provided by the Constitution and laws of this State as Judge of the District Court of the 156th Judicial District who shall hold office until the next General Election and until his successor shall be duly elected and qualified as provided by the Constitution and laws of this State; and he shall receive such compensation as allowed other District Judges under the laws of this State:

[Sec. 3.] There shall be two (2) terms of the District Court of the 156th Judicial District in each of said Counties each year as follows:

In the County of Aransas on the first Monday in May and on the fourth Monday in October, and may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County:

In the County of San Patricio on the first Monday in June and on the first Monday in December, and may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County:

In the County of Bee on the first Monday in February and on the fourth Monday in August and may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County:

In the County of Live Oak on the third Monday in March and on the first Monday in October, and may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County:

In the County of McMullen on the third Monday in April and the third Monday in November, and may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County:

The Judge of said Court, in his discretion, may hold as many sessions of the Court in any term in any County as he may deem proper and expedient for the dispatch of business:

[Sec. 4.] The district clerk of each of the respective Counties included in said Judicial District shall be clerk of the District Court of the 156th Judicial District in such respective Counties, and each clerk shall immediately prepare a docket for the 156th District Court:

[Sec. 5.] The Judge of the 156th District Court or the Judge of the 36th District Court may hear and dispose of any suit or other proceeding on the docket of either of said District Courts of the county in which the action or proceeding is instituted;
without the necessity of transferring the suit or proceeding from one (1) Court to the other; and the Judges may transfer cases from one (1) Court to the other by an order entered on the docket of the Court from which the case is transferred; provided that no case shall be transferred without the consent of the Judge of the Court to which transferred. Every judgment and order shall be entered in the minutes of the District Court of the county in which the proceedings are pending; and the clerk of the District Court in said County shall keep minutes for each District Court in which shall be recorded all judgments and order of each Court, respectively:

[Sec. 6. After his appointment and qualification, the Judge of the 156th District Court shall appoint an official shorthand reporter, who shall be compensated as provided by law.

[Sec. 7. The Judges of the 36th and the 156th District Courts shall sign the minutes of each term of said respective Courts in each of said Counties within thirty (30) days after the end of each term; and each Judge shall also sign the minutes of the other Court covering such proceedings as were had before him.

[Sec. 8. The district clerk shall file each civil case in numerical order as received and place the odd-numbered cases or proceedings on the docket of the 156th District Court and the even-numbered cases or proceedings on the docket of the 36th District Court.

[Sec. 9. Qualified jurors for service in both the 36th Judicial District Court and the 156th Judicial District Court shall be selected by jury commissions where such method is authorized by law and by the jury wheel in the counties where such method is required by law. Jurors so selected may be summoned and used for the trial of civil cases interchangeably in either the 36th District Court or the 156th District Court in Aransas, Bee, Live Oak, McMullen, and San Patricio Counties.

[Sec. 10. At the effective date of this Act all cases or proceedings pending on the docket of the 156th Judicial District Court in San Patricio County shall be transferred to the docket of the 156th Judicial District Court of said County, and all odd-numbered civil cases or proceedings on the docket of the 36th Judicial District Court of said County, and all even-numbered civil cases or proceedings on the dockets of the remaining respective Counties of the 36th Judicial District shall be transferred to the dockets of the 156th Judicial District Court.

[Sec. 11. All citations and processes issued and petit jurors drawn before this Act takes effect shall be valid and returnable to 156th District Court in the several counties in those cases placed on the dockets of the 156th District Court by the provisions of this Act.

SECT. 14. Section 2, Chapter 442, Acts of the 63rd Legislature, Regular Session, 1973 (Article 326k-73, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. The district attorney for the 173rd Judicial District shall represent the state in Henderson County in all [criminal] cases in the district courts having jurisdiction in Henderson County [court for the 173rd Judicial District] and perform the other duties provided by law governing district attorneys.

SECTION 15. Chapter 791, Acts of the 61st Legislature, Regular Session, 1969 (Article 326k-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. The district attorney for the Third Judicial District, whose jurisdiction extends to [composed of the County [counties] of Anderson [Henderson, and Houston]], is hereby authorized to employ an assistant district attorney with the consent of the commissioners court [courts] of Anderson County [two or more counties within the district].

Sec. 2. Said assistant district attorney shall be a qualified licensed attorney and shall have authority to perform all the acts and duties of the district attorney under the laws of this state.
Sec. 3. If the commissioners court of Anderson County consents to the employment of an assistant district attorney, the salary of the same shall be paid as follows: one-third of the annual salary shall be paid by Anderson County; one-third of the annual salary shall be paid by Henderson County, and one-third of the annual salary shall be paid by Houston County.

Sec. 4. The district attorney of the Third Judicial District, subject to the consent of the commissioners court of Anderson County, shall fix the salary of the assistant district attorney.

SECTION 16. Section 1, Chapter 246, Acts of the 65th Legislature, Regular Session, 1977 (Article 1916a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. The provisions of this Act authorize the exchange of benches without formal order by the judges of the 51st Judicial District, and the 19th Judicial District, and the 340th Judicial District, and are applicable in each county in those districts, including the counties in which the districts do not overlap.

SECTION 17. Subchapter B, Family District Court Act (Article 1926a, Vernon's Texas Civil Statutes), is amended by adding Section 2.32 to read as follows:

Sec. 2.32. 360TH DISTRICT COURT. The 360th Judicial District is created. Its boundaries are coextensive with the boundaries of Tarrant County, and its court is the 360th District Court. The 360th District Court may be called the Family District Court for the 360th Judicial District.

SECTION 18. Section 3(a), Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Juvenile Board of Houston County is created. The board consists of the County Judge of Houston County, the judges of the district courts in Houston County, and the county attorney [District Attorney for the 3rd Judicial District, and the District Attorney for the 173rd Judicial District]. The judge of the court which is designated as the juvenile court of the county shall be chairman of the board and its chief administrative officer.

SECTION 19. Section 3, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The county attorney of Houston County has the duty to file, prosecute, and try, on behalf of the state, all juvenile cases in the juvenile court of Houston County. If the county attorney is ill, absent, or otherwise unable to perform those duties, the district attorney shall act for the county attorney.

SECTION 20. Section 1, Chapter 305, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139CC, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. There is hereby established a County Juvenile Board in Hunt County, which shall be composed of the county judge, the judge of the county court at law in Hunt County, the judge of any district court having jurisdiction in the county [the 196th Judicial District], and three non-salaried members who are citizens of Hunt County, one to be appointed by the county judge, one by the judge of the county court at law, and one by the district judge. The terms of office of the non-salaried appointed members of the Board are for one year each. The terms of the non-salaried appointed members expire on December 31st of each year.

SECTION 21. Chapter 747, Acts of the 61st Legislature, Regular Session, 1969 (Article 6819a-42, Vernon's Texas Civil Statutes), is amended to read as follows:
Sec. 1. In addition to the compensation now paid or authorized to be paid by law, the judges of the district courts having jurisdiction in Webb County (Judge of the 49th Judicial District of Texas and the Judge of the 11th Judicial District of Texas) shall each be paid by the Commissioners Court of Webb County, Texas, a sum to be set by the commissioners court in an amount not less than $2,000 per annum, payable in monthly installments out of the general fund, officers' salary fund, jury fund, or any fund available for that purpose, for additional judicial and administrative services, and especially additional services rendered to Webb County in the trial of all criminal and civil cases ordinarily tried by a county court at law.

Sec. 2. The compensation provided for in Section 1 shall be in addition to all other compensation now paid or authorized to be paid to the judges of the district courts having jurisdiction in Webb County (District Judge of the 49th Judicial District and the District Judge of the 11th Judicial District).

SECTION 22. (a) The office of district attorney for the 156th Judicial District is created.

(b) The district attorney for the 156th Judicial District shall perform the duties and have the authority conferred on district attorneys by the general laws of the state, shall represent the state in all criminal cases in the district courts in the counties of Bee, Live Oak, and McMullen, and shall be elected only from those counties. The district attorney for the 36th Judicial District shall perform the duties and have the authority conferred on district attorneys by the general laws of the state, shall represent the state in all criminal cases in the district courts in the counties of Aransas and San Patricio, and shall be elected only from those counties.

SECTION 23. The present district attorney for the 36th Judicial District shall continue in office until the general election in 1984 and until his successor is elected and has qualified.

SECTION 24. (a) The district attorney of the Third Judicial District shall be elected only from Anderson County.

(b) The district attorney of the Third Judicial District shall perform the duties imposed and have the authority conferred on district attorneys by general law in Anderson County. The district attorney may not perform any duties and has no authority conferred on district attorneys in Henderson or Houston County.

SECTION 25. (a) The judge of the 341st District Court shall appoint a person to serve as bailiff.

(b) An order signed by the judge and entered on the minutes of the court shall be evidence of the appointment of the bailiff. The judge shall give written notification to the commissioners court of the appointment, the date of employment, and the compensation to be paid by the county.

(c) The bailiff shall swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

(d) To be eligible for appointment to the office of bailiff, a person must be a resident of Webb County and must be at least 21 years of age.

(e) A bailiff holds office at the will of the judge of the court served by the bailiff.

(f) A bailiff is an officer of the court and shall perform in the county in which the court sits all duties imposed on bailiffs under the general laws of Texas. The bailiff shall perform other duties required by the judge that he serves but shall have no duties assigned by any other person.

(g) The county sheriff shall, on written notice of the judge, deputize the bailiff in addition to other deputies authorized by law.

(h) The county shall compensate the bailiff out of the general fund in an amount set in writing by the judge, but not in an amount greater than the amount that the county pays any full-time deputy sheriff.
SECTION 26. Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes), is amended by adding Section 5f to read as follows:

Sec. 5f. Notwithstanding any other provision of this Act, neither the chief justice nor the presiding judge of the administrative judicial district in which Harris County is located may assign a judge to a court in Harris County if the regular district judge is present or trying cases unless the assignment is for the regular docket of the:

(1) presiding administrative judge and the judge is present attending to administrative duties; or

(2) presiding judge of a court created by the legislature and the judge is trying a capital murder case.

SECTION 27. The district courts in Harris County may not sit in more than one location. The courts may not establish an annex or branch court.

SECTION 28. Section 1, Article 322, Revised Statutes, is amended to read as follows:

Sec. 1. The following Judicial Districts in this state shall each respectively elect a District Attorney, viz.: 1st, 2nd, 3rd, 5th, 7th, 8th, 9th, 12th, 21st, 22nd, 23rd, 24th, 25th, 27th, 29th, 30th, 31st, 32nd, 33rd, 34th, 36th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th.

SECTION 29. The office of district attorney for the 75th Judicial District is abolished.


SECTION 31. (a) Section 1, Chapter 91, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6819a-13a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. In addition to the compensation provided by law and paid by the state, the commissioners court [courts] of Liberty County is [and Chambers county are] hereby authorized to pay the district judge of the 75th Judicial District, for services rendered to the county [those counties] and for performing administrative duties, a reasonable sum not to exceed $6,000 a year.

(b) Section 2, Chapter 91, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6819a-13a, Vernon's Texas Civil Statutes), is repealed.

SECTION 32. (a) Except as provided by this section, this Act takes effect September 1, 1983.

(b) Sections 2, 6, 9, 10, 14, 15, 17, 18, 19, 21, and 24 of this Act take effect January 1, 1984.

(c) Section 3 of this Act takes effect September 1, 1984.

(d) Except as provided by Sections 3.149(b) and 3.151(c), Judicial Districts Act of 1969 (Article 99a, Vernon's Texas Civil Statutes), as added by Section 4 of this Act, Sections 4, 7, and 20 of this Act take effect January 1, 1985.

(e) Section 5 of this Act takes effect September 1, 1985.

SECTION 33. 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 Gilley moved to adopt the conference committee report on HB 1473.

A record vote was requested.

The motion prevailed by (Record 540): 135 Yeas, 5 Nays, 2 Present, not voting.
Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cavazos; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; DeLay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, L.; Fennell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Keller; Kemp; Khoury; Kubiak; Kuempel; Lane; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveo; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Ceverha; Fox; Jones; Toomey; Vowell.

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

Absent, Excused — Arnold.

Absent — Cary; Davis; Evans, C.; McWilliams; Mankins; Robnett; Schluteter.

STATEMENT BY REPRESENTATIVE POLK

On Record Vote No. 540, on adoption of Conference Committee Report on HB 1473, I intended to vote no—and inadvertently voted yes.

Polk

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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 134 by Jones, recalling HB 2134 for further senate consideration.

CSHB 885 by Criss, relating to commissions' oversight of matters concerning employment and unemployment in the state, to the continuation of the Texas Employment Commission.

HB 1186 by Messer, relating to adoption of a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities. (amended) (Messer in the chair)

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 635 by viva voce vote; SB 802 by 29 yeas, 0 nays; SB 1283 by 30 yeas, 0 nays; SB 1205 by viva voce vote; SB 84 by viva voce vote; SB 1287 by viva voce vote; SB 79 by viva voce vote; SB 215 by viva voce vote; SB 224 by viva voce vote; SB 640 by 31 yeas, 0 nays; SB 961 by 31 yeas, 0 nays; SB 572 by viva voce vote; SB 1038 by 31 yeas, 0 nays; SB 160 by viva voce vote;
SB 671 by viva voce vote; SB 226 by 31 yeas, 0 nays; SB 258 by viva voce vote; SB 763 by 28 yeas, 2 nays; SB 375 by viva voce vote; SB 22 by viva voce vote; SB 11 by viva voce vote; SB 429 by viva voce vote; SB 970 by viva voce vote; SB 701 by viva voce vote; SB 641 by viva voce vote; SB 551 by 30 yeas, 1 nay; SB 1131 by viva voce vote; SB 223 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 294 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 24 by viva voce vote; SB 147 by viva voce vote; SB 557 by viva voce vote; SB 764 by viva voce vote; SB 845 by 31 yeas, 0 nays; SB 126 by viva voce vote; SB 1082 by viva voce vote; SB 860 by 31 yeas, 0 nays; SB 105 by viva voce vote; SB 638 by viva voce vote; SB 800 by 30 yeas, 1 nay.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 642 by the following vote: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 1 by the following vote: 30 yeas, 1 nay.

Respectfully,
Betty King
Secretary of the Senate

STATEMENT BY REPRESENTATIVE GAMEZ

On Record Vote No. 539 my machine did not register my vote which should have been yes.

Gamez

SB 1 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative T. Smith submitted the conference committee report on SB 1.

Representative T. Smith moved to adopt the conference committee report on SB 1.

A record vote was requested.

The motion prevailed by (Record 541): 118 Yeas, 23 Nays. 6 Present, not voting.

Yeas — Aglich; Armbrister; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Carriker; Cary; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Danburg; DeLay; Delco; Denton; Eckels; Edwards; Ekenburg; Emmett; English; Fennell; Fox; Gamez; Gandy; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glassbrenner; 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.; Hollowell; Horn; Hudson, D.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Mankins; Messer(C); Millsap; Moreno, A.; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Rangel; Robnett; Rudd; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Sutes; Tejeda; Thompson, G.; Toomey; Tow;
Turner; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Barrientos; Cain; Cavazos; Crockett; Davis; Evans, L.; Garcia, A.; Garcia, M.; Hernandez; Hinojosa; Hudson, S.; Lee, D.; Luna; Martinez, R.; Martinez, W.; Moreno, P.; Oliveira; Parker; Ragsdale; Robinson; Sutton; Thompson, S.; Wilson.

Present, not voting — Mr. Speaker; Barton, B.; Gilley; Oliver; Russell; Uber.

Absent, Excused — Arnold.

Absent — Evans, C.; Hackney.

Reason for Vote
I voted no on Adoption of Conference Committee Report SB 1 because I felt it was a vote to send it back to the conference committee to work out the disagreement on the presumption of intoxication. I support SB 1.

Hinojosa

HR 519 - NOTICE GIVEN

Pursuant to the provisions of Rule 15, Section 4 of the House Rules; at 2:42 p.m., the chair notified the house that in one hour, Representative Turner would be recognized to make a motion to suspend all necessary rules in order to take up and consider HR 519.

HR 520 - NOTICE GIVEN

Pursuant to the provisions of Rule 15, Section 4 of the House Rules; at 2:50 p.m., the chair notified the house that in one hour, Representative Messer would be recognized to make a motion to suspend all necessary rules in order to take up and consider HR 520.

SB 884 ON SECOND READING
(Schlueter - House Sponsor)

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

SB 884, A bill to be entitled An Act relating to the definition of water and sewer utilities and to their regulation; to the jurisdiction, powers and duties, and qualifications of members of the Texas Water Commission; to the jurisdiction and powers of municipalities.

The bill was on the calendar on May 26 and was postponed until 9 a.m. today. The bill was read second time.

Representative Green moved to table SB 884.

A record vote was requested.

The motion to table was lost by (Record 542): 32 Yeas, 109 Nays, 4 Present, not voting.

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

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

Absent, Excused — Arnold.

Absent — Bush; Criss; Crockett; Leonard.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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 355 by Willis, relating to the pay of election judges and clerks.

HB 208 by Wolens, relating to provision of certain insurance and payment of premiums by counties and other political subdivisions of the state. (amended)

HCR 158 by Wilson, commending Elspeth Rostow, dean of the LBJ School of Public Affairs.

HCR 267 by Wilson, honoring Arthur M. Gaines, Jr.

HB 1015 by Messer, et al., relating to firemen’s and policemen’s civil service. (amended)

CSHB 2436 by Schlueter, et al., relating to the exemption from the motor fuels tax for gasoline and alcohol mixtures.

SCR 137 by Jones, relating to specific matters which may be contained in the Conference Committee Report on Senate Bill 179.

HCR 247 by T. Smith, directing Texas Commission on Jail Standards to conduct a general survey of the conditions of the municipal jails.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 960 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Respectfully,
Betty King
Secretary of the Senate
LEAVE OF ABSENCE GRANTED

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

Crockett on motion of Clark.

SB 884 - (consideration continued)

Representative Green offered the following amendment to the bill:

Amend SB 884 by renumbering Sections 80-87 as Sections 81-88 (beginning on page 49) and adding a new Section 80 to read as follows:

SECTION 80. Representation by Office of Public Utility Counsel. The Office of Public Utility Counsel established under the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) shall represent the interests of residential and small commercial consumers of water and sewer utility service before the commission and in other related matters in the manner and with the duties and powers provided by the Public Utility Regulatory Act for the representation of residential and small commercial consumers of electric and telecommunications utility service.

Representative Keller moved to table the Green amendment.

A record vote was requested.

The motion to table prevailed by (Record 543): 96 Yeas, 44 Nays, 3 Present, not voting.

Yea votes: Agnich; Armbrister; Berlanga; Bollon; Bomer; Buchanan; Burnett; Cain; Ceverha; Clark; Collazo; Connelly; Criss; Davis; DeLay; Eekels; Eikenburg; English; Evans, C.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Glosbrenner; Granoff; Grisham; Haley; Hall, T.; Hall, W.; Hammond; Hana; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Jackson; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; McKenna; Madla; Mankins; Millsap; Parker; Patrick; Patronella; Patterson; Penington; Pezeto; Pierce; Polk; Presnal; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Vowell; Waldrop; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays: Barrientos; Barton, B.; Barton, E.; Carriker; Cary; Cavazos; Clemens; Colbert; Cood; Craddick; Danburg; Delco; Denton; Edwards; Evans, L.; Fox; Gandy; Gilley; Green; Hackney; Hall, L.; Heffin; Hudson, D.; Hurry; Kemp; Lee, D.; Lee, E. P.; Luna; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Polumbo; Price; Robnett; Shaw; Smith, C.; Thompson, S.; Uher; Vallas; Wallace; Watson.

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

Absent, Excused: Arnold; Crockett.


Representative Hackney offered the following amendment to the bill:

Amend SB 884 immediately following Section 57 of the bill by inserting a new Article VIII A to the bill to read as follows:
ARTICLE VIII A. WATER AND SEWER SERVICE IN CERTAIN MAJOR URBAN AREAS

SECTION 57A. LEGISLATIVE FINDINGS. The legislature finds that:

1. within and near urban areas of this state, where privately controlled utility companies have constructed or acquired water or sewer facilities, the facilities have often proved to be inadequate to meet the special needs of the public who live in and near the urban areas;

2. when the facilities are initially constructed inadequately, great expense and disruption are required to replace them or duplicate them at a later date, particularly within and near major urbanized areas where streets and public areas must be used for many purposes by many persons;

3. until the inadequate facilities are replaced or duplicated, persons served by the inadequate facilities often suffer from substandard service and a complete lack of essential urban utility services, such as fire protection;

4. improper or inefficient operation of water or sewer facilities by privately controlled utility companies, which are not accountable to elected officials, has also resulted in substandard service for persons within and near urban areas;

5. proper planning for water or sewer utilities within and near urban areas will reduce the long-range cost to ratepayers and to the public at large by minimizing the likelihood that the facilities will have to be replaced, duplicated, or relocated, and major cities are well equipped and situated to undertake the planning efforts;

6. the filing and approval of engineering plans and specifications is a cost-effective means of promoting proper planning, and the judgment and training of the engineering profession should be applied to the planning process to the greatest extent practicable;

7. the planning efforts will complement the existing programs of the Texas Department of Health for water and sewer facilities;

8. major cities, being public bodies, should be encouraged to extend and expand their water and sewer services and should not be prohibited from doing so, where the public interest so requires; and

9. remedial legislation in the form of this article is needed to address these problems and related issues.

