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

The roll of the house was called and a quorum was announced present (Record 566).

Present — Mr. Speaker; Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Elkenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; 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; Saunders; Schlueter; Schockraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Saton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Arnold; Salinas.

The invocation was offered by Reverend Charles R. Dunn, Central Baptist Church, Deer Park, Texas, as follows:

Our Father and our God, we thank thee for these moments in which we can pause to reflect and give thanks for your blessings upon our lives and our nation. We thank thee that you have been our nation's strength in times of trouble, and you have guided our nation through many storms and victories over her many enemies.

We are grateful for our Christian heritage as Americans and for our faith in God that has kept us strong. May you remind each one of us how much we have been blessed and especially may we remember on this Memorial Day weekend the thousands who have given their lives in the service of our country to help America remain free.

May we rededicate ourselves as Christians and as Americans to those ideals that have kept our nation great. God bless our legislators and give them special wisdom as they help guide our state and our nation. May you be with each of us today in all our decisions. In Christ Name, Amen.
STATEMENT BY REPRESENTATIVE A. HILL

I am opposed to SB 480 and would have voted no on this congressional redistricting bill. My voting machine registered a yes vote but I am totally opposed to this bill.

A. Hill

LEAVES OF ABSENCE GRANTED

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

Arnold on motion of Toomey.

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

Salinas on motion of T. Hall.

MESSAGE FROM THE SENATE

Austin, Texas, May 28, 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 139 by Brooks and Brown, in memory of Alfred R. Neumann.
HB 141 by Glossbrenner, relating to the purchase of newspapers for use in public schools. (amended)
HB 287 by Glossbrenner, relating to designating United States Highway 83 as the Texas Vietnam Veterans Memorial Highway.
HB 2427 by Tow, relating to creation of the Montgomery County Flood Control District. (amended)

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 117 by viva voce vote; SB 231 by viva voce vote; SB 369 by viva voce vote; SB 417 by viva voce vote; SB 651 by viva voce vote; SB 706 by viva voce vote; SB 762 by viva voce vote; SB 964 by viva voce vote; SB 1335 by 26 yeas, 0 nays; SB 1370 by 26 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1015.

The following have been appointed on the part of the Senate: Senators Lyon, Chairman, Traeger, Parmer, Sharp, Brooks.

Respectfully,
Betty King
Secretary of the Senate
CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

The speaker laid before the house the following congratulatory and memorial resolutions:

By Mankins:
HR 405, Congratulating the owners and manager of the Hoffbrau Restaurant.
The resolution was adopted without objection.

By Eckels:
HR 406, Commending Doug Johnson.
The resolution was adopted without objection.

By Eckels:
HR 407, Commending R. E. Boazeman.
The resolution was adopted without objection.

By Robinson:
HR 408, Commending the Honorable Maxine Ratliff Goodman.
The resolution was adopted without objection.

By Robinson:
HR 409, Commending Mrs. Katheryn Chenault.
The resolution was adopted without objection.

By B. Barton:
HR 410, Commending Paula Moeller.
The resolution was adopted without objection.

By Hackney:
HR 411, Congratulating Foster Martin.
The resolution was adopted without objection.

By Tejeda:
HR 414, Congratulating Fred Diaz, Jr.
The resolution was adopted without objection.

By Tejeda:
HR 415, Congratulating Joy Scharf.
The resolution was adopted without objection.

By Tejeda:
HR 418, Congratulating Ricardo Casiano.
The resolution was adopted without objection.

By Clark:
HR 419, Honoring Joe H. Tonahill.
The resolution was adopted without objection.

By S. Hudson:
HR 423, Commending Mrs. Annette Strauss.
The resolution was adopted without objection.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 423 as signers thereof.

By Bush:
HR 424, In memory of the Honorable Jimmie C. Buñolrd.
The resolution was unanimously adopted by a rising vote.
By Stiles:  
**HR 427**, Congratulating Rufus Eugene Newburn Wortham.  
The resolution was adopted without objection.

By Stiles:  
**HR 428**, Commending June Stancil Toler.  
The resolution was adopted without objection.

**SCR 118** was withdrawn by the sponsor.

**SCR 121**, Commending Betty Lindeman, R.N., L. W. Snider, M.D., the Texas Academy of Family Physicians, and the Texas Medical Association for the Capitol Physician program.  
The resolution was adopted without objection.

By L. Evans:  
**HR 430**, Commending Dr. Marjorie Stuart.  
The resolution was adopted without objection.

By L. Evans:  
**HR 431**, Commending Ada Ejikeme.  
The resolution was adopted without objection.

By L. Evans:  
**HR 432**, In memory of John Taylor.  
The resolution was unanimously adopted by a rising vote.

By Wieting:  
**HR 433**, Commending the Honorable B. A. "Pete" Hartman.  
The resolution was adopted without objection.

On motion of Representative Hinojosa, the names of all the members of the house were added to **HR 433** as signers thereof.

By Willis:  
**HR 435**, In memory of Ann Brannon.  
The resolution was unanimously adopted by a rising vote.

On motion of Representative Turner, the names of all the members of the house were added to **HR 435** as signers thereof.

By Willis:  
**HR 436**, Commending the members of the Texas Christian University women's golf team.  
The resolution was adopted without objection.

By Turner:  
**HR 437**, Commending The Woodlands Group.  
The resolution was adopted without objection.

By Robinson:  
**HR 438**, Commending Samuel Kelley.  
The resolution was adopted without objection.

By McWilliams:  
**HR 439**, Honoring Quinton Carlile.  
The resolution was adopted without objection.

By Bush:  
**HR 440**, Commending Joe M. "Mac" Swindle.  
The resolution was adopted without objection.
By Clemons:
HR 441, Commending Mrs. Ida Lambert.
The resolution was adopted without objection.

By Willis:
HR 444, Congratulating the Texas Christian University basketball team.
The resolution was adopted without objection.

By Wieting:
HR 447, Commending the Honorable Percy A. Hartman.
The resolution was adopted without objection.

On motion of Representative Hinojosa, the names of all the members of the house were added to HR 447 as signers thereof.

By B. Barton:
HR 448, Honoring Oran Bales.
The resolution was adopted without objection.

By G. Hill:
HR 450, Honoring the 100th anniversary of Brackenridge Hospital.
The resolution was adopted without objection.

By Tejeda:
HR 452, Congratulating Virginia Aguilar.
The resolution was adopted without objection.

By Wieting:
HR 453, In memory of the Honorable Joe Campbell Wade.
The resolution was unanimously adopted by a rising vote.

On motion of Representative Hinojosa, the names of all the members of the house were added to HR 453 as signers thereof.

(Arnold now present)

By Burnett:
HR 455, Recognizing David Thomas.
The resolution was adopted without objection.

On motion of Representative Russell, the names of all the members of the house were added to HR 455 as signers thereof.

By Carriker:
HR 456, Congratulating Emma Lee Moore.
The resolution was adopted without objection.

By Crockett:
HR 458, Designating Lillian Inez Litchfield Jackson a Grand Lady of the Republic.
The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to HR 458 as signers thereof.

By L. Evans:
HR 459, Commending Judge Cecil Bush.
The resolution was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to HR 459 as signers thereof.
By C. Evans:

HR 462, in memory of Jenetta Burton Carter.
The resolution was unanimously adopted by a rising vote.

On motion of Representative L. Hall, the names of all the members of the house were added to HR 462 as signers thereof.

By Russell:

HR 463, Congratulating Ann Freeman Hagen and Cannie Freeman Anderson.
The resolution was adopted without objection.

On motion of Representative Gilley, the names of all the members of the house were added to HR 463 as signers thereof.

By D. Lee:

HR 466, Congratulating Fidencio Garcia.
The resolution was adopted without objection.

By L. Hall:

HR 468, Congratulating J. E. "Doc" Smith.
The resolution was adopted without objection.

On motion of Representative Millsap, the names of all the members of the house were added to HR 468 as signers thereof.

By Messer:

HR 470, Commending Charlie Jones.
The resolution was adopted without objection.

By Messer:

HR 471, Commending the Honorable James K. Evetts.
The resolution was adopted without objection.

By Granoff:

HR 472, Congratulating Dann and Melba Barger.
The resolution was adopted without objection.

By Millsap:

HR 474, Designating June 4, 1983, as "Camp El Tesoro Day."
The resolution was adopted without objection.

By Eckels:

HR 475, Officially greeting Christopher Iconos.
The resolution was adopted without objection.

By Eckels:

HR 476, Congratulating Gretchen Kay Gilliam.
The resolution was adopted without objection.

By D. Lee:

HR 477, Congratulating Allen Goode.
The resolution was adopted without objection.

By Green:

HR 478, Congratulating the MacArthur High School baseball team.
The resolution was adopted without objection.
By Green:
HR 479, Congratulating Frank and Ignatia Poche.
The resolution was adopted without objection.

By Eckels:
HR 480, Congratulating Meredith Francis.
The resolution was adopted without objection.

MESSAGE FROM THE SENATE
Austin, Texas, May 28, 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 140 by Jones, authorizing a clerical correction to HB 1473.

HB 1157 by Messer, et al., relating to the authority of a commissioners court to permit the revision of a subdivision plat or cancellation of a subdivision. (amended)

HB 2134 by Schluter, relating to the calculation of the effective tax rate for a taxing unit. (amended)

HB 2445 by Collazo, relating to the creation of the County Court of Jefferson County at Law No. 4.

HB 788 by C. Evans, relating to work credit for determining salary or retirement benefits of a vocational teacher. (amended)

Respectfully,
Betty King
Secretary of the Senate

SB 255 - RULES SUSPENDED

Representative Simpson moved to suspend all necessary rules to allow the Conference Committee on SB 255 to meet while the house is in session.

The motion prevailed without objection.

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR -
(consideration continued)

By L. Hall:
HR 481, Commending Howard Green.
The resolution was adopted without objection.

On motion of Representative Willis, the names of all the members of the house were added to HR 481 as signers thereof.

By Danburg:
HR 482, Commending the Montrose Clinic in Houston.
The resolution was adopted without objection.

By Russell:
HR 485, Congratulating Michael “Bubba” Minter.
The resolution was adopted without objection.

On motion of Representative Short, the names of all the members of the house were added to HR 485 as signers thereof.
By Short:
HR 487, Commending Mr. T. L. Austin, Jr.
The resolution was adopted without objection.

On motion of Representative Keller, the names of all the members of the house were added to HR 487 as signers thereof.

By Price:
HR 489, Recognizing 1983 to be the “Wagner-Peyser 50th Anniversary Year.”
The resolution was adopted without objection.

By Denton:
HR 492, In memory of Dr. Clifford S. Knape.
The resolution was unanimously adopted by a rising vote.

By Peveto:
HR 497, Commending Michael Bryan.
The resolution was adopted without objection.

By Tejeda and Madla:
HR 498, Commending Congressman Henry B. Gonzalez.
The resolution was adopted without objection.

On motion of Representatives Gamez and Madla, the names of all the members of the house were added to HR 498 as signers thereof.

By Tejeda:
HR 499, Congratulating Darrell Flynt.
The resolution was adopted without objection.

On motion of Representative Madla, the names of all the members of the house were added to HR 499 as signers thereof.

By Eckels:
HR 500, In memory of Max L. Moore.
The resolution was unanimously adopted by a rising vote.

By Willis:
HR 501, In memory of Jack D. Watson.
The resolution was unanimously adopted by a rising vote.

On motion of Representative L. Hall, the names of all the members of the house were added to HR 501 as signers thereof.

HR 503 was withdrawn by the author.
HR 504 was withdrawn by the author.
HR 505 was withdrawn by the author.

By G. Thompson:
HR 506, Congratulating Floy and Virgil Thompson.
The resolution was adopted without objection.

On motion of Representative D. Hudson, the names of all the members of the house were added to HR 506 as signers thereof.

By S. Hudson:
HR 521, In memory of Vivienne Stennette Redus.
The resolution was unanimously adopted by a rising vote.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 521 as signers thereof.
By G. Hill:
HCR 261, In memory of Odis C. Havis.
The resolution was unanimously adopted by a rising vote.

On motion of Representative Delco, the names of all the members of the house were added to HCR 261 as signers thereof.

By G. Hill:
HCR 262, Commending the Texas Legislative Service.
The resolution was adopted without objection.

By G. Hill:
HCR 264, Commending Professor Kenneth E. McIntyre.
The resolution was adopted without objection.

By Polk:
HCR 266, Commending The University of Texas at Austin.
The resolution was adopted without objection.

By Willis and T. Hall:
HCR 269, Congratulating Mr. Robert G. Cherry.
The resolution was adopted without objection.

On motion of Representatives Wieting, Willis, and T. Hall, the names of all the members of the house were added to HCR 269 as signers thereof.

SCR 140 - ADOPTED
(Gilley - House Sponsor)

Representative Gilley moved that all necessary rules be suspended to take up and consider at this time, SCR 140.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 140

WHEREAS, House Bill Number 1473 has passed the Senate and the House of Representatives and is now in the Office of the Governor; and
WHEREAS, A clerical correction is necessary to clarify a provision of the bill; now, therefore, be it
RESOLVED by the Senate of the 68th Legislature, the House of Representatives concurring, That the Governor be respectfully requested to return House Bill Number 1473 to the House of Representatives; and, be it further
RESOLVED, That the actions of the President of the Senate, and the Speaker of the House in originally signing House Bill Number 1473 be declared null and void, and that the presiding officers of the House and Senate be authorized to remove their signatures from the enrolled bill; and be it further
RESOLVED, That the chief clerk of the House of Representatives be directed to correct House Bill Number 1473 as follows: by adding the following section and renumbering subsequent sections:
“SECTION 32. In addition to the salary paid by the State, the Commissioners Court of Taylor County may pay each judge of the district courts having jurisdiction in Taylor County for services rendered to the county and for performing administrative duties a sum to be set by the Commissioners Court and to be paid in equal monthly installments from funds of the county.”

The resolution was adopted without objection.
SB 216 - RULES SUSPENDED
Representative Danburg moved to suspend all necessary rules to allow the Conference Committee on SB 216 to meet while the house is in session.

The motion prevailed without objection.

INTRODUCTION OF JUDGE CECIL BUSH
Speaker Lewis recognized Representative L. Hall who introduced Judge Cecil Bush to the house.

Judge Bush addressed the house briefly.

SB 705 - RULES SUSPENDED
Representative Colbert moved to suspend all necessary rules to allow the Conference Committee on SB 705 to meet while the house is in session.

The motion prevailed without objection.

(Speaker pro tempore in the chair)

SB 1438 ON THIRD READING
(McWilliams - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 1438, A bill to be entitled An Act relating to movement of manufactured housing of certain dimensions over highways, roads, and streets in Texas; amending Section A, Article 6701-1/2, Revised Statutes.

The bill was read third time and was passed.

SB 456 ON THIRD READING
(Hightower - House Sponsor)

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

The chair stated that SB 456 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 456 - VOTE RECONSIDERED
Representative Hightower moved to reconsider the vote by which SB 456 was passed.

The motion to reconsider prevailed.

SB 456 ON THIRD READING
(Hightower - House Sponsor)

The chair laid before the house on its final passage, SB 456.

A record vote was requested.

The bill was read third time and was passed by (Record 567): 124 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha;
Clark; Clemons; Colbert; Collazo; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Edwards; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Helin; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hury; Jones; Keller; Kemp; Kubiak; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millsap; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Short; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wething; Willis; Wilson; Word.

Nays - Agnich; Connelly; Eikenburg; Emmett; Fox; Gandy; Hernandez; Hilbert; Horn; Jackson; Khoury; Kuempel; McKenna; Martinez, W.; Patterson; Shea; Simpson; Smith, A.; Toomey; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Eckels; Gibson, B.; Moreno, A.; Wright.

The chair stated that SB 456 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

SB 884 ON THIRD READING
(Schlueter - House Sponsor)

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 and the Texas Department of Water Resources and its executive director; to the powers and duties of the general counsel; to rules and considerations for fixing or changing rates and for issuance of certificates of convenience and necessity; providing for hearings and for judicial review; providing for certain assessments and fees; providing enforcement procedures and penalties; repealing conflicting laws.

A record vote was requested.

The bill was read third time and was passed by (Record 568): 121 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barton, B.; Barton, E.; Berlanga(C); Bluntson; Bomier; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cazares; Ceveler; Clark; Collazo; Connelly; Criss; Danburg; Davis; DeLay; Delco; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; 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; Kubiak; Kuempel; Laney; Lee, E. F.; McKenna; McWilliams; Madla; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Parker; Patrick; Patronella; Pennington; Peveto; Pierce; Polk; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short;
SB 607 ON THIRD READING
(Uher - House Sponsor)

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

**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; providing an effective date contingent on adoption of a constitutional amendment; amending Subdivision (1), Section 41.002; Subsection (a), Section 41.023; and Subsection (a), Section 41.082, Agriculture Code.

The bill was read third time and was passed.

On motion of Representative Wieting and by unanimous consent, the caption of **SB 607** was ordered amended to conform to the body of the bill.

SB 923 ON THIRD READING
(Green - House Sponsor)

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

**SB 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.

The bill was read third time and was passed.

On motion of Representative Green and by unanimous consent, the caption of **SB 923** was ordered amended to conform to the body of the bill.

SB 559 ON THIRD READING
(T. Smith - House Sponsor)

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

**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 third time and was passed.

On motion of Representative G. Hill and by unanimous consent, the caption of SB 559 was ordered amended to conform to the body of the bill.

**SB 711 ON THIRD READING**
*(Polk - House Sponsor)*

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

SB 711, A bill to be entitled An Act relating to the establishment; administration; membership; qualification, 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 third time.

Representative Polk offered the following amendment to the bill:

Amend SB 711 as follows:

Strike all of Section 131.002 and substitute the following in lieu thereof:

"Section 131.002. MANAGEMENT; WORK PLAN; MEETINGS.
(a) The governor may appoint an executive director to perform duties as the council may direct.

(b) To be eligible for appointment as executive director, a person must:
"(1) have experience, knowledge, or education in the areas of:
"(A) health and human services;
"(B) management;
"(C) research and evaluation; and
"(D) management information systems; and
"(2) have experience in working with:
"(A) the legislature and the office of the governor;
"(B) federal, state, and local governments;
"(C) state agencies; and
"(D) public and private community-based organizations such as churches, child welfare boards, community action agencies, and the United Way;

(c) The council shall develop and implement a work plan for each biennium.
"(d) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.
"(e) The council shall meet at least quarterly and at the call of the governor.

Add the following to Section 131.004:
"(9) before December 1 of each even-numbered year, file a report with the governor and the legislature concerning the activities of the council.