SECTION 57B. DEFINITIONS. (a) In this article:

1. "Enforcement date" means:
   (A) with respect to any given area that is included within a major urban area as of the effective date of this article, October 15, 1983;
   (B) with respect to any given area that is included within a major urban area as a result of a change in corporate limits or extraterritorial jurisdiction occurring on or after the effective date of this article, the 90th day after the date of the boundary change; or
   (C) with respect to any given area that is included within a major urban area as a result of a future decennial federal census, September 1 of the year immediately following the year during which the census is taken, or the day of publication of the appropriate results of the census, whichever is later.

2. "Engineering officer" means, for any given major urban area, a registered professional engineer designated by the governing body of the major city situated within the major urban area, who is considered to be acting solely in his official capacity for purposes relating to this article.

3. "Essential facilities" means all of the plant and equipment of a private utility, including all real and personal property and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any private utility, except that the term does not include:
(A) motor vehicles;
(B) tools or other portable items not affixed to real property;
(C) property used for office or administrative purposes or for storing or assembling tools, portable equipment, motor vehicles, spare parts or materials, which property is physically and operationally separate from any other essential facility;
(D) intangible property; or
(E) unimproved real property.

(4) "Major city" means a city having a population of 1,500,000 or more according to the most recent decennial federal census.

(5) "Major urban area" means all of the territory within the corporate limits of a major city and all of the territory subject to the extraterritorial jurisdiction of a major city under the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) or other similar law.

(6) "New essential facilities" means all essential facilities of a private utility other than old essential facilities of the private utility.

(7) "Old essential facilities" means those essential facilities of a private utility that are:
(A) in existence and actually used by a private utility before the enforcement date applicable to the area where the essential facilities are located; or
(B) under construction or under contract for acquisition by a private utility as of the enforcement date applicable to the area where the essential facilities are located, if the construction or acquisition is diligently prosecuted to completion after the enforcement date.

(8) "Plans" means and includes plans, drawings, specifications, and related contracts, title instruments, documents, and descriptions, all prepared and assembled with the completeness and in the form and manner required by the applicable guidelines adopted in accordance with this article. For any given set of plans, the applicable guidelines are those that are:
(A) adopted by the engineering officer of the major city situated within the major urban area where the essential facilities described in the set are located or to be located; and
(B) in effect as of the day the set is submitted to the engineering officer for any action.

(9) "Private utility" means and includes any person, corporation, water supply or sewer service corporation, or any combination of these entities, or their lessees, trustees and receivers, owning or operating for compensation in this state equipment or facilities for providing water service or sewer service or both, except that the term does not include a public body or a person or entity that furnishes water service or sewer service only to itself, or to its employees or tenants as an incident of the employee service or tenancy, when the service is not resold to or used by others. The term "public body" means:
(A) the United States of America and its departments and agencies;
(B) this state and its departments, boards, and agencies;
(C) cities, towns, and villages of this state and their departments, boards, and agencies;
(D) other political subdivisions of this state; and
(E) nonprofit corporations, boards, or agencies that have governing bodies appointed by one or more cities, towns, or villages or officers of cities, towns, or villages.

(10) "Sewer service" means and includes the collection, transportation, treatment, or disposal of sewage, or other operation of a sewage disposal service for the public.
“(11) "Urban standards" means the applicable standards for essential facilities that are adopted in accordance with this article. For any given essential facility, the applicable urban standards are those that are:
(A) adopted by the engineering officer of the major city situated within the major urban area where the essential facility is located or to be located; and
(B) in effect as of the day the plans for the essential facility are submitted to the engineering officer for any action.

(12) "Water service" means and includes the transmitting, storing, distributing, selling, or furnishing of potable water to the public or for resale to the public for any use.

(b) Except to the extent a special meaning is given to a term by Subsection (a) of this section, and unless the context otherwise requires, words and phrases used in this article have the same meanings given them elsewhere in this Act.

SECTION 57C. GUIDELINES AND STANDARDS. (a) It is the responsibility of the engineering officer of each major city to adopt guidelines for plans submitted or to be submitted under this article and to adopt urban standards for essential facilities. The guidelines and urban standards may be amended from time to time upon the engineering officer's own motion or in response to a written request made by a private utility. The guidelines and urban standards, as amended, shall be kept on file at the place of business of the officer.

(b) The urban standards shall be based upon sound engineering and planning principles and shall cover design, materials, workmanship, capacities, sizes, orientation, location, siting, construction techniques, potential enhancements or extensions, potential interconnections, and other characteristics of essential facilities. In the case of water systems, the urban standards shall include provisions for fire hydrants and fire suppression capability. In the case of sewer systems, the urban standards may include provisions relating to regional or consolidated treatment facilities, existing or planned.

(c) The guidelines and urban standards adopted by an engineering officer of a major city shall, to the greatest extent practicable, be consistent with guidelines and standards generally applied by the major city to municipal utility districts under Section 54.016, Water Code, or other applicable law, rule, regulation, or ordinance. If there are no guidelines or standards applied by the major city to municipal utility districts, the guidelines and urban standards shall, to the greatest extent practicable, be consistent with guidelines and standards that the major city generally applies in connection with new construction for its own water or sewer systems.

SECTION 57D. COMPLIANCE WITH PLANS. A private utility may not construct, acquire, or otherwise obtain the use of any new essential facility located or to be located within a major urban area unless the new essential facility complies strictly with plans previously endorsed in accordance with this article.

SECTION 57E. ENDORSEMENT OF PLANS. (a) A private utility that desires to have a set of plans endorsed for purposes of this article must first submit them to the engineering officer of the major city situated within the major urban area where the essential facility described in the set is located or to be located. After the engineering officer has endorsed the set and affixed an expiration date, the private utility may submit the same set to the Texas Department of Health. A set of plans is endorsed in accordance with this article when all of the following have occurred:
(1) the engineering officer of the major city has endorsed the set to signify that it complies with the applicable urban standards;
(2) the engineering officer has also established and affixed an expiration date to his endorsement; and
(3) an appropriate official of the Texas Department of Health has endorsed the set or an attached letter to signify that the set complies with the applicable laws, rules, and regulations relating to the department.
(b) Private utilities may submit plans for old essential facilities in the same manner, subject to the same guidelines and urban standards as new essential facilities.

(c) The expiration date of an endorsement under this section shall be established so as to allow a reasonable time for the private utility to complete any necessary construction or acquisition and to file “as built” plans, but to minimize the chance that changed circumstances would make the endorsement inappropriate or obsolete. In no event may the original expiration date for proposed new essential facilities be earlier than one year after the date of endorsement. Once an expiration date is affixed to a set of plans, and if the private utility so requests in writing, the engineering officer shall grant extensions by affixing a new expiration date, if the plans comply with the applicable urban standards at the time and are not likely to become inappropriate or obsolete before the extended date.

SECTION 57F. “AS BUILT” PLANS. A private utility may not place into service any new essential facility within a major urban area unless the private utility first files two sets of “as built” plans for the new essential facility in accordance with this section. One set shall be filed with the commission. The other set shall be filed with the engineering officer of the major city situated in the major urban area. Each set must be a true copy of a set that was endorsed in accordance with this article. Both sets must be filed after the new essential facility is constructed or acquired but on or before the expiration date of the engineering officer’s endorsement, as the date was originally established or later extended in accordance with this article. Each set must have attached to it a written document, signed and sealed by a registered professional engineer, that clearly states:

1. that the engineer has inspected the new essential facility in the field; and
2. that the attached set of plans accurately depicts the new essential facility as built.

SECTION 57G. SERVICE BY MAJOR CITY. (a) Notwithstanding Section 42 of this Act or any other provision of law, a major city may furnish, make available, render, and extend water service or sewer service, or both:

1. within the major urban area where the major city is situated;
2. on or after the enforcement date applicable to the area where the action is taken; and
3. to any given customer that, as of the date the governing body of the major city approves the action:
   (A) does not have utility service of the same type either being provided by a retail public utility or capable of being so provided immediately upon the customer’s request;
   (B) is receiving utility service of the same type, but which service is being provided directly or indirectly by or through any essential facility of a private utility, whether old or new, for which endorsed “as built” plans have not been filed in accordance with this article; or
   (C) is receiving service of the same type from a private utility, but the service has been determined by the commission to have been seriously substandard during the six months preceding the date of approval.

(b) A major city is not required to obtain a certificate of convenience and necessity as a condition for taking the action. The authorization contained in this section is in addition to all other authority and powers of a major city.

(c) A proceeding to make a determination required by Subsection (a)(3)(C) of this section may be commenced by a major city at any time not later than the 90th day following the date the governing body approves the furnishing, making available, rendition, or extension of water service or sewer service, or both. A proceeding is commenced by filing an appropriate petition with the commission. Any affected private utility shall be notified of the proceeding and shall be made a
party to the proceeding if it so requests. For purposes of the determination, service of a private utility is seriously substandard if:

1. Because of circumstances within the control of the private utility, the service has been interrupted or curtailed or threatened to be interrupted or curtailed for unreasonable periods of time or more frequently than prudent operation would allow;
2. The service has regularly or repetitively failed to meet standards required by applicable laws, rules, or regulations of the Texas Department of Health, and the private utility has not taken appropriate and sufficient remedial action; or
3. The service has regularly or repetitively failed to meet standards, regulations, or practices required by this Act, and the private utility has not taken appropriate and sufficient remedial action.

SECTION 57H. CONSIDERATIONS IN RATEMAKING. (a) In any ratemaking proceedings under this Act involving a private utility, the regulatory authority shall disallow any capital costs or other expenses incurred or claimed for the construction, acquisition, ownership, operation, or maintenance of any new essential facility constructed, acquired, used, or placed into service in violation of this article. However, expenses reasonably incurred in order to comply with this article shall be allowed as part of the cost of service. Any allowable expenses attributable to providing fire hydrants, fire-fighting capabilities, or water used by fire-fighting agencies within a major urban area shall be charged to the ratepayers of the private utility and not to a fire-fighting agency.

(b) The engineering officer of a major city may request in writing that a private utility file with the officer a map, plat, or other written description that clearly identifies and locates all essential facilities of the private utility as of any given day, including any essential facilities that are under construction or under contract for acquisition. The private utility's response need only include those essential facilities located or to be located in the major urban area where the major city is located, but the response must be in writing and filed not later than the 30th day following the day the private utility receives the written request. The response may make reference to any "as built" plans on file with the engineering officer of the major city, in lieu of describing the same facilities by map, plat, or other written description. Any regulatory authority may consider the private utility's response or failure to respond to a notice it actually receives in any enforcement or ratemaking proceedings under this Act.

SECTION 57I. APPROVAL REQUIRED FOR CERTAIN ACQUISITIONS OF PROPERTY. (a) If a major city acquires or proposes to acquire property of a private utility by purchase, gift, or other transfer or by the power of eminent domain under Article 1175, Revised Statutes, or other applicable law, no approval or other action on the part of the commission is necessary, except as provided by Subsection (b) of this section. However, the major city shall notify the commission after it has taken possession of the property, and the commission shall transfer the public utility's certificate of convenience and necessity, if any, to the major city, or revoke the certificate, as the major city may request.

(b) Approval by the commission shall be necessary if the acquisition would have the inevitable effect of permanently discontinuing existing water service or sewer service to any ratepayer of the private utility. The approval must be obtained before the major city takes possession of the property.

SECTION 57J. APPEAL. (a) If an engineering officer expressly refuses to take any action required or permitted under this article, or fails to do so before the 90th day following the date the action is requested by a private utility in writing, the private utility may appeal the refusal or failure at any time before the 30th day following either the day the private utility receives notice of the express refusal or the last day of the 90-day period, as the case may be.
(b) If the governing body of the major city that designated an engineering officer has adopted, by ordinance or resolution, a procedure for local appeals of decisions of its engineering officer under this article, the appeal is made by filing an appropriate petition with the governing body of the major city. If the governing body finds that the engineering officer has illegally or arbitrarily refused or failed to take the required or permitted action, the governing body may take the action that the engineering officer should have taken. If the governing body affirms the action of the engineering officer, or fails to act on the appeal before the 60th day after the date the petition is filed with it, the private utility may appeal the affirmance or failure to the commission at any time before the 30th day after either the day the private utility receives notice of the affirmance or the last day of the 60-day period, as the case may be.

(c) If the governing body of the major city that designated an engineering officer has not adopted, by ordinance or resolution, a procedure for local appeals of decisions of its engineering officer under this article, an appeal from a refusal or failure to act on the part of the engineering officer is made by filing an appropriate petition directly with the commission. Any appeals to the commission from an affirmance or failure to act on the part of a governing body, where applicable, are also made by filing an appropriate petition with the commission. The governing body of the major city shall be notified of any appeal to the commission, and the major city shall be made a party to the commission proceeding if it so requests. If the commission finds that the engineering officer has illegally or arbitrarily refused or failed to take any action required or permitted, the commission may take the action that the engineering officer should have taken.

(d) In any appellate proceedings under this section, the burden of proof is on the appealing party. Any action taken on appeal by the governing body or by the commission has the same effect as action taken by the engineering officer.

SECTION 57K. LIBERAL CONSTRUCTION. This article, being remedial in nature, shall be liberally construed to achieve its purpose and shall control over any other provision of this Act or other law in case of conflict. Violations of this article by a private utility are subject to all remedies and other enforcement provisions of this article, of this Act, and of the other laws of this state. The provisions of this article relating to appeals from decisions of engineering officers are exclusive remedies for persons aggrieved by the decisions.

Representative Keller moved to table the Hackney amendment.

A record vote was requested.

The motion to table prevailed by (Record 544): 96 Yeas, 42 Nays, 4 Present, not voting.

Yeas — Agnich; Armbrister; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Cervilla; Clark; Collazo; Connelly; Craddick; Davis; DeLay; Eckels; Eikenburg; English; Evans, C.; Fennell; Fox; Gamez; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Granoff; Grisham; Haley; 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.; Jackson; Jones; Keller; Kubiak; Kuempel; Laney; McKenna; Madla; Mankins; Millsap; Moreno, P.; Parker; Patrick; Patterson; Pennington; Peveo; Pierce; Polk; Presnal; Ragadale; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoelcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Tow; Turner; Uker; Valles; Vowell; Waldrop; Whaley; Wieting; Wolens; Word; Wright.

Nays — Barrientos; Barton, B.; Barton, E.; Carriker; Cary; Cavazos; Clemmons; Colbert; Coody; Criss; Danburg; Delco; Denton; Edwards; Evans, L.; Gandy;
MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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:

CShB 2008 by C. Evans, relating to revision of the criminal laws relating to the offenses of rape, aggravated rape, rape of a child, sexual abuse, aggravated sexual abuse and sexual abuse of a child.

HB 2383 by Armbrister, relating to the relinquishment and release of certain conditions of use, encumbrances, easements, requirements, reservations, trusts, and limitations, concerning certain submerged land in Calhoun County, Texas.

HB 2087 by D. Lee, relating to the application of the Health Facilities Development Act. (amended)

CShB 1701 by Hammond, relating to the use of external professional investment managers in investing certain state funds.

SCR 135 by Parker, creating a special interim committee to study state investments in South Africa.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 179 by the following vote: 23 yeas, 8 nays.

Respectfully,
Betty King
Secretary of the Senate

SB 884 - (consideration continued)

Representative Green offered the following amendment to the bill:

Amend SB 884 by adding the following sentence to the end of SECTION 31 on page 25:

"In fixing a reasonable return on invested capital, the regulatory authority shall consider, in addition to other applicable factors, the efforts and achievements of such utility in the conservation of resources, the quality of the utility's services, the efficiency of the utility's operations, and the quality of the utility's management."

Representative Keller moved to table the Green amendment.

A record vote was requested.

The motion to table prevailed by (Record 545): 103 Yeas, 31 Nays, 2 Present, not voting.
Yeas — Agnich; Armbrister; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriler; Ceverha; Clark; Clemmons; Collazo; Connelly; Craddick; Danburg; Davis; Delco; Eckels; Eikenburg; English; Evans, C.; Finnell; Gamez; Gandy; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Grisham; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heftin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; McKenna; McWilliams; Madla; Mankins; Millsap; Parker; Patrick; Patterson; Pennington; Penveo; Pierce; Presnal; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Stanswalt; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Vowell; Waldrop; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Barrientos; Barton, B.; Barton, E.; Cavazos; Colbert; Colbert; Coody; Denton; Edwards; Evans, L.; Fox; Garcia, A.; Green; Hackney; Hall, L.; Hernandez; Lee, D.; Lee, E. F.; Luna; Martinez, R.; Martinez, W.; Moreno, A.; Oliver; Patronella; Polumbo; Price; Shaw; Smith, C.; Thompson, S.; Uher; Wallace; Watson.

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

Absent, Excused — Arnold; Crockett.

Absent — Cary; Criss; DeLay; Emmett; Geistweidt; Gibson, J.; Leonard; Moreno, P.; Oliveira; Polk; Schlueter; Valles.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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 discharged the conferees on SB 1023 and concurred in House amendments by viva voce vote.

Respectfully,

Betty King

Secretary of the Senate

SB 884 - (consideration continued)

Representative Green offered the following amendment to the bill:

Amend SB 884 by deleting SECTION 43(a)(3), page 35, lines 21 and 22.

Representative Keller moved to table the Green amendment.

A record vote was requested.

The motion to table prevailed by (Record 546): 104 Yeas, 26 Nays, 3 Present, not voting.

Yeas — Agnich; Armbrister; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Ceverha; Clark; Collazo; Connelly; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Finnell; Gamez; Gandy; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Grisham; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.;
Representative Green offered the following amendment to the bill:
Amend SB 884 by deleting SECTION 79, page 49, lines 10 through 25.

Representative Keller moved to table the Green amendment.

A record vote was requested.

The motion to table prevailed by (Record 547): 113 Yeas, 18 Nays, 3 Present, not voting.
SB 884 was passed to third reading by (Record 548): 108 Yeas, 34 Nays, 4 Present, not voting.

Yeas — Agnich; Armbrister; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Ceverha; Clark; Clemens; Collazo; Connelly; Criss; Danburg; Davis; DeLay; Eckels; Edwards; Eikenburg; English; Evans, C.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Grisham; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kuhiak; Kuempel; Laney; McKenna; Madla; Mankins; Martinez, W.; Millsap; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Ragsdale; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Whaley; Wieting; Wilson; Wolens; Word; Wright.

Nays — Barrientos; Barton, B.; Barton, E.; Carriker; Cary; Cavazos; Colbert; Coody; Craddick; Delco; Denton; Evans, L.; Fox; Gandy; Gilley; Green; Hackney; Hall, L.; Heflin; Lee, D.; Lee, E. F.; Luna; Martinez, R.; Moreno, A.; Moreno, P.; Oliveira; Polumbo; Price; Robnett; Smith, C.; Uher; Wallace; Watson; Willis.

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

Absent, Excused — Arnold; Crockett.

Absent — Emmett; Oliver.

Reason for Vote

I voted present, not voting on SB 884 because of a possible perception of a conflict of interest.

Leonard

Reason for Vote

My vote of “present, not voting” on adoption of the conference committee report on SB 1 reflects my opinion that it contains a provision which I believe to be unconstitutional. The bill in my view violates the United States and Texas Constitutions by taking the fact question of the defendant’s intoxication away from the jury, by establishing a conclusive presumption that a person is intoxicated based solely on the result of an intoxilizer test. This places the constitutional rights of the accused in jeopardy by now making the accused prove his or her innocence, rather than making the state prove his or her guilt beyond a reasonable doubt. This provision could render the entire bill unconstitutional, thus undoing all the hard work the legislature has done on this important legislation. I favor stronger penalties for driving while intoxicated and I support all of the other provisions of SB 1.

Oliver

SB 928 - RULES SUSPENDED

Representative Simpson moved to suspend all necessary rules to allow the Conference Committee on SB 928 to meet while the house is in session.

The motion prevailed without objection.

(Speaker in the chair)
Representative Turner moved that all necessary rules be suspended to take up and consider at this time, HR 519.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Turner:

**HR 519**

_BE IT RESOLVED by the Texas House of Representatives, That House Rule 14, Section 9(a) is hereby suspended in order that the conference committee on House Bill No. 2154 may make appropriate changes to incorporate into House Bill No. 2154 the language deleted from House Bill No. 593 that prohibited members of the Railroad Commission of Texas from having interest in any railroad; and, be it further

RESOLVED, That the specific limitation suspended by this resolution is the limitation that prohibits a conference committee from adding text on any matter that is not in disagreement; and, be it further

RESOLVED, That this suspension of the limitation is being requested for the reason that the conflict of interest provision should be restored.

Representative Denton offered the following amendment to the resolution:

Amend HR 519 by adding the following clause between the first and second resolving clauses:

_RESOLVED, that the conference committee shall incorporate appropriate changes into House Bill No. 2154 prohibiting members of the Railroad Commission of Texas from having interest in any other industry whose activities are regulated by the Railroad Commission; and, be it further_

The amendment was adopted without objection.

A record vote was requested.

**HR 519**, as amended, was adopted by (Record 549): 142 Yeas, 1 Nay, 2 Present, not voting.

_Yeas — Aglich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Cervantes; 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.; Garcia, M.; Gavin; Gelbweidt; 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; Horn; Hudson, D.; Hudson, S.; Hury; 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.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveo; Pierce; Polk; Polumbo; Presnall; Price; Ragsdale; Rangel; Robinson; Robinson; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Wallace; Watson; Whaley; Wieting; Willis; Wolens; Word; Wright._
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Nay - Vowell.
Present, not voting — Mr. Speaker(C); Hollowell.
Absent, Excused — Arnold; Crockett.
Absent — Moreno, P.; Waldrop; Wilson.

HB 885 WITH SENATE AMENDMENTS

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

HB 885, A bill to be entitled An Act relating to the operation and continuation
of the Texas Employment Commission.

Representative Criss 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 885 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference
committee, on the part of the house, on HB 885: Criss, chair; Short, Saunders,
Cary, and Leonard.

SB 607 ON SECOND READING
(Uber - House Sponsor)

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

SB 607, A bill to be entitled An Act relating to the definition of agricultural
commodity and to exemptions from assessments of certain producers’ product
sales.

The bill was on the calendar on May 26 and was postponed until 9 a.m. today.
The bill was read second time.
Representative Uber offered the following amendment to the bill:
Amend SB 607, SECTION 1, Subdivision (1), page 1, line 13 by striking the
words “fish and other seafood”.

The amendment was adopted without objection.
SB 607, as amended, was passed to third reading.

SB 1438 ON SECOND READING
(McWilliams - House Sponsor)

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

SB 1438, A bill to be entitled An Act relating to dimensions of manufactured
housing being transported on the highways, roads, and streets of Texas.

The bill was read second time and was passed to third reading.
SB 456 ON SECOND READING  
(Hightower - House Sponsor)

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

SB 456, A bill to be entitled An Act making an appropriation to the Texas Department of Corrections to pay utility costs incurred at its facilities.

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

Reasons for Votes

I voted not to adopt the conference committee report on SB 1 because it contains a provision which I believe to be unconstitutional. The bill in my view violates the United States and Texas Constitutions by taking the fact question of the defendant's intoxication away from the jury, by establishing a conclusive presumption that a person is intoxicated based solely on the result of an intoxilizer test. This places the constitutional rights of the accused in jeopardy by now making the accused prove his or her innocence, rather than making the state prove his or her guilt beyond a reasonable doubt. This provision could render the entire bill unconstitutional, thus undoing all the hard work the legislature has done on this important legislation. I favor stronger penalties for driving while intoxicated and I support all of the other provisions of SB 1.

Oliveira 
Hinojosa 
Barrientos 
W. Martinez 
R. Martinez 
A. Garcia 
Luna 
D. Lee 
L. Evans 
Cain 
Parker 
Davis

I voted present, not voting to adopt the conference committee report on SB 1 because it contains a provision which I believe to be unconstitutional. The bill in my view violates the United States and Texas Constitutions by taking the fact question of the defendant's intoxication away from the jury, by establishing a conclusive presumption that a person is intoxicated based solely on the result of an intoxilizer test. This places the constitutional rights of the accused in jeopardy by now making the accused prove his or her innocence, rather than making the state prove his or her guilt beyond a reasonable doubt. This provision could render the entire bill unconstitutional, thus undoing all the hard work the legislature has done on this important legislation. I favor stronger penalties for driving while intoxicated and I support all of the other provisions of SB 1.

Russell

SB 480 ON THIRD READING  
(Uber - House Sponsor)

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

SB 480, A bill to be entitled An Act relating to apportionment of the state into congressional districts and to terms of office of members of the State Board of Education.

A record vote was requested.

The bill was read third time and was passed by (Record 550): 107 Yeas, 34 Nays, 5 Present, not voting.

Russell
Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemons; Colbert; Collazo; Coody; Criss; Danburg; Davis; DeLay; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurv; Jackson; Kemp; Kubik; Laney; Lee, D.; Lee, E. F.; McWilliams; Madia; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Parker; Patronella; Patterson; Peveto; Polk; Polumbo; Presnal; Price; Rangel; Robinson; Rudd; Russell; Salinas; Saunders; Schluter; Shaw; Short; Simpson; Smith, C.; Stiles; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uher; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word.

Nays — Agnich; Cévega; Connelly; Craddick; Eckels; Eikenburg; Emmett; Fox; Geistweidt; Hammond; Harrison, D.; Helfin; Hilbert; Hill, P.; Horn; Jones; Keller; Khoury; Kuempel; Leonard; McKenna; Moreno, P.; Patrick; Pennington; Pierce; Robnett; Schoolcraft; Shea; Smith, A.; Smith, T.; Staniswalis; Toomey; Vowell; Wright.

Present, not voting — Mr. Speaker(C); Luna; Martinez, R.; Oliver; Ragsdale.

Absent, Excused — Arnold; Crockett.

Absent — Green; Sutton.

On motion of Representative Uher and by unanimous consent, the caption of SB 480 was ordered amended to conform to the body of the bill.

STATEMENT BY REPRESENTATIVES JACKSON, BLANTON AND DELAY

I am adamantly opposed to the Congressional redistricting plan represented in SB 480. I intended to vote no on its final passage but my voting machine reflected a yes vote.

This plan is totally unfair to Dallas County, the cities of Garland, Carrollton, Farmers Branch, ethnic minority votes, and Republican voting areas of the state. I predict its passage will subject the State of Texas to challenges which will ultimately result in the defeat of this plan.

Jackson
Blanton
Delay

SB 762 ON THIRD READING
(G. Hill - House Sponsor)

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

SB 762, A bill to be entitled An Act relating to certain protected and prohibited political activities of state employees and to termination of employment for a violation of any prohibited activity.

The bill was read third time.

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

Amend SB 762 on third reading as follows:
(1) On page 1, line 17, insert "or" after the semicolon.
(2) Strike "; or" on page 1, line 19 and substitute a period.
The amendment was adopted without objection.

SB 762, as amended, was passed. (Khoury and C. Smith recorded voting no)

CSSB 923 - VOTE RECONSIDERED

Representative Ceverha moved to reconsider the vote by which CSSB 923 was passed to third reading yesterday.

The motion to reconsider prevailed.

CSSB 923 ON SECOND READING
(Green - House Sponsor)

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

CSSB 923, A bill to be entitled An Act relating to the regulation of lobbying; providing for advisory opinions by the secretary of state; providing penalties; amending Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), by amending Subsections (b) and (c), Section 5; Subsection (b), Section 6; Subsection (b), Section 9; Subsection (c), Section 13; and Sections 1, 3, 4, and 10; by adding Subdivision (10) to Section 2; Subsection (d) to Section 5; Subsections (d), (e), and (f) to Section 6; and Section 14A.

Representative Ceverha moved to reconsider the vote by which the Ceverha amendment to CSSB 923 was adopted.

The motion to reconsider prevailed.

Representative Ceverha withdrew his amendment.

CSSB 923 was passed to third reading.

SB 1241 ON THIRD READING
(Craddick - House Sponsor)

The speaker laid before the house on its third reading and final passage, SB 1241, A bill to be entitled An Act relating to prevention and control of spills of hazardous substances, to coordination of the state response effort and cooperation of state agencies, to creation of the Texas Spill Response Fund. The bill was read third time and was passed.

On motion of Representative Craddick and by unanimous consent, the caption of SB 1241 was ordered amended to conform to the body of the bill.

SB 1236 ON THIRD READING
(Craddick - House Sponsor)

The speaker laid before the house on its third reading and final passage, SB 1236, A bill to be entitled An Act relating to creation, administration, and operation of a loan assistance program for water conservation, water development, water quality enhancement, or flood control and drainage and a bond insurance program for water. The bill was read third time and was passed. (Toomey recorded voting no) On motion of Representative Craddick and by unanimous consent, the caption of SB 1236 was ordered amended to conform to the body of the bill.
SB 117 ON THIRD READING
(Hinojosa - House Sponsor)

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

SB 117, A bill to be entitled An Act relating to procedures for the administration, disbursement, and termination of block grant funds and procedures for hearings and dissemination of information; providing for audits, handling of complaints, and judicial review.

The bill was read third time.

Representative Berlanga offered the following amendment to the bill:

Amend SB 117 on page 13 by inserting new Sections 17 and 18 to read as follows, and renumbering present Sections 17 and 18 as Sections 19 and 20:

SECTION 17. PRIMARY CARE BLOCK GRANT. If the Texas Department of Health otherwise fulfills the requirements of federal law then the Department:

(a) is designated to administer the primary care block grant and receive the primary care block grant funds on behalf of the State of Texas;
(b) is authorized to provide for the delivery of primary and supplemental health services to the medically underserved areas and populations of the state through community health centers which meet the requirements of Title 42, Section 254(c)(3)(A-K), U.S.C.A.;
(c) is authorized to adopt and issue such rules as are necessary, pursuant to the applicable provisions of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes);
(d) may expend federal primary care block grant monies and state funds specifically appropriated by the legislature to match funds received as a result of the state accepting the primary care block grant;
(e) is authorized to make grants, advance funds, and enter into contracts with community health centers which meet the requirements of Title 42, Section 254(c), to provide primary and supplemental health services to medically underserved areas and populations of the state, as those terms are defined in Title 42, Section 254(c), and to perform other activities necessary to administer the primary care block grant.

SECTION 18. COMMUNITY HEALTH CENTER ADVISORY COMMITTEE. (a) The Community Health Center Advisory Committee is established within the Texas Department of Health to advise the Board and the Department.

(b) The committee is composed of 9 members who are appointed by the Board. Members must have the following qualifications:
(1) three must be executive directors of community health center services appointed from nominations received from a statewide association of providers of community health center services;
(2) two must be health care providers from community health centers;
(3) two must be members of community health center governing boards, at least one of whom must be a user of the community health center's services;
(4) two must be consumers who have none of the qualifications of the other members.
(c) Members are appointed for staggered terms of six years, with three members' terms expiring January 1 of each even-numbered year. If a vacancy occurs on the committee, the board shall appoint a person to serve the unexpired portion of the term.
(d) The committee may adopt rules for the conduct of its activities and may elect a chairperson from among its members. The committee shall meet at least three times each year or at the call of the chair. The members shall serve without compensation. Within the limits of funds appropriated to the Department for this purpose, a member of the committee is entitled to receive $50 per each committee meeting the member attends and the per diem and travel allowance authorized by the General Appropriations Act for the state employees.

(e) Prior to the Texas Department of Health applying for and receiving any primary care block grant monies, the Committee created by this section must be appointed and adopt a plan for submission to and approval by the Board which: outlines the need for primary and supplemental health services in Texas; establishes procedures for delivery and assessment of quality health services that are non-duplicative, cost efficient and responsive to the healthcare needs of medically underserved Texans; details the appropriate role of the department in the administration and delivery of these services; and, identifies program costs and possible duplication and overlap between state participating local health departments, regional health departments and community health centers.

(f) The Committee shall, within one year of its appointment and annually thereafter, provide the Board and the legislature with a report on its findings and recommendations. Such report may include recommendations for appropriate state legislation, rules and regulations, and other actions which would enhance the availability, appropriate utilization, and coordination of the delivery and/or administration of primary and supplemental health services to underserved areas and populations within the state.

(g) Three initial members of the Committee shall serve for terms expiring January 1, 1986, three initial members shall serve for terms expiring January 1, 1988, and three initial members shall serve for terms expiring January 1, 1990. The initial members shall draw lots to determine the lengths of their terms, with a provision that, for the sake of continuity, lots will be redrawn in the event that any category of committee membership would have all of its members' terms expiring at the same time. The board shall make the initial appointments effective no later than January 1, 1984.

The amendment was adopted without objection.

Representative Laney offered the following amendment to the bill:

Amend SB 117 on Third Reading as follows:

1. On page 8, line 22, strike “NONRENEWAL OR”.
2. On page 8, lines 23-25, strike “decides not to renew an expired contract with an entity that receives block grant funds from the agency, or if the agency”.
3. On page 9, line 4, strike “the contract expires or”.
4. On page 9, line 6, strike “nonrenewal of the contract or”.
5. On page 10, lines 1 and 2, strike “that the nonrenewal of the contract or”.
6. On page 10, lines 10 and 11, strike “the contract should be renewed or”.
7. On page 10, line 21, strike “NONRENEWAL OR”.
8. On page 10, lines 22-24, strike “decides not to renew an expired contract with an entity that receives block grant funds from the agency, or if the agency”.
9. On page 11, line 3, strike “the contract expires or”.
10. On page 11, line 5, strike “nonrenewal of the contract or”.

The amendment was adopted without objection.

SB 117, as amended, was passed. (P. Hill, Heflin, Shea, Connell, Kuempel, Hilbert, Patterson, Eckels, Toomey, and Fox recorded voting no)
On motion of Representative Hinojosa and by unanimous consent, the caption of SB 117 was ordered amended to conform to the body of the bill.

**SB 895 ON THIRD READING**

(geistweidt - House Sponsor)

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

**SB 895, A bill to be entitled An Act relating to the protection and conservation of fresh water in connection with activities associated with the exploration, recovery, and development of oil and gas or geothermal resources, to rules in connection with saltwater hauling.**

The bill was read third time and was passed.

On motion of Representative Geistweidt and by unanimous consent, the caption of SB 895 was ordered amended to conform to the body of the bill.

**SB 985 ON THIRD READING**

(G. Hill - House Sponsor)

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

**SB 985, A bill to be entitled An Act relating to the time periods for filing sales and use taxes, and the prepayment discount for paying sales and use taxes.**

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

On motion of Representative English and by unanimous consent, the caption of SB 985 was ordered amended to conform to the body of the bill.

**SB 986 ON THIRD READING**

(Stiles - House Sponsor)

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

**SB 986, A bill to be entitled An Act relating to the due dates of the public utilities gross receipts assessment and the interest rate on delinquent assessments.**

A record vote was requested.

The bill was read third time and was passed by (Record 551): 138 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emsett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; 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.; Hury; 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; Schueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tousney; Turner; Ulier; Valles; Vowell; Waldrop; Wallace; Watson; Wieting; Willis; Wolens; Word.
SB 987 ON THIRD READING  
(Shea - House Sponsor)

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

SB 987, A bill to be entitled An Act relating to the filing of returns and payment of estimated insurance gross premium taxes; giving the State Board of Insurance certain rulemaking authority.

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

On motion of Representative Shea and by unanimous consent, the caption of SB 987 was ordered amended to conform to the body of the bill.

SB 988 ON THIRD READING  
(Turner - House Sponsor)

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

SB 988, A bill to be entitled An Act relating to the due dates for certain taxes, reports, estimated taxes and to forfeitures.

A record vote was requested.

The bill was read third time and was passed by (Record 552): 135 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceeverha; Clemmons; Colbert, Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeLay; Delco; Denton; Ecker; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gilley; Glossbrenner; Graoff; Green; Graham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helfin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hur; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Olveira; Oliver; Parker; Patronella; Patterson; Pennington; Pe veto; Pierce; Polk; Polumbo; Prenal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tojeda; Thompson, G.; Thompson, S.; Toomey; Turner; Valles; Vowell; Waldrop; Wallace; Watson, Whaley, Wieting; Willis; Wolens; Word.

Nays — Fox; Patrick; Smith, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett.

Absent — Clark; Edwards; Gibson, B.; Gibson, J.; Hall, W.; Tow; Uher; Wilson; Wright.
On motion of Representative Turner and by unanimous consent, the caption of SB 988 was ordered amended to conform to the body of the bill.

HB 973 ON THIRD READING
The speaker laid before the house on its third reading and final passage, HB 973, A bill to be entitled An Act relating to reimbursement of school district employees for damaged personal property.

The bill was read third time and was passed. (Ceverha, Blanton, Heflin, and Armbrister recorded voting no)

HB 2193 ON THIRD READING
The speaker laid before the house on its third reading and final passage, HB 2193, A bill to be entitled An Act relating to the importation of alcoholic beverages for personal use; amending Alcoholic Beverage Code Section 107.07; and declaring an emergency.

The bill was read third time.

Representative Vowell offered the following amendment to the bill:

Amend HB 2193, Sec. 107.07, by striking the following language on page 1, lines 9 through 12:

"... which the producer thereof has established by affidavit filed with the Commission are produced under a registered brand name only in the country in which purchased . . ."

Representative C. Evans moved to table the Vowell amendment.

A record vote was requested.

The motion to table was lost by (Record 553): 36 Yeas, 102 Nays, 1 Present, not voting.

Yeas — Aguich; Armbrister; Barrientos; Barton, E.; Berlanga; Buchanan; Cary; Cavazos; Delco; Denton; Eikenburg; Evans, C.; Gibson, B.; Gilley; Granoff; Hackney; Hall, T.; Hanna; Harrison, W.; Hightower; Hudson, D.; Lancy; Leonard; Madla; Pierce; Presnal; Ragsdale; Rudd; Russell; Shaw; Short; Tejeda; Tow; Watson; Wieting; Willis.

Nays — Barton, B.; Blanton; Bomer; Burnett; Bush; Cain; Carriker; Ceverha; Clark; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Danburg; Davis; DeAy; Eckels; Edwards; Emmett; English; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Geistweidt; Gibson, J.; Glossbrenner; Green; Grisham; Haley; Hall, L.; Hall, W.; Hammond; Harrison, D.; Heflin; Hernandez; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, S.; Hury; Jackson; Jones; Kemp; Khouy; Kubiak; Kuempel; Lee, E. F.; McKenna; McWilliams; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Polk; Polombe; Price; Rangel; Robinson; Robnett; Salinas; Saunders; Schluter; Scholefield; Shee; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Thompson, G.; Thompson, S.; Toomey; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Whaley; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett.
Absent — Clemons; Gavin; Keller; Lee, D.; Luna; Messer; Peveto; Sutton; Wilson.

The amendment was adopted without objection.

**HB 2193 - LAID ON THE TABLE SUBJECT TO CALL**

Representative C. Evans moved that HB 2193 be laid on the table subject to call.

The motion prevailed without objection.

**STATEMENT BY REPRESENTATIVE S. HUDSON**

On record vote 553 I intended to vote yes instead of no. S. Hudson

**HB 1771 ON THIRD READING**

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

HB 1771, A bill to be entitled An Act relating to the use of live animals as a lure in dog race training or in dog coursing on a racetrack.

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

**RECESS**

Representative Watson moved that the house recess until 7:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 6:07 p.m., recessed until 7:30 p.m. today.

**NIGHT SESSION**

The house met at 7:30 p.m. and was called to order by the speaker.

**HB 2251 WITH SENATE AMENDMENTS**

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

HB 2251, A bill to be entitled An Act relating to the creation of a state job-training program.

Representative Delco 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 2251 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 2251: Delco, chair; Cary, Collazo, Watson, and Laney.

**HR 520 - ADOPTED**

Representative Messer moved that all necessary rules be suspended to take up and consider at this time, HR 520.

The motion prevailed without objection.

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

HR 520

BE IT RESOLVED by the Texas House of Representatives, That House Rule 14, Section 9(a) is hereby suspended in order that the conference committee on Senate Bill No. 960 may make appropriate changes to incorporate into Senate Bill No. 960 language authorizing a joint municipal airport authority established pursuant to Chapter 114, Acts of the 50th Legislature, 1947 (Article 46d-1 et seq., Vernon's Texas Civil Statutes) to license taxicabs picking up passengers at or delivering passengers to the airport and language clarifying the authority of the governing bodies of the constituent public agencies to approve resolutions, rules, regulations, or orders of the joint board of the authority; and, be it further

RESOLVED, That the specific limitation suspended by this resolution is the limitation that prohibits a conference committee from adding text on any matter that is not in disagreement; and, be it further

RESOLVED, That this suspension of the limitation is being requested for the reason that it is desirable to clarify the authority of joint airport boards to regulate taxicabs in view of changes made by House Bill No. 593 concerning the Railroad Commission's authority in the area.

A record vote was requested.

The resolution was adopted by (Record 554): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Banton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavaazos; Ceverha; Clemmons; Colbert; Collazo; Connelly; Coody; Craddock; Cripps; Danburg; Davis; DeLay; Delco; Denton; Ecket; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnelt; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; 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.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Messer; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Rudd; Russell; Saunders; Schlueter; Schookraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswals; Stiles; Sutton; Tejeda; Toomey; Tow; Turner; Vowell; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett.

Absent — Clark; Gibson, J.; Hall, W.; Laney; Millsap; Robinson; Robnett; Salinas; Thompson, G.; Thompson, S.; Uber; Valles; Waldrop.

HB 2134 - VOTE RECONSIDERED

Representative Rudd moved to reconsider the vote by which HB 2134 was passed on May 13, 1983.

The motion to reconsider prevailed.
Representative Rudd moved that all necessary rules be suspended to take up and consider at this time, SCR 134.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 134

WHEREAS, House Bill No. 2134 has been passed by the senate and returned to the house of representatives; and

WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it

RESOLVED by the Senate of the 68th Legislature, the House of Representatives concurring, That the chief clerk of the house be hereby authorized to return House Bill No. 2134 to the senate for further consideration.

The resolution was adopted without objection.

SB 559 ON SECOND READING

(T. Smith - House Sponsor)

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

SB 559, A bill to be entitled An Act relating to the powers and duties of a corporation, its directors, and committees and the liabilities of a director of a corporation and to the indemnification of and maintenance of liability insurance for certain corporate directors, officers, employees, agents, and certain nominees and designees identified in this Act; defining “net assets” and methods of determining assets and surplus; amending the Texas Business Corporation Act, as amended, by amending Subsections (10), (11), (12), (13), (14), and (15), Section A, Article 1.02; Section A, Article 2.02; Section F, Article 2.03; Section B, Article 2.16; Article 2.34; Section A, Article 2.36; Sections A and C, Article 2.41; and adding Article 2.02-1 and Sections E and F to Article 2.17; and amending Section B, Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon’s Texas Civil Statutes).