Add the following to Section 132.005:
"(c) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

Add the following to Section 133.005:
"(e) The council may receive and spend grants and donations from public and private entities and may contract with public or private entities in the performance of its responsibilities.

The amendment was adopted without objection.

SB 711, as amended, was passed. (Toomey, Ceverha, Blanton, Craddick, Hanna, Hollowell, McKenna, Stiles, P. Hill, Shea, Heflin, Rudd, and Pennington recorded voting no; Staniswalis, yes)

SB 194 ON THIRD READING
(Berlanga - House Sponsor)

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

SB 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.

A record vote was requested.

The bill was read third time and was passed by (Record 569): 137 Yeas, 8 Nays, I Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carrick; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Edwards; Emmett; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; 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.; Hurv; Jackson; Jones; Keller; Kemp; Khoury; Kuenpel; 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; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nays — Craddick; Eikenburg; Fox; Hollowell; Kubiak; Robnett; Shea; Smith, C.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Haley; Hudson, S.; Toomey.

On motion of Representative Berlanga and by unanimous consent, the caption of SB 194 was ordered amended to conform to the body of the bill.

SB 772 ON THIRD READING
(Millsap - House Sponsor)

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

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

**SB 360 ON THIRD READING**

( Oliver - House Sponsor)

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

**SB 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.**

The bill was read third time and was passed. (Craddick, P. Hill, Shea, and Khoury recorded voting no)

On motion of Representative Oliver and by unanimous consent, the caption of **SB 360** was ordered amended to conform to the body of the bill.

**SB 370 ON THIRD READING**

(Shaw - House Sponsor)

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

**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 third time and was passed. (Toomey, Ceverha, Blanton, P. Hill, Shea, Heflin, and Khoury recorded voting no)

**SB 714 ON THIRD READING**

(G. Hill - House Sponsor)

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

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

**SB 1144 ON THIRD READING**

(A. Smith - House Sponsor)

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

**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 third time and was passed.

On motion of Representative A. Smith and by unanimous consent, the caption of **SB 1144** was ordered amended to conform to the body of the bill.
SB 815 ON THIRD READING
(Coody - House Sponsor)

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

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.

A record vote was requested.

The bill was read third time and was passed by (Record 570): 142 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; DeLay; Delco; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; 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, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnall; Prince; Ragsdale; Rangel; Robinson; Rudolf; Russell; Saunders; Schluter; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Nay — Schoolcraft.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Edwards; Hernandez; Martinez, R.; Robnett; Thompson, S.

STATEMENT BY REPRESENTATIVE C. SMITH

I was recorded incorrectly on my vote on SB 815. My vote is Present, Not Voting due to my status as a director of a bank.

C. Smith

SB 306 ON THIRD READING
(Barrientos - House Sponsor)

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

SB 306, A bill to be entitled An Act relating to accessibility of polling places to the elderly and physically handicapped.

A record vote was requested.

The bill was read third time and was passed by (Record 571): 94 Yeas, 47 Nays, 1 Present, not voting.

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

Nays — Agnich; Arnold; Blanton; Buchanan; Ceverha; Clark; Clemons; Connelly; Craddick; DeLay; Eikenburg; Evans, C.; Fox; Geistweidt; Hall, T.; Hammond; Hanna; Harrison, D.; Heflin; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Khoury; Kubiak; Kuempel; McKenna; Mankins; Millsap; Patterson; Pennington; Peveto; Presnal; Robinson; Russell; Schlueter; Shea; Short; Simpson; Smith, A.; Staniswalis; Thompson, G.; Toomey; Waldrop; Whaley; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Criss; Emmett; Jones; Laney; Messer; Thompson, S.; Uher.

On motion of Representative Barrientos and by unanimous consent, the caption of SB 306 was ordered amended to conform to the body of the bill.

STATEMENT BY REPRESENTATIVE SCHLUETER

On final passage of SB 306 my machine malfunctioned and showed me voting no when I intended to vote yes.

Schlueter

STATEMENT BY REPRESENTATIVE CLEMONS

Please show me voting yes on SB 306. I voted no by mistake, thinking I was voting on SB 360.

Clemons

SB 898 ON THIRD READING

(Bush - House Sponsor)

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

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 in actions where there are two or more defendants or two or more claims or causes of action; revising Article 1995, Revised Statutes, as amended; and repealing Article 2008, Revised Statutes, as amended.

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

SB 538 ON THIRD READING

(C. Evans - House Sponsor)

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

SB 538, A bill to be entitled An Act relating to the increase in minimum automobile liability coverage for motor vehicles; amending the Texas Motor
Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon’s Texas Civil Statutes), by amending Section 1; Subsection (b), Section 1A; Subsection (c), Section 5; Section 15; Subsection (b), Section 21; and Subsection (a), Section 25.

The bill was read third time and was passed. (Wolens, Simpson, P. Hill, Shea, Heflin, Hollowell, Staniswalis, Green, Craddick, Hanna, and Geistweidt recorded voting no)

On motion of Representative C. Evans and by unanimous consent, the caption of SB 538 was ordered amended to conform to the body of the bill.

**SB 1425 ON THIRD READING**
(Messer - House Sponsor)

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

**SB 1425**, A bill to be entitled An Act relating to the amendment of a condominium declaration and the authority of a condominium association to alter or destroy a unit or a limited common element; amending the Condominium Act (Article 1301a, Vernon’s Texas Civil Statutes) by amending Section 6 and Subsection (B) of Section 7 and by adding Subsection (D) to Section 7.

The bill was read third time and was passed.

**SB 291 ON THIRD READING**
(Cain - House Sponsor)

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

**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; amending Section 4a, Article 8307, Revised Statutes, as amended; and declaring an emergency.

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

**SB 1044 ON THIRD READING**
(Tejeda - House Sponsor)

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

**SB 1044**, A bill to be entitled An Act relating to conflicts of interest of local public officials; providing a penalty; repealing Article 988, Revised Statutes, as amended.

The bill was read third time and was passed.

On motion of Representative Tejeda and by unanimous consent, the caption of SB 1044 was ordered amended to conform to the body of the bill.

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

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

**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; amending the Texas Election Code, as amended, by amending Subdivision (2), Subsection (F), Section 238 and Subdivision (1), Subsection (D), Section 243 (Articles 14.02 and 14.07, Vernon’s Texas Election Code).
The bill was read third time and was passed.

On motion of Representative B. Gibson and by unanimous consent, the caption of SB 42 was ordered amended to conform to the body of the bill.

SB 1274 ON THIRD READING
(Messer - House Sponsor)

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

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; adding Subchapter L to Chapter 16, Texas Education Code, as amended.

The bill was read third time.

Representative Messer moved that consideration of SB 1274 be postponed until 2 p.m. tomorrow.

The motion prevailed without objection.

SB 1306 ON THIRD READING
(Armbrister - House Sponsor)

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

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 of certain other criminal district attorneys or county attorneys; amending Section 2, Chapter 705, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 332b-4, Vernon's Texas Civil Statutes), and Chapter 378, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 332b-1, Vernon's Texas Civil Statutes).

The bill was read third time and was passed. (Toomey, Hefflin, Shea, and P. Hill recorded voting no)

On motion of Representative Armbrister and by unanimous consent, the caption of SB 1306 was ordered amended to conform to the body of the bill.

SB 810 ON THIRD READING
(Tejeda - House Sponsor)

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

SB 810, A bill to be entitled An Act relating to treatment programs at certain state chest hospitals; amending Chapter 548, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 3201a-3, Vernon's Texas Civil Statutes), and transferring it to Title 71, Revised Statutes, as Article 4477-14; repealing Chapter 29, Acts of the 53rd Legislature, Regular Session, 1953 (Article 3201a, Vernon's Texas Civil Statutes); Section 1, Chapter 535, Acts of the 59th Legislature, Regular Session, 1965 (Article 3201a-1, Vernon's Texas Civil Statutes); and Chapter 189, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3201a-2, Vernon's Texas Civil Statutes).

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

SB 1213 ON THIRD READING
(G. Hill - House Sponsor)

The chair laid before the house on its third reading and final passage,
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 and to the board's operations and financing; authorizing certain fees; requiring an annual audit; prohibiting certain acts and practices and providing civil and criminal penalties.

A record vote was requested.

The bill was read third time and was passed by (Record 572): 96 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Clark; Clemens; Coibert; Collazo; Coody; Craddick; Criss; Crockett; Davis; Delco; Denton; Edwards; Eikenburg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gibson, J.; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, W.; Hernandez; Hill, G.; Hujoyosa; Horn; Hudson, D.; Hudson, S.; Hurty; Keller; Kemp; Kubak; Laney; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Peveto; Polk; Polumbo; Presnal; Price; Ragsdale; Range; Russell; Shaw; Short; Smith, T.; Stiles; Sutton; Tejeda; Tow; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Word.

Nays — Agnich; Armbrister; Blanton; Bomer; Ceverha; Connelly; Danburg; DeLay; Eckels; Fox; Geistweidt; Gilley; Haley; Hammond; Harrison, D.; Hellin; Hightower; Hilbert; Hill, A.; Hill, P.; Hollowell; Jackson; Jones; Khouyr; Kuempel; Leonard; McKenna; Messer; Patterson; Pennington; Pierce; Robinson; Robnett; Rudd; Schlueter; Schoccraft; Shea; Simpson; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Toomey; Uher; Wolens; Wright.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Cary; Emmett; Patrick; Saunders; Thompson, S.; Turner.

The chair stated that SB 1213 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

On motion of Representative G. Hill and by unanimous consent, the caption of SB 1213 was ordered amended to conform to the body of the bill.

SB 1355 ON THIRD READING
(Presnal - House Sponsor)

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

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 the issuance, refunding, and provisions of bonds, to the amendment of other acts necessary to accomplish the purposes of this Act, to specific projects approved for financing, and to the creation of the State Lease Fund and to lease contracts; providing for an appropriation; amending Subsection (a), Section 94.015, Human Resources Code.

The bill was read third time.
Representative Leonard offered the following amendment to the bill:

Amend SB 1355 on third reading by adding a new section appropriately numbered:

SECTION _____. An examination fee paid to a state agency by an applicant for an occupational license or certification may be refunded in the discretion of the agency at any time during the refund period, which is between two and six months after the examination date, if:

1. the applicant did not appear to take the examination; and
2. the applicant provides the agency with a written request for a refund during the refund period.

An examination fee subject to refund shall be deposited to the credit of a trust account held by the state treasurer, and refunds shall be paid from that account on vouchers submitted by the collecting agency. Any examination fee held in the account after the period during which the fee may be refunded shall be deposited in the state treasury to the credit of the general revenue fund.

If another law providing for refund of an examination fee conflicts with this Act, the other law prevails.

The amendment was adopted without objection.

SB 1355, as amended, was passed. (Ceverha, DeLay, Heflin, P. Hill, Shea, Toomey, Fox, Patterson, and C. Smith recorded voting no)

On motion of Representative Presnal and by unanimous consent, the caption of SB 1355 was ordered amended to conform to the body of the bill.

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

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

SB 470, A bill to be entitled An Act relating to tort liability of certain units of government; amending Section 3, Texas Tort Claims Act, as amended (Article 6252-19, Vernon’s Texas Civil Statutes).

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

SB 910 ON THIRD READING
(Short - House Sponsor)

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

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; amending Section 1, Chapter 211, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 6252-20b, Vernon’s Texas Civil Statutes).

The bill was read third time and was passed.

SB 123 ON THIRD READING
(Shea - House Sponsor)

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

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; amending Section 151.313, Tax Code, as amended.

The bill was read third time and was passed.
On motion of Representative W. Harrison and by unanimous consent, the caption of SB 123 was ordered amended to conform to the body of the bill.

**SB 1026 ON THIRD READING**

(Kemp - House Sponsor)

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

**SB 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.

The bill was read third time.

Representative Kemp offered the following amendment to the bill:

Amend SB 1026, Section 4, as follows:


The amendment was adopted without objection.

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

Amend SB 1026 by striking Section 3 and renumbering subsequent sections.

Representative Geistweidt moved to table the T. Smith amendment.

A record vote was requested.

The motion to table was lost by (Record 573): 50 Yeas, 89 Nays, 1 Present, not voting.

Yeas — Blanton; Buchanan; Cain; Connelly; Coody; Craddock; Crockett; DeLay; Eikenburg; Evans, C.; Geistweidt; Gibson, J.; Grisham; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Hilbert; Jones; Keller; Khoury; Kuempel; McWilliams; Messer; Millsap; Oliveira; Oliver; Patrick; Pennington; Pierce; Polk; Presnal; Robinson; Robnett; Rudd; Saunders; Schlueter; Schoolcraft; Simpson; Smith, C.; Stanswalt; Toomey; Tow; Turner; Whaley; Wills; Word; Wright.

Nays — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Bertanga(C); Boner; Burnett; bush; Carriker; Cavazos; Clark; Clemens; Colbert; Collazo; Criss; Danburg; Davis; Delco; Denton; Eckels; Edwards; Emmett; English; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Hackney; Hammond; Harrison, W.; Hernandez; Hightower; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Kemp; Kubiak; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Parker; Patronella; Patterson; Peveto; Polumbo; Price; Ragsdale; Rangel; Russell; Shea; Short; Smith, A.; Smith, T.; Stiles; Sutton; Tejeda; Thompson, G.; Uher; Valles; Vowell; Wallace; Watson; Wieting; Wilson; Wolens.

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Cary; Ceverha; Heflin; Laney; Mankins; Moreno, P.; Shaw; Thompson, S.; Waldrop.

A record vote was requested.

The T. Smith amendment failed of adoption (not receiving the necessary two-thirds vote) by (Record 574): 90 Yeas, 55 Nays, 1 Present, not voting.
Representative B. Gibson offered the following amendment to the bill:

Amend SB 1026 as follows:

SECTION ______. Title 4, Water Code, is amended by adding Chapter 65 to read as follows:

CHAPTER 65. SPECIAL UTILITY DISTRICTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.001. DEFINITIONS. In this chapter:
(1) "District" means a special utility district operating under this chapter.
(2) "Board" means the board of directors of a district.
(3) "Director" means a member of the board of directors of a district.
(4) "Commission" means the Texas Water Commission.
(5) "Executive director" means the executive director of the Texas Department of Water Resources.
(6) "Public agency" means any city, the United States and its agencies, the State of Texas and its agencies, and any district or authority created under Article XVI, Section 59, or Article III, Sections 52(b)(1) and (2), of the Texas Constitution.
(7) "City" means any incorporated city or town.
(8) "Extraterritorial jurisdiction" means the extraterritorial jurisdiction of a city as defined in the Municipal Annexation Act (Article 1434a, Vernon's Texas Civil Statutes).
(9) "Sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing grade, or altering the construction to provide comparable replacement without enhancing the facility, after deducting the net salvage value derived from the old facility.
(10) "Water supply corporation" means any member-owned, consumer-owned water supply corporation created and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 1434a, Vernon's Texas Civil Statutes).
Texas Civil Statutes), that on or before January 1, 1983, was providing the services
of a water supply corporation under a certificate of convenience and necessity issued
by the Public Utility Commission of Texas.

[Sections 65.002-65.010 reserved for expansion]

SUBCHAPTER B. CREATION OF DISTRICT; CONVERSION
OF DISTRICT

Sec. 65.011. CREATION OF DISTRICT. A special utility district may be
created under and subject to the authority, conditions, and restrictions of, and is
considered a conservation and reclamation district under Article XVI, Section 39,
of the Texas Constitution.

Sec. 65.012. PURPOSES OF DISTRICT. A district may be created for the
following purposes:
(1) to purchase, own, hold, lease, and otherwise acquire sources of water
supply; to build, operate, and maintain facilities for the transportation of water; and
to sell water to towns, cities, and other political subdivisions of this state, to private
business entities, and to individuals;
(2) the establishment, operation, and maintenance of fire-fighting facilities to
perform all fire-fighting activities within the district; and
(3) the protection, preservation, and restoration of the purity and sanitary
condition of water within the district.

Sec. 65.013. COMPOSITION OF DISTRICT. (a) A district may include the
area in all or part of any one or more counties including all or part of any cities and
other public agencies.

(b) The land composing a district is not required to be contiguous, but may
consist of separate bodies of land separated by land that is not included in the
district.

Sec. 65.014. CERTIFIED RESOLUTION SEEKING CREATION OF
DISTRICT. (a) If creation of a district is proposed by a water supply corporation,
a certified copy of a resolution requesting creation must be filed with the
commission.

(b) The resolution shall be signed by the president and secretary of the board
of directors of a water supply corporation and shall state that the water supply
corporation, acting through its board of directors, has found that it is
necessary and
desirable for the water supply corporation to be converted into a district.

Sec. 65.015. CONTENTS OF RESOLUTION. In addition to the
requirements stated in Section 65.014 of this code, the resolution shall:
(1) describe the boundaries of the proposed district by metes and bounds or
by lot and block number, if there is a recorded map or plat and survey of the area,
or by any other commonly recognized means in a certificate attached to the
resolution executed by a registered professional engineer;
(2) state the general nature of the services presently performed by the water
supply corporation, the general nature of the services proposed to be provided by
the district, and the necessity for the services provided by the district;
(3) include a name of the district that is generally descriptive of the location
of the district followed by the words special utility district, but may not be the same
name as any other district in the same county; and
(4) the names of not less than five and not more than 11 qualified persons to
serve as the initial board of directors of the district.

Sec. 65.016. CONSENT OF CITY. A district may operate within the
corporate limits of a city or within the extraterritorial jurisdiction of a city, provided
that a city may require that the district construct all facilities to serve the land in
accordance with plans and specifications that are approved by the city. The city may
also require that the city be entitled to inspect facilities being constructed by a
district within the corporate limits or extraterritorial jurisdiction of the city.
Sec. 65.017. DEPOSIT. (a) A resolution filed with the commission must be accompanied by a deposit of $250 that is paid to the commission for use by the state, and no part of the deposit may be returned except as provided by Subsection (d) of this section.

(b) The deposit shall be deposited with the state treasurer to be held in a special trust account until the commission either grants or denies the request to allow the water supply corporation to convert into a district.

(c) On granting or denying the request, the commission shall direct the state treasurer to transfer the deposit from the special trust account to the general revenue fund.

(d) If at any time before the hearing on the resolution the board of directors that submitted the resolution desires to withdraw the resolution, the commission shall direct the refund of the deposit to the board of directors or to its attorney of record, whose receipt for the deposit is sufficient evidence of refund.

Sec. 65.018. ESTABLISHING DATE OF HEARING. (a) On the filing of a resolution, the commission shall set a date, time, and place at which the resolution will be heard and shall issue notice of the date, time, and place of hearing.

(b) The notice shall inform all persons of their right to appear and present evidence and testify for or against the material included in the resolution, the form of the resolution, the necessity and feasibility of the water supply corporation's request for conversion, and the benefits to accrue from conversion.

Sec. 65.019. NOTICE OF HEARING. (a) Notice of the hearing must be published in a newspaper with general circulation in each county in which the district is located once a week for two consecutive weeks. The first publication must be at least 14 days before the date set for the hearing.

(b) Notice of the hearing shall also be given by mailing a copy of the notice to the Public Utility Commission of Texas and to each city that has extraterritorial jurisdiction in a county in which the proposed district is to be located and that has formally requested notice of the creation of all districts in that county.

(c) The request by a city for notice of any hearing on the creation of a district must be filed annually with the commission during January. The request shall state the names of not more than two persons who are to receive the notice on behalf of the city and the mailing addresses of those persons.

(d) A certificate of a representative of the commission that shows notice was mailed to each city that has extraterritorial jurisdiction in a county in which the proposed district is to be located and that has formally requested notice is conclusive evidence that notice was properly mailed to each city.

Sec. 65.020. HEARING. (a) At the hearing, the commission shall examine the resolution to determine if it is sufficient, and any person interested may appear before the commission in person or by attorney and offer testimony on the sufficiency of the resolution and whether or not the request for conversion is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the district.

(b) The commission has jurisdiction to determine all issues on the sufficiency of the resolution and the creation of the district.

(c) The hearing may be adjourned from day to day, and the commission may make all incidental orders necessary with respect to the matters before it.

Sec. 65.021. GRANTING OR REFUSING CREATION OF DISTRICT. (a) After the hearing on the resolution, if the commission finds that the resolution conforms to the requirements of Section 65.015 of this code and that the request for conversion is feasible and practicable and is necessary and would be a benefit to the land proposed to be included in the district, the commission shall make these findings in an order and shall authorize the creation of the district on approval at the confirmation and directors' election called and held under this subchapter.
(b) In determining if the request for conversion is feasible and practicable and if it is necessary and would be a benefit to the land included in the district, the commission shall consider:

1. the availability of comparable service from other systems, including water districts, municipalities, and regional authorities;
2. the reasonableness of projected construction costs, if any, tax rates, and water and sewer rates, and
3. whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:
   A. land elevation;
   B. subsidence;
   C. groundwater level within the region;
   D. recharge capability of a groundwater source;
   E. natural runoff rates and drainage; and
   F. water quality.

(c) If the commission finds that not all of the land proposed to be included in the district will be benefited by the creation of the district, the commission shall formally make this finding and shall exclude all land that is not benefited from the proposed district and shall redefine the proposed district’s boundaries accordingly.

(d) If the commission finds that the resolution does not conform to the requirements of Section 65.015 of this code or that the request for conversion is not feasible, practicable, necessary, or a benefit to the land in the district, the commission shall make this finding in its order and shall deny the creation of the district.

A copy of the order of the commission granting or denying the request for conversion stated in the resolution must be mailed to each city that has extraterritorial jurisdiction in a county in which the proposed district is located and that requested notice of hearing as provided by Section 65.019 of this code.

Sec. 65.022. TEMPORARY DIRECTORS. If the commission authorizes the creation of the district, it shall appoint those persons whose names are listed in the resolution filed with the commission by the water supply corporation to serve as temporary directors until initial directors are elected as provided by this subchapter.

Sec. 65.023. APPEAL FROM ORDER OF COMMISSION. A city or a person who appeared in person or by attorney and offered testimony for or against the creation of the district, may appeal from the order of the commission authorizing or refusing the creation of the district. The appeal must be made within 30 days after the entry of the order.

Sec. 65.024. QUALIFICATION AND ORGANIZATION OF TEMPORARY DIRECTORS. On appointment, each temporary director shall execute his bond as provided by Section 65.116 of this code and shall take his oath of office, and the board shall meet and organize.

Sec. 65.025. CONFIRMATION AND DIRECTORS’ ELECTION. On the first available uniform election date following the commission’s order approving creation of the district, an election must be held within the boundaries of the proposed district to determine if the proposed district will be created and to elect initial members to the board of directors.

Sec. 65.026. NOTICE OF CONFIRMATION AND DIRECTORS’ ELECTION. (a) The temporary board shall give notice of the confirmation and directors’ election.

(b) The notice must include the date and place or places for holding the election, the creation proposition, and a statement that directors are to be elected for the district.
The notice must be published once a week for two consecutive weeks in a newspaper with general circulation in each county in which the proposed district is to be located. The first publication of notice must be at least 14 days before the date set for the election.

Sec. 65.027. ELECTION BALLOT. (a) The ballot for the election shall be printed to provide for voting for or against: "Creation of the district."

(b) The names of the temporary directors shall be printed on the ballot as candidates for membership on the board.

(c) Each person voting at the election may vote for not more than a total number of candidates that is equal to the number of persons that are serving on the temporary board.

Sec. 65.028. ELECTION RESULTS. (a) Immediately after the confirmation and director's election, the presiding judge for each voting place shall make returns of the results of the election to the temporary board.

(b) The temporary board shall canvass the returns and, by order, shall declare the results of the election at the earliest practicable time.

(c) If a majority of the qualified voters voting at the election votes to create the district, the temporary board shall declare the district created. If a majority of the qualified voters voting at the election votes against creation of the district, the temporary board shall declare the district not to be created.

(d) If the temporary board declares the district created, it shall also declare to be elected as the initial directors of the district the appropriate number of persons receiving the highest number of votes. The appropriate number is the number of members of the temporary board.

(e) The temporary board shall file a copy of its order declaring the election results in its minutes and also shall file copies with the executive director and in the deed records of each county in which the district is located or was to be located.

Sec. 65.029. SUPERVISION BY COMMISSION. The rights, powers, privileges, authority, and functions conferred on a district by creating the district are subject to the continuing right of supervision of the state to be exercised by and through the commission and the executive director.

[Sections 65.030-65.100 reserved for expansion]

SUBCHAPTER C. ADMINISTRATIVE PROVISIONS

Sec. 65.101. BOARD OF DIRECTORS. A district is governed by a board of not less than five and not more than 11 directors.

Sec. 65.102. QUALIFICATIONS FOR DIRECTORS. To be qualified to serve as a director, a person must be:

1. At least 18 years old;
2. A resident citizen of this state; and
3. Either own land subject to taxation in the district, be a user of the facilities of the district, or be a qualified voter of the district.

Sec. 65.103. ELECTION OF DIRECTORS; TERMS OF OFFICE. (a) The persons receiving the highest number of votes at each election shall serve as directors of the district.

(b) The terms of the directors may run concurrently, or may be staggered, but in any event, the term of office of a director may not exceed three years.

(c) The method for determining the initial terms for each of the directors constituting the initial board shall be determined by the temporary directors, and the terms must be clearly stated on the ballot for the confirmation and directors' election. At subsequent elections in each following year in which there is an election, the election must be held on the same uniform election date as the confirmation and directors' election, and the terms of the directors being elected must be stated on the ballot.
(d) The election of directors must be held in a district on one of the dates provided by Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code).

(e) The permanent directors may assign a position number to each director's office, and each director subsequently shall be elected by position and not at large.

Sec. 65.104 APPLICATION TO GET ON BALLOT. (a) Except for the first elected board of directors, a candidate for the office of director must file with the secretary of the board of directors or any agent who may be designated by the board his application and have his name printed on the ballot.

(b) An application must be signed by a candidate or by 10 qualified voters of the district and must be filed at least 31 days before the election.

Sec. 65.105 VACANCIES ON BOARD. (a) A vacancy in the office of director or any office on the board shall be filled by appointment of the board for the unexpired term.

(b) If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve, because of death, or incapacitation for any other reason, the commission, on the petition of any landowner in the district, shall appoint the necessary number of directors to fill vacancies on the board.

Sec. 65.106 ORGANIZATION OF BOARD; ELECTION OF OFFICERS. After the issuance of the order by the commission creating the district, and after the directors elected at each election have qualified by executing a bond and taking the oath of office, the board shall organize by electing a president, a vice-president, a secretary, and any other officers that are considered necessary by the board.

Sec. 65.107 QUORUM; OFFICERS' DUTIES. (a) A majority of the directors constitutes a quorum for the transaction of business, and each director is entitled to a vote.

(b) The district shall act and proceed by and through resolutions adopted by the board, and the affirmative vote of a majority of the directors present is necessary to adopt a resolution.

(c) The president shall preside at all meetings of the board and is the chief executive officer of the district. The vice-president shall act as president in the absence or on disability of the president.

(d) The secretary shall act as president if both the president and vice-president are absent or disabled. The secretary shall act as secretary of the board and is responsible for the proper keeping of records, books, and accounts of the district.

(e) The board may appoint a director, the general manager, or an employee as assistant secretary to assist the secretary, and that person is entitled to certify the authenticity of any record of the district, including proceedings relating to bonds, contracts, or indebtedness of the district.

Sec. 65.108 BYLAWS. The board may adopt bylaws to govern:

(1) the time, place, and manner of conducting its meetings;
(2) the powers, duties, and responsibilities of its officers and employees;
(3) the disbursement of funds by checks, drafts, and warrants;
(4) the appointment and authority of director committees;
(5) the keeping of records, books, and accounts; and
(6) other matters that the board considers appropriate.

Sec. 65.109 MEETINGS AND NOTICE. (a) The board may establish regular meetings to conduct district business and may hold special meetings at other times as the business of the district requires.

(b) The board shall hold its meetings within the district unless the board by a majority vote at a public meeting votes to hold the meeting outside the district.

(c) Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), is applicable to meetings of the board of directors.
Sec. 65.110. DISTRICT OFFICE AND MEETING PLACE. (a) The board shall designate and establish a district office and meeting place within the district, and the board may also establish a meeting place outside the district. Either or both district meeting places may be a private residence or office provided the board in its order establishing the meeting place declares it to be a public place and invites the public to attend any meeting of the board.

(b) If the board established a meeting place outside the district, it shall give notice of the location by filing a copy of the resolution establishing the location of the district office with the commission and also by publishing notice of the location in a newspaper of general circulation in each county in which the district is located. If the location of the meeting place outside the district is changed, notice of the change must be given in the same manner.

Sec. 65.111. MANAGEMENT OF DISTRICT. (a) The board of directors shall have control over and management of all the affairs of the district and shall employ all persons considered necessary by the board for the conduct of the affairs of the district, including engineers, attorneys, financial advisors, a general manager, a utility operator, bookkeepers, auditors, and secretaries.

(b) The board shall determine the terms of service and the compensation of employees and consultants by contract or by resolution of the board.

(c) Employees may be dismissed by the board or the designated manager of the district.

(d) The board may require a bond of any officer or employee payable to the district and conditioned on the faithful performance of his duties.

Sec. 65.112. SUPPLIES. The board is entitled to purchase all materials, supplies, equipment, vehicles, and machinery needed by the district.

Sec. 65.113. SEAL. The directors shall adopt a seal for the district.

Sec. 65.114. FEES OF OFFICE. (a) Each director is entitled to receive as fees of office not less than $25 nor more than $100 per month for each month of service as determined by the board.

(b) The fees may not exceed $100 in any one month regardless of the number of days of necessary service during that month.

(c) On approval by the board, a director may be reimbursed for travel or other expenses incurred on behalf of the district on presentation to the board of a verified statement.

Sec. 65.115. DIRECTOR NOT TO BE EMPLOYEE OF DISTRICT. A director may not be employed by the district.

Sec. 65.116. BOND AND OATH OF OFFICE. (a) Each director shall take the oath of office prescribed by the constitution for public officers.

(b) As soon as practicable, each director appointed as an officer shall execute a bond in an amount established by the board payable to the district and conditioned on the faithful performance of his duties as stated in the bylaws of the district.

(c) Each bond of a director must be approved by the board.

(d) The bond and oath must be filed with the district and retained in its records.

Sec. 65.117. RECORDS. (a) Original minutes and orders of the board, construction contracts and related instruments, bonds of the district’s board, and bonds of the district’s officers and employees shall be kept in a safe place and maintained as permanent records of the district.

(b) Minutes and orders of the board may not be destroyed.

(c) All records necessary for the district’s annual audits and necessary to comply with the terms of its bond orders or resolutions must be retained for at least one full year after the expiration of the preceding fiscal year.
(d) A district contract, other than a construction contract, and the records relating to it must be retained for at least four years after the performance of the contract.

(e) Except as specifically provided by this section, a district's records may be destroyed if the board determines that the records are no longer needed or useful. If district records are to be destroyed, the board shall designate the person to destroy them and the manner of the destruction. If the board considers it advisable, it may have any instruments to be destroyed inventoried or microfilmed before they are destroyed.

Sec. 65.118. SUITS. (a) A district created under this chapter is a governmental agency and a body politic and corporate and is declared to be a defined district within the meaning of Article XVI, Section 59, of the Texas Constitution, and may, through its directors, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be accomplished by serving any two directors.

(b) The courts of this state shall take judicial notice of the establishment of any districts.

Sec. 65.119. CONTRACTS. A district shall contract and be contracted with in the name of the district.

Sec. 65.120. ELECTIONS. (a) Unless otherwise provided, notice of an election ordered by the board shall be given by publication once a week for two consecutive weeks with the first publication in a newspaper with general circulation in each county in which a district is located for at least 14 days before the date of the election.

(b) Notice of the election also shall be posted in two public places in the district at least 14 days before the date of the election.

(c) Each clerk for absentee voting is not required to be a resident or qualified voter in the district.

Sec. 65.121. EMPLOYEE BENEFITS. (a) The board may provide for and administer a retirement, disability, and death compensation fund for the officers and employees of the district, and may adopt plans to carry out the purpose of this section, including the forms of insurance and annuities that are considered advisable by the board. The board, after notice to the employees and a hearing, may change any plan or rule.

(b) Money provided from the compensation of the officers and employees participating in the fund and plan authorized by this section and by the district for the retirement, disability, and death compensation fund, after the money has been received by the district, shall be invested as the board considers advisable.

(c) The money may be invested in the following manner:

(1) in bonds of the United States, this state, any county, city, or other political subdivision of this state, or in bonds issued by any agency of the United States, the payment of the principal of and interest on which is guaranteed by the United States; and

(2) in life insurance policies, endowment or annuity contracts, or interest-bearing certificates of legal reserve life insurance companies authorized to write those contracts in this state.

(d) A sufficient amount of the money shall be kept on hand to meet the immediate payment of amounts likely to become due each year out of the fund as determined by the board.

(e) The recipients or beneficiaries from the fund are not eligible for any other pension, retirement fund, or direct aid from this state, unless the fund created under this section is released to this state as a condition precedent to receiving the other pension, aid, or membership in any other system.
The board may include hospitalization and medical benefits to their officers and employees as part of the compensation currently paid to the officers and employees and may adopt any plan, rule, or regulation in connection with it and amend or change the plan, rule, or regulation as it may determine.

Sec. 65.122. WORKERS' COMPENSATION. The board may also become a subscriber under the workers' compensation law.

SUBCHAPTER D. GENERAL POWERS AND DUTIES

Sec. 65.201. POWERS. (a) A district has the functions, powers, authority, and rights that will permit accomplishment of the purposes for which it is created.

(b) A district may purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes for which it was created, including works, improvements, facilities, plants, equipment, and appliances incident, helpful, or necessary to:

(1) supply water for municipal uses, domestic uses, power and commercial purposes, and other beneficial uses or controls;

(2) collect, transport, process, dispose of, store, and control domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district;

(4) irrigate the land in a district;

(5) alter land elevation in a district where it is needed; and

(6) provide fire-fighting services for the inhabitants of the district.

Sec. 65.202. ACQUISITION OF EXISTING FACILITIES. If a district acquires existing works, improvements, facilities, plants, equipment, and appliances, including those works, improvements, facilities, plants, equipment, and appliances owned by the district's predecessor water supply corporation, that are completed, partially created, or under construction, a district may assume the contracts and obligations of the previous owner and perform the obligations of the previous owner in the same manner and to the same extent that any other purchaser or assignee would be bound.

Sec. 65.203. SOLID WASTE. A district may collect solid waste and may purchase, construct, acquire, own, operate, maintain, repair, improve, and extend a solid waste collection and disposal system inside and outside the district and may make proper charges for its facilities or services provided by the system.

Sec. 65.204. FEES AND CHARGES. (a) A district may adopt and enforce necessary charges, including standby charges, fees, or rentals, for providing any district facilities or services.

(b) A district may require a deposit for any services or facilities furnished, and the district may or may not provide that the deposit will bear interest.

(c) A district may discontinue a facility or service to prevent an abuse or enforce payment of an unpaid charge, fee, or rental due to the district.

Sec. 65.205. ADOPTING RULES. A district may adopt and enforce reasonable rules to:

(1) secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of its sanitary sewer system;

(2) preserve the purity and the sanitary condition of all water controlled by the district;

(3) prevent waste or the unauthorized use of water controlled by the district;

(4) regulate privileges on any land or easement owned or controlled by the district;

(5) provide and regulate a safe and adequate freshwater distribution system; and
(6) ensure adequate safeguards in the performance of the district's fire-fighting activities.

Sec. 65.206. EFFECT OF RULES. After the required publication, rules adopted by the district under Section 65.205 of this code shall be recognized by the courts as if they were penal ordinances of a city.

Sec. 65.207. PUBLICATION OF RULES. (a) The board shall publish a substantive statement of each rule and the penalty for its violation once a week for two consecutive weeks in one or more newspapers with general circulation in the area in which the district is located.

(b) The substantive statement shall be condensed as far as possible to intelligently explain the purpose to be accomplished or the act forbidden by each rule.

(c) The notice must advise that breach of a rule will subject the violator to a penalty and that the full text of each rule is on file in the principal office of the district at which it may be read by any interested person.

(d) Any number of rules may be included in one notice.

Sec. 65.208. EFFECTIVE DATE OF RULES. The penalty for violation of a rule is not effective and enforceable until five days after the last publication of the notice. Five days after the last publication, the published rule takes effect and ignorance of the rule is not a defense to a prosecution for the enforcement of the penalty.

Sec. 65.209. PENALTIES FOR VIOLATION OF RULES. (a) The board may set reasonable penalties for the breach of any rule of the district, but the board may not set a penalty that provides a fine of more than $200 or confinement in the county jail for more than 30 days, or both the fine and confinement.

(b) A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the district's principal office is located.