The bill was read second time.

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

COMMITTEE AMENDMENT NO. 1

Amend SB 559 as follows:

(1) Delete SECTION I of bill and renumber subsequent sections accordingly.

(2) On Page 15, line 12, delete the word “liabilities” and insert the word “debts”.

(3) On page 15, line 24 insert the number “(1)” after the letter “E”, and renumber subsections (1) through (5) on pages 15 and 16 as subsections (a) through (e).

(4) On page 16, after line 17, add “(2) This section E. and the determinations made in accordance with this section, do not apply to the calculation of the Texas franchise tax or any other tax imposed on corporations under the laws of this state.”

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

COMMITTEE AMENDMENT NO. 2

Amend SB 559, page 23, line 19, by inserting the following section, preceding the emergency clause, and renumbering the emergency clause:

"SECTION 11. Section 8.01B(7) of the Texas Business Corporation Act is amended to read as follows:

(7) Creating evidence of debt as borrower or lender, or acquiring indebtedness or mortgages [or liens] or other security interests in real or personal property."

Committee Amendment No. 2 was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Schlueter on motion of Fox.

SB 559 - (consideration continued)

SB 559, as amended, was passed to third reading.

SB 711 ON SECOND READING

(Polk - House Sponsor)

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

SB 711, A bill to be entitled An Act relating to the establishment; administration; membership; qualifications, terms, and compensation of members; and powers and duties of the Texas Health and Human Services Coordinating Council, the Council on Disabilities, and the Long-term Care Coordinating Council for the Elderly and the relationship of the councils in carrying out their functions; adding Title 9 to the Human Resources Code.

The bill was read second time.

Representative Ceverha offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 711 on page 2, line 11, by striking the "period" and substituting a "semicolon," and adding new sections (14), (15) and (16) as follows:

(14) two licensed providers of health care appointed by the governor;
(15) two providers of health care appointed by the lieutenant governor representing hospital administration;
(16) two providers of health care appointed by the speaker of the house licensed to practice medicine within Texas.

Representative Polk moved to table Committee Amendment No. 1.

The motion to table prevailed.

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

Amend SB 711 on page 3, line 8, by striking the words “with due” and substituting the word “without.”

Representative Polk moved to table Committee Amendment No. 2.

The motion to table prevailed.

Representative Ceverha offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 3

Amend SB 711 by striking the following sections and or words in their entirety:

"SECTION 131.002. Staff; funds; meetings," from line 12, page 3, through line 11, page 4.

"SECTION 131.007. Report" from line 15, page 6, through line 18, page 6.

"SECTION 132.005. Powers, duties." from line 25, page 9, through line 6, page 10, and substituting the following: “The council may use the existing staff of an appointing official or agency to assist the council in performing its duties under this chapter.”

"SECTION 133.005. Functions" from line 22, page 12, through line 4, page 13, and substituting the following: “The council may use the existing staff of an appointing official or agency to assist the council in performing its duties under this chapter. The Texas Department on Aging shall assume the role of lead agency for the council.”

Representative Polk moved to table Committee Amendment No. 3.

The motion to table was lost.

A record vote was requested.

Committee Amendment No. 3 was adopted by (Record 555): 74 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Aglich; Armbrister; Barton, B.; Blanton; Bomer; Buchanan; Burnett; Bush; Cary; Cavazos; Ceverha; Clark; Connelly; Coody; Craddick; Davis; DeLay; Eckels; Eikenburg; Emmett; English; Evans, C.; Fox; Gandy; Geistweidt; Green; Grisham; Hall, T.; Hammond; Hanna; Harrison, D.; Helm; Hernandez; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Keller; Khouri; Kuhiak; Kuempel; Laney; McKenna; McWilliams; Mankins; Messer; Millsap; Moreno, A.; Patrick; Patterson; Pennington; Peveto; Pierce; Presnal; Rudd; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Toomey; Turner; Uher; Vowell; Waldrop; Whaley; Willis; Wolens; Word; Wright.

Nays — Barrientos; Barton, E.; Cain; Carriker; Colbert; Collazo; Criss; Danburg; DeLeo; Denton; Edwards; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Hackney; Haley; Hall, L.; Hall, W.; Harrison, W.; Hightower; Hill, A.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Robnett; Russell; Salinas; Schoolcraft; Shaw; Sutton; Tejeda; Thompson, S.; Tow; Valles; Wallace; Watson; Wieting; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett; Schlueter.
Representative Keller offered the following amendment to the bill:

Amend SB 711 in SECTION 1, on page 3 by striking lines 8-11 and substituting in lieu therefor the following:

"(g) It is the intent of the legislature that the membership of the board reflect the historical and cultural diversity of the inhabitants of this state; therefore, appointments to the Council should be made without discrimination based on race, creed, sex, religion, national origin or geographical distribution of the appointments."

The amendment was adopted without objection.

Representative Keller offered the following amendment to the bill:

Amend SB 711 as follows:

(1) On page 4, strike lines 18-20 and substitute the following:

"Section 131.004. FUNCTIONS OF COUNCIL. (a) The council may:

(A) establish and maintain a comprehensive central data base covering public and private sector health and human services that assures that:

(B) personally identifiable health and mental health communications and records of persons involved in the receipt or delivery of health or human services are confidential and privileged; and

(C) a private source is not required to provide confidential health and mental health communications or records unless a law specifically requires disclosure.

(b) In the area of health services, the scope of the council's duties and responsibilities is limited to the federal, state, and local government, to other political subdivisions, and to private sector services provided by voluntary health agencies.

(3) On page 6, between lines 6 and 7, insert a new Section 131.0051 to read as follows:

"Section 131.0051. MEDICAL CARE ADVISORY COMMITTEE. (a) The Medical Care Advisory Committee is established to advise the council on health and medical care services. The council shall consult with the committee any time the council considers health and medical care services.

(b) The governor shall appoint the committee. The governor shall appoint representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for the care of low-income groups. The governor shall appoint:

(1) physicians;

(2) hospital administrators;

(3) representatives of other groups that provide health and human services; and
SB 711, as amended, was passed to third reading. (McKenna, Rudd, A. Smith, Toomey, Craddick, Pennington, Valles, Agnich, Horn, Stiles, Collazo, Ceverha, Hollowell, Heflin, Shea, and P. Hill recorded voting no)

SB 194 ON SECOND READING
(Berlanga - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading the complete committee substitute for SB 194.

CSSB 194

A BILL TO BE ENTITLED
AN ACT
relating to the times at which certain vacancies in state and district offices may be filled, the terms of certain state and district officers, and the time at which certain terms expire.

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

ARTICLE I

SECTION 1. VACANCIES COVERED. (a) This article applies to a vacancy that occurs in a state or district office and that is to be filled by appointment by the governor.

SECTION 2. VACANCIES GOVERNOR MAY NOT FILL. (a) Except as provided by Subsection (d) of this section, during the period beginning on the November 1 preceding the day of a general election for the office of governor and ending on the day the person elected governor at the election takes office or, if the person elected is unable for any reason to take office as governor, on the day his successor takes office as governor, the incumbent governor may not appoint a person to fill a vacancy covered by this article that occurred before and still existed on that November 1.

(b) This prohibition does not apply to an incumbent governor if the secretary of state proclaims that, according to his count of the returns from the general election, the incumbent governor is reelected.

(c) An appointment made in violation of this section is void.

(d) The prohibition established by Subsection (a) of this section does not apply to a vacancy covered by this Act that:

(1) is caused by the death of the officeholder that occurs after the October 1 but before the November 1 preceding the day of a general election for the office of governor; and

(2) would not have occurred anyway during that period by the expiration of the officeholder’s term of office.

SECTION 3. VACANCIES GOVERNOR MAY FILL FOR PARTIAL TERM. (a) If a vacancy covered by this article occurs during the period prescribed by Subsection (a) of Section 2 of this article, the incumbent governor may appoint a person to fill the vacancy, but only for a partial term expiring February 1 following the occurrence of the vacancy or, if Article V of the constitution of this state prescribe another date until which the vacancy in the specific office may be filled, expiring on the constitutional date.
(b) The limitation to a partial term does not apply to an appointee of an incumbent governor if the secretary of state proclaims that, according to his count of the returns from the general election, the incumbent governor is reelected.

c) The limitation to a partial term does not apply to an appointment made under Subsection (d) of Section 2 of this article.

ARTICLE II

SECTION 1. Subsection (a), Section 3, Chapter 344, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 46c-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The Texas Aeronautics Commission [created in 1945] shall consist of six Commissioners to be appointed by the Governor and confirmed by the Senate. Appointments to the Commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. Commissioners are appointed for staggered terms of six years with two Commissioners' terms expiring February 1 of each odd-numbered year. The terms of the Commissioners shall be for a period of six years. Such terms shall begin on the first day of an odd-numbered year and end on the last day of an even-numbered year. The present Commissioners shall continue in office for a term as designated by the Governor at the time of their appointment. The Governor shall appoint successors for the [present] Commissioners (who may be reappointed) at the expiration of their [present] terms. Any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed to only the remainder of such term. Each member shall serve until the appointment and qualification of his successor. Each member is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the Commission. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as provided by the General Appropriations Act."

SECTION 2. (a) A person appointed to the Texas Aeronautics Commission who held office immediately preceding the effective date of this Act and who was eligible to be a member of the commission under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a commission member's term that expires on December 31, 1984, expires on February 1, 1991. The term of office succeeding a commission member's term that expires on December 31, 1986, expires on February 1, 1993. The term of office succeeding a commission member's term that expires on December 31, 1988, expires on February 1, 1995.

SECTION 3. Subsection (c), Section 91.011, Human Resources Code, as amended, is amended to read as follows:

"(c) Members of the commission hold office for terms of six years with the terms of three [two] members expiring on February [January] 1 of odd-numbered years."

SECTION 4. (a) A person appointed to the State Commission for the Blind who held office immediately preceding the effective date of this Act and who was eligible to be a member of the commission under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

"(b) The term of office succeeding a commission member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a commission member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a commission member's term that expires on January 1, 1989, expires on February 1, 1995."
SECTION 5. Subsection (a), Section 10, Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended (Article 5221b-8, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Organization: There is hereby created a Commission to be known as the Texas Unemployment Compensation Commission. The Commission shall consist of three (3) members, one of whom shall be a representative of labor, one of whom shall be a representative of employers, and one of whom shall be impartial and shall represent the public generally. Each of the three (3) members of the Commission shall be appointed by the Governor. The Governor shall make an appointment to fill [immediately after the effective date of this Act or after] any vacancy that occurs in the membership of the Commission. During his term of membership on the Commission, no member shall engage in any other business, vocation or employment. Members are appointed for staggered terms of six (6) years with one member's term expiring on February 1 of each odd-numbered year. Each member shall hold office for a term of six (6) years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the Governor at the time of appointment, one at the end of two (2) years, one at the end of four (4) years, and one at the end of six (6) years after the date of his appointment."

SECTION 6. (a) A person appointed to the Texas Unemployment Compensation Commission, also known as the Texas Employment Commission, who held office immediately preceding the effective date of this Act and who was eligible to be a member of the commission under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a commission member's term that expires on November 21, 1984, expires on February 1, 1991. The term of office succeeding a commission member's term that expires on November 21, 1986, expires on February 1, 1993. The term of office succeeding a commission member's term that expires on November 21, 1988, expires on February 1, 1995.

SECTION 7. Section 2, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. The term of office of the members of the Texas Historical Commission shall be six years. The one-third of the members shall be appointed every two years by the Governor with the advice and consent of the Senate. The terms of one-third of the members expire on February 1 of each odd-numbered year. Provided, however, that the present eighteen members now constituting the Texas State Historical Survey Committee, hereafter referred to as the Commission, shall continue to serve as members of the Commission for the term of office to which they were appointed. One-third of the membership of the Commission shall serve for a term of office to expire January 1, 1975; one-third of the membership shall serve for a term to expire January 1, 1977; one-third of the membership shall serve for a term to expire January 1, 1979.

All vacancies occurring on the Commission shall be filled by the Governor with the advice and consent of the Senate for the unexpired term of office. The members of the Commission shall be citizens of Texas, who have demonstrated an interest in the preservation of our historical heritage, and in making appointments, the Governor shall seek to have each geographical section of the state represented on the Commission as nearly as possible."

SECTION 8. (a) A person appointed to the Texas Historical Commission who held office immediately preceding the effective date of this Act and who was
eligible to be a member of the commission under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.


SECTION 9. Section 3, Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. (a) The ex officio members of the Council shall consist of the following: (1) the Chief Justice of the Supreme Court of Texas, who shall remain a member as long as he holds the position of Chief Justice; (2) the Presiding Judge of the Court of Criminal Appeals, who shall remain a member as long as he holds the position of Presiding Judge; (3) two Justices of the Courts of Appeals, to be designated by the Governor for staggered terms of four years with one justice's term expiring on February 1 of each odd-numbered year [for overlapping four-year terms, one to be designated in January, 1971; for a four-year term and one to be designated in January, 1973; for a four-year term with the replacement in each case to be designated by the Governor in January of odd-numbered years]; (4) two presiding judges of the administrative judicial districts, to be designated by the Governor for staggered terms of four years with one judge's term expiring on February 1 of each odd-numbered year [for four-year terms, one to be designated in January, 1971; for a four-year term and one to be designated in January, 1973; for a four-year term with the replacement in each case to be designated by the Governor in January of odd-numbered years]; (5) the Chairman and the immediate past Chairman of the Senate Jurisprudence Committee; and (6) the Chairman and the immediate past Chairman of the House Judiciary Committee.

(6) The Chief Justice of the Supreme Court may from time to time designate some other Justice of that Court to act in his stead, and at his pleasure, as member of the Council. The Presiding Judge of the Court of Criminal Appeals may from time to time designate some other Judge of that Court to act in his stead, and at his pleasure, as member of the Council.

"(e) The foregoing references to justices and judges, other than the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals, include respectively such retired justices and judges of the same grade as are legally eligible for assignment to part-time judicial duties.

(d) In the event the Chairman of the Senate Jurisprudence Committee or the Chairman of the House Judiciary Committee is reappointed to such position, his immediate predecessor shall continue to serve on the Council as immediate past Chairman, it being the intent of the Legislature that two members of the Senate and two members of the House be at all times members of the Council; provided, however, that in the case of legislative members, cessation of membership in the Legislature shall not terminate their membership on the Council, but they shall continue to serve for their full term notwithstanding their cessation of membership in the Legislature. In the event of a vacancy in a legislative membership, such vacancy shall be filled for the unexpired term only by the presiding officer of the appropriate house of the Legislature, and vacancies in other official memberships shall be filled in the same manner as the original appointment and for the unexpired term only.

(e) Ex officio members of the Council shall be entitled to all the privileges of full membership thereon and shall be regarded and treated in every respect as full members thereof."
SECTION 10. (a) A person appointed to the Texas Judicial Council who held office immediately preceding the effective date of this Act and who qualified for membership on the council as a justice of a court of appeals or as a presiding judge of an administrative judicial district is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office on the council succeeding a court of appeals justice's or an administrative judicial district judge's term that expires on January 1, 1985, expires on February 1, 1989. The term of office on the council succeeding a court of appeals justice's or an administrative judicial district judge's term that expires on January 1, 1987, expires on February 1, 1991.

SECTION 11. Subsection (a), Section 65.004, Title 110B, Revised Statutes, is amended to read as follows:

"(a) The trustees hold office for staggered terms of six years, with the terms of two trustees expiring February 1 [December 31] of each odd-numbered [even-numbered] year."

SECTION 12. (a) A person appointed to the board of trustees of the Texas Municipal Retirement System who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on December 31, 1984, expires on February 1, 1991. The term of office succeeding a board member's term that expires on December 31, 1986, expires on February 1, 1993. The term of office succeeding a board member's term that expires on December 31, 1988, expires on February 1, 1995.

SECTION 13. Subsection (a), Section 1, Article 5781, Revised Statutes, is amended to read as follows:

"(a) The Adjutant General shall be the head of the Adjutant General's Department and shall have the rank of Major General. He shall be appointed for a term of two (2) years by the Governor, by and with the advice and consent of the Senate, if in session. The Adjutant General's term expires on February 1 of each odd-numbered [every two] year."

SECTION 14. (a) A person appointed to the office of adjutant general who held office immediately preceding the effective date of this Act and who was eligible to be adjutant general under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding the adjutant general's term that expires on January 16, 1985, expires on February 1, 1987.

ARTICLE III

SECTION 1. Section 65.12, Texas Education Code, is amended to read as follows:

"Section 65.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring February 1 of odd-numbered [every two] years."

SECTION 2. Section 85.12, Texas Education Code, is amended to read as follows:

"Section 85.12. QUALIFICATIONS; TERMS. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring February 1 of odd-numbered [every two] years."

SECTION 3. Section 95.02, Texas Education Code, is amended to read as follows:
“Section 95.02. BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS. The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered [every two] years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state.”

SECTION 4. Section 107.21, Texas Education Code, is amended to read as follows:

“Section 107.21. BOARD OF REGENTS. The board of regents of the university is composed of nine persons, four of whom shall be women, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring February 1 of odd-numbered [every two] years.”

SECTION 5. A member of the board of regents of The University of Texas System, The Texas A&M University System, The Texas State University System, or Texas Woman’s University who was appointed under prior law for a term expiring in 1985, 1987, or 1989 serves for a term expiring February 1 of the applicable year or until a successor is appointed and has qualified.

ARTICLE IV

SECTION 1. Section 4, Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934, as amended, is amended to read as follows:

“Section 4. (a) The powers, rights, privileges and functions of the district shall be exercised by a board of 15 directors (herein called the ‘board’), consisting of at least one director from each of the counties named in Section 1 of the Lower Colorado River Authority Act, with the exception of Travis County which shall have two directors. There shall be three directors appointed at large by the governor with the advice and consent of the senate from the counties served with electric power, other than those counties included in Section 1 of the Lower Colorado River Authority Act, whose powers shall be limited to matters of electricity generation, distribution, and rates or related matters. No director appointed at large shall serve for a period of more than six consecutive years. No county, other than those included in Section 1 of the Lower Colorado River Authority Act, shall be represented on the board for more than six consecutive years. No county, other than Travis, shall have two directors for a period greater than six consecutive years. All such directors shall be appointed by the governor with the advice and consent of the senate for staggered terms of six years with five members’ terms expiring on February 1 of each odd-numbered year [a term of six years to begin on January 1 in odd numbered years and end on December 31 six years thereafter], provided that each director shall be a resident of and freehold property taxpayer of the county from which he is appointed and shall have been such for not less than two years next preceding such appointment. Not more than two of such directors shall be residents of the same county. No person shall be eligible for such appointment if he has, during the preceding three years before his appointment been employed by an electric power and light company, telephone company, or any other utility company.

“(b) At the expiration of the term of any director, another director shall be appointed by the governor with the advice and consent of the senate. Each director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the governor for inefficiency, neglect of duty or misconduct in office, after at least 30 days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or
removal of any director shall be filled by the governor, for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by the Constitution or general statute of the State of Texas.

"(c) Each director shall receive a fee of $50 per day for each day spent in attending meetings of the board, and a like per diem for each day spent in attending to business of the district when authorized by resolution of the board, together with actual expenses incurred in attending such meetings, and in attending to such business of the district. It is provided, however, that no director shall be paid per diem in excess of 150 days in any one calendar year.

"(d) Eight directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act or in the bylaws, all action may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than $10,000 or which is to run for a longer period than a year, and no bonds, notes, or other evidence of indebtedness and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least eight directors, unless otherwise specifically provided for in this Act.

"(It is expressly provided, however, that nothing herein shall be construed to prevent the present membership of the Board of Directors of the Lower Colorado River Authority from continuing as such until the expiration of their respective terms of office; and it is the express intent that the present membership of said board shall continue to serve until the expiration of their respective terms of office.)"

SECTION 2. (a) A person appointed to the board of directors of the Lower Colorado River Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987 expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 3. Section 3, Chapter 412, Acts of the 53rd Legislature, Regular Session, 1953, as amended, is amended to read as follows:

"Section 3. GOVERNING BODY OF THE DISTRICT. The District's powers shall be exercised through a Board of Directors. The present Directors of the District herefore appointed from the three constituent cities by the Governor with the advice and consent of the Senate and whose terms expire on January 1st of the years shown as follows, to wit: from the City of Jacksonville, Gus Blankinship, 1961, T. E. Acker, 1963, and Frank W. Ebaugh, 1965; from the City of Palestine, Lester Hamilton, 1961, John D. McDonald, 1963, and Eugene Fish, 1965; from the City of Rusk, Lewis R. McCarroll, 1961, E. B. Musick, 1963, and Franklin L. Summers, 1965, are hereby recognized and confirmed as Directors of the District and shall continue to serve as such until the expiration of their terms of office as aforesaid, or until their successors are elected and have qualified, or until the abolishment of their office under the provisions of Section 24-A hereof. In the event the City of Tyler, Smith County, Texas, shall become a part of the District by annexation under the provisions of Section 6 hereof, a number of Directors shall be appointed to the District's Board from such city equal to the combined number of Directors appointed from all other cities then members of the Authority and if the membership of the Board shall be increased after entry of the City of Tyler by the addition of Directors from any other area the number of Directors from the City
of Tyler shall be increased so that the number shall always equal one-half \( \frac{1}{2} \) of the entire Board membership. In the event the City of Athens, Henderson County, Texas, shall become a part of the District by annexation under the provisions of Section 6 hereof three (3) Directors shall be appointed to the District's Board from such city. The additional Directors, to which the City of Tyler and the City of Athens are entitled, shall be appointed by the Governor of Texas with the advice and consent of the Senate, with their respective initial terms likewise staggered and of such duration as will permit the appointment of their successors at the same time as successors of the other members then comprising the Board of Directors, one-third of the number to which each city is entitled to be appointed from that city for each term. The Governor, with the advice and consent of the Senate, shall appoint all successors to the Directors. Directors are appointed for staggered terms of six (6) years with one-third \( \frac{1}{3} \) of the Directors' terms expiring on February 1 of each odd-numbered year. Directors (aforementioned and they) shall serve [for a term of six (6) years and thereafter] until their successors have been appointed and qualified. Any vacancy on the Board of Directors shall be filled by the Governor as herein provided. As used herein, the word "appointed" shall be considered as synonymous with the words "elected," used elsewhere in this Act with reference to the selection of Directors.