Sec. 65.210. ENFORCEMENT BY PEACE OFFICERS. A district may employ its own peace officers with power to:

(1) make arrests when necessary to prevent or abate the commission of any offense against the rules of the district and against the law of this state if the offense or threatened offense occurs on any land, water, or easement owned or controlled by the district; and

(2) make an arrest in case of an offense involving injury or detriment to any property owned or controlled by the district.

Sec. 65.211. ACQUISITION OF PROPERTY. (a) A district may acquire land, materials, waste grounds, easements, rights-of-way, and other property considered necessary by the board to accomplish any one or more of the purposes provided by this chapter.

(b) A district may acquire property by gift, grant, or purchase, and the right to acquire property includes property considered necessary for the construction, improvement, extension, enlargement, operation, or maintenance of the works, improvements, facilities, plants, equipment, or appliances of a district.

(c) A district may acquire either the fee simple title to or an easement on public or private land either inside or outside the district and may acquire the title to or an easement on property other than land held in fee.

(d) A district may also lease property on terms and conditions the board determines to be advantageous to the district.

Sec. 65.212. EMINENT DOMAIN. (a) A district may acquire any land, easement, or other property inside the district and may acquire any land, easement, or other property outside the district solely for sewer, water, storm drainage, and flood drainage connections when necessary by condemnation. The district also may elect to condemn either the fee simple title or an easement only.
(b) Except as specifically provided by this section, the right of eminent domain may be exercised in the manner provided in Title 52, Revised Statutes, except that a district is not required to give bond for appeal or bond for costs in any condemnation suit or other suit to which it is a party and is not required to deposit double the amount of any award in any suit.

(c) The proceedings must be instituted under the direction of the board and in the name of the district.

Sec. 65.213. COSTS OF RELOCATION OF PROPERTY. If the district, in the exercise of the power of eminent domain or power of relocation, or any other power, makes necessary the relocation, raising, lowering, rerouting, or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, the necessary relocations, raising, lowering, rerouting, changing of grade, or alteration of construction must be accomplished at the sole expense of the district.

Sec. 65.214. SALE OF SURPLUS LAND. Any property or land owned by the district that may be found to be surplus and not needed by the district may be sold by order of the board either at a public or private sale or the land may be exchanged for other land.

Sec. 65.215. LEASES. A district may lease to any person all or any part of any facilities constructed or acquired or to be constructed or acquired by it. A lease may include the terms and provisions that the board determines to be advantageous to the district.

Sec. 65.216. RIGHT TO ENTER LAND. (a) The directors, engineers, and employees of a district may go on any land inside or outside the district to make surveys and examine the land with reference to the location of works, improvements, facilities, plants, equipment, or appliances and to attend to any business of the district.

(b) The district must give notice to the landowner at least 14 days before the date of entry on the land.

(c) If any district activities on the land cause damage to the land or property, the land or property must be restored as nearly as possible to its original condition. The district shall pay all costs of restoration.

Sec. 65.217. RIGHT TO USE ROAD RIGHT-OF-WAY. A district is granted right-of-way along and across any public, state, or county road or highway, but the district shall restore the road crossed to its previous condition of use, as nearly as possible, at the sole expense to the district.

Sec. 65.218. CONTRACTS. (a) A district may enter into a contract with any person for the joint ownership and operation of any works, improvements, facilities, plants, equipment, and appliances necessary to accomplish any purpose or function of the district, or a district may purchase an interest in any project used for any purpose or function of the district.

(b) A district may enter into contracts with any person in the performance of any purpose or function of the district.

(c) Without limiting the authority granted by Subsections (a) and (b) of this section, a district may enter into contracts with any person on the terms and conditions the board considers desirable, fair, and advantageous for:

1. the purchase and sale of water;
2. the collection, transportation, treatment, storage, and disposal of the district's domestic, industrial, and communal wastes or the collection, transportation, treatment, and disposal of domestic, industrial, and communal wastes of other persons;
3. the gathering, diverting, and control of local storm water, or other local harmful excess of water.
(4) the continuing and orderly development of the land and property within the district through the purchase, construction, or installation of works, improvements, facilities, plants, equipment, and appliances that the district may be authorized to do or perform so that, to the greatest extent reasonably possible, considering sound engineering and economic practices, all of the land and property may be placed in a position to ultimately receive the services of the works, improvements, facilities, plants, equipment, and appliances of the district;

(5) the maintenance and operation of any works, improvements, facilities, plants, equipment, and appliances of the district or of another person;

(6) the collection, treatment, and disposal of solid wastes collected inside or outside the district; and

(7) the exercise of any other rights, powers, and duties granted to a district.

Sec. 65.219. SOURCE OF CONTRACTUAL PAYMENTS. A contract may provide that the district will make payment under the contract from proceeds from the sale of notes or bonds or from any income of the district or any combination of these sources of payment.

Sec. 65.220. CONTRACTS FOR MATERIALS, MACHINERY, AND CONSTRUCTION OF MORE THAN $25,000.

(a) The board shall seek bids for a contract that requires the expenditure of $25,000 or more for the purchase of materials, machinery, and all things to constitute the works, improvements, facilities, plants, equipment, and appliances of the district or for construction.

(b) The board shall advertise the letting of a contract, including the general conditions, time, and place of opening of sealed bids.

(c) The notice for bids shall be published in one or more newspapers with general circulation in the state and one or more newspapers published in each county in which the district is located. If there are more than four counties in the district, notice may be published in any newspaper with general circulation in the state. If no newspaper is published in the county or counties in which the district is located, publication in one or more newspapers with general circulation in the state is sufficient.

(d) The notice shall be published once a week for the two consecutive weeks immediately preceding the date on which the bids are to be opened.

(e) A contract may cover all of the improvements to be provided by the district or the various elements of the improvements may be segregated for the purpose of receiving bids and awarding contracts. A contract may provide that the improvements will be constructed in stages over a period of years.

(f) A contract may provide for the payment of a total sum that is the completed cost of the improvement or may be based on bids to cover the cost of units of the various elements entering into the work as estimated and approximately specified by the district's engineers, or a contract may be awarded in any other form or composite of forms and to any responsible person or persons that, in the board's opinion, will be most advantageous to the district and result in the best and most economical completion of the district's proposed plants, improvements, facilities, works, equipment, and appliances.

Sec. 65.221. ADDITIONAL WORK; CHANGE ORDERS. After a contract is awarded and the district determines that additional work is needed or that the character or type of work or facilities should be changed, the board may authorize change orders to the contract on terms the board may approve.

Sec. 65.222. CONSTRUCTION BIDS. (a) A person who desires to bid on proposed construction work shall submit to the board a written sealed bid together with a certified or cashier's check on a responsible bank in the state or a bidder's bond for at least two percent of the total amount of the bid.

(b) Bids shall be opened at the same time, and the board may reject any or all of the bids.
(c) If the successful bidder fails or refuses to enter into a proper contract with the district or fails or refuses to furnish the bond required by law, he shall forfeit the amount of the check or bond that accompanied his bid.

(d) The district may specify reasonable additional requirements.

Sec. 65.223. REPORTS FURNISHED TO PROSPECTIVE BIDDERS. The board shall furnish to any person who desires to bid on construction work, and who makes a request in writing, a copy of the engineer's report that shows the work to be done and all details of the work. The board may charge for each copy of the engineer's report an amount sufficient to cover the cost of making the copy.

Sec. 65.224. PROVISIONS OF CONTRACTS FOR CONSTRUCTION WORK. (a) A contract entered into by the board for construction work shall conform to this subchapter and this subchapter is considered a part of the contract and prevails if this chapter and the contract are in conflict.

(b) The contract shall include or have attached to it the specifications, plans, and details for work included in the contract, and all work must be done in accordance with these plans and specifications under the supervision of the board and the district engineer.

Sec. 65.225. EXECUTING AND MAINTAINING CONSTRUCTION CONTRACTS. (a) Contracts for construction work must be in writing and signed by an authorized representative of the district and the contractor.

(b) The contract must be kept in the district's records and be available for public inspection.

Sec. 65.226. CONTRACTOR'S BOND. Any person to whom a contract is let must give good and sufficient performance and payment bonds as provided by Article 5160, Revised Statutes.

Sec. 65.227. INSPECTION OF AND REPORTS ON CONSTRUCTION WORK. (a) The board shall have control of construction being done for the district under contract for the purpose of determining whether or not the contract is being fulfilled and shall have the construction work inspected by the district engineer or his assistants.

(b) During the progress of the construction work, the district engineer shall submit to the board detailed written reports showing whether or not the contractor is complying with the contract, and when the work is completed, the district engineer shall submit to the board a final detailed report including as-built plans of the facilities showing whether or not the contractor has fully complied with the contract.

Sec. 65.228. COMMISSION SUPERVISION OF PROJECTS AND IMPROVEMENTS. (a) During construction of a project or improvement approved by the commission, substantial alterations may not be made in the plans and specifications without the approval of the commission.

(b) The commission or the executive director may inspect the project or improvement at any time during construction to determine if the project or improvement is being constructed as provided by the plans and specifications approved by the commission.

(c) If the commission finds that the project or improvement is not being constructed as provided by the approved plans and specifications, the commission shall give written notice immediately by certified mail to each member of the board of the district and the district's manager.

(d) If within 10 days after the notice is mailed the board does not take steps to ensure that the project or improvement is being constructed as provided by the approved plans and specifications, the commission shall give written notice of this fact to the attorney general.

(e) After the attorney general receives notice under Subsection (d) of this section, he may bring an action for injunctive relief or quo warranto proceedings against the directors. Venue for either suit is in a district court in Travis County.
Sec. 65.229. PAYMENT FOR CONSTRUCTION WORK. (a) The district shall pay the contract price of construction contracts as provided in this section.

(b) The district shall make progress payments under construction contracts based on estimates approved by the district engineer monthly as the work proceeds, or at more frequent intervals as determined by the district engineer.

Sec. 65.230. CONTRACTS FOR MATERIALS, MACHINERY, AND CONSTRUCTION OF $5,000 OR MORE BUT LESS THAN $25,000. (a) If the estimated amount of a proposed contract for works, plant improvements, facilities other than land, or the purchase of equipment, appliances, materials, or supplies is $5,000 or more but less than $25,000, or if the contract is for a duration of more than two years, competitive bids on uniform written specifications must be requested from at least three bidders.

(b) A contract must be written and must be awarded to the lowest and best bidder.

Sec. 65.231. CONTRACTS WITH GOVERNMENTAL AGENCIES. This subchapter does not prohibit a district from purchasing property from public agencies by negotiated contract or without the necessity of advertising for bids.

Sec. 65.232. PERSONAL OR PROFESSIONAL SERVICE CONTRACTS. The requirements of this subchapter do not apply to contracts for personal or professional service or for a utility service operator.

Sec. 65.233. GRANTS, GIFTS, ADVANCES, AND LOANS. A district may accept grants, gifts, advances, and loans in any form from any source approved by the board, including the United States, the state or any of its agencies, any private or public corporation, and any other person and may enter into contracts, agreements, and covenants the board considers appropriate in connection with acceptance of grants, gifts, advances, and loans.

Sec. 65.234. AREA WIDE WASTE TREATMENT. The powers and duties conferred on the district are granted subject to the policy of the state to encourage the development and use of integrated areawide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state, it being an objective of that policy to avoid the economic burden to the people and the impact on the quality of the water in the state that result from the construction and operation of numerous small waste collection, treatment, and disposal facilities to serve an area when an integrated areawide waste collection, treatment, and disposal system for the area can be reasonably provided.

Sec. 65.235. SERVICE TO AREAS OUTSIDE THE DISTRICT. (a) A district may purchase, construct, acquire, own, operate, repair, improve, or extend works, improvements, facilities, plants, equipment, and appliances necessary to provide a water system and a sewer system, collect solid waste, or provide fire-fighting services for areas contiguous to or in the vicinity of the district provided the district does not duplicate a service of another public agency. A district may not provide a water or a sanitary sewer system or fire-fighting services to serve areas outside the district that are within a city unless the district obtains a resolution or ordinance of the city granting consent for the district to serve the area within the city.

[Sections 65.236-65.300 reserved for expansion]

SUBCHAPTER E. POWERS AND DUTIES RELATING TO FIRE-FIGHTING ACTIVITIES

Sec. 65.301. FIRE DEPARTMENTS. A district may establish, operate, and maintain a fire department to perform all fire-fighting activities within the district as provided by Section 50.055, Water Code.
SUBCHAPTER F. GENERAL FISCAL PROVISIONS

Sec. 65.401. DISBURSEMENT OF FUNDS. A district's money may be disbursed only by check, draft, order, or other instrument and must be signed by at least two authorized signatories, except the general manager, treasurer, or other employee of the district, when authorized by resolution of the board, may sign checks, drafts, orders, or other instruments on any district operation account without additional signatures.

Sec. 65.402. PURPOSE FOR BORROWING MONEY. The district may borrow money for any district purpose or combination of district purposes.

Sec. 65.403. BOND ANTICIPATION NOTES. Bond anticipation notes may be issued for any purpose for which bonds of the district may be issued or may be issued for the purpose of refunding previously issued bond anticipation notes. A district may enter into a covenant with the purchasers of the bond anticipation notes that the district will use the proceeds of the sale of bonds for the purpose of paying or refunding the bond anticipation notes. If the district enters into such a covenant, the board is required to use the proceeds received from sale of the bonds to pay the principal of, interest on, or redemption price on the bond anticipation notes.

Sec. 65.404. REPAYMENT OF ORGANIZATIONAL EXPENSES. The board may pay all costs and expenses necessarily incurred in the creation and organization of a district, the cost of investigation and making plans, the cost of the engineer's report, legal fees, and other incidental expenses, and may reimburse any person for money advanced for those purposes. Those payments may be made from money obtained from the issuance of notes or the sale of bonds first issued by the district.

Sec. 65.405. PREMIUM ON DIRECTORS' OR EMPLOYEES' BONDS. The board may pay the premium on surety bonds required of director or employees of the district out of available funds of the district including proceeds from the sale of bonds.

Sec. 65.406. DEPOSITORY. (a) The board, by order or resolution, shall designate one or more banks inside or outside the district to serve as depository for the funds of the district.

(b) Funds of the district must be deposited in the depository bank or banks unless otherwise required by orders or resolutions authorizing the issuance of the district's bonds.

(c) To the extent that funds in a depository bank are not insured by the Federal Deposit Insurance Corporation, the funds must be secured in the manner provided by law for the security of funds of counties of this state.

(d) The board, by resolution, may authorize a designated representative to supervise the substitution of securities pledged to secure the district's funds.

Sec. 65.407. INVESTMENTS. (a) Funds of the district may be invested and reinvested by the board or its authorized representative in direct or indirect obligations of the United States, the state, or any county, city, school district, or other political subdivision of the state.

(b) Funds of the district may be placed in certificates of deposit of state or national banks or savings and loan associations within the state provided that they are secured in the manner provided for the security of the funds of counties of this state.

(c) The board, by resolution, may provide that an authorized representative of the district may invest and reinvest the funds of the district and provide for money to be withdrawn from the appropriate accounts of the district for the investments on terms the board considers advisable.
Sec. 65.408. ACCOUNTS AND RECORDS; AUDITS. (a) The district shall keep a complete system of accounts, and an audit of its affairs for each year must be prepared in accordance with any procedures or requirements approved by the board, by an independent certified public accountant, or by a firm of independent certified public accountants.

(b) The fiscal year of the district is January 1 through December 31, until changed by the board.

c) A signed copy of the audit report must be delivered to each member of the board of directors not later than 120 days after the close of each fiscal year, and a copy of the audit must be kept on file at the district office and shall constitute a public record open for inspection by any interested person during normal office hours.

Sec. 65.409. PAID BONDS AND COUPONS. District bonds and interest coupons or notes when paid shall be delivered to the district or destroyed and evidence of the destruction furnished by the board.

[Sections 65.410-65.500 reserved for expansion]

SUBCHAPTER G, ISSUANCE OF BONDS AND NOTES

Sec. 65.501. ISSUANCE OF BONDS AND NOTES. The district may issue its bonds or notes for the purpose of purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any district works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes listed in Section 65.012 of this code, including works, improvements, facilities, plants, equipment, and appliances needed to provide a waterworks system, sanitary sewer system, storm sewer system, solid waste disposal system, or to provide for solid waste collection or fire-fighting services and facilities.

Sec. 65.502. FORM OF BONDS AND NOTES. (a) A district may issue its bonds or notes in various series or issues.

(b) Bonds or notes shall mature serially or otherwise not more than 40 years from their date and shall bear interest at any rate permitted by the constitution and laws of this state. The board shall determine the maturity and the interest rate of the bonds and notes.

c) A district's bonds, notes, and interest coupons, if any, are investment securities under Chapter 8, Business & Commerce Code, and may be issued registrable as to principal or as to both principal and interest. The board may make the bonds redeemable before maturity, at the option of the district, or may include in the bonds a mandatory redemption provision.

(d) A district's bonds or notes may be issued in the form, denominations, and manner and under the terms, conditions, and details, and must be signed and executed, as provided by the board in the resolution or order authorizing the issuance of the bonds or notes.

Sec. 65.503. MANNER OF REPAYMENT OF BONDS OR NOTES. The board may provide for the payment of principal and interest and redemption price, if any, on the bonds or notes by pledging all or any part of the designated revenues to result from the ownership or operation of the district's works, improvements, facilities, plants, equipment, and appliances or under specific contracts for the period of time the board determines.

Sec. 65.504. ADDITIONAL SECURITY FOR BONDS OR NOTES. (a) The bonds or notes, within the discretion of the board, may be additionally secured by a deed of trust or mortgage lien on all or part of the physical properties of the district, and franchises, easements, water rights, and appropriation permits, leases, and contracts and all rights appurtenant to those properties, vesting in the trustee power to sell the property for payment of the indebtedness, power to operate the property, and all other authority necessary for the further security of the bonds or notes.
(b) The trust indenture, regardless of the existence of the deed of trust or mortgage lien on any property, may:

1. include provisions prescribed by the board for the security of the bonds or notes and the preservation of the trust estate;
2. make provision for amendment or modification;
3. condition the right to spend district money or sell district property on approval of a registered professional engineer selected as provided in the trust indenture; and
4. make provision for investment of funds of the district.

(c) Any purchaser under a sale under the deed of trust or mortgage lien, if one is given, is absolute owner of the property, facilities, and rights purchased and is entitled to maintain and operate them.

Sec. 65.505. METHOD FOR ISSUANCE OF BONDS AND NOTES. 

Bonds or notes may be issued by resolution or order of the board.

Sec. 65.506. PROVISIONS OF BONDS OR NOTES. (a) In an order or resolution authorizing the issuance of bonds or notes, including refunding bonds, the board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, the reserve fund, and other funds, and may enter into additional covenants relating to the bonds or notes and the pledged revenues and to the operation and maintenance of those works, improvements, facilities, plants, equipment, and appliances the revenues of which are pledged, including provision for the operation or for the leasing of all or any part of the improvements and the use or pledge of money derived from the operation contracts and leases, as the board considers appropriate.

(b) An order or resolution of the board authorizing the issuance of bonds or notes also may prohibit the further issuance of bonds, notes, or other obligations payable from the pledged revenue or may reserve the right to issue additional bonds to be secured by a pledge of and payable from the revenue on a parity with or subordinate to the lien and pledge in support of the bonds being issued, subject to the conditions that may be set forth in the order or resolution.

(c) An order or resolution of the board issuing bonds or notes may include other provisions and covenants determined by the board that are not prohibited by the constitution or by this chapter.

(d) The board may adopt and have executed any other proceedings or instruments necessary and convenient in the issuance of bonds or notes.

Sec. 65.507. USE OF BOND OR NOTE PROCEEDS. The district may use bond or note proceeds to pay interest, administrative, and operating expenses expected to accrue during the period of construction. The period of construction under this section may not exceed three years as provided by the bond order or resolution. The district also may use bond or note proceeds to pay expenses incurred and to be incurred in the issuance, sale, and delivery of the bonds or notes.

Sec. 65.508. SALE OR EXCHANGE OF BONDS. (a) The board shall sell the bonds on the best terms and for the best possible price, but the bonds may not be sold for less than 95 percent of their face value.

(b) The district may exchange bonds for property acquired by purchase or in payment of the contract price of work done or services performed for the use and benefit of the district.

Sec. 65.509. APPROVAL BY ATTORNEY GENERAL; REGISTRATION BY COMPTROLLER. (a) Bonds issued by a district must be submitted to the attorney general for examination.

(b) If the attorney general finds that the bonds are authorized in accordance with law, he shall approve them, and the comptroller shall register the bonds.

(c) After the registration of bonds by the comptroller, the bonds are incontestable in any court or other forum, for any reason, and are valid and binding obligations in accordance with their terms for all purposes.
(d) If bonds that are payable from revenues recite that they are secured partially or otherwise by a pledge of the proceeds of a contract or a lease made between the district and one or more parties, a copy of the contract or lease and the proceedings authorizing the contract or lease may or may not be submitted to the attorney general along with the bond records. If submitted, the approval by the attorney general of the bonds constitutes an approval of the contract or lease, and the contract or lease is incontestable as provided by Subsection (c) of this section.

Sec. 65.510. REFUNDING BONDS. (a) A district may issue bonds to refund all or any part of its outstanding bonds, notes, or other obligations, including matured but unpaid interest coupons.

(b) Refunding bonds shall mature serially or otherwise not more than 40 years from their date and shall bear interest at any rate or rates permitted by the constitution and laws of this state.

(c) Refunding bonds may be payable from the same source as the bonds, notes, or other obligations being refunded or from other additional sources.

(d) The refunding bonds shall be approved by the attorney general and shall be registered by the comptroller on the surrender and cancellation of the bonds being refunded as provided by Section 65.509 of this code.

(e) An order or resolution authorizing the issuance of refunding bonds may provide that the refunding bonds will be sold and the proceeds deposited in the place or places at which the bonds being refunded are payable, and the refunding bonds may be issued before the cancellation of the bonds being refunded provided an amount sufficient to pay the principal of and interest on the bonds being refunded to their maturity dates, or to their option dates if the bonds have been duly called for payment prior to maturity according to their terms, is deposited in the place or places at which the bonds being refunded are payable. The comptroller shall register the refunding bonds without the surrender and cancellation of bonds being refunded.

(f) A refunding may be accomplished in one or in several installment deliveries. Refunding bonds and their interest coupons are investment securities under Chapter 8, Business & Commerce Code.

(g) In lieu of the method set forth in this section, a district may refund bonds, notes, or other obligations as provided by the general laws of this state.

Sec. 65.511. OBLIGATIONS; LEGAL INVESTMENT; SECURITY FOR FUNDS. (a) Bonds, notes, and other obligations issued by a district are legal and authorized investments for all banks, savings banks, trust companies, savings and loan associations, insurance companies, fiduciaries, and trustees, guardians, and for interest and sinking funds and other public funds of the state and its agencies, including the permanent school fund, and counties, cities, school districts, and other political subdivisions of the state.

(b) A district's bonds, notes, and other obligations are eligible to secure deposits of public funds of the state and its agencies and counties, cities, school districts, and other political subdivisions of the state. The bonds, notes, and other obligations are lawful and sufficient security to the extent of their market value if accompanied by all unmatured interest coupons attached to them.

Sec. 65.512. AUTHORITY OF COMMISSION OVER ISSUANCE OF DISTRICT BONDS. (a) The executive director shall investigate and report on the organization and feasibility of all districts that issue bonds, other than refunding bonds, under this chapter.

(b) A district that desires to issue bonds under this chapter, other than refunding bonds, shall submit to the commission a written application for investigation, together with copies of the engineer's report and data, profiles, maps, plans, and specifications prepared in connection with the engineer's report.
(c) The executive director shall examine the application and accompanying
documents and shall visit and carefully inspect the project. The executive director
may request and must be supplied with additional data and information requisite
to a reasonable and careful investigation of the project and proposed improvements.

(d) The executive director shall file in his office written suggestions for
changes and improvements and shall furnish to the board a copy of the report
prepared by him.

(e) If the commission approves or refuses to approve the project or the
issuance of bonds for the improvements, it shall make a full written report that it
shall file in its office. The commission shall furnish a copy of that report to the
district.

Sec. 65.513. MANDAMUS BY BONDHOLDERS. In addition to other
rights and remedies provided by the law of this state, if a district defaults in the
payment of principal of, interest on, or redemption price on its bonds when due,
or if the district fails to make payments into any fund created in the order or
resolution authorizing the issuance of the bonds, or defaults in the observation or
performance of any other covenants, conditions, or obligations stated in the
resolution or order authorizing the issuance of its bonds, the owners of any of the
bonds are entitled to a writ of mandamus issued by a court of competent jurisdiction
compelling the district and its officials to observe and perform the covenants, the
obligations, or conditions prescribed in the order or resolution authorizing the
issuance of the district's bonds.

Sec. 65.514. FEES AND CHARGES. (a) A district may establish, maintain,
revise, charge, and collect the rates, fees, rentals, tolls, or other charges considered
necessary for the use, services, and facilities of the water and sewer system, the
collection of solid waste, or fire-fighting services that provide service to areas outside
the district. The rates, fees, rentals, tolls, and other charges may be higher than those
charged for comparable service to residents inside the district.

(b) The rates, fees, rentals, tolls, or other charges must be at least sufficient
to meet the expense of operating and maintaining the water and sewer system, solid
waste collection system, or fire-fighting services serving areas outside the district and
to pay the principal of and interest and redemption price on bonds issued to
purchase, construct, acquire, own, operate, repair, improve, or extend the system.

Sec. 65.515. CANCELLATION OF UNSOLD BONDS. (a) The board, by
order or resolution, may provide for the cancellation of all or any part of any bonds
that have been submitted to and approved by the attorney general and registered
by the comptroller, but not yet sold, and may provide for the issuance of new bonds
in lieu of the old bonds in the manner provided by this chapter for the issuance of
the original bonds including their approval by the attorney general and their
registration by the comptroller.

(b) The order or resolution of the board shall describe the bonds to be
canceled, and also shall describe the new bonds to be issued in lieu of the old bonds.

(c) A certified copy of the order or resolution of the board providing for the
cancellation of the old bonds, together with the old bonds, shall be delivered to the
comptroller, who shall cancel and destroy the old bonds and make a record of the
cancellation.

[Sections 65.516-65.700 reserved for expansion]

SUBCHAPTER H. ADDING AND EXCLUDING TERRITORY;
CONSOLIDATING AND DISSOLVING DISTRICTS

Sec. 65.701. EXCLUDING LAND FROM DISTRICT. (a) The board may
on its own motion call a hearing on the question of the exclusion of land from the
district under Sections 65.702-65.707 of this code, if it considers the exclusions are
practicable, just, or desirable.
(b) The board must call a hearing on the exclusion of land or other property from the district on the written petition of any landowner or property owner in the district filed with the secretary of the board.

Sec. 65.702. HEARING TO ANNOUNCE PROPOSED EXCLUSIONS AND TO RECEIVE PETITIONS. If the board determines that an exclusion hearing should be held or if a written petition requesting an exclusion hearing is filed with the secretary of the board as provided by Section 65.701 of this code, the board shall give notice of a time and place for a hearing to announce its own conclusions relating to land or other property to be excluded and to receive petitions for exclusion of land or other property.

Sec. 65.703. NOTICE OF HEARING. (a) The board shall publish notice of the hearing once a week for two consecutive weeks in one or more newspapers with general circulation in the district. The first publication shall appear at least 14 days before the date of the hearing.

(b) Notice of the hearing also must be posted in two public places within the district at least 14 days before the date set for the hearing.

(c) The notice shall advise all interested property owners of their right to:

(1) present petitions for exclusions of land or other property;
(2) offer evidence in support of the petitions;
(3) contest any proposed exclusion based on either a petition or the board’s own conclusions; and
(4) offer evidence in support of the contest.

Sec. 65.704. PETITION. (a) A petition for exclusion of land must accurately describe by metes and bounds or lot and block number the land to be excluded. A petition for exclusion of other property must describe the property to be excluded.

(b) A petition for exclusion must be filed with the district at least seven days before the hearing and shall state clearly the particular grounds on which the exclusion is sought. Only the stated grounds may be considered.

Sec. 65.705. GROUNDS FOR EXCLUSION. Exclusions from the district may be made on the grounds that:

(1) to retain any particular land or other property in the district and to extend to it, either presently or in the future, the benefits, services, or protection of the district’s facilities would create an undue and uneconomical burden on the remainder of the district; or

(2) the land desired to be excluded cannot:

(A) be improved as to conditions of living and health;
(B) be provided with water or sewer service;
(C) be protected from flood, or drained, or freed from interruption of traffic caused by an excess of water on the roads, highways, or other means of transportation serving the land; or

(D) otherwise be benefited by the district’s proposed improvements.

Sec. 65.706. HEARING PROCEDURE. (a) The board may adjourn the hearing from day to day and until all persons desiring to be heard are heard.

(b) The board shall specifically describe all property that it proposes to exclude on its own motion and shall hear first any protests and evidence against exclusions proposed on the board’s own motion.

Sec. 65.707. ORDER EXCLUDING LAND. (a) After considering all engineering data and other evidence presented to it, the board shall determine whether the grounds exist under Subdivision (1) or (2), Section 65.705, of this code to exclude the land and, if so, shall issue an order excluding the land or other property. In its order, the board also shall redefine the boundaries of the district to include land not excluded.

(b) A copy of the order excluding land and redefining the boundaries of the district shall be filed in the deed records of each county in which the district is located.
Sec. 65.708. SUIT TO REVIEW EXCLUSION. A person who owns an interest in land affected by the order may file a petition to review, set aside, modify, or suspend the order. The petition must be filed not later than the 20th day after the order takes effect.

Sec. 65.709. VENUE OF SUIT. Venue in any action shall be in a district court in the county in which the district is located. If the district includes land in more than one county, the venue is in a district court in the county in which the major portion of the acreage of the land sought to be excluded from the district is located.

Sec. 65.710. APPEAL. A person may appeal a judgment or order of a district court in a suit brought under Sections 65.708-65.709 of this code to the appropriate court of civil appeals and supreme court as provided in other civil cases. The appeal is subject to the statutes and rules of practice and procedure in civil cases.

Sec. 65.711. ADDING LAND BY PETITION OF LANDOWNER. A landowner may file with the board a petition requesting that there be included in the district the land described in the petition by metes and bounds or by lot and block number if there is a recorded plat of the area to be included in the district.

Sec. 65.712. PETITION SIGNED AND EXECUTED. A petition of the landowner to add land to the district must be signed and executed in the manner provided by law for the conveyance of real estate.

Sec. 65.713. HEARING AND DETERMINATION OF PETITION. The board shall hear and consider the petition and may add to the district the land described in the petition if the land is considered to be to the advantage of the district and if the water, sewer, and drainage system and other improvements or services of the district are sufficient or will be sufficient to supply the added land without injuring land already in the district.

Sec. 65.714. RECORDING PETITION. A petition that is granted adding land to the district must be filed for record and must be recorded in the office of the county clerk of each county in which the land is located.

Sec. 65.715. ADDING LAND BY PETITION OF LESS THAN ALL LANDOWNERS. In addition to the method of adding land to a district that is described in Sections 65.711-65.714 of this code, defined areas of land, whether or not they are contiguous to the district, may be annexed to the district in the manner provided by this subchapter.

Sec. 65.716. FILING PETITION. A petition requesting the annexation of a defined area signed by a majority in value of the landowners in the defined area, as shown by the tax rolls of each county in which the area is located, or signed by 50 landowners if the number of landowners is more than 50, shall be filed with the secretary of the board.

Sec. 65.717. HEARING ON PETITION. The board shall issue an order establishing a time and place at which the petition for annexation will be heard. The hearing must be held not less than 30 days from the date the order calling the hearing is issued.

Sec. 65.718. NOTICE OF HEARING. (a) The secretary shall issue a notice stating the time and place of the hearing and describing the area proposed to be annexed.

(b) Notice of the hearing must be given by posting copies of the notice in three public places in the district and in one public place in the area proposed to be annexed at least 14 days before the date set for the hearing and by publishing a copy of the notice in a newspaper of general circulation in each county in which the area proposed to be annexed is located one time at least 14 days before the date set for the hearing.

Sec. 65.719. ORDER ADDING DEFINED AREA. (a) After the hearing on the petition, if the board finds that the proposed annexation of the area to the district
is feasible and practicable and would be of benefit both to the area and to the district, the board, by order entered in its minutes, shall call and hold an election on the question of annexation. The election shall be held in the area described in the petition.

(b) The district calling the election does not have to include all of the land described in the petition, if the board at the hearing finds a modification or change necessary or desirable. The territory to be added shall be described in the petition.

(c) At the election, a proposition shall be submitted to the voters on the question of annexation.

(d) The board shall canvass the results of the election and, by order, shall declare the results.

(e) If a majority of the qualified voters voting in the election approves the proposition, the board, by order, shall annex the area to the district.

Sec. 65.720. FILING ORDER ADDING LAND. (a) A copy of an order annexing land to the district, attested by the secretary of the board, must be filed and recorded in the deed records of each county in which the district is located.

(b) The district calling the election does not have to include all of the land described in the petition, if the board at the hearing finds a modification or change necessary or desirable. The territory to be added shall be described in the petition.

Sec. 65.721. DUTY TO SERVE NEW LAND INCLUDED IN DISTRICT. The district has the same duty to furnish service to the annexed land that it previously had to furnish service to other land in the district, and the board shall endeavor to serve all land in the district without discrimination.

Sec. 65.722. DUTY TO ADVISE EXECUTIVE DIRECTOR. The board shall furnish the executive director a detailed description of any land excluded from or annexed to the district within 30 days after the exclusion or annexation or as soon after that time as practicable.

Sec. 65.723. CONSOLIDATION OF DISTRICTS. Two or more districts governed by this chapter may consolidate into one district as provided by this subchapter.

Sec. 65.724. ELECTIONS TO APPROVE CONSOLIDATION. (a) After the board of each district has agreed on the terms and conditions of consolidation, which may include the assumption by each district of the other district's bonds, notes, or other obligations and adoption of a name for the consolidated district, the board of each district shall order an election in each of their respective districts to determine whether the districts should be consolidated.

(b) The board of each district shall order the election to be held on the same day in each district and shall give notice of the election for the time and in the manner provided by law for bond elections under this chapter.

Sec. 65.725. GOVERNING CONSOLIDATED DISTRICTS. (a) After two or more districts are consolidated, they become one district and are governed as one district.

(b) During a period of 90 days after the date of the election to approve consolidation, the officers of each district shall continue to act jointly as officers of the original districts to settle the affairs of their respective districts.

(c) The consolidation agreement may provide that the officers of the original districts shall continue to act jointly as officers of the consolidated district or name persons to serve as officers of the consolidated district until their successors assume office under Subsection (e) of this section.

(d) On the next available uniform election date, an election shall be called and held, and directors will be elected for the consolidated district in the same manner and for the same term as directors elected under Section 65.103 of this code.

(e) The officers of the consolidated district must qualify as officers of the district within the period of 90 days after the election and shall assume their offices at the expiration of the 90-day period.
(f) The current board shall approve the bond of each new officer.

Sec. 65.726. DEBTS OF ORIGINAL DISTRICTS. After two or more districts are consolidated, the debts of the original districts shall be protected and may not be impaired.

Sec. 65.727. DISSOLUTION OF DISTRICT PRIOR TO ISSUANCE OF BONDS. (a) If the board considers it advisable before the issuance of any bonds, notes, or other indebtedness, the board may dissolve a district and liquidate the affairs of the district as provided by this subchapter.

(b) If a majority of the board finds at any time before the issuance of bonds, notes, or other obligations or the final lending of its credit in another form that the proposed undertaking for any reason is impracticable or apparently cannot be successfully and beneficially accomplished, the board may issue notice of a hearing on a proposal to dissolve the district.

Sec. 65.728. NOTICE OF HEARING. The board shall post notice of the hearing on the bulletin board at the courthouse door of each county in which the district is located and at three or more other public places within the boundaries of the district and shall publish notice of the hearing two times in a newspaper with general circulation in the district. The notice must be posted and published at least one time no later than the 14th day before the date set for the hearing on the proposed dissolution of the district.

Sec. 65.729. HEARING. The board shall hear all interested persons and shall consider their evidence at the time and place stated in the notice.

Sec. 65.730. BOARD'S ORDER TO DISSOLVE DISTRICT. If the board unanimously determines from the evidence that the best interests of the persons and property in the district will be served by dissolving the district, the board shall enter the appropriate findings and order in its records dissolving the district. Otherwise the board shall enter its order providing that the district has not been dissolved.

Sec. 65.731. JUDICIAL REVIEW OF BOARD'S ORDER. The board's decree to dissolve the district may be appealed in the manner provided by Sections 65.708-65.710 of this code for the review of an order excluding land from the district.

Sec. 65.732. Section 11, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), does not apply to the annexation of a portion of a special utility district created or operating under this chapter.