SECTION 4. (a) A person appointed to the board of directors of the Upper Neches River Municipal Water Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 5. Section 9, Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, 1939, as amended, is amended to read as follows:

"Section 9. (a) All powers of the District shall be exercised by a Board of nine (9) Directors. Each Director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a Director unless such person is twenty-one (21) years of age or over and a resident of Kerr County and owns land therein. Each Director shall subscribe to the oath of office and shall give bond in the amount of Five Thousand Dollars ($5,000) for the faithful performance of his duties, the cost of which shall be borne by the District. A majority of Directors shall constitute a quorum.

(b) Directors are appointed by the Governor. Directors are appointed for staggered terms of six (6) years with three Directors' terms expiring on February 1 of each odd-numbered year. [Immediately after this Act becomes effective, the following named persons, all of whom are twenty-one (21) years of age or over and residents of Kerr County and own land therein, shall be the Directors of the District and shall constitute the Board of Directors of the District:

"[(1)] Dr. J. L. Butfield
"[(2)] Darrell Lochte
"[(3)] Fred Junkin
"[(4)] Clyde Parker
"[(5)] Jasper Moore
"[(6)] Arthur Lochte
"[(7)] Gene Lehmann
"[(8)] Fred Millet
If any of the aforementioned persons shall fail or refuse to serve, die, become incapacitated or otherwise not be qualified to assume the duties of a Director of the District under this Act, the Governor of Texas shall appoint a successor or successors. Succeeding Directors shall be appointed as provided for in this Act. The terms of office of the first three Directors named above expire on November 1, 1966; of the second three, on November 1, 1968; and of the last three, on November 1, 1970. On November 1, 1966, and every two years thereafter, the Governor shall appoint successors to Directors whose terms expire. Except as provided above, all Directors have six-year terms of office. The Governor shall fill a vacancy on the Board by appointment for the unexpired term.

(e) The Board of Directors shall elect from its number a president, a vice president and a secretary of the Board of Directors and of the District, and such other officers as in the judgment of the Board are necessary. The president shall be chief executive officer of the District and the presiding officer of the Board, and shall have the same right to vote as any other Director. The vice president shall perform all duties and exercise all power conferred by this Act or the general law upon the president when the president is absent or fails or declines to act. The secretary shall keep and sign the minutes of the meetings of the Board of Directors; and in his absence at any board meeting, a secretary pro tem shall be named for that meeting who may exercise all the duties and powers of the secretary for such meeting, sign the minutes thereof, and attest all orders passed or other action taken at such meeting. The secretary shall be the custodian of all minutes and records of the District.

(f) The Board shall appoint all necessary engineers, attorneys, auditors, and other employees.

(g) The Board shall adopt a seal for the District.

SECTION 6. (a) A person appointed to the board of directors of the Upper Guadalupe River Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on November 1, 1984, expires on February 1, 1991. The term of office succeeding a board member's term that expires on November 1, 1986, expires on February 1, 1993. The term of office succeeding a board member's term that expires on November 1, 1988, expires on February 1, 1995.

SECTION 7. Section 3, Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended, is amended to read as follows:

"Section 3. (a) The powers, rights, privileges and functions of the District shall be exercised by a Board of nine (9) directors (herein called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; it is further provided that three (3) of said directors shall be resident citizens of Tom Green County, three (3) of said directors shall be resident citizens of Coke County, and the remaining three (3) directors shall be resident citizens of counties contiguous to the District, or in any County any part of which may be within twenty-five (25) miles of said District. All of the directors shall be appointed by the Governor of the State of Texas and confirmed by the Senate of Texas. Provided that no person shall be eligible for such appointment if he has, during the preceding three (3) years before his appointment been employed by an electric power and light company, gas company, telephone company, or any other utility company of any kind or character whatsoever. Directors are appointed for staggered terms of six (6) years with three directors' terms expiring on February 1 of each odd-numbered year. Of the nine (9) directors first appointed by the Governor, three (3) shall be
appointed for a term expiring January 1, 1937; three (3) for a term expiring January 1, 1939; and three (3) for a term expiring January 1, 1941.] At the expiration of the term of any director, another director shall be appointed by the Governor. Each director shall hold office until the expiration of the term for which he was appointed and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the Governor for inefficiency, neglect of duty or misconduct in office, after at least ten (10) days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the Governor for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by General Statute.

"(b) Each director shall receive a fee of Fifty ($50.00) Dollars per day for each day spent in attending meetings of the Board.

"(c) Until the adoption of by-laws fixing the time and place of regular meetings, and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five (5) of the directors may designate in writing. Five (5) directors shall constitute a quorum at any meeting, and, except as otherwise provided in this Act, or in the by-laws, all actions may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than Ten Thousand ($10,000.00) Dollars or which is to run for a longer period than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the by-laws shall be valid unless authorized or ratified by the affirmative vote of at least five directors."

SECTION 8. (a) A person appointed to the board of directors of the Upper Colorado River Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 9. Section 4, Chapter 376, Acts of the 54th Legislature, 1955, is amended to read as follows:

"Section 4. (a) The powers, rights, privileges, and functions of the District shall be exercised by a Board of Directors (hereinafter called the Board) which Board shall consist of two (2) persons residing within each of the four (4) Commissioners precincts in Runnels County and one (1) director at large. The Board of Directors shall be selected in the following manner: Two (2) directors from each Commissioners precinct shall be nominated by the Governor. The Governor shall also appoint one (1) director at large. All of the directors shall be appointed with the advice and consent of the Senate of Texas. Directors are appointed for staggered terms of six (6) years with three directors' terms expiring on February 1 of each odd-numbered year. [Of the nine (9) directors first appointed, three (3) shall be appointed for a term expiring January 1, 1957; three (3) for a term expiring January 1, 1959; and three (3) for a term expiring January 1, 1961:] At the expiration of the term of any director, another director shall be appointed by the Governor. Each director shall be appointed by the Governor. Each director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the Governor for inefficiency, neglect
of duty or misconduct in office, after at least ten (10) days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation, or removal of any director shall be filled by the Governor for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by General Statute.

"(b) Each director shall receive a fee of Five Dollars ($5) a day for each day spent in attending meetings of the Board, and Eight Cents (8¢) a mile for traveling expenses. Any director may perform any service required by the Board, but in any such case may not receive the per diem and any other compensation allowed at the same time.

"(c) Five (5) directors shall constitute a quorum at any meeting of the Board and, except as otherwise provided in this Act or in the bylaws, all actions may be taken by the affirmative vote of the majority of the directors present at any such meeting; except that no bonds, notes or other evidences of indebtedness, and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least five (5) directors."

SECTION 10. (a) A person appointed to the board of directors of the Runnels County Water Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 11. Section 4, Chapter 3, page 1053, Special Laws, Acts of the 46th Legislature, 1939, is amended to read as follows:

"Section 4. (a) The powers, rights, privileges, and functions of the District shall be exercised by a Board of Directors (hereinafter called the Board) which Board shall consist of two (2) men residing within each of the four (4) Commissioners precincts in Concho County and one director at large. The Board of Directors shall be selected in the following manner: Two (2) directors from each Commissioners precinct shall be nominated by the Commissioners Court of Concho County, Texas, and appointed by the Governor. The Governor shall also appoint one director at large. All of the directors shall be appointed with the advice and consent of the Senate of Texas. Directors are appointed for staggered terms of six (6) years with three directors' terms expiring on February 1 of each odd-numbered year. Of the nine (9) directors first appointed, three (3) shall be appointed for a term expiring January 1, 1941; three (3) for a term expiring January 1, 1943; and three (3) for a term expiring January 1, 1945. At the expiration of the term of any director, another director shall be appointed by the Governor. Each director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the Governor for inefficiency, neglect of duty or misconduct in office, after at least ten (10) days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation, or removal of any director shall be filled by the Governor for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by General Statute.

"(b) Each director shall receive a fee of Five Dollars ($5) a day for each day spent in attending meetings of the Board, and Three (3) Cents a mile for traveling expenses. Any director may perform any service required by the Board, but in any
such case may not receive the per diem and any other compensation allowed at the same time.

"(c) Five (5) directors shall constitute a quorum at any meeting of the Board and, except as otherwise provided in this Act or in the bylaws, all actions may be taken by the affirmative vote of the majority of the directors present at any such meeting; except that no bonds, notes, or other evidences of indebtedness, and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least five (5) directors."

SECTION 12. (a) A person appointed to the board of directors of the Lower Concho River Water and Soil Conservation Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 13. Section 4, Chapter 338, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended, is amended to read as follows:

"Section 4. (a) The powers, rights, privileges and functions of the District shall be exercised by a board of nine directors (herein called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas and shall be residents of the District herein created, said nine directors of the Board to be appointed by the Governor of the State of Texas and confirmed by the Senate of Texas. Provided that no person shall be eligible for such appointment if he has during the preceding three years before his appointment been employed by an electric power and light company, gas company, telephone company, or any other utility company of any kind or character whatsoever. Directors are appointed for staggered terms of six years with three directors' terms expiring on February 1 of each odd-numbered year. (Of the nine directors first appointed three shall be appointed for a term expiring January 1, 1939, three for the term expiring January 1, 1941, and three for the term expiring January 1, 1943.) At the expiration of the term of any director, another director shall be appointed by the Governor. Each director shall hold office until the expiration of the term for which he was appointed and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided.

(b) Any director may be removed by the Authority which appointed him, for inefficiency, neglect of duty or misconduct in office, after at least ten days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the Authority which appointed him, for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by general statute. Each director shall receive a fee of Ten ($10.00) Dollars per day for each day spent in attending meetings of the Board.

"(c) Until the adoption of by-laws fixing the time and place of regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five of the directors may designate in writing. Five directors shall constitute a quorum at any meeting, and, except as otherwise provided in this Act, or in the by-laws, all actions may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than Ten Thousand ($10,000.00) Dollars, or which is to run for a longer period than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the by-laws...
shall be valid unless authorized or ratified by the affirmative vote of at least five directors."

SECTION 14. (a) A person appointed to the board of directors of the Central Colorado River Authority who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1991. The term of office succeeding a board member's term that expires on January 1, 1987, expires on February 1, 1993. The term of office succeeding a board member's term that expires on January 1, 1989, expires on February 1, 1995.

SECTION 15. Subsection (b), Section 6, Chapter 197, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

"(b) Four of the directors are elected at elections provided for in Section 10 of this Act; the fifth director is appointed by the Governor. A director serves a two-year term. The term of the appointed director expires on February 1 of each odd-numbered year."

SECTION 16. (a) The person appointed to the board of directors of the Evergreen Underground Water Conservation District who held office immediately preceding the effective date of this Act and who was eligible to be an appointed member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding the appointed member's term that expires on January 1, 1985, expires on February 1, 1987.

SECTION 17. Section 4, Chapter 95, Acts of the 56th Legislature, Regular Session, 1959, is amended to read as follows:

"Section 4. GOVERNING BODY OF THE DISTRICT. The District's power shall be exercised through a Board of Directors, hereinafter referred to as the Board. The County Judge of Lavaca County and the Mayor of the City of Hallettsville in Lavaca County shall be ex-officio members of the Board. Five (5) other Directors shall be appointed by the Governor of Texas for terms of two (2) years, with three (3) Directors' terms expiring on February 1 of each even-numbered year and two (2) Directors' terms expiring on February 1 of each odd-numbered year, of whom shall serve until January 1 of the first year following their appointment, and two (2) of whom shall serve until January 1 of the second year following their appointment. Each Director named by the Governor shall serve until his successor shall have been appointed and shall have qualified. All vacancies in office of Directors named by the Governor shall be filled by him to serve out the unexpired terms of their predecessors."

SECTION 18. (a) A person appointed to the board of directors of the Lavaca County Flood Control District No. 3 who held office immediately preceding the effective date of this Act and who was eligible to be a member of the board under the law as it existed at the time of his appointment is entitled to serve the remainder of the term for which he was appointed.

(b) The term of office succeeding a board member's term that expires on January 1, 1984, expires on February 1, 1986. The term of office succeeding a board member's term that expires on January 1, 1985, expires on February 1, 1987.

ARTICLE V

SECTION 1. 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 194 was read second time and was passed to third reading. (Craddick
and Hanna recorded voting no)

SB 772 ON SECOND READING
(Millsap - House Sponsor)

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

SB 772, A bill to be entitled An Act relating to rules governing relationships
between a state agency and its employees and a private organization or private
donor.

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

SB 360 ON SECOND READING
( Oliver - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 360.

CSSB 360

A BILL TO BE ENTITLED
AN ACT
relating to the Texas Energy and Natural Resources Advisory Council serving as an
energy resource center for school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 666, Acts of the 66th Legislature, Regular Session,
1979 (Article 4413(47c), Vernon’s Texas Civil Statutes), is amended by adding
Section 6A to read as follows:
Sec. 6A. SCHOOL DISTRICT RESOURCE CENTER. The Energy
Efficiency Division of the council, or the successor agency that administers the
provisions of the Energy Policy and Conservation Act, the National Energy
Conservation Policy Act, and the National Energy Extension Service Act, may serve
as a resource center to assist school districts in developing energy-efficient facilities.
As such, the division may:
(1) present to school districts programs relating to managing energy, training
school-plant operators, and designing energy-efficient buildings;
(2) provide school districts with technical assistance in managing energy;
(3) collect and distribute information relating to energy management in
school facilities; and
(4) offer to educators energy resource workshops and may make available to
educators a film library on energy-related matters and energy education lesson
packages.

SECTION 2. Insofar as funds from oil overcharge settlements are available,
activities authorized by Section 6A shall be funded from that source.

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 after September 1, 1983 and is so enacted.

CSSB 360 was read second time and was passed to third reading. (T. Hall,
Wieting, Khouy, Toomey, Heflin, Shea, and P. Hill recorded voting no)
SB 370 ON SECOND READING  
(Shaw - House Sponsor)  

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

SB 370, A bill to be entitled An Act relating to reports concerning veterans who may have been exposed to certain chemical defoliants or herbicides or other causative agents, to assistance provided to those veterans, and to the Agent Orange Advisory Committee; amending Sections 2 and 3 and Subsection (a) of Section 7 and adding Section 10, Chapter 874, Acts of the 67th Legislature, Regular Session, 1981 (Article 4447w, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading. (Ceverha, Kuempel, Blanton, Khoury, Toomey, Heflin, Shea, and P. Hill recorded voting no)

SB 714 ON SECOND READING  
(G. Hill - House Sponsor)  

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

SB 714, A bill to be entitled An Act relating to the lease of space in state office buildings to private tenants and to installation of vending facilities in those buildings; amending the State Purchasing and General Services Act, as amended (Article 601b, Vernon's Texas Civil Statutes), by adding Subsection (c) to Section 4.02 and adding Section 4.15 and by amending Subsection (b), Section 5.10 and Subsection (c), Section 5.16; and amending Section 94.002, Human Resources Code.

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

SB 1144 ON SECOND READING  
(A. Smith - House Sponsor)  

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

SB 1144, A bill to be entitled An Act relating to the transaction of business by the courts of appeals for the First and Fourteenth Supreme Judicial Districts and the filing and transfer of appellate cases; amending Section 2, Chapter 421, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 1817a, Vernon's Texas Civil Statutes).

The bill was read second time.

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

Amend SB 1144 by renumbering Sections 2 and 3 as 3 and 4, and inserting a new Section 2 to read as follows:

SECTION 2. The Court of Appeals for the Second Supreme Judicial District may transact its business in any county in the district as the court determines is necessary or convenient.

The amendment was adopted without objection.

SB 1144, as amended, was passed to third reading.
SB 879 ON SECOND READING  
(T. Smith - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading.

SB 879, A bill to be entitled An Act relating to the authority of a peace officer to make an arrest or cause an arrest to be made without a warrant; defining “breach of the peace”; amending the Code of Criminal Procedure, 1965, as amended, by amending Articles 14.03 and 14.04.

The bill was read second time.
Representative M. Garcia moved to table SB 879.
The motion to table prevailed.

SB 815 ON SECOND READING  
(Coody - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading.

SB 815, A bill to be entitled An Act relating to a bond or pledge of other securities or both for securing school district funds deposited in a bank; amending Section 23.76 and Subsection (c), Section 23.79, Texas Education Code, as amended.

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

SB 306 ON SECOND READING  
(Barrientos - House Sponsor)  
The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 306.

CSSB 306  
A BILL TO BE ENTITLED  
AN ACT  
relating to accessibility of polling places to the elderly and physically handicapped.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 2, Texas Election Code, is amended by adding Section 11a to read as follows:

11a. ACCESSIBILITY OF POLLING PLACES TO THE ELDERLY AND PHYSICALLY HANDICAPPED. (a) Each polling place must be accessible to and usable by the elderly and physically handicapped. Each polling place must meet the following standards of accessibility:

(1) the polling place must be on the ground-level floor or be accessible from the ground-level floor by an elevator with doors that provide an opening of at least 30 inches in width;
(2) doors, entrances, and exits used to gain access to or egress from the polling place must have a minimum width of 30 inches;
(3) any curb adjacent to the main entrance to a polling place must have curb cuts or temporary nonslip ramps;
(4) any stairs necessary to enter the polling place must have a handrail and nonslip ramp; and
(5) the polling place may not have a barrier that impedes the path of the physically handicapped to the voting booth.

(b) Subsection (a) of this section does not apply to a polling place that is temporary.
(c) Each authority responsible for designating polling places may only designate sites that meet the standards of accessibility prescribed by Subsection (a) of this section, except that a site not meeting the standards may be designated if:

(1) an acceptable and accessible site that is available for the election does not exist within the precinct; and

(2) it is anticipated that the site can be brought into compliance with the standards by affirmative governmental action.

(d) Not later than January 1, 1986, the commissioners court in each county shall provide a polling place that complies with Subsection (a) of this section in at least 85 percent of the county election precincts. Not later than January 1, 1988, the commissioners court shall provide a polling place that complies with Subsection (a) of this section in each county election precinct. The site must be available for use as a polling place on every day that an election may be held within the precinct by any authority that holds elections. The commissioners court may make expenditures from either the general fund or the permanent improvement fund to bring an existing county owned site into compliance with Subsection (a) of this section. If the commissioners court provides temporary ramps or handrails, a charge may not be made for their use at any election, and the county shall pay any transportation and installation charges incidental to their use.

(e) Except as otherwise provided by Subsection (f) of this section, any authority other than the county commissioners court that designates as a polling place a site that does not meet the standards prescribed by Subsection (a) of this section shall report that designation to the commissioners court. The report must state that the authority making the designation has determined that the polling place can be made accessible to and usable by the elderly and physically handicapped in the foreseeable future by affirmative governmental action.

(f) Each county commissioners court that receives a report under Subsection (e) of this section shall take affirmative action to bring the designated polling place into compliance with the standards prescribed by Subsection (a) of this section not later than two years after the report is received, except that the earliest date by which compliance must be obtained is the appropriate deadline under Subsection (d) of this section. However, the commissioners court is not required to provide more than one accessible and acceptable polling place in each county election precinct on each day that an election is held. If more than one polling place is needed in a county election precinct on the same day, any site used as a polling place except the site designated by the commissioners court as the polling place for elections held by the county is exempt from the requirements of Subsection (a) of this section, and its designation need not be reported to the commissioners court.

(g) The governing body of each political subdivision that holds elections shall cooperate with the commissioners court in its respective county in implementing this section. If the authority holding an election rejects a county-designated polling place that is available and chooses to use a different site of its own designation, it must provide a polling place that complies with Subsection (a) of this section at its own expense. A political party that is holding a primary election may not reject an available county-designated polling place without the prior consent of the secretary of state.

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 306 was read second time.

Representative G. Hill offered the following amendment to CSSB 306:
Amend CSSB 306 as follows:

1. On page 2, lines 9 through 12, strike the first sentence in Subsection (d) and substitute in lieu thereof the following: "Not later than January 1, 1986, the commissioners court in each county shall provide a polling place that complies with Subsection (a) of this section in at least 60 percent of the county election precincts. Not later than January 1, 1987, the commissioners court in each county shall provide a polling place that complies with Subsection (a) of this section in at least 85 percent of the county election precincts."