SECTION 1. Chapter 50 of the Water Code is amended by adding the following new Section 50.380 to read as follows:

Sec. 50.380. Section 11, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), does not apply to the annexation by a city of a district which has a noncontiguous portion which is not within the extraterritorial jurisdiction of the city.

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

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

Amend the amendment by B. Gibson to SB 1026, page 57, line 11, by inserting the following SECTIONS 3, 4, and 5 and renumbering the existing SECTION 3 as SECTION 6:

SECTION 3. Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes) is amended to read as follows:
Sec. 3. The governing body of any issuer is authorized to issue bonds with or without interest coupons, in any denomination, payable at such time or times, in such amount or amounts or installments, at such place or places, in such form, under such terms, conditions, and details, in such manner, redeemable prior to maturity at any time or times, bearing no interest, or bearing interest at any rate or rates (either fixed, variable, floating, or otherwise, all as determined by the governing body or by a formula or contractual arrangement for the periodic determination of interest rates, such determination, formula, or arrangement to be set forth in the instrument providing for the issuance of the bonds) not to exceed the maximum net effective interest rate allowed by law, and the bonds and interest coupons, if any, may be signed or otherwise executed in such manner, with manual or facsimile signatures, and with or without a seal, all of the foregoing as shall be specified by the governing body of the issuer in the resolution, order, ordinance, or other proceedings authorizing the issuance of the bonds. In the event any officer or officers whose signatures are on any bonds or interest coupons appertaining thereto cease to be such officers or officer before the delivery thereof to the purchaser, such signature or signatures shall nevertheless be valid and sufficient for all purposes and the successor or successors in office of any such officer or officers shall be fully authorized to complete the execution, authentication, and/or delivery of said bonds and interest coupons to the purchaser or the purchasers thereof.

SECTION 4. Subsection (b), Section 6, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes) is amended to read as follows:

(b) The governing body or any issuer may provide and covenant for the conversion of any form of bond or interest coupon into any other form or forms of bond or interest coupon, and for reconversion of bonds and interest coupons into any other form, and may provide procedures for the replacement of lost, stolen, destroyed, or mutilated bonds or interest coupons or for the transfer or exchange of bonds for previously issued bonds, all in such manner as may be prescribed by the governing body of the issuer in the resolution, order, ordinance, or other proceedings authorizing the issuance of the bonds. Notwithstanding the foregoing provisions of Section 6(a) of this Act, if the duty of replacement, conversion, or reconversion of any bonds or interest coupons or of the transfer or exchange of previously issued bonds, is imposed upon a corporate trustee under a trust agreement or trust indenture securing the bonds, or upon a [place of payment (paying agent)] for any such [the] bonds [or interest-coupons], the replacement, converted, or reconverted bonds or interest coupons, or the bonds delivered on transfer or exchange of previously issued bonds need not be reapproved by the attorney general or registered by the comptroller of public accounts as provided in Section 6(a), and all such replacement, converted, or reconverted bonds and interest coupons and such transferred or exchanged bonds, shall be valid, incontestable, and enforceable in the same manner and with the same effect as the bonds originally issued.

SECTION 5. Bond Procedures Act (Article 717k-6, Vernon's Texas Civil Statutes) is amended by the addition of Section 12 to read as follows:

Section 12. When the governing body of any issuer provides in the resolution, order, ordinance, or other proceedings authorizing the issuance of any bond or bonds for a pledge or lien on revenues, income, or other resources of the issuer, or the assets of the issuer, or any fund maintained by the issuer, such pledge or lien shall be valid and binding in accordance with its terms without further action on the part of the issuer and without any filing or recording with respect thereto except in the records of the issuer. All such liens and pledges shall be effective from the time of payment for and delivery of the bonds until the bonds have been paid or payment
of the bonds has been provided for and shall be fully effective as to items then on hand and thereafter received, and said items shall be subject to such liens or pledges without any physical delivery thereof or further act. Nothing contained in this Section shall relieve any issuer of any obligation to file or record any lien on realty or to submit any bond issue for approval by the Attorney General and registration by the Comptroller of Public Accounts.

The amendment was adopted without objection.

A record vote was requested.

The B. Gibson amendment, as amended, failed of adoption (not receiving the necessary two-thirds vote) by (Record 575): 76 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Berlanga(C); Bomer; Buchanan; Burnett; Cain; Carriker; Clemons; Connell; Coody; Craddick; Danburg; DeLay; Delco; Eckels; Eikenburg; English; Evans, C.; Finnell; Gavin; Geisweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Green; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Hightower; Hilbert; Hill, P.; Jackson; Keller, Khoury; Kubik; Kuempel; Laney; Messer; Millspa; Patrick; Patterson; Pennington; Peveto; Pierce; Polk; Presnal; Price; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Sheh; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Toomey; Tow; Turner; Vowell; Waldrop; Whaley; Wieting; Willis; Wolens; Word; Wright.

Nays — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bush; Cary; Cavazos; Ceverha; Clark; Colbert; Collazo; Criss; Crockett; Davis; Denton; Edwards; Evans, L.; Fox; Garner; Gandy; Garcia, A.; Garcia, M.; Granoff; Hackney; Hall, L.; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hill, A.; Hill, G.; Hinojosa; Hollowell; Hudson, D.; Hudson, S.; Hurry; Jones; Lee, D.; Leonard; Luna; McKenna; McWilliams; Madia; Mankins; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker, Patronella; Polumbo; Ragsdale; Rangel; Smith, C.; Tejeda; Thompson, G.; Uher; Valles; Wallace; Watson; Wilson.

Present, not voting — Mr. Speaker; Kemp.

Absent, Excused — Salinas.

Absent — Emmett; Grisham; Horn; Lee, E. F.; Thompson, S.

SB 1026, as amended, was passed. (Heflin and C. Smith recorded voting no)

On motion of Representative Kemp and by unanimous consent, the caption of SB 1026 was ordered amended to conform to the body of the bill.

SB 385 - RULES SUSPENDED

Representative Madia moved to suspend all necessary rules to allow the Conference Committee on SB 385 to meet while the house is in session.

The motion prevailed without objection.

SB 1235 ON THIRD READING

(Polk - House Sponsor)

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

SB 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.
The bill was read third time.

Representative Polk offered the following amendment to the bill:

Amend SB 1235 as follows:

(1) Add an appropriately numbered section to read as follows:
SEC. 26.1231. NOTICE BY DEPARTMENT; INVESTIGATION BY RAILROAD COMMISSION. The department may institute a suit authorized by Subsection (c), Section 26.131 of this code only after it has notified the Railroad Commission of Texas in writing of the alleged violation or threat of violation and only after the Railroad Commission of Texas has had an opportunity to investigate the alleged violation and has declined to seek any judicial or administrative remedy or penalty.

SEC. 26.1232. NOTICE BY EXECUTIVE DIRECTOR; INVESTIGATION BY RAILROAD COMMISSION. The executive director of the department may institute a suit authorized by Section 29.047 or Section 29.048 of this code only after it has notified the Railroad Commission of Texas in writing of the alleged violation or threat of violation and only after the Railroad Commission of Texas has had an opportunity to investigate the alleged violation and has declined to seek any judicial or administrative remedy or penalty.

(2) Renumber the remaining sections of the bill accordingly.

The amendment was adopted without objection.

Representative Polk offered the following amendment to the bill:

Amend SB 1235 Section 9, as follows:

The amendment was adopted without objection.

SB 1235, as amended, was passed.

On motion of Representative Polk and by unanimous consent, the caption of SB 1235 was ordered amended to conform to the body of the bill.

SB 1062 ON THIRD READING
(A. Smith - House Sponsor)

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

SB 1062, A bill to be entitled An Act relating to the counties in the First and Fourteenth Supreme Judicial Districts reimbursing Harris County for certain costs incurred by Harris County pertaining to those courts.

The bill was read third time and was passed.

On motion of Representative A. Smith and by unanimous consent, the caption of SB 1062 was ordered amended to conform to the body of the bill.

SB 634 ON THIRD READING
(Rudd - House Sponsor)

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

SB 634, A bill to be entitled An Act relating to requiring participation in an alcohol or drug abuse program as a condition of a bond in certain criminal cases and to forfeiture for violation of the condition of the bond; amending the Code of Criminal Procedure, 1965, as amended, by adding Article 17.40 to Chapter 17 and Article 22.021 to Chapter 22.
The bill was read third time and was passed.

**SB 661 ON THIRD READING**  
(Green - House Sponsor)

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

**SB 661, A bill to be entitled An Act relating to information that a filing officer provides concerning financing and assignment statements under the Business & Commerce Code and to an increase in fees for statements in excess of a certain amount; amending Subsection (b), Section 9.407, Business & Commerce Code, as amended.**

The bill was read third time and was passed.

**SB 1027 ON THIRD READING**  
(G. Hill - House Sponsor)

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

**SB 1027, A bill to be entitled An Act relating to acquisition and content of a certificate of title for motorboats and outboard motors, to requirements for transfer of title, and to the creation and enforcement of liens on motorboats and outboard motors; amending Sections 31.047, 31.049, 31.052, and 31.053, Parks and Wildlife Code, and Articles 5503 and 5504a, Revised Statutes, as amended.**

The bill was read third time and was passed.

**SB 239 ON THIRD READING**  
(Millsap - House Sponsor)

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

**SB 239, A bill to be entitled An Act relating to the authority of the attorney general to sue to restrain or enjoin violations of certain consumer protection laws.**

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

**SB 1228 ON THIRD READING**  
(G. Hill - House Sponsor)

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

**SB 1228, A bill to be entitled An Act relating to conventions of political parties required to nominate candidates by primary election; amending the Texas Election Code, as amended, by amending Subsections (a) and (b), Section 212 and Subdivision 17, Section 37 (Articles 13.34 and 5.05, Vernon’s Texas Election Code).**

The bill was read third time.

Representative Fox offered the following amendment to the bill:

Amend SB 1228 as follows:

1. On page 2, line 1, between “rules” and “by” insert “adopted under Section 220b of this Code (Article 13.43b, Vernon’s Texas Election Code)”

2. On page 2, line 22, between “rules” and the bracketing insert “adopted under Section 220b of this Code”

The amendment was adopted without objection.

**SB 1228, as amended, was passed. (Heflin recorded voting no)**
On motion of Representative G. Hill and by unanimous consent, the caption of SB 1228 was ordered amended to conform to the body of the bill.

**SB 812 ON THIRD READING**

(A. Smith - House Sponsor)

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

SB 812, A bill to be entitled An Act relating to insurance coverage for the services of certain audiologists, speech pathologists, and language pathologists.

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

On motion of Representative A. Smith and by unanimous consent, the caption of SB 812 was ordered amended to conform to the body of the bill.

**SB 813 ON THIRD READING**

(Hury - House Sponsor)

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

SB 813, A bill to be entitled An Act relating to the licensing and regulation of speech-language pathologists and audiologists; providing for hearings and judicial review; making an appropriation; providing enforcement procedures and penalties; and declaring an emergency.

The bill was read third time and was passed. (Pennington, Ceverha, Shea, and P. Hill recorded voting no)

The chair stated that SB 813 was passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

**SB 642 ON THIRD READING**

(Wolens - House Sponsor)

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

SB 642, A bill to be entitled An Act relating to the regulation of air conditioning contractors; providing a penalty.

The bill was read third time and was passed. (Russell, Colbert, Davis, D. Harrison, Ceverha, Shea, and P. Hill recorded voting no)

On motion of Representative Wolens and by unanimous consent, the caption of SB 642 was ordered amended to conform to the body of the bill.

**SB 253 ON THIRD READING**

(Shaw - House Sponsor)

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

SB 253, A bill to be entitled An Act relating to regulation of private process servers; giving the secretary of state certain powers and duties; prescribing fees; defining offenses and providing penalties.

The bill was read third time.

Representative Eckels offered the following amendment to the bill:

Amend SB 253 on page 7 by inserting the following new subsections between lines 8 and 9:

(c) A licensee or his agent who is a peace officer commits a Class B misdemeanor if the licensee or agent identifies himself as a peace officer while performing services regulated by this Act.
(d) It is a defense to prosecution under Subsection (c) of this section that the peace officer performed the services for the governmental entity by which he is employed and that the entity received all fees collected for the services rendered.

(e) A licensee or his agent commits a Class C misdemeanor if the licensee or agent possesses, as a means of identification while rendering services under this Act, a badge or an identification card resembling a badge or card issued by a law enforcement agency unless the licensee or agent is a peace officer and the badge or card is issued by his agency or by the state.

(f) On a conviction under Subsection (c) or (e) of this section, the actor forfeits his license to serve civil process. If three or more agents of a licensee are convicted under Subsection (c) or (e) of this section within a 12-month period, the licensee forfeits his license.

(g) The Texas Commission on Law Enforcement Officer Standards and Education may revoke the license of a peace officer convicted under Subsection (c) of this section.

Representative Eckels offered the following amendment to the Eckels amendment:

Amend amendment ______ by inserting on page 1, line 5 after "peace officer" in an effort to effect service of civil process.

The amendment was adopted without objection.

The Eckels amendment, as amended, failed of adoption.

SB 253 was passed. (Polumbo and Craddick recorded voting no)

SB 1125 ON THIRD READING
(Colbert - House Sponsor)

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

SB 1125, A bill to be entitled An Act relating to absences from public schools for religious holy days; amending Subsection (f), Section 21.035, Chapter 21, Texas Education Code.

The bill was read third time and was passed.

SB 853 ON THIRD READING
(Oliveira - House Sponsor)

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

SB 853, A bill to entitled An Act relating to the duration of a bail bondsman’s liability as surety on an appearance bond; amending Subsection (c), Section 13, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon’s Texas Civil Statutes).

The bill was read third time.

Representative Pennington offered the following amendment to the bill:

Amend SB 853
Amend Article 2372 p-3 Sec. 2. (1) as follows:
Sec. 2. In this Act:
(1) "Person means an individual, partnership or corporation.

The amendment was adopted without objection.

SB 853, as amended, was passed.
On motion of Representative Oliveira and by unanimous consent, the caption of SB 853 was ordered amended to conform to the body of the bill.

**SB 325 ON THIRD READING**
*(Turner - House Sponsor)*

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

**SB 325**

A bill to be entitled An Act relating to allocation of certain cigarette tax revenue to and the use of the local parks, recreation, and open space fund.

The bill was read third time.

Representative Turner offered the following amendment to the bill:

Amend SB 325, as amended on second reading, as follows:

1. Strike the section added on second reading by Amendment No. 4.
2. Amend the section added on second reading by Amendment No. 1 to read as follows:

   "SECTION ______ (a) The following amounts are appropriated from the Texas Local Parks, Recreation, and Open Space Fund No. 457 to the Parks and Wildlife Department for the purposes provided by Chapter 24, Parks and Wildlife Code;

   "(1) for the fiscal year beginning September 1, 1983, $2,100,000; and
   "(2) for the fiscal year beginning September 1, 1984, $2,100,000 and the unexpended balance of the appropriation made in Subdivision (1) of this subsection.

   "(b) The Comptroller of Public Accounts shall transfer $4,200,000 from the State Parks Fund to the Texas local parks, recreation, and open space fund at such times and in such amounts as is necessary during the fiscal biennium beginning September 1, 1983, to fund the appropriations made by Subsection (a) of this section."

3. Amend Subsection (a) of Section 7 of the bill as added to the bill on second reading by Amendment No. 3 to read as follows:

   "(a) The balance remaining in Fund No. 478 after the appropriation provided by Subsection (b) of this section is transferred to the credit of the Texas local parks, recreation, and open space fund and is appropriated to the Parks and Wildlife Department for the biennium beginning September 1, 1983, for the purposes provided by Chapter 24, Parks and Wildlife Code."

The amendment was adopted without objection.

SB 325, as amended, was passed.

On motion of Representative Turner and by unanimous consent, the caption of SB 325 was ordered amended to conform to the body of the bill.

**SB 382 ON THIRD READING**
*(S. Hudson - House Sponsor)*

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

**SB 382**

A bill to be entitled An Act relating to the number of ballots furnished for each polling place.

The bill was read third time.

Representative Oliveira offered the following amendment to the bill:

Amend SB 382 by adding a new section two (2) and renumbering the subsequent sections to wit:
(2) Membership in the Texas Legislature for twelve (12) years, or Membership in the Texas Legislature for four (4) years with a bachelor’s degree or its equivalent and adequate study of the law for at least two (2) years at an accredited law school, or Membership in the Texas Legislature for eight (8) years with a bachelor’s degree or its equivalent, or Membership in the both Houses of the Texas Legislature with a master’s degree or its equivalent, or Membership in either House for four (4) years with a master’s or doctor’s degree, prior to making application to take the Bar examination, shall be considered equivalent to the prelegal study and training and study of the law required under Article 306, Revised Civil Statutes, 1925, as amended, as a prerequisite to taking the regular examination for license to practice law and may be substituted in lieu thereof, provided the applicant meets all requirements of the Supreme Court relative to moral character; and any person complying with the above is declared to be eligible to take such examination for license to practice law. In such cases thirty (30) days’ written notice of intention to take the Bar examination, directed and delivered to the Clerk of the Supreme Court of Texas, shall be sufficient notice.

The amendment was adopted without objection. (L. Hall, Leonard, Khoury, Jackson, Wolens, Hammond, P. Hill, Fox, Schluter, and Hilbert recorded voting no)

SB 382, as amended, was passed. (Davis, P. Hill, Shea, Khoury, Blanton, Jackson, Wolens, Hammond, D. Harrison, Turner, J. Gibson, Craddick, Rudd, and Hanna recorded voting no)

On motion of Representative S. Hudson and by unanimous consent, the caption of SB 382 was ordered amended to conform to the body of the bill.

SB 60 ON THIRD READING
(T. Smith - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 60, A bill to be entitled An Act relating to certificates of completion withheld by proprietary schools, refunds given by proprietary schools, and fees imposed on proprietary schools and their representatives.

The bill was read third time and was passed.

On motion of Representative T. Smith and by unanimous consent, the caption of SB 60 was ordered amended to conform to the body of the bill.

SB 1304 ON THIRD READING
(Ragsdale - House Sponsor)

The chair laid before the house on its third reading and final passage, SB 1304, A bill to be entitled An Act relating to the election of all or some of the trustees of certain school districts from single-member trustee districts and to certain powers and duties of the board of trustees of a school district; amending Subchapter A, Chapter 23, Texas Education Code, by adding Section 23.024.

The bill was read third time.

Representative Shaw offered the following amendment to the bill:

Amend SB 1304, SECTION 1, page 1, lines 10 and 12 by deleting the number “5000” and inserting in lieu thereof the number “3500”.

The amendment was adopted without objection.
SB 1304, as amended, was passed. (Heflin, Hilbert, Kuempel, Connelly, D. Harrison, Geistweidt, Burnett, T. Hall, Presnal, DeLay, Staniswalis, Ceverha, Hanna, Blanton, Craddick, Patterson, Kubiak, Fox, C. Smith, Shea, and P. Hill recorded voting no)

On motion of Representative Ragsdale and by unanimous consent, the caption of SB 1304 was ordered amended to conform to the body of the bill.

SB 714 - VOTE RECONSIDERED

Representative G. Hill moved to reconsider the vote by which SB 714 was passed.

The motion to reconsider prevailed.

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

The chair laid before the house on its final passage.

SB 714, A bill to be entitled An Act relating to the lease of space in state office buildings to private tenants.

Representative Millsap offered the following amendment to the bill:

Amend SB 714 by adding a new Section 5 and renumbering the subsequent sections to wit:

SECTION 5. A member of the legislature may not be a party to, or participate in the benefits from, a contract with the state or with a county of this state if the contract was authorized by any law passed during the term for which the member was elected.

This subsection does not apply to:

1. the compensation paid to a member for employment outside the legislature, if the member is an employee of the contracting entity and if the compensation the entity pays to the member is not increased, and no other benefit is provided by the entity to the member, as a result of the contract; or

2. a benefit obtained by a member if the member or the persons in the member’s immediate family do not own or control more than a 10 percent interest in the contracting entity.

3. The provisions of this Section are not limited to contracting for lease of space in the State office buildings but includes all contracts between a Member of the Legislature and the State.

A record vote was requested.

The Millsap amendment failed of adoption (not receiving the necessary two-thirds vote) by (Record 576): 93 Yeas, 50 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Salinas.

Absent — Gandy; Khoury; Messer; Simpson; Thompson, S.

SB 714 was passed. (Toomey, P. Hill, and Shea recorded voting no)

On motion of Representative G. Hill and by unanimous consent, the caption of SB 714 was ordered amended to conform to the body of the bill.

SB 382 - MOTION TO RECONSIDER VOTE

Representative Toomey moved to reconsider the vote by which SB 382 was passed.

A record vote was requested.

The motion to reconsider was lost by (Record 577): 52 Yeas, 77 Nays, 5 Present, not voting.

Yeas — Agnich; Arnold; Blanton; Buchanan; Cain; Connelly; Coody; Craddick; Davis; Eikenburg; Emmett; English; Finnell; Fox; Gandy; Gibson, J.; Gilley; Granoff; Hammond; Hanna; Harrison, W.; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Kuempel; Laney; Leonard; McKenna; Peveto; Robnett; Rudd; Russell; Saunders; Schluter; Schoolcraft; Shea; Simpson; Smith, C.; Smith, T.; Sutton; Thompson, G.; Toomey; Turner; Vowell; Waldrop; Willis; Wilson; Wolens; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Bomer; Burnett; Bush; Carriker; Cary; Cavaeas; Ceverha; Clark; Clemmons; Colbert; Collazo; Criss; Crockett; Danburg; DeLay; Delco; Denton; Edwards; Evans, L.; Garcia, A.; Garcia, M.; Gavin; Geistweitd; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Heflin; Hernandez; Hightower; Hill, A.; Hill, G.; Hudson, D.; Hudson, S.; Hurv; Jones; Keller; Kemp; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliver; Parker; Patronella; Patterson; Pierce; Polk; Polumbo; Presnal; Price; Rangel; Robinson; Shaw; Short; Smith, A.; Stiles; Tejeda; Uher; Valles; Wallace; Watson; Wieting.

Present, not voting — Mr. Speaker; Gamez; Oliveira; Patrick; Ragsdale.

Absent — Eckels; Evans, C.; Gibson, B.; Glossbrenner; Hall, W.; Harrison, D.; Hinojosa; Khoury; Kubiak; Messer; Pennington; Staniswals; Thompson, S.; Tow; Whaley.

STATEMENT BY REPRESENTATIVE GEISTWEIDT

I inadvertently voted no on Toomey's motion to reconsider SB 382. I intended to vote yes to allow the house to reconsider and defeat an amendment by which members of the legislature are allowed to take a bar exam without going to law school. I accidentally pushed the wrong button and want the record to reflect my
true stand. A member of the legislature should be expected to fulfill the same
requirements and meet the same standards as any other citizen desiring to practice
law in Texas.

Geistweitd

HB 2102 WITH SENATE AMENDMENTS

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

HB 2102, A bill to be entitled An Act relating to the powers of the Board of
Regents of The University of Texas System to fix the rate of incidental student fees.

On motion of Representative Cain, the house concurred in the senate
amendments to HB 2102.

HB 2102 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2102 by adding a new Subsection (c) to Section 65.44, Texas
Education Code, as added by SECTION I of the bill to read as follows:

"(c) In this Section, "incidental fees" includes, without limitation, such fees
as late registration fees, library fines, microfilming fees, thesis or doctoral
manuscript reproduction or filing fees, bad check charges, and laboratory breakage
charges, but does not include a fee for which the board makes a charge under the
authority of Section 54.503 or Section 67.211, Texas Education Code."

SENATE AMENDMENT NO. 2

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

HB 2160 WITH SENATE AMENDMENTS

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

HB 2160, A bill to be entitled An Act relating to the pay grade of
superintendents of certain school districts.

On motion of Representative Grisham, the house concurred in the senate
amendments to HB 2160. (Clemons, D. Lee, Heftin, Colbert, Denton, Polumbo,
Fox, C. Smith, Shea, and P. Hill recorded voting no)

Reason for Vote

I voted against concurring on HB 2160 because we should not give
superintendents a raise if we do not give teachers a raise.

Clemons

HB 2160 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend SECTION 1, page 4, of HB 2160 by deleting lines 11 through 14,
inclusive.

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
HB 1148 WITH SENATE AMENDMENTS

Representative E. F. Lee called up with senate amendments for consideration at this time,

HB 1148, A bill to be entitled An Act relating to the qualifications of the presiding judge and the clerks serving at a central counting station.

On motion of Representative E. F. Lee, the house concurred in the senate amendments to HB 1148.

(Speaker in the chair)

HB 1148 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1148 by inserting on line 21 after “judges of the election.” This exemption from the provisions of Art. 3.03(b) of the T.E.C. does not apply to the judge of the central counting station if they are related to any candidate on the ballot, except the County Clerk, within the second degree either by affinity or consanguinity.

SENATE AMENDMENT NO. 2

Amend HB 1148 by inserting on line 57 after “worked.” This exemption from the provisions of Art. 3.03(b) of the T.E.C. does not apply to any clerks serving at the central counting station if they are related to any candidate on the ballot, except the County Clerk, within the second degree either by affinity or consanguinity.

SENATE AMENDMENT NO. 3

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

HB 1753 WITH SENATE AMENDMENTS

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

HB 1753, A bill to be entitled An Act relating to the administration of medications in convalescent homes, nursing homes, and other related institutions; establishing fees for the issuance and renewal of permits to administer medications; amending Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon’s Texas Civil Statutes); providing a penalty; and declaring an emergency.

On motion of Representative A. Hill, the house concurred in the senate amendments to HB 1753.

HB 1753 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1753 on page 2, line 26, by deleting the words “two years” and substituting the words “one year” in lieu thereof.

SENATE AMENDMENT NO. 2

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

HB 1686 WITH SENATE AMENDMENTS

Representative Armbrister called up with senate amendments for consideration at this time.
HB 1686, A bill to be entitled An Act relating to the punishment for the offense of indecent exposure.

On motion of Representative Armbrister, the house concurred in the senate amendments to HB 1686.

HB 1686 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1686, Section 1, subsection (b) by removing the letter “A” and placing in lieu thereof the letter “B”.

SENATE AMENDMENT NO. 2

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

HB 1451 WITH SENATE AMENDMENTS

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

HB 1451, A bill to be entitled An Act relating to the regulation of automotive wrecking and salvage yards in certain counties: providing penalties.

On motion of Representative Hackney, the house concurred in the senate amendments to HB 1451.

HB 1451 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1451 by striking Section 10 and renumbering the subsequent sections accordingly.

SENATE AMENDMENT NO. 2

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

HB 44 WITH SENATE AMENDMENT

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

HB 44, A bill to be entitled An Act relating to certain powers, duties, and procedures of the State Commission on Judicial Conduct and the discipline of judges.

On motion of Representative Bush, the house concurred in the senate amendment to HB 44.

HB 44 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 44, A bill to be entitled An Act relating to certain powers, duties, and procedures of the State Commission on Judicial Conduct and the discipline of judges.

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

SECTION 1. Chapter 516, Acts of the 60th Legislature, Regular Session, 1967 (Article 5966a, Vernon's Texas Civil Statutes), is amended by adding Section 5A, amending Section 6B, and adding Sections 8A, 15A, and 15B to read as follows:

Section 5A. RIGHTS OF JUDGES. (a) In the conduct of an investigation the judge shall be informed in writing that an investigation has commenced and of
the nature of the matters being investigated. At the conclusion of the investigation, the commission shall determine whether formal proceedings (under Subsection (b) of this section) shall be had. If the commission decides no further proceedings are warranted, the chairman of the commission shall so notify the judge in writing. No hearing before the commission shall be had during the investigatory stage.

(b) If after the investigation has been completed, the commission concludes that formal proceedings shall be instituted, the matter shall be entered in a docket to be kept for that purpose and written notice of the institution of formal proceedings shall be issued to the judge without delay. Such proceedings shall be entitled:

‘Before the State Commission on Judicial Conduct
Inquiry Concerning a Judge, No. _______’

(c) The notice shall specify in ordinary and concise language the charges against the judge and the alleged facts upon which such charges are based and the specific statute or rule contended to have been violated. The written notice may charge more than one violation but each violation shall be charged in a separate paragraph immediately followed by a statement of the acts constituting such violation. This notice shall advise the judge of his right to file a written answer to the charges against him within 15 days after service of the notice upon him.

(d) The notice shall be served by personal service of a copy thereof upon the judge by a member of the commission or by some person designated by the chairman, and the person serving the notice shall promptly notify the commission in writing of the date on which the notice was served. If it appears to the chairman upon affidavit that, after reasonable effort during a period of 10 days, personal service could not be had, service may be made by mailing by registered or certified mail copies of the notice addressed to the judge at his chambers in a blank envelope marked ‘personal and confidential’ or at his last known residence, and the date of mailing shall be entered in the docket.

(e) In the conduct of investigations and formal proceedings, a judge at his request may elect to have any hearing open to the public or to persons designated by the judge. The right of a judge to an open hearing does not preclude placing witnesses under the rule as provided by Rule 267 of the Texas Rules of Civil Procedures.

Sec. 6B. WILLFUL OR PERSISTENT CONDUCT INCONSISTENT WITH PERFORMANCE OF DUTIES. A judge engages in willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties, if he willfully, persistently, and without justifiable cause fails to execute the business of his court in a timely manner, considering the quantity and complexity of that business, willfully violates a provision of the Texas penal statutes or the Code of Judicial Conduct, persistently or willfully violates the rules promulgated by the Supreme Court of Texas, or is incompetent in the performance of the duties of the office. This section shall not be construed as containing an exclusive definition of that which constitutes a judge’s willful or persistent conduct that is clearly inconsistent with the performance of his duties.

Sec. 8A. CONFIDENTIALITY OF PAPERS, RECORDS, AND PROCEEDINGS. The papers filed with and proceedings before the commission are confidential prior to the convening of a formal hearing. The formal hearing, and all papers, records, documents, and other evidence introduced during the formal hearing, shall be public.

Sec. 15A. NOTIFICATION TO COMPLAINANT. (a) The commission shall promptly notify a complainant of judicial conduct of the disposition of the complaint.

(b) The communication shall inform the complainant that:
(1) the complaint has no basis and has been dismissed;
(2) appropriate action has been taken, the nature of which will not be disclosed; or
(3) formal proceedings have been instituted.

(c) The communication shall not contain the name of a judge unless formal proceedings have been instituted.

Sec. 15B. ANNUAL REPORT. (a) Before December 1 of each year, the commission shall submit to the legislature a report for the preceding fiscal year ending August 31.

(b) The report must include:
(1) an explanation of the role of the commission;
(2) annual statistical information and examples of proper and improper judicial conduct;
(3) an explanation of the commission’s processes; and
(4) changes the commission considers necessary in its rules or the applicable statutes or constitutional provisions.

(c) The commission shall distribute the report to the governor, lieutenant governor, and speaker of the house of representatives, and shall cause the report to be printed in the Annual Report of the Texas Judicial Council and the Texas Bar Journal.

(d) The legislature shall appropriate funds for the preparation and distribution of the report.

SECTION 2. Section 6A, Chapter 516, Acts of the 60th Legislature, Regular Session, 1967 (Article 5966a, Vernon’s Texas Civil Statutes), is repealed.

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

HB 1953 WITH SENATE AMENDMENTS

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

HB 1953, A bill to be entitled An Act relating to conforming the Texas Litter Abatement Act and related statutes to legislation passed by the 67th Legislature.

On motion of Representative Craddick, the house concurred in the senate amendments to HB 1953.

HB 1953 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1953 as follows:
(1) On page 1, line 52, between “given” and “to”, insert “by registered or certified mail, return receipt requested.”.
(2) On page 1, lines 54 and 55, strike “as provided by this section” and substitute “to pick up the vehicle [as provided by this section]”.
(3) On page 1, line 62, after “department,”, insert “If the notice to the owner or a lien holder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the area in which the vehicle was left in storage is sufficient notice.”
(4) On page 2, line 1, between “by” and “this”, insert “Subsection (a) of”.
(5) On page 2, strike lines 11 through 18 and substitute the following:
(f) The police department shall send notice to the owner of a vehicle by certified mail. The notice shall direct the owner to pick up the vehicle. If the notice
is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the area where the vehicle was left in storage is sufficient.

(6) On page 2, line 25, between "document" and "or a", insert "under Sections 5.04 and 5.10 of this Act, respectively."

(7) On page 3, line 6, between "under" and "Article", insert "Sections 5.04 and 5.10, respectively."

SENA TE AMENDMENT NO. 2

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

HB 306 WITH SENATE AMENDMENTS

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

HB 306, A bill to be entitled An Act relating to establishment of and funding for a motorcycle operator training and safety program.

On motion of Representative Criss, the house concurred in the senate amendments to HB 306.

HB 306 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 306 on page 6 by striking line 3 and substituting the following: license to operate only a motorcycle or motor-driven cycle.

SENATE AMENDMENT NO. 2

Amend the Engrossed HB 306 as follows:

(1) On page 5, line 23, strike the words, "Five Dollars and Seventy-five cents ($5.75) [Seven Dollars ($7)]" and substitute: "Seven Dollars ($7)"

SENATE AMENDMENT NO. 3

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

HB 1091 WITH SENATE AMENDMENT

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

HB 1091, A bill to be entitled An Act relating to the placement of signs in the rights-of-way of public roads in certain counties; providing penalties.

On motion of Representative Hilbert, the house concurred in the senate amendment to HB 1091 by (Record 578): 127 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carricker; Cary; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Craddick; Crockett; Davis; Delay; Delco; Eckels; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamer; Gandy; Garcia, M.; Gavin; Geistweidt; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Haley; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurty; Jackson; Jones, Keller; Khoury; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madia; Mankins; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patrick; Patterson; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel;...
HB 1091 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1091, A bill to be entitled An Act relating to the placement of signs in the rights-of-way of public roads in certain counties; providing penalties.

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

SECTION 1. DEFINITION. In this Act, “sign” means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, or other thing that is designed, intended, or used to advertise or inform.

SECTION 2. PROHIBITION. In a county with a population of more than 1,700,000, according to the most recent federal census, a person may not place a sign on a public road right-of-way unless the placement is authorized by state law.

SECTION 3. PENALTY. A person commits an offense if the person places a sign in violation of Section 2 of this Act. An offense under this section is a Class C misdemeanor.

SECTION 4. CONFISCATION AND SALE. (a) The county sheriff or constable may confiscate a sign that is placed in violation of Section 2 of this Act.

(b) If the owner of a confiscated sign is known, not later than the 10th day after confiscating the sign, the sheriff or constable shall by certified mail, return receipt requested, notify the owner of the confiscation. If the owner of the sign is not known, not later than the 10th day after confiscating the sign, the sheriff or constable shall publish notice of the confiscation in a newspaper of general circulation in the county. A notice under this subsection must include a description of the sign and the location from which the sign was confiscated and a statement that the owner may reclaim the sign before the 21st day after the date notice was sent or published on payment of all fines that may be imposed under this Act. The notice must state the date, time, and location of the public auction at which the sign will be sold if it is not reclaimed. Notice by publication may contain multiple listings of confiscated signs.

(c) If, on the 21st day after the date notice under Subsection (b) of this section is mailed or published, the sign has not been reclaimed, the sheriff may sell the sign at public auction. At an auction under this section, the sheriff or constable shall sell the sign to the highest bidder.

(d) The sheriff or constable shall remit the proceeds of an auction held under Subsection (c) of this section to the county treasurer for deposit to the credit of any fund in the county treasury as designated by the commissioners court.

SECTION 5. EXEMPTIONS. (a) The commissioners court of a county to which this Act applies may by order determine types of signs that are unlikely to be reclaimed if confiscated and exempt those types of signs from the notice requirements in Section 4 of this Act.

(b) In determining the types of signs that are unlikely to be reclaimed, the commissioners court may consider the value of the materials in the signs and the nature of the things advertised by the signs.
(c) If the commissioners court exempts certain types of signs under this section, the sheriff shall store a confiscated sign that is exempted for 21 days after the date the sign is confiscated and shall make the sign available for reclamation by the owner. If, after the 21st day after the date the sign was confiscated, the sign has not been reclaimed, the sheriff or constable may discard the sign.

SECTION 6. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 1606 WITH SENATE AMENDMENTS

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

HB 1606, A bill to be entitled An Act relating to a provision for payment of restitution by a person who has issued a bad check.

On motion of Representative Blanton, the house concurred in the senate amendments to HB 1606.

HB 1606 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1606 by deleting Subsection (e) of SECTION 1 and substituting the following in lieu thereof:

(e) A person charged with an offense under this section may make restitution for the bad checks. Restitution shall be made through the prosecutor's office if collection and processing was initiated through that office. In other cases restitution may, with the approval of the court in which the offense is filed, be made through the court, by certified checks, cashier's checks, or money order only, payable to the person that received the bad checks.