2. On page 3, line 25, add the following at the end of the first sentence in Subsection (g): "...and is subject to the same deadlines for compliance as prescribed by Subsection (d) of this section."

The amendment was adopted without objection.

Representative D. Hudson offered the following amendment to CSSB 306:

Amend CSSB 306 on pages 2 and 3, by striking the last sentence in Subsection (d) and by striking Subsections (e) and (f) in their entirety.

The amendment was adopted without objection.

Representative Eckels offered the following amendment to CSSB 306:

Amend CSSB 306 by adding on page 2, line 12 after precincts "with over 1000 registered voters" and on page 2, line 15 after precinct "with over 1000 registered voters."

Representative Barrientos moved to table the Eckels amendment.

A record vote was requested.

The motion to table prevailed by (Record 556): 77 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cain; Carriker; Cary; Cavazos; Clemmons; Colbert; Collazo; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; English; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, W.; Harrison, W.; Hernandez; Hightower; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Kemp; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Shaw; Short; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Valles; Wallace; Watson; Wieting; Willis; Wilson; Word.

Nays — Agnich; Blanton; Bomer; Buchanan; Burnett; Cervera; Clark; Connelly; Cuddick; Delay; Eckels; Eikenburg; Evans, C.; Finnell; Fox; Gavin; Geistweidt; Grisham; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Heflin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; Leonard; McKenna; Mankins; Patterson; Pennington; Peveto; Pierce; Presnal; Robnett; Rudd; Russell; Saunders; Schoolcraft; Shea; Simpson; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Turner; Uher; Vowell; Waldrop; Whaley; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett; Schluerer.

Absent — Emmett; Gibson, B.; Gibson, J.; Jackson; Messer; Patrick; Robinson; Toomey; Wolens.
Representative Armbrister offered the following amendment to CSSB 306:

Amend CSSB 306 by inserting the following on page 1, line 24, after "temporary": “or that is a private residence”.

Representative Eckels offered the following amendment to the Armbrister amendment:

Amend CSSB 306 by inserting the following on page 1, line 24, after "temporary": “or that is a private building”.

(Blanton in the chair)

Representative Armbrister moved to table the Eckels amendment.

The vote of the house was taken on the motion to table the Eckels amendment and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 557): 66 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cain; Carricker; Cary; Cavazos; Colbert; Collazo; Criss; Danburg; Davis; Delco; Denton; Edwards; English; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, W.; Harrison, W.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Kemp; Lee, E. F.; Luna; Madia; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Shaw; Short; Smith, T.; Tejeda; Thompson, S.; Valles; Wallace; Watson; Wieting; Willis; Wilson.

Nays — Agnich; Blanton; Bomer; Buchanan; Burnett; Clark; Connelly; Coody; Craddock; DeLay; Eckels; Eikenburg; Evans, C.; Fox; Gandy; Gavin; Geistweidt; Gibson, B.; Grisham; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Hellin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Jones; Keller; Khoury; Kubik; Kuempel; Laney; Leonard; McWilliams; Mankins; Messer; Millsap; Patrick; Patterson; Pennington; Peveto; Pierce; Presnal; Robnett; Rudd; Russell; Schoolcraft; Shea; Simpson; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Wolens; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Crockett; Crockett; Schlueter.

Absent — Ceverha; Clemons; Emmett; Hernandez; Hightower; Lee, D.; McKenna; Robinson; Saunders; Stiles; Sutton.

The chair stated that the motion to table was lost by the above vote.

**LEAVE OF ABSENCE GRANTED**

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

Saunders on motion of Kuempel.

**CSSB 306 - (consideration continued)**

A record vote was requested.

The Eckels amendment to the Armbrister amendment was adopted by (Record 558): 71 Yeas, 67 Nays, 1 Present, not voting.
Yeas — Agnich; Blanton(C); Bomer; Buchanan; Burnett; Ceverha; Clark; Connelly; Coody; Craddick; DeLay; Eckels; Eikenburg; Emmett; Evans, C.; Finnell; Fox; Gavin; Geistweidt; Gibson, J.; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Heilin; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Keller; Khoury; Kubiak; Kuempel; Laney; Leonard; McKenna; McWilliams; Mankins; Messer; Millsap; Parker; Patrick; Patterson; Pennington; Peveto; Pierce; Presnal; Robnett; Rudd; Russell; Schoolcraft; Shea; Short; Simpson; Smith, A.; Staniswalis; Stiles; Thompson, G.; Toomey; Turner; Uher; Waldrop; Whaley; Word.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bush; Cain; Carriker; Cary; Cavazos; Colbert; Collazo; Criss; Danburg; Davis; Delco; Denton; Edwards; English; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gilley; Glossbrenner; Granoff; Green; Hackney; Harrison, W.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Shaw; Smith, C.; Smith, T.; Tejeda; Thompson, S.; Tow; Valles; Vowell; Wallace; Watson; Wieting; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Arnold; Crockett; Saunders; Schlueter.

Absent — Clemens; Gibson, B.; Hernandez; Lee, D.; Robinson; Sutton; Wright.

A verification of the vote was requested.

Representative Salinas moved to dispense with verification.

A record vote was requested.

The motion to dispense with verification was lost (not receiving the necessary two-thirds vote) by (Record 559): 91 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Buchanan; Bush; Cain; Cary; Cavazos; Colbert; Collazo; Criss; Danburg; Davis; Delco; Eckels; Edwards; Emmett; English; Evans, L.; Gamez; Gandy; Garcia, A.; Gibson, B.; Gilley; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Heilin; Hernandez; Hightower; Hilbert; Hill, G.; Hill, P.; Hinojosa; Horn; Hudson, D.; Hury; Jackson; Jones; Kemp; Kubiak; Kuempel; Lee, D.; Lee, E. F.; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Parker; Patrick; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rudd; Russell; Salinas; Schoolcraft; Shaw; Short; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wolens.

Nays — Blanton(C); Bomer; Burnett; Ceverha; Clark; Connelly; Coody; Craddick; DeLay; Denton; Eikenburg; Finnell; Fox; Garcia, M.; Gavin; Geistweidt; Glossbrenner; Grisham; Hanna; Harrison, D.; Harrison, W.; Hill, A.; Hollowell; Hudson, S.; Keller; Khoury; Laney; Leonard; McWilliams; Mankins; Messer; Millsap; Oliver; Patronella; Patterson; Rangel; Robnett; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Turner; Uher.

Present, not voting — Mr. Speaker.

Absent, Excused — Arnold; Crockett; Saunders; Schlueter.
Absent — Carriker; Evans, C.; Gibson, J.; Hall, W.; Robinson; Wilson; Word; Wright.

The vote of the house was taken on adoption of the Eckels amendment to the Armbrister amendment and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 558): 71 yeas, 67 nays, 1 present, not voting.

The chair stated that the Eckels amendment to the Armbrister amendment was adopted by the above vote.

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

Representative Horn offered the following amendment to CSSB 306:

Amend CSSB 306 by deleting Section (g).

A record vote was requested.

The Horn amendment failed of adoption by (Record 560): 59 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Agnich; Blanton(C); Bomer; Buchanan; Ceverha; Connelly; Coody; Craddick; DeLay; Eckels; Eikenburg; Fox; Geistweidt; Gibson, J.; Grisham; Haley; Hall, T.; Hammond; Hanna; Harrison, D.; Heflin; Hilbert; Hill, P.; Horn; Jackson; Jones; Keller; Khourey; Kubiak; Kuempel; Laney; Leonard; McKenna; Mankins; Messer; Milesp; Patrick; Patterson; Pennington; Peveto; Pierce; Presnal; Robnett; Russell; Schoolcraft; Shez; Short; Smith, A.; Staniswalis; Thompson, G.; Toomey; Tow; Turner; Uher; Vowell; Waldrop; Whaley; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Bush; Cain; Carriker; Cary; Cervazos; Colbert; Collazo; Criss; Danburg; Deley; Denton; Edwards; English; Evans, C.; Evans, L.; Fennell; Gamez; Cady; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, W.; Harrison, W.; Hightower; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurry; Kemp; Lee, E. F.; Luna; McWilliams; Madia; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Polombo; Price; Ragsdale; Rangel; Robinson; Rudd; Salinas; Shaw; Simpson; Smith, C.; Smith, T.; Siles; Tejeda; Thompson, S.; Valles; Wallace; Watson; Wieting; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Arnold; Crockett; Saunders; Schlueter.

Absent — Clark; Clemons; Davis; Emmett; Hernandez; Lee, D.; Sutton.

Representative Eikenburg offered the following amendment to CSSB 306:

Page 2 line 9-24 strike (d).

A record vote was requested.

The Eikenburg amendment failed of adoption by (Record 561): 61 Yeas, 76 Nays, 1 Present, not voting.

Yeas — Agnich; Blanton(C); Buchanan; Ceverha; Connelly; Coody; Craddick; DeLay; Eckels; Eikenburg; Emmett; Fox; Geistweidt; Gibson, J.; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Heflin; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Jones; Keller; Kubiak; Kuempel; Laney;
Leonard; McKenna; McWilliams; Mankins; Messer; Millsap; Patrick; Patterson; Peveto; Pierce; Presnal; Robinson; Robnett; Rudd; Russell; Schoolcraft; Shea; Short; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Toomey; Uher; Waldrop; Whaley; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Colbert; Collazo; Criss; Danburg; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Harrison, W.; Hightower; Hill, A.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Kemp; Khoury; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Shaw; Simpson; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Vowell; Wallace; Watson; Wieting; Willis; Wilson.

Present, not voting — Mr. Speaker.

Absent, Excused — Arnold; Crockett; Saunders; Schlueter.

Absent — Bomer; Clark; Clemens; Davis; Hernandez; Lee, D.; Pennington; Wolens.

A record vote was requested.

CSSB 306, as amended, was passed to third reading by (Record 562): 85 Yeas, 54 Nays. 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Bomer; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Colbert; Collazo; Coody; Criss; Danburg; Davis; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, W.; Harrison, W.; Hightower; Hill, A.; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Kemp; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Pierce; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Schoolcraft; Shaw; Smith, C.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Vowell; Wallace; Watson; Wieting; Willis; Wilson; Wolens.

Nays — Agnich; Blanton(C); Buchanan; Ceverha; Connelly; Craddock; DeLay; Eckels; Elkenburg; Fox; Geistweidt; Gibson, J.; Haley; Hall, T.; Hammond; Hanna; Harrison, D.; Hellin; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Jones; Keller; Khoury; Kubiak; Kuempel; Laney; McKenna; McWilliams; Mankins; Messer; Patrick; Patterson; Pennington; Peveto; Presnal; Robinson; Robnett; Rudd; Russell; Shea; Short; Simpson; Smith, A.; Staniswalis; Thompson, G.; Toomey; Uher; Waldrop; Whaley; Word; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Arnold; Crockett; Saunders; Schlueter.

Absent — Clark; Clemens; Emmett; Hernandez; Leonard; Sutton.

SB 898 ON SECOND READING
(Bush - House Sponsor)

The chair laid before the house on its second reading and passage to third reading.
SB 898, A bill to be entitled An Act relating to mandatory and permissive venue in civil actions, to transfers and hearings, to the effect of improper venue on an appeal from the trial on the merits, and to rules governing venue.

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

SB 538 ON SECOND READING
(C. Evans - House Sponsor)

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

SB 538, A bill to be entitled An Act relating to the increase in minimum automobile liability coverage for motor vehicles.

The bill was read second time.

Representative D. Lee offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 538 as follows:
(1) On page 3, line 25, strike the semicolon and substitute “and”.
(2) On page 4, strike lines 5-11 and substitute the following:

of others in any one accident. The

(3) On page 5, strike lines 15 and 16 and substitute the following:

Thousand Dollars ($55,000) (amount of Twenty-five Thousand Dollars

(4) On page 7, line 22, strike the semicolon and substitute “and”.
(5) On page 8 strike lines 4-13 and substitute the following:

destruction of property of others in any one accident. The policy

(6) On page 11, strike lines 15 and 16 and substitute the following:

January 1, 1986, Fifty-Five Thousand Dollars ($55,000) [Twenty-five

Committee Amendment No. 1 was adopted without objection.

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

Amend SB 538 by striking Section 7 and inserting in lieu thereof the following:

SECTION 7. This act takes effect January 1, 1984, provided that any insurance policies issued prior to January 1, 1984 which proved financial responsibility prior to that date shall continue to be adequate proof of financial responsibility until it terminates or one (1) year from its issuance, whichever is sooner, and any insurance policy issued in 1985 which proved financial responsibility prior to January 1, 1986 shall continue to be adequate proof of financial responsibility until it terminates or one (1) years from its issuance, whichever is sooner.

The amendment was adopted without objection.

SB 538, as amended, was passed to third reading. (Staniswalis, Bomer, Green, Hollowell, Wolens, Craddick, Fox, Hanna, C. Smith, Jackson, Simpson, P. Hill, G. Thompson, Shea, Heflin, and Patterson recorded voting no)

SB 1425 ON SECOND READING
(Messer - House Sponsor)

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

SB 1425, A bill to be entitled An Act relating to the amendment of a condominium declaration and the authority a condominium association to alter or destroy a unit or a limited common element.
The bill was read second time and was passed to third reading.

SB 291 ON SECOND READING
(Cain - House Sponsor)

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

SB 291, A bill to be entitled An Act relating to the time a claim for compensation shall be made under the Workers' Compensation Act.

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

SB 1044 ON SECOND READING
(Tejeda - House Sponsor)

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

SB 1044, A bill to be entitled An Act relating to conflicts of interest of local public officials.

The bill was read second time.

Representative Eckels offered the following amendment to the bill:

Amend SB 1044 by adding on line 8, Page 2 in Section 3 after the word "he": "knowingly".

The amendment was adopted without objection.

SB 1044, as amended, was passed to third reading.

SB 42 ON SECOND READING
(B. Gibson - House Sponsor)

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

SB 42, A bill to be entitled An Act relating to the making and accepting of political contributions and expenditures by a political committee and the filing of a statement of organization.

The bill was read second time.

Representatives B. Gibson, Jackson, and Wolens offered the following amendment to the bill:

Amend SB 42 by adding a new Section 3 and renumbering accordingly, as follows:

Section 3. Section 243, Texas Election Code (Article 14.07, Vernon's Texas Election Code), is amended by adding Subsection (C-1) to read as follows:

(C-1) In addition to the filing of a sworn statement under this section, the information required to be reported on the statement regarding contributions from a person that in the aggregate exceed $1000 to a candidate for the office of state senator or $200 to a candidate for the office of state representative and that are accepted during the period beginning on the ninth day before election day and ending at 12 noon on the second day before election day shall be reported by each candidate and specific-purpose political committee by telegram or delivered by hand to the appropriate authority within 48 hours of acceptance.

The amendment was adopted without objection.
SB 1274, as amended, was passed to third reading.

SB 1274 ON SECOND READING
(Messer - House Sponsor)

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

SB 1274, A bill to be entitled An Act relating to public school finance and the calculation of the effective tax rate of a school district.

The bill was read second time.

Representative Hammond offered the following amendment to the bill:

Amend SB 1274 by striking all below the enacting clause and amending to read as follows:

SECTION 1. Chapter 13, Texas Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TECHNOLOGY EDUCATION PROGRAMS IN THE PUBLIC SCHOOLS

Sec. 13.301. STATE POLICY. (a) The legislature finds that the economic well-being of Texas and the United States, including our competitiveness in national and world markets, is increasingly dependent on technology, and will require a citizenry that possesses general and specific skills in mathematics, science, computer science, and related technological subjects. The public schools are responsible for imparting these skills to students, but are increasingly unable to meet this obligation successfully because of a decline in the number of qualified and certified persons seeking to teach these subjects.

(b) It is the purpose of this subchapter to increase the ability of local school districts to provide secondary students with quality instruction in mathematics, science, computer science, and related technological subjects. Therefore, local school districts are authorized and encouraged to establish programs to cooperate with the business community and with other educational and governmental institutions to recruit qualified persons who will provide secondary students with the skills and training essential for the technological age.

Sec. 13.302. ESTABLISHMENT OF LOCAL PROGRAMS. (a) The board of trustees of a school district may develop and implement a program for employing qualified but noncertified persons teaching mathematics, science, computer science, and related technological subjects in the secondary schools of the district.

(b) To establish such a program, the board of trustees shall approve a comprehensive plan which shall include:

(1) a statement of the needs, goals, and priorities of the school district for expanding secondary instruction in mathematics, science, computer science, and related technological subjects;

(2) a description of the methods by which the school district will select, supervise, and evaluate noncertified instructors;

(3) a description of the specific subjects and activities to be taught in the district by noncertified instructors;

(4) a description of the district's compensation plan for noncertified instructors;

(5) a description of the use the district intends to make of the resources of the business community and other educational and governmental institutions; and

(6) a description of the district's in-service training program for noncertified instructors to improve their knowledge of appropriate instructional methods.
(c) The board of trustees may modify or abolish the district's comprehensive plan at any time.

(d) A school district shall submit a copy of its comprehensive plan to the commissioner of education. The commissioner of education shall review and approve or reject the comprehensive plan consistent with the intent expressed in the legislation. The commissioner must affirm or reject the application within 30 days. The commissioner shall make copies of a district's plan available to other districts upon written request. The Central Education Agency shall provide technical assistance in implementing the comprehensive plan when requested to do so by a school district.

Sec. 13.303. REQUIREMENTS FOR NONCERTIFIED INSTRUCTORS.

(a) To be eligible for employment as a noncertified instructor, a person must have at least a bachelor's degree from an accredited institution of higher education, with a concentration in the subject area to be taught. A school district may require additional qualifications for instructors, including, but not limited to, work experience in a field relate to the subject area to be taught.

(b) A noncertified instructor may not teach more than three classes per day during any semester. A noncertified instructor's compensation may not exceed the number of courses he teaches divided by the normal instructional course load for a secondary teacher in the district, multiplied by the district's minimum salary for a certified teacher with a bachelor's degree. Such compensation shall be paid to the noncertified person, or to any other person, partnership, corporation, or institution designated in writing by the noncertified person. This subsection does not apply to a noncertified instructor who is teaching in the public schools as part of a teacher training program in an accredited institution of higher education.

(c) A noncertified instructor is not eligible for any of the benefits available to a certified teacher in the district, including participation in the Teacher Retirement System of Texas. However, a noncertified instructor is immune from personal liability for acts and omissions in the scope of employment to the same extent that a certified teacher is immune from such liability, and a district may insure a noncertified instructor against liability for acts and omissions in the scope of employment to the same extent as it insures its certified teachers from such liability.

(d) A noncertified instructor may be terminated whenever the board of trustees determines that the best interests of the school district are served thereby. A noncertified instructor does not acquire a property interest in continued employment in a school district, and may not appeal a termination decision of a board of trustees to the commissioner of education.

(e) Any course taught by a noncertified instructor shall count toward fulfilling a student's graduation requirements if it would count if taught by a certified teacher.

(f) As a condition of employment, a board of trustees may require a noncertified instructor to meet with parents or guardians of students on a reasonable basis to discuss students' grades or progress in courses taught by the noncertified instructor.

Sec. 13.304. LIMITATION ON EMPLOYMENT OF NONCERTIFIED INSTRUCTORS. Implementation of a program under this subchapter shall not result in the displacement of any certified person qualified to teach such courses. In implementing a program, preference in hiring and retention shall be given to certified persons qualified to teach such courses. A school district may not employ a noncertified instructor beyond the end of a semester to teach any course for which a qualified and certified teacher is available and has a current application for employment on file with the district.

Sec. 13.305. FUNDING OF LOCAL PROGRAMS. A school district may use any federal, state, or local funds not specifically dedicated to another purpose by statute for contract to implement the provisions of this subchapter.
Sec. 13.306. SUPERIORITY OF THIS SUBCHAPTER. To the extent that this subchapter conflicts with any other provision relating to the training or employment of teachers, this subchapter governs.

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

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

Representative Glossbrenner raised a point of order against further consideration of the Hammond amendment on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

SB 1274 was passed to third reading. (Toomey, Vowell, Green, Staniswals, Polumbo, Fox, Patronella, and Eckels recorded voting no)

SB 1306 ON SECOND READING
(Armbrister - House Sponsor)

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

SB 1306, A bill to be entitled An Act relating to the application of the Professional Prosecutors Act to the offices of certain district attorneys, criminal district attorneys, and county attorneys performing the duties of the district attorney and to compensation.

The bill was read second time.

Representative Parker offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 2, SB 1306, by striking the words “Cass County” on page two, line 11.

Committee Amendment No. 1 was adopted without objection.

Representative Armbrister offered the following amendment to the bill:

Amend SB 1306 as follows:
(1) Reinsert the bracketed and stricken figure on page 1, line 21.

The amendment was adopted without objection.

SB 1306, as amended, was passed to third reading. (P. Hill, Toomey, Heflin, Shea, and Eckels recorded voting no)

SB 810 ON SECOND READING
(Tejeda - House Sponsor)

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

SB 810, A bill to be entitled An Act relating to treatment programs at certain state chest hospitals.

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

(Speaker in the chair)
SB 1213 ON SECOND READING  
(G. Hill - House Sponsor) 

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

SB 1213, A bill to be entitled An Act relating to regulation of the practice of occupational therapy; and to the creation, membership, qualifications, organization, powers and duties, and compensation of the Texas Advisory Board of Occupational Therapy.

The bill was read second time.

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

Amend SB 1213 on page 4, line 8, by striking “1993” and substituting “1985”.

The amendment was adopted without objection.

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

Amend SB 1213 by striking Section 8 of the bill and substituting a new Section 8 to read as follows:

SECTION 8. COMPENSATION. Each member of the board is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the board.

The amendment was adopted without objection.

Representative Jackson offered the following amendment to the bill:

Amend SB 1213 on page 12, line 22 by striking the word “four” and substituting the word “one”.

Representative G. Hill moved to table the Jackson amendment.

(Crockett now present)

The motion to table prevailed.

Representative Wolens offered the following amendment to the bill:


Representative G. Hill moved to table the Wolens amendment.

The motion to table prevailed.

A record vote was requested.

SB 1213, as amended, was passed to third reading by (Record 563): 90 Yeas, 51 Nays, 1 Present, not voting.

Yea — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Bush; Cain; Carriker; Cavazos; Clark; Colbert; Collazo; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Garnez; Gandy; Garcia, A.; Garcia, M.; Gavin; G Constant; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, T.; Hall, W.; Harrison, W.; Hightower; Hill, G.; Hinojosa; Horn; Hudson, D.; Hudson, S.; Hury; Kemp; Kubak; Laney; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Milhsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Peveto; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Russel; Salinas; Shaw;
The speaker laid before the house on its second reading and passage to third reading, SB 1355, A bill to be entitled An Act relating to the creation, membership, terms, compensation, staff, and powers and duties of a public authority to issue bonds for certain state building, communications, and data processing projects; to specific projects.

The bill was read second time.

Representative P. Hill offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 12, subsection (a), subpart (1) of SB 1355 by deleting the words "revenues from the lease of space in" on page 3, lines 17 and 18, and substituting the words "rents, issues and profits from".

Committee Amendment No. 1 was adopted without objection.

Representative Millsap offered the following amendment to the bill:

Amend SB 1355 by redesignating ARTICLE IV as ARTICLE V and by inserting a new ARTICLE IV to read as follows:

ARTICLE IV

SECTION 1. AMENDMENT. The State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) is amended by amending Section 10.09 and by adding Sections 10.10 and 10.11 to read as follows:

"Section 10.09. CENTRALIZED CAPITOL COMPLEX TELEPHONE [CENTREX] SYSTEM. (a) The commission shall provide centralized telephone service [the centrex system] for state agencies, each house of the legislature, and legislative agencies in the capitol complex and other state agencies which elect to subscribe to such service.

(b) Each using entity shall make monthly payments to the commission when assessed by the commission.

(c) Each using entity shall arrange for its terminal telephone equipment [directly with the supplying telephone company]. The commission shall make terminal equipment available for using entities that choose to use that terminal equipment.
"(d) The commission shall prepare and issue a revised centralized [centrex] telephone service directory in February of each year.

Section 10.10. ENGINEERING AND TECHNICAL ASSISTANCE. (a) The commission may provide engineering and technical assistance to state agencies on telephone and other telecommunications matters, including customer premises equipment. If this requirement exceeds in-house capabilities, the commission may contract for the services.

"(b) If the governing officer or body of an agency consents in writing to the imposition of a surcharge to pay the cost of the commission's engineering and technical assistance to the agency, the commission may impose the surcharge.

Section 10.11. RATE INTERVENTION. If the commission determines that there is sufficient economic impact on state government, the commission may intervene on behalf of state agencies in telecommunications rate cases and may hire special counsel and expert witnesses to prepare and present testimony. The attorney general shall represent the commission before the courts in all appeals from rate cases in which the commission intervenes."

SECTION 2. AMENDMENT. Subsection (c), Section 10.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The commission may negotiate rates and execute contracts with telecommunications service utilities for services, lease transmission facilities on a competitive bid basis if possible, and develop, establish, and maintain carrier systems necessary to the operation of the telecommunications system. The commission may own or lease any facilities or equipment necessary to provide telecommunications services."

SECTION 3. AMENDMENT. Subsection (b), Section 10.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Each agency shall comply with the policies, guidelines, and operating procedures promulgated. The commission, with the advice of the state auditor, shall maintain records relating to the consolidated telecommunications system as necessary to enable the commission to analyze the cost effectiveness of the system to the state agencies, and shall advise the legislature at each session as to the cost effectiveness of the system. [If, in the opinion of the commission, the total cost of the system reaches a level which would justify total state ownership and operation of the system, the commission shall recommend to the legislature the implementation of such action.]"

SECTION 4. REPEALER. Subdivision (3), Section 10.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is repealed.

SECTION 5. REPLACEMENT OF CENTREX SYSTEM. If the State Purchasing and General Services Commission decides to replace the current centrex system, the commission shall make the new service operational for the legislature and legislative agencies not later than September 1, 1984.

SECTION 6. ADVISORY COMMITTEE. (a) The State Telephone Service Advisory Committee is established.

(b) The committee is composed of:

(1) three representatives of state agencies appointed by the governor;
(2) three persons appointed by the lieutenant governor; and
(3) three persons appointed by the speaker of the house of representatives.

(c) Appointments of the lieutenant governor and speaker of the house of representatives may include members of the legislature or representatives of state agencies.

(d) A member of the committee is appointed for a term expiring on the date the committee is abolished under this Act.
(e) The committee shall elect a chairman and vice-chairman from its members.

(f) The governor shall designate a time and place at which the committee shall convene for an organizational meeting. The committee shall meet at other times and places at the call of the chairman or as provided by a rule of the committee.

(g) A member of the committee may not receive compensation for service on the committee. A member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the committee.

(h) A vacancy on the committee shall be filled for the unexpired part of the term in the same manner in which the original appointment was made.

(i) The committee shall:

1. advise the State Purchasing and General Services Commission about the specifications for the centralized telephone service;

2. review bids received by the commission relating to the provision of the centralized telephone service; and

3. advise and assist the commission in the determination as to which bidder or bidders should be awarded a contract.

(j) The committee is abolished and this section expires August 31, 1985.


(b) Section 80, Article V of S.B. 179, may not be construed as prohibiting the State Purchasing and General Services Commission from implementing this Article by establishing a telephone system that uses leased equipment in whole or in part.

(c) This Section expires September 1, 1985.

The amendment was adopted without objection.

Representative E. F. Lee offered the following amendment to the bill:

Amend SB 1355, line ____, page ____., by inserting the following SECTIONS ____., ____., and ____., and by appropriately renumbering the remaining section at the end of Article III:

SECTION ____.

Subsection (a), Section 23, Development Corporation Act of 1979, as amended (Article 5190.6, Vernon’s Texas Civil Statutes), is amended to read as follows:

“(a) The corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of this state to nonprofit corporations incorporated under the Texas Non-Profit Corporation Act, as amended (Article 1396-1.01 et seq., Vernon’s Texas Civil Statutes), but to the extent that the provisions of the general laws are in conflict or inconsistent with this Act, this Act prevails. In addition, the corporation shall have the following powers with respect to projects together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

(1) to acquire, whether by construction, devise, purchase, gift, lease, or otherwise or any one or more of such methods and to construct, improve, maintain, equip, and furnish one or more projects located within the state or within the coastal waters of the state and within or partially within the limits of the unit under whose auspices the corporation was created or within the limits of a different unit where the governing body thereof requests the corporation to exercise its powers therein;

(2) to lease to a lessee all or any part of any project for such rentals and upon such terms and conditions as its board of directors may deem advisable and not in conflict with the provisions of this Act;
“(3) to sell by installment payments or otherwise and convey all or any part 
of any project for such purchase price and upon such terms and conditions as its 
board of directors may deem advisable and not in conflict with the provisions of this 
Act;
“(4) to make secured or unsecured loans for the purpose of providing 
temporary or permanent financing or refinancing of all or part of the cost of any 
project, including the refunding of any outstanding obligations, mortgages, or 
advances issued, made, or given by any person for the cost of a project; and to charge 
and collect interest on such loans for such loan payments and upon such terms and 
conditions as its board of directors may deem advisable and not in conflict with the 
provisions of this Act;
“(5) to make secured or unsecured loans to lending institutions under terms 
and conditions that, in addition to other provisions determined by the corporation, 
require the lending institutions to use substantially all of the net proceeds of the 
loans, directly or indirectly, for the making of loans to finance all or part of the cost 
of projects and to establish programs to encourage making loans to finance projects 
available; provided, however, that the yield to lending institutions shall not exceed 
the yield on the bonds plus 1-1/2 percent after having taken into account actual 
costs of issuance;
“(6) to issue bonds for the purpose of defraying all or part of the cost 
of any project, to secure the payment of such bonds as provided in this Act, and to 
sell bonds at a price or prices determined by the board of directors or to exchange 
bonds for property, labor, services, material, or equipment comprising a project or 
incidental to the acquisition of a project and those bonds may bear interest at any 
rates or rates determined by the board of directors, subject to the limitations set forth 
in this Act;
“(7) as security for the payment of the principal of and interest on any 
bonds issued and any agreements made in connection therewith, to mortgage and 
pledge any or all of its projects or any part or parts thereof, whether then owned or 
hereafter acquired, and to assign any mortgage and repledge any security conveyed 
to the corporation to secure any loan made by the corporation and to pledge the 
revenues and receipts therefrom;
“(8) to sue and be sued, complain and defend, in its corporate name;
“(9) to have a corporate seal and to use the same by causing it or a 
facsimile thereof to be impressed on, affixed to, or in any manner reproduced upon 
instruments of any nature required to be executed by its proper officers;
“(10) to make and alter bylaws not inconsistent with its articles of 
incorporation or with the laws of this state with the approval of the unit under whose 
auspices the corporation was created by resolution of the governing body for the 
average and regulation of the affairs of the corporation;
“(11) to cease its corporate activities and terminate its existence by 
voluntary dissolution as provided herein; and
“(12) 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 
corporation is organized which powers shall be subject at all times to the control 
of the governing body of the unit under whose auspices the corporation was created.”

SECTION ___. Subsections (a) and (f), Section 24, Development 
Corporation Act of 1979, as amended (Article 5190.6, Vernon’s Texas Civil 
Statutes), are amended to read as follows:
“(a) The commission shall approve the contents of any lease, sale, or loan 
agreement made under this Act. The commission shall prescribe rules and 
regulations setting forth minimum standards for project eligibility and for lease, 
sale, and loan agreements and guidelines with respect to the business experience,
financial resources, and responsibilities of the lessee, purchaser, or borrower under any such agreement, but in no event shall the commission approve any agreement unless it affirmatively finds that the project sought to be financed is in furtherance of the public purposes of this Act. To encourage and facilitate the availability of financing for small businesses under this Act, the commission may adopt rules and regulations concerning loans by a corporation to lending institutions, the proceeds of which are reloaned as permanent or temporary financing for projects. Each project shall be subject to the same project approval requirements it would have been had the financing not been arranged through a lending institution. Appeal from any adverse ruling or decision of the commission under this subsection may be made by the corporation to the District Court of Travis County. The substantial evidence rule shall apply. Rules, regulations, and guidelines promulgated by the commission and amendments thereto shall be effective only after they have been filed with the secretary of state.”

“(f) The commission shall adopt rules and regulations governing programs for small businesses receiving loans guaranteed in whole or in part by the Small Business Administration or other federal agencies. The commission may also adopt rules and regulations governing the terms and conditions of loans by a corporation to banks or other lending institutions the proceeds of which are reloaned as permanent or temporary financing of a project.”

SECTION 1. Subsection (a), Section 25, Development Corporation Act of 1979, as amended (Article 5190.6, Vernon’s Texas Civil Statutes), is amended to read as follows:

“(a) The principal of and the interest on any bonds issued by a corporation shall be payable solely from the funds provided for such payment and from the revenues of the one or more projects for which the bonds were authorized. The bonds of each issue shall bear interest at a rate or rates that are fixed, variable, floating, adjustable, or otherwise, as determined by the board of directors or by a formula or contractual arrangement for the periodic determination of interest rates. The determination, formula, or arrangement must be set forth in the instrument providing for the issuance of the bonds. The bonds of each issue shall be dated, shall bear interest at such rate or rates that are fixed, variable, floating, or otherwise, shall mature at such time or times not exceeding 40 years from their date as may be determined by the board of directors, and may be made redeemable before maturity at the option of the board of directors at such price or prices and under such terms and conditions as may be fixed by the board of directors of the corporation prior to the issuance of the bonds.”

The amendment was adopted without objection.

Representative Wilson offered the following amendment to the bill:

Amend SB 1355 by redesignating Article IV as Article V and inserting a new Article IV to read as follows:

ARTICLE IV

SECTION 1. Title 20, Revised Statutes, is amended by adding Article 665b-1 to read as follows:

Art. 665b-1. PROTECTION OF CAPITOL VIEW AND DUTIES OF TEXAS PUBLIC BUILDING AUTHORITY.

Sec. 1. DEFINITIONS. In this Act:

(1) “Capitol dome” means the part of the State Capitol located more than 653 feet above sea level.

(2) “Person” includes an individual, an organization, a business entity, and a governmental entity, including a state agency or institution.

Sec. 2. CONSTRUCTION BLOCKING VIEW FROM CERTAIN POINTS PROHIBITED. A person may not undertake any construction of a structure that
would block all or part of the view of the Capitol dome from any point on the south steps of the Main Building of the University of Texas at Austin or from any point on the terrace adjacent to the Lyndon Baines Johnson Library and Museum.

Sec. 3. CONSTRUCTION ABOVE CERTAIN HEIGHT ProHIBITED. (a) In addition to the prohibition imposed on a person by Section 2 of this Act, a person may not undertake any construction of a structure that would be within a 1-1/2 mile radius of the center of the rotunda of the State Capitol and that would be higher than 653 feet above sea level or 120 feet above curb level, whichever is higher. "Curb level" means the mean level of the established curb in front of the structure.

(b) Subsection (a) of this section does not affect the authority of the city of Austin to impose by ordinance a lower height limit than the one imposed by Subsection (a).

Sec. 4. RULES AND REGULATIONS. (a) The City Council of the City of Austin is authorized to promulgate and enforce reasonable rules and regulations and orders necessary in the accomplishment of the purposes of this Act.

(b) The City Council of the City of Austin may, through promulgation of a rule, regulation, resolution or ordinance, grant a variance to allow construction of structures higher than otherwise allowed by Section 3 of this Act where there is a showing that the view of the capitol dome would not be substantially affected by the allowance of such a variance.

(c) Any person aggrieved by the allowance or denial of such a variance may appeal such action of the City Council to a district court of Travis County, which shall have the power to review the action of the City Council under the substantial evidence rule. The City of Austin shall be made a party to any such appeal.

Sec. 5. APPLICATION. Sections 2 and 3 of this Act do not apply to any construction for which plans are prepared and ground is broken before the effective date of this Act, or to any project which, prior to the effective date of this Act, an application has been received and acted on by any governmental body of the City of Austin, including the City Council of the City of Austin, for a zoning change, special permit, building permit, demolition permit, alley vacation request, or similar permit or permission in connection with the construction of a project, including an alternative use of a tract or tracts subject to such permit or permission, or to a project which has been reviewed by the Planning Commission for the City of Austin under Ordinance No. 811204-B, as amended, of the City of Austin, providing for a public review process as a prerequisite to issuing a building permit or other similar permit in the downtown area of the City of Austin.

Sec. 6. OVERSIGHT BY AUTHORITY. The Texas Public Building Authority shall monitor the area within a 1-1/2 mile radius of the center of the rotunda of the State Capitol to ensure compliance with Sections 2 and 3 of this Act.

Sec. 7. INJUNCTION. If the Texas Public Building Authority considers a violation or a threatened violation of Section 2 or 3 of this Act to exist, the authority shall file an action in a court of competent jurisdiction to enjoin the violation or threatened violation. Any other person may file an action in a court of competent jurisdiction to enjoin the violation or threatened violation of Section 2 or 3 of this Act. The court may grant appropriate relief.

Representative Presnal moved to table the Wilson amendment.

A record vote was requested.

The motion to table was lost by (Record 564): 66 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Barrientos; Barton, B.; Berlanga; Blanton; Bomer; Buchanan; Bush; Ceverha; Connelly; Coody; DeLay; Delco; Eckels;
Representative Ceverha raised a point of order against further consideration of the Wilson amendment on the grounds that the amendment was not germane to the bill.

The speaker sustained the point of order.

SB 1355, as amended, was passed to third reading. (Patterson, Schluter and Waldrop recorded voting no)

SB 470 ON SECOND READING
(T. Smith - House Sponsor)

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

SB 470, A bill to be entitled An Act relating to tort liability of certain units of government.

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

SB 910 ON SECOND READING
(Short - House Sponsor)

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

SB 910, A bill to be entitled An Act relating to hazardous duty pay for parole officers and certain employees or officials of the Board of Pardons and Paroles.

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

SB 123 ON SECOND READING
(Shea - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading.
SB 123, A bill to be entitled An Act relating to an exemption from sales and use taxes for certain equipment used by the visually handicapped.

The bill was read second time.

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

SECTION 2. Section 151.310(a), Tax Code, is amended to read as follows:

(5) a chamber of commerce or a convention and tourist promotional agency representing at least one Texas city or county if the chamber of commerce or the agency [that] is not organized for profit and no part of its [its] net earnings [of which] inures to a private shareholder or other individual.

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

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

The amendment was adopted without objection.

SB 123, as amended, was passed to third reading. (C. Smith recorded voting no)

SB 1026 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 1026.

CSSB 1026

A BILL TO BE ENTITLED
AN ACT
relating to ecological matters in the consideration and issuance of and in the operation under certain water rights permits.

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

SECTION 1. Chapter 11, Water Code, is amended by amending Section 11.147 and adding Section 11.148 to read as follows:

Sec. 11.147. EFFECTS OF PERMIT ON BAYS AND ESTUARIES AND INSTREAM USES. (a) In this section, "productivity" means the harvest of a fishery that is determined by the commission to be economically important to and ecologically characteristic of a given estuarine system, utilizing data and relationships developed in studies mandated by this code and in other studies.

(b) In its consideration of an application for a permit to store, take, or divert water, the commission shall assess the effects, if any, of the issuance of the permit on the bays and estuaries of Texas and may not issue a permit unless it determines and finds that the ecological health and productivity of the bays and estuaries will not be significantly impaired if the permit is issued and all of the authorizations included in the permit are fully utilized, or that the applicant has an overriding interest.

(c) For purposes of making a determination under Subsection (b) of this section, the commission, among other factors, shall consider:

(1) the salinity of a bay or estuary and the need for freshwater inflow to supply nutrients to preserve the ecological health and productivity of the bay or estuary;

(2) the projected effects of a permit on the quantity of inflows to a bay or estuary;

(3) the quantity of water requested and the proposed use of the water by the applicant, as well as the needs of those who would be served by the applicant;
(4) projected needs of users within the basin;
(5) economic conditions that affect fishing and the economic value of production of estuarine species;
(6) competition among estuarine species within a bay or estuary; and
(7) fish and wildlife management laws.
(d) Under Subsection (b) of this section, there is a rebuttable presumption that the applicant has an overriding interest if the proposed use of water is primarily for a domestic, municipal, industrial, irrigation, livestock, or nonconsumptive use or for mining of resources used for fuel, or a combination of those uses.
(e) In its consideration of an application to store, take, or divert water, the commission shall consider the effect, if any, of the issuance of the permit on the maintenance of adopted stream standards and on the ecological health and existing instream uses of the stream or river to which the application applies, and if the commission determines and finds that there will be a significant net adverse impact to the fish and wildlife habitat as a result of granting a permit, the commission may require appropriate mitigation of those net impacts, but the mitigation requirements must be reasonable in light of all the circumstances, including the circumstances of the applicant.
(f) The commission may include terms or conditions in a permit to protect bays and estuaries and instream uses.
(g) On receipt by the commission of an application for a permit to store, take, or divert water, the Parks and Wildlife Department must be notified and sent a copy of the permit application and any subsequent amendments. At its option, the Parks and Wildlife Department shall be a party in all hearings on applications for permits to store, take, or divert water. Not later than five days before the date set for a hearing under this section, the Parks and Wildlife Department must notify the commission in writing whether or not the Parks and Wildlife Department will be a party to the hearing. If the Parks and Wildlife Department does not give this notice in the manner provided, the Parks and Wildlife Department may not be a party to the hearing.
(h) The failure of the Parks and Wildlife Department to appear as a party does not relieve the commission of the responsibility provided by this section.

Sec. 11.148. EMERGENCY SUSPENSION OF PERMIT CONDITIONS. The commission may suspend permit conditions designed to maintain the ecological health and productivity of the bays and estuaries and the fish and wildlife habitat of a stream or river if the commission finds that an emergency need exists for water and that the need cannot practically be met in any other way, including the imposition of all reasonable conservation methods.

SECTION 2. Chapter 5, Water Code, is amended by adding Section 5.358 to read as follows:

Sec. 5.358. BOND FOR DELAY COSTS. (a) The legislature finds that often a delay in construction of a project caused by an appeal or legal contest of a commission order results in substantially increased costs for the project that will ultimately be borne by the public and particularly burdens the economically disadvantaged, and therefore, declares it to be the public policy of the state to minimize so far as possible those costs to the public while at the same time recognizing the legitimate rights of others to full appeal of or to contest a commission order.
(b) In this section, "project" means an engineering undertaking or a work, improvement, or facility used or to be used for the impoundment, conservation, control, storage, development, preservation, transportation, or distribution of water primarily for domestic, municipal, industrial, irrigation, mining, or hydroelectric power or any combination of those uses or flood control or drainage of water.
(c) In an order of the commission granting an application or issuing a permit or an amendment to a permit relating to or authorizing a project to store, take, divert, or impound water, the commission shall establish the amount of security it determines would be necessary to compensate the successful applicant for all costs incurred in the delay of the construction or work on the project plus reasonable attorney's fees incurred by the applicant in an appeal or contest of the commission's order if the commission's order is appealed or contested by further legal proceedings effectively causing postponement of the construction or work on the project. In establishing the amount of security, the commission shall assume that all appellate steps will be exhausted.

(d) If at the time an appeal or a petition contesting the commission's order granting an application or issuing a permit is filed in court or when the pleadings in a suit are amended, the appeal or pleadings include grounds based on disputing the commission's findings and determinations pertaining to bays and estuaries or instream uses under Section 11.147 of this code, the person who files the appeal or contest, other than the applicant, must file a cash bond or corporate surety bond approved by the court in the amount established by the commission in its order under Subsection (c) of this section. The bond shall be conditioned on the person filing the appeal or contest paying to the applicant all amounts of money and costs adjudged under Subsection (c) of this section. The trial court, at any time after a hearing, may determine and order an increase or decrease in the amount of the bond that the court considers justified by evidence relating to the costs due to delay of the construction or work on the project.

(e) If the commission's order granting an application or issuing a permit is upheld by the court or becomes uncontested so that the construction or work is authorized, the applicant may recover, and the person filing the appeal or contest at least partially based on disputing the commission's findings and determinations pertaining to bays and estuaries under Section 11.147 of this code and the surety on the bond, to the extent of the surety's liability under the bond, are jointly and severally liable for all costs due to delay of the construction and work on the project that are due solely to the appeal or contest, plus reasonable attorney's fees incurred in the appeal or contest. If a judgment is rendered against the person filing the appeal or contest and his surety in the amount of the costs due to the delay of the construction and work on the project plus attorney's fees, the applicant shall also be entitled to reasonable attorney's fees and court costs incurred in obtaining the judgment.

SECTION 3. It is the intent of the legislature that the provisions of this Act are nonseverable, and that if any provision of this Act is held invalid or unconstitutional, the remaining provisions of this Act have no force or effect.

SECTION 4. This Act takes effect on adoption of the constitutional amendments proposed by S.J.R. 40, S.J.R. 41, and S.J.R. 42, 68th Legislature, Regular Session, 1983. If all of these amendments are not adopted, this Act has no effect.

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.

Representative Geistweidt offered the following amendment to CSSB 1026:

Amend SB 1026, on page 5, line 27, between “estuaries” and “under”, by inserting “or instream uses”.

The amendment was adopted without objection.

A record vote was requested.
CSSB 1026, as amended, was passed to third reading by (Record 565): 90 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Bush; Cain; Carriker; Cavazos; Clark; Coody; Criss; Crockett; Danburg; Davis; Delco; Denton; Edwards; Emmett; English; Evans, C.; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Hackney; Hall, L.; Hall, T.; Hall, W.; Hammond; Harrison, W.; Hightower; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jackson; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Ragsdale; Rangei; Robinson; Schoolcraft; Shaw; Simpson; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Vowell; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens.

Nays — Aglich; Blanton; Bomer; Buchanan; Ceverha; Colbert; Connelly; Craddick; DeLay; Eckels; Eikenburg; Finnell; Fox; Geistweidt; Green; Haley; Hanna, Harrison, D.; Heflin; Hilbert; Hill, A.; Horn; Jones; Keller; Khoury; Kumpel; Leonard; McKenna; McWilliams; Messer; Millsap; Patrick; Pennington; Robnett; Rudd; Russell; Salinas; Schlueter; Smith, A.; Smith, C.; Thompson, G.; Toomey; Waldrop; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Arnold; Saunders.

Absent — Cary; Clemens; Collazo; Gibson, J.; Grisham; Hernandez; Laney; Mankins; Price; Shea; Short; Uher.

SB 1235 ON SECOND READING
(Tow - House Sponsor)

The speaker laid before the house on its second reading and passage to third reading, the complete committee substitute for SB 1235.

CSSB 1235

A BILL TO BE ENTITLED
AN ACT
relating to the development and conservation of the water resources of the state and to certain powers and duties of the Texas Water Development Board and the Texas Water Commission.

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

SECTION 1. Section 11.002, Water Code, as amended, is amended to read as follows:

Section 11.002. Definitions. In this chapter and in Chapter 12 of this code:

(1) "Commission" means the Texas Water Commission.

(2) "Board" means the Texas Water Development Board.

(3) "Executive Director" means the executive director of the Texas Department of Water Resources.

(4) "Department" means the Texas Department of Water Resources.

(5) "Beneficial use" means use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose.

(6) "Water right" means a right acquired under the laws of this state to impound, divert, or use state water.

(7) "Appropriator" means a person who has made beneficial use of any water in a lawful manner under the provisions of any act of the legislature before the
enactment of Chapter 171, General Laws, Acts of the 33rd Legislature, 1913, as amended, and who has filed with the State Board of Water Engineers a record of his appropriation as required by the 1913 Act, as amended, or a person who makes or has made beneficial use of any water within the limitations of a permit lawfully issued by the commission or one of its predecessors.

(8) "Conservation" includes both:
   (A) the development of water resources; and
   (B) those practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water such that water supply is made available for future or alternative uses.

SECTION 2. Section 17.001, Water Code, as amended, is amended by adding Subdivision (14) to read as follows:

(14) "Conservation" includes both:
   (A) the development of water resources; and
   (B) those practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water such that water supply is made available for future or alternative uses.

SECTION 3. Section 17.125, Water Code, as amended, is amended to read as follows:

Section 17.125. Approval of an Application. (a) The board by resolution may approve an application, if, after considering the factors listed in Section 17.124 of this code and any other relevant factors, the board finds:
   (1) that the public interest requires state participation in the project;
   (2) that the political subdivision cannot reasonably finance the project without state assistance in the amount finally approved by the board; and
   (3) that in its opinion the revenue or taxes pledged by the political subdivision will be sufficient to meet all the obligations assumed by the political subdivision during the preceding period of not more than 50 years.
   (b) If the board finds that an applicant is not using water efficiently, the board may require the applicant to develop a conservation program to provide for more efficient use of water.
   (c) The board may establish an educational and technical assistance program to assist political subdivisions in developing comprehensive water conservation plans required by this section and other sections of this code.
   (d) If the political subdivision will utilize the project to furnish water or services to another political subdivision that will in turn furnish the water or services to the ultimate consumer, the requirements of the board relative to water conservation can be met through contractual agreements between the political subdivisions providing for establishment of a water conservation plan and other measures.

SECTION 4. Subdivision (9), Section 15.001, Water Code, is amended to read as follows:

(9) "Conservation" as used herein includes both:
   (A) the development of water resources; and
   (B) those practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water such that water supply is made available for future or alternative uses (shall include but not be limited to projects to develop water resources as well as projects to reduce consumption of water and projects to promote more efficient use of water).

SECTION 5. Section 15.106, Water Code, is amended to read as follows:
Section 15.106. Approval of an Application. (a) The [After notice and hearing the] board, by resolution, may approve an application if after considering the factors listed in Section 15.105 of this code and any other relevant factors, the board finds:

(1) that the public interest requires state participation in the project; and
(2) that in its opinion the revenue or taxes [or both revenue and taxes] pledged by the political subdivision will be sufficient to meet all the obligations assumed by the political subdivision.

(b) If the board finds that an applicant is not using water efficiently, the board may require the applicant to develop a conservation program to provide for more efficient use of water.

(c) The board may establish an educational and technical assistance program to assist political subdivisions in developing comprehensive water conservation plans required by this section and other sections of this code.

(d) If the political subdivision will utilize the project to furnish water or services to another political subdivision that will in turn furnish the water or services to the ultimate consumer, the requirements of the board relative to water conservation can be met through contractual agreements between the political subdivisions providing for establishment of a water conservation plan and other necessary measures.

SECTION 6. Chapter 11, Water Code, as amended, is amended by adding Section 11.1271 to read as follows:

Section 11.1271. Additional Requirements: Water Conservation Plans. The commission may require the formulation and submission of a water conservation plan and the adoption of reasonable water conservation measures, as defined by Subdivision (8)(B), Section 11.002, of this code.

SECTION 7. Section 11.134, Water Code, as amended, is amended to read as follows:

Section 11.134. Action on Application. (a) After the hearing, the commission shall make a written decision granting or denying the application. The application may be granted or denied in whole or in part.

(b) The commission shall grant the application only if:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fee;
(2) unappropriated water is available in the source of supply; and
(3) the proposed appropriation:
   (A) contemplates the application of water to any beneficial use;
   (B) does not impair existing water rights or vested riparian rights; and
   (C) is not detrimental to the public welfare; and
(4) the applicant has provided evidence that reasonable diligence will be used to avoid waste and achieve water conservation.

SECTION 8. Section 11.037, Water Code, as amended, is amended to read as follows:

Section 11.037. Water Suppliers: Rules and Regulations. Every person, association of persons, corporation, or irrigation district conserving or supplying water for any of the purposes authorized by this chapter shall make and publish reasonable rules and regulations relating to:

(1) the method of supply;
(2) the use, [and] distribution, and conservation of [the] water, as defined in Subdivision (8)(B), Section 11.002, of this code; and
(3) the procedure for applying for the water and for paying for it.

SECTION 9. This legislation takes effect only if the constitutional amendments proposed by S.J.R. No. 40, S.J.R. No. 41, and S.J.R. No. 42, 68th Legislature, Regular Session, are adopted.
SECTION 10. 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 1235** was read second time.

Representative Tow offered the following amendment to **CSSB 1235**:

Amend **CSSB 1235**, by striking Section 8 and substituting the following:

SECTION 8. Section 11.037, Water Code, is amended to read as follows:

Sec. 11.037. WATER SUPPLIERS: RULES AND REGULATIONS. (a) Every person, association of persons, corporation, or irrigation district conserving or supplying water for any of the purposes authorized by this chapter shall make and publish reasonable rules and regulations relating to:

1. the method of supply;
2. the use and distribution of the water; and
3. the procedure for applying for the water and for paying for it.

(b) Every person, association of persons, corporation, or irrigation district conserving or supplying water for any of the purposes authorized by this chapter may make and publish reasonable rules relating to the conservation of water as defined by Subdivision (8)(B), Section 11.002, of this code.

The amendment was adopted without objection.

**CSSB 1235**, as amended, was passed to third reading.

**SB 255 - REQUEST OF SENATE GRANTED**

On motion of Representative Simpson, the house granted the request of the senate for the appointment of a conference committee on **SB 255**.

**SB 255 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 255**: Simpson, chair; Valles, D. Lee, Staniswalis, and Polk.

**SB 705 - REQUEST OF SENATE GRANTED**

On motion of Representative Colbert, the house granted the request of the senate for the appointment of a conference committee on **SB 705**.

**SB 705 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 705**: Colbert, chair; Hackney, Green, Wallace, and Shaw.

**HCR 275 - ADOPTED**

Representative Haley moved that all necessary rules be suspended to take up and consider at this time, **HCR 275**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Haley:

**HCR 275**

WHEREAS, High-quality education for the citizens of Texas is a vital public concern, and a major portion of the state's total budget is appropriated for education; and
WHEREAS, Serious consideration and long-range planning are necessary to carry the Texas educational system into the 21st Century as a quality, effective system; and

WHEREAS, The Select Committee on Public Education established by the 67th Legislature, 1st Called Session, 1981, has shown that a committee of that structure can effectively study a multiplicity of complex educational issues and bring forth concrete ideas and recommendations for legislative action; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the Select Committee on Public Education be reestablished to study the issues and continuing concerns relating to public education in Texas, particularly school finance and each of its components—personnel support, operating costs, transportation, equalization, minimum aid, and the categorical-aid programs—as well as the source of funding and structure of the system; and, be it further

RESOLVED, That the committee be composed of 20 members, including the lieutenant governor, co-chair; speaker of the house of representatives, co-chair; chair of the Senate Committee on Education; four other members of the senate, to be appointed by the lieutenant governor; chair of the House Committee on Public Education; four other members of the house, to be appointed by the speaker of the house; chair of the State Board of Education; two other members of the State Board of Education, to be appointed by the chair of that board; the governor or his designee; and four members to be appointed by the governor, at least one of whom must be a classroom teacher. The chair shall appoint advisory committees, as necessary, and the committee shall hold meetings and public hearings at the call of the chair; and, be it further

RESOLVED, That the Legislative Budget Board, the Texas Legislative Council, the Governor’s Office, the Texas Education Agency, the senate, and the house be authorized to provide staff support to the committee on the request of the committee; and, be it further

RESOLVED, That the committee shall appoint a director qualified by experience in the field of public education matters; and, be it further

RESOLVED, That the committee have the power to issue process to witnesses at any place in the State of Texas, to compel the attendance of such witnesses, and to compel the production of all books, records, documents, and instruments that the committee may require. If necessary to obtain compliance with subpoenas and other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by any peace officer of the State of Texas or any of its political subdivisions. The chair shall issue, in the name of the committee, such subpoenas and other process as the committee may direct. In the event that the chair is absent, the vice-chair or any designee of the chair is authorized to issue subpoenas or any other process in the same manner as the chair. Witnesses attending proceedings of the committee under process shall be allowed the same mileage and per diem as are allowed witnesses before any grand jury in the state. The testimony given at any hearing conducted pursuant to this resolution shall be given under oath subject to the penalties of perjury; and, be it further

RESOLVED, That the committee be authorized to request the assistance, where needed in the discharge of its duties, of all state agencies, departments, and offices, and that it be the duty of such agencies, departments, and offices to assist the committee when requested to do so. The committee shall have the power to inspect the records, documents, and files of every agency, department, and office of the state, to the extent necessary to the discharge of its duties within the area of its jurisdiction; and, be it further
RESOLVED, That the operating expenses of the committee be paid from available funds of the office of the governor and other participating agencies, and from the contingent expense fund of the senate and the contingent expense fund of the house, as agreed by those parties, and that the committee members and advisory committee members be reimbursed from these funds for their expenses incurred in carrying out the provisions of this resolution; and, be it further

RESOLVED, That the committee make complete reports, including findings, recommendations, and drafts of any legislation deemed necessary, to the legislature as necessary and appropriate. Copies of the reports shall be filed in the Legislative Reference Library, with the Texas Legislative Council, with the secretary of the senate, and with the chief clerk of the house.

The resolution was adopted without objection.

SB 960 - REQUEST OF SENATE GRANTED

On motion of Representative C. Evans, the house granted the request of the senate for the appointment of a conference committee on SB 960.

SB 960 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 960: C. Evans, chair; Keller, Pennington, Shaw, and Rudd.

SB 216 - REQUEST OF SENATE GRANTED

On motion of Representative Danburg, the house granted the request of the senate for the appointment of a conference committee on SB 216.

SB 216 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 216: Danburg, chair; E. F. Lee, Connelly, B. Gibson, and G. Hill.

SB 448 - REQUEST OF SENATE GRANTED

On motion of Representative Criss, the house granted the request of the senate for the appointment of a conference committee on SB 448.

SB 448 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 448: Criss, chair; Watson, B. Barton, A. Moreno, and Clemons.

HB 1038 - CONFERENCE COMMITTEE DISCHARGED

Representative G. Hill moved to discharge the conference committee on HB 1038.

The motion prevailed without objection.

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.

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 [appointment 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 [holding the office of] county elections administrator. Violation of this provision is a Class A misdemeanor and conviction produces automatic termination of employment [removal from office]. A person so convicted is ineligible for appointment as county elections administrator in any county in the state.

(d) Time of appointment [rescission]. 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 [office], regardless of the length of time remaining between the date of the appointment and the effective date of the creation of the position [office], 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 [office] 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 [initial appointment] of the 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 56c 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.

SB 385 - REQUEST OF SENATE GRANTED

On motion of Representative Madla, the house granted the request of the senate for the appointment of a conference committee on SB 385.

SB 385 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 385: Madla, chair; Tejeda, Oliver, Wright, and DeLay.

SB 106 - REQUEST OF SENATE GRANTED

On motion of Representative C. Evans, the house granted the request of the senate for the appointment of a conference committee on SB 106.

SB 106 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 106: C. Evans, chair; Coody, Bomer, Wolens, and S. Thompson.

SB 151 - REQUEST OF SENATE GRANTED

On motion of Representative C. Evans, the house granted the request of the senate for the appointment of a conference committee on SB 151.
SB 151 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 151: C. Evans, chair; Coody, Wallace, Russell, and Bomer.

SB 315 - REQUEST OF SENATE GRANTED

On motion of Representative C. Evans, the house granted the request of the senate for the appointment of a conference committee on SB 315.

SB 315 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 315: C. Evans, chair; Pierce, Luna, Cain, and Millsap.

HB 1015 WITH SENATE AMENDMENTS

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

HB 1015, A bill to be entitled An Act relating to firemen’s and policemen’s civil service; providing a penalty.

Representative Messer 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 1015 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1015: Messer, chair; Pierce, Eikenburg, Polumbo, and Luna.

PROVIDING FOR ADJOURNMENT

Representative Stiles moved that, at the conclusion of the signing of bills and resolutions, the house adjourn until 11 a.m., Saturday, May 28th.

The motion prevailed without objection.

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:

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HOUSE JOURNAL

HB 1848, HB 1964, HB 1986, HB 2031, HB 2107, HB 2112, HB 2118,
HB 2158, HB 25, HB 33, HB 42, HB 338, HB 355, HB 525, HB 559, HB 784,
HB 886, HB 998, HB 1100, HB 1114, HB 1199, HB 1210, HB 1372,
HB 1447, HB 1708, HB 1836, HB 1914, HB 1987, HB 2046, HB 2116,
HB 2217, HB 2218, HB 2220, HB 2224, HB 2232, HB 2271, HB 2282,
HB 2284, HB 2285, HB 2314, HB 2323, HB 2333, HB 2334, HB 2352,
HB 2368, HB 2376, HB 2379, HB 2380, HB 2382, HB 2383, HB 2391,
HB 2398, HB 2425, HB 2443, SB 7, SB 45, SB 118, SB 120, SB 129, SB 135,
SB 230, SB 238, SB 250, SB 272, SB 273, SB 342, SB 383, SB 389, SB 432,
SB 444, SB 468, SB 596, SB 620, SB 624, SB 627, SB 643, SB 657, SB 662,
SB 710, SB 713, SB 742, SB 779, SB 799, SB 801, SB 808, SB 834, SB 838,
SB 873, SB 876, SB 899, SB 920, SB 927, SB 1022, SB 1034, SB 1140,
SB 1157, SB 1180, SB 1181, SB 1208, SB 1226, SB 1260, SB 1298, SB 1338,
SJR 22

ADJOURNMENT

In accordance with a previous motion, the house, at 12:43 a.m., adjourned
until 11 a.m., Saturday, May 28th.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture and Livestock - SB 1076
Cultural and Historical Resources - SB 1357
Environmental Affairs - HB 1579
Higher Education - HR 167
Judicial Affairs - HR 425, SB 1307
Judiciary - SB 1081
Liquor Regulation - HB 511, HB 1095
Public Education - SB 391
Retirement and Aging - SB 1414
State Affairs - HB 1297, SB 1098, SB 1346, SB 1380, SCR 126

ENGROSSED

May 27 - HB 973, HB 1771, HB 2329, HB 2340, HB 2384, HB 2429,
HB 2448, HCR 256

ENROLLED

May 27 - HB 283, HB 1199, HB 1613, HB 2158, HB 2443, HB 860,
HB 18, HB 484, HB 338, HB 524, HB 718, HB 886, HB 1212, HB 1708,
HB 1836, HB 2006, HB 2271, HB 525, HB 793, HB 784, HB 846, HB 965,
HB 1054, HB 1114, HB 1125, HB 2427

SENT TO THE GOVERNOR

May 27 - HB 718, HB 844, HB 861, HB 867, HB 877, HB 896, HB 897,
HB 957, HB 1006, HB 1056, HB 1068, HB 1141, HB 1174, HB 1178,
HB 1203, HB 1245, HB 1250, HB 1279, HB 1304, HB 1308, HB 1336, HB 1345, HB 1361, HB 1409, HB 1445, HB 1474, HB 1475, HB 1480, HB 1505, HB 1518, HB 1599, HB 1601, HB 1602, HB 1650, HB 1678, HB 1685, HB 79, HB 100, HB 101, HB 149, HB 197, HB 229, HB 359, HB 399, HB 423, HB 430, HB 464, HB 501, HB 555, HB 644, HB 651, HB 669, HB 706, HB 713, HB 723, HB 729, HB 741, HB 747, HJR 19, HJR 4, HJR 22, HJR 30, HJR 73, HJR 105, HCR 35, HCR 100, HCR 141, HCR 159, HCR 173, HCR 174, HCR 190, HCR 197, HCR 220, HCR 226, HCR 231, HCR 237, HCR 239, HCR 244, HCR 249, HCR 252, HCR 257

COAUTHORS AUTHORIZED

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

HB 157 - Granoff
HB 632 - G. Thompson
HB 696 - Granoff
HB 699 - Granoff
HB 1995 - Granoff
HB 2288 - Granoff
HCR 3 - Toomey