SENATE AMENDMENT NO. 2

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

HB 1966 WITH SENATE AMENDMENTS

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

HB 1966, A bill to be entitled An Act relating to the operation of vehicles used to transport solid waste; prescribing load limits.

On motion of Representative Laney, the house concurred in the senate amendments to HB 1966.

HB 1966 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1966 by adding a new Section 2 to read as follows, and renumbering the following Sections:

Sec. 2. This Act does not authorize the operation on the national system of interstate and defense highways in this state of vehicles of a size or weight greater than authorized in Title 23, United States Code, Section 127, as amended. If the United States government authorizes the operation on the national system of interstate and defense highways of vehicles of a size or weight greater than those
authorized on January 1, 1983, the new limits automatically shall be in effect on
the national system of interstate and defense highways in this state.

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

HB 1550 WITH SENATE AMENDMENTS
Representative Keller called up with senate amendments for consideration at
this time,

HB 1550, A bill to be entitled An Act relating to access by institutions of higher
education to police records of certain applicants for employment.

On motion of Representative Keller, the house concurred in the senate
amendments to HB 1550.

HB 1550 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1
Amend HB 1550, Section 1, Subsection (c), by striking the word “include” and
placing in lieu thereof the words “shall be restricted to”.

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

HB 586 WITH SENATE AMENDMENT
Representative Criss called up with senate amendment for consideration at
this time,

HB 586, A bill to be entitled An Act relating to abolishing the Battleship Texas
Commission and transferring jurisdiction of the Battleship “Texas” to the Parks and
Wildlife Department.

On motion of Representative Criss, the house concurred in the senate
amendments to HB 586.

HB 586 - TEXT OF SENATE AMENDMENT

CSHB 586, A bill to be entitled An Act relating to powers and duties of the
Battleship Texas Commission and transferring jurisdiction of the Battleship
“Texas” to the Parks and Wildlife Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 22, Parks and Wildlife Code, is amended by adding
Subchapter R to read as follows:

SUBCHAPTER R. BATTLESHIP “TEXAS”
Sec. 22.051. JURISDICTION. The Battleship “Texas” is under the
jurisdiction of the department.
Sec. 22.052. BATTLESHIP “TEXAS” ADVISORY BOARD.
(a) The Battleship “Texas” Advisory Board is composed of nine members of
the public.
(b) The nine members of the public are appointed by the governor for terms
of six years each, with the term of three members expiring February 1 of each
odd-numbered year.
(c) The governor shall designate one member of the board to serve as
chairman and one member to serve as vice-chairman.
Sec. 22.053. MEETINGS. The board shall meet quarterly to review the policies and operations of the Battleship "Texas" and to advise the department on the proper historical development of the battleship.

Sec. 22.054. FUNCTIONS. (a) The board shall advise the department on the operation and maintenance of the Battleship "Texas".

(b) The board shall conduct fund-raising activities to collect money for the operation and maintenance of the Battleship "Texas". All funds collected under this subsection must be transferred to the department to be used to operate and maintain the battleship.

SECTION 2. The governor shall appoint three members to the Battleship "Texas" Advisory Board for terms expiring February 1, 1985, three members for terms expiring February 1, 1987, and three members for terms expiring February 1, 1989.

SECTION 3. (a) The Battleship Texas Commission is abolished.

(b) The custody and control of the Battleship "Texas", including its berth and records relating to the battleship, are transferred from the Battleship Texas Commission to the Parks and Wildlife Department.

(c) The money on deposit to the credit of the funds established by Section 14, Chapter 216, Acts of the 67th Legislature, Regular Session, 1981 (Article 6145-2a, Vernon's Texas Civil Statutes), as that law existed on August 31, 1983, is transferred to the Parks and Wildlife Department. The Parks and Wildlife Department shall deposit the transferred money to the credit of the state parks fund to be used for any purpose for which the state parks fund was established.


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

HB 893 WITH SENATE AMENDMENTS

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

HB 893, A bill to be entitled An Act relating to state reimbursement to a hospital for the cost of transporting an infant to the hospital under certain circumstances.

On motion of Representative Wilson, the house concurred in the senate amendments to HB 893.

HB 893 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 893 by striking Subsection (a) of Section 6 of the printed bill and substituting in lieu thereof the following:

SECTION 6. FUNDING. "(a) The Department of Health is authorized to expend an amount not to exceed $100,000 each year of the biennium from earned federal funds or private donations to implement this Act."

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
HB 1852 WITH SENATE AMENDMENT

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

HB 1852, A bill to be entitled An Act relating to workers' compensation insurance coverage of subcontractors as defined herein.

On motion of Representative Messer, the house concurred in the senate amendment to HB 1852.

HB 1852 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1852, A bill to be entitled An Act relating to workers' compensation insurance coverage of subcontractors as defined herein.

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

SECTION 1. Section 6 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 6. (a) A subcontractor and prime contractor may make a written contract whereby the prime contractor will provide workers' compensation benefits to the subcontractor and to employees of the subcontractor. Notwithstanding the provisions of Section 12(g) of Article 8306, the contract may provide that the actual premiums (based on payroll) paid or incurred by the prime contractor for workers' compensation insurance coverage for the subcontractor and employees of the subcontractor may be deducted from the contract price or any other monies owed to the subcontractor by the prime contractor. In any such contract, the subcontractor and his employees shall be considered employees of the prime contractor only for purposes of the workers' compensation laws of this state (Article 8306, Revised Statutes, et seq.) and for no other purpose.

(b) The term "subcontractor" means a person who has contracted to perform all or any part of the work or services which a prime contractor has contracted with another party to perform.

(c) The term "prime contractor" includes "principal contractor", "original contractor", or "general contractor" as those terms are commonly used and means the person who has undertaken to procure the performance of work or services. The prime contractor may engage subcontractors to perform all or any part of the work or services.

(d) If any subscriber to this law with the purpose and intention of avoiding any liability imposed by its terms sublets the whole or any part of the work to be performed or done by said subscriber to any subcontractor then in the event any employee of such subcontractor sustains an injury in the course of his employment, he shall be deemed to be and taken for all purposes of this law to be the employee of the subscriber and in addition thereto such employee shall have an independent right of action against such subcontractor, which shall in no way be affected by any compensation to be received by him under the provisions of this law.

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.

HB 1575 WITH SENATE AMENDMENT

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

HB 1575, A bill to be entitled An Act relating to the operation of the Joint Underwriting Association established by the Texas Medical Liability Insurance
Underwriting Association Act (Article 21.49-3, Insurance Code); amending Sections 3, 11, 12, and 13 of Article 21.49-3, Insurance Code, with regard to operations and suspension of the Joint Underwriting Association; suspending the operation of the Joint Underwriting Association and authorizing the procedures by which the State Board of Insurance may reactivate the association by adding a new article to be codified as Article 21.49-3a, Insurance Code; and declaring an emergency.

On motion of Representative D. Lee, the house concurred in the senate amendment to HB 1575.

HB 1575 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1575, A bill to be entitled An Act relating to the operation of the Joint Underwriting Association established by the Texas Medical Liability Insurance Underwriting Association Act (Acts 1975, 64th Leg., Ch. 331, p. 867, as thereafter amended codified as Insurance Code Article 21.49-3); amending Sections 3, 11, 12 and 13 of Insurance Code Article 21.49-3 with regard to operations and suspension of the Joint Underwriting Association; suspending the operation of the Joint Underwriting Association and authorizing the procedures by which the State Board of Insurance may reactivate the Association by adding a new article to be codified as Insurance Code Article 21.49-3a; and declaring an emergency.

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

SECTION 1. Sections 3, 11, 12 and 13 of Insurance Code Article 21.49-3 (added by Acts 1975, 64th Leg., Ch. 331, p. 867), as heretofore amended, are hereby amended to read as follows:

"Sec. 3. JOINT UNDERWRITING ASSOCIATION. (a) A joint underwriting association is hereby created, consisting of all insurers authorized to write and engaged in writing, within this state, on a direct basis, automobile liability and liability other than auto insurance on or after January 1, 1975, as provided in the Insurance Code, specifically including and applicable to Lloyds and reciprocal or interinsurance exchanges, but excluding farm mutual insurance companies as authorized by Chapter 16 of this code, and county mutual insurance companies as authorized by Chapter 17 of this code. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance in this state. The purpose of the association shall be to provide medical liability insurance on a self-supporting basis. The association shall not be a licensed insurer within the meaning of Article 1.14-2, Insurance Code, relating to medical liability insurance for physicians as defined in this article.

(b) The association shall, pursuant to the provisions of this article and the plan of operation with respect to medical liability insurance, have the power on behalf of its members:

(1) to issue, or to cause to be issued, policies of insurance to applicants, including primary, excess, and incidental coverages and subject to limits as specified in the plan of operation, provided that no individual or organization may be insured by policies issued by the association for an amount exceeding a total of $750,000 per occurrence and $1.5 million aggregate per annum;

(2) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions;

(3) to either or both accept and refuse the assumption of reinsurance from its members; and

(4) to cede and purchase reinsurance.

(c) The board shall, after consultation with the joint underwriting association, representatives of the public, the Texas Medical Association, the Texas
Podiatry Association, the Texas Hospital Association, and other affected individuals and organizations, promulgate a plan of operation consistent with the provisions of this article, to become effective and operative no later than 90 days after the effective date of this Act.

(2) The plan of operation shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical liability insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members and assessment of policyholders to defray losses and expenses, administration of the policyholder's stabilization reserve fund, commission arrangements, reasonable and objective underwriting standards, acceptance, assumption, and cession of reinsurance, appointment of servicing carriers, and procedures for determining amounts of insurance to be provided by the association.

(3) The plan of operation shall provide that any balance remaining in the funds of the association at the close of its fiscal year, meaning its then excess of revenue over expenditures after reimbursement of members' contributions in accordance with Section 4(b)(5) of this article by the association shall be added to the reserves of the association.

(4) Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the board, or shall be made at the direction of the board.

“Sec. 11. DISSOLUTION OF THE ASSOCIATION. Upon the effective date of this article, the board shall, after consultation with the Joint Underwriting Association, representatives of the public, the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association, and other affected individuals and organizations, promulgate a plan of suspension [dissolution] consistent with the provisions of this article, to become effective and operative on December 31, 1983, unless the board determines before that time that the association may be suspended or is no longer needed to accomplish the purposes for which it was created [and orders its dissolution, in which case, the plan of dissolution shall become effective on the date of dissolution ordered by the board]. The plan of suspension [dissolution] shall contain provisions for maintaining reserves for losses which may be reported subsequent to the expiration of all policies in force at the time of such suspension. If, [at the expiration of five years and annually thereafter, if necessary] after [December 31, 1983 or] the date of suspension [dissolution] ordered by the board, the board finds, after notice and hearing, that all known claims have been paid, provided for, or otherwise disposed of by the association, relating to policies issued prior to such suspension, then the board may wind up the affairs of the association, relating to policies issued prior to such suspension, by paying all funds remaining in the association to a special fund created by the statutory liquidator of the board as a reasonable reserve to be administered by said liquidator for unknown claims and claims expenses and for reimbursing assessments and contributions in accordance with Section 4(b)(5) of this article. The board shall, after consultation with the representatives of the public, the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association, and other affected individuals and organizations, promulgate a plan for distribution of funds, if any, less reasonable and necessary expenses, to the policyholders ratably in proportion to premiums and assessments paid during the period of time prior to suspension in which the association issued policies. When all claims have been paid and no further liability of this association exists, the statutory liquidator shall distribute all funds in its possession to the applicable policyholders in accordance with the plan promulgated by the board. If such reserve
fund administered by the statutory liquidator proves inadequate, the association shall be treated as an insolvent insurer in respect to the applicable provisions of Article 21.28, 21.28A and 21.28C, [property and casualty] Insurance Code, not inconsistent with this article. Notice of claim shall be made upon the board.

"Sec. 12. AUTHORITY OF THE BOARD OVER DISSOLUTION. At any time (before December 31, 1983 or after the date ordered for dissolution) the board finds that the association is no longer needed to accomplish the purposes for which it was created, the board may issue an order suspending [dissolving] the association as of a certain date stated in the order. As soon as may be reasonably practical after December 31, 1984, the Board shall determine whether or not medical liability insurance is reasonably available to physicians, health care providers or any category of physicians or health care providers in this state through facilities other than the association and the need for the continuation of the operation of the association as to physicians, health care providers or any category of physicians or health care providers. The Board shall not make such determination until a public meeting has been held. Prior notice of such meeting shall be given at least ten days to the same persons or entities as are required for consultation in Section 11 of this article.

"Sec. 13. TERMINATION OF POLICIES. After [December 31, 1983; if no earlier dissolution date is ordered by the board; or after the date ordered for suspension [dissolution] by the board] no policies will be issued by the association. All then issued policies shall continue in force until terminated in accordance with the terms and conditions of such policies."

SECTION 2. Chapter 21, Insurance Code, as amended is amended by adding thereto a new article to be codified as Article 21.49-3a and to read as follows:

"Section 1. Subsequent to the suspension of the operation of the Joint Underwriting Association created by the Texas Medical Liability Insurance Underwriting Association Act (Acts 1975, 64th Leg., Ch. 331, p. 867, as thereafter amended), codified as Insurance Code Article 21.49-3, it may be reactivated in conformity with the terms of Section 3 of this Article. The board may also, if it deems such action to be appropriate, direct the statutory liquidator to secure reinsurance for all claims which potentially might be brought on policies issued by the Joint Underwriting Association or take any other action which will reduce to a minimum the participation and activities of the Joint Underwriting Association until such time as the Association may be reactivated under the terms of Section 3 of this Article.

"Section 2. All terms used in this Article have the same meanings as those specifically set out in Article 21.49-3, Section 2, Insurance Code.

"Section 3. The State Board of Insurance, after notice and hearing as hereinafter provided, is authorized to reactivate the Joint Underwriting Association created by Insurance Code Article 21.49-3. A hearing to determine the need for reactivation shall be set by the State Board of Insurance on petition of the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association or as many as 15 physicians or health care providers practicing or operating in this state, or such hearing may be set by the State Board of Insurance on its own finding that physicians or health care providers, or any category thereof, in this state are threatened with the possibility of being unable to secure medical liability insurance. At least fifteen (15) days prior to the date set, notice of the hearing shall be given to each insurer which, if reactivation is ordered, would be a member of the Association as provided in Section 3(a) of Insurance Code Article 21.49-3. If the Board finds that reactivation of the Joint Underwriting Association will be in the public interest, the Board shall order the reactivation, designating the category or categories of physicians or health care providers who shall be eligible to secure medical liability insurance.
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 that this Act take effect and be in force from and after its passage and it is so enacted.

HB 642 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Willis submitted the following conference committee report on HB 642:

Austin, Texas, May 25, 1983

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 642 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.

Ted Lyon
Hugh Parmer
Lloyd Doggett
Chet Edwards
John Sharp
On the part of the Senate

Doyle Willis
Bill Blanton
Sam Russell
C. K. Word, Jr.
Lanny Hall
On the part of the House

HB 642

A BILL TO BE ENTITLED
AN ACT
relating to awarding the Texas Department of Human Resources fees for court-ordered social studies.

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

SECTION 1. Section 11.18, Family Code, is amended by adding Subsection (c) to read as follows:

(c) If the court orders the Texas Department of Human Resources to prepare the social study prescribed by Section 11.12 of this code, the court shall award a reasonable fee for the preparation of the study to the department. The department’s fee shall be taxed as costs, and shall be paid directly to the department. The department may enforce the order for the fee in its own name.

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

Representative Willis moved to adopt the conference committee report on HB 642.

The motion prevailed without objection.
SB 294 - ADOPTION OF CONFERENCE COMMITTEE REPORT
Representative C. Evans submitted the conference committee report on SB 294.
Representative C. Evans moved to adopt the conference committee report on SB 294.
The motion prevailed without objection.

SB 1190 - ADOPTION OF CONFERENCE COMMITTEE REPORT
Representative Jackson submitted the conference committee report on SB 1190.
Representative Jackson moved to adopt the conference committee report on SB 1190.
The motion prevailed without objection.

HB 1959 WITH SENATE AMENDMENTS
Representative Messer called up with senate amendments for consideration at this time, HB 1959, A bill to be entitled An Act relating to the Development Corporation Act of 1979.
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 1959 - APPOINTMENT OF CONFERENCE COMMITTEE
The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1959: Messer, chair; B. Gibson, Denton, Glossbrenner, and Saunders.

SB 482 - REQUEST OF SENATE GRANTED
On motion of Representative Messer, the house granted the request of the senate for the appointment of a conference committee on SB 482.

SB 482 - APPOINTMENT OF CONFERENCE COMMITTEE
The speaker announced the appointment of the following conference committee, on the part of the house, on SB 482: Messer, chair; Russell, Short, Word, and Keller.

SB 921 - REQUEST OF SENATE GRANTED
On motion of Representative Bush, the house granted the request of the senate for the appointment of a conference committee on SB 921.

SB 921 - APPOINTMENT OF CONFERENCE COMMITTEE
The speaker announced the appointment of the following conference committee, on the part of the house, on SB 921: Bush, chair; Millsap, Glossbrenner, Manksins, and Leonard.
SCR 126 - ADOPTED
(Pennington - House Sponsor)

Representative Pennington moved that all necessary rules be suspended to take up and consider at this time, SCR 126.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 126

WHEREAS, At least one small municipality in the state is served by three different telephone utilities; and
WHEREAS, Triplicate telephone service in that municipality results in a diversity of rates and services and creates considerable confusion; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby direct the Public Utility Commission of Texas to study and examine alternatives for resolving the problems resulting from triplicate telephone service in municipalities of 2,000 to 2,500 population according to the most recent preceding census; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Public Utility Commission of Texas as an expression of the sentiment of the 68th Legislature.

The resolution was adopted.

SCR 119 - ADOPTED
(Rudd - House Sponsor)

Representative Rudd moved that all necessary rules be suspended to take up and consider at this time, SCR 119.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 119

WHEREAS, Charles Helms and Shirley Helms allege that:
(1) their daughter, Lee Ann, was in the custody of the Texas Department of Human Resources and was placed in a foster home by that agency;
(2) another juvenile in the custody of the Lubbock County Juvenile Probation Department was placed in the same foster home; and
(3) this double placement had a seriously detrimental effect on their daughter and has caused her and them to suffer considerable pain and suffering; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Charles Helms and Shirley Helms be and are hereby granted permission to sue the State of Texas, the Texas Department of Human Resources, and the Lubbock County Juvenile Probation Department for any relief to which they may be entitled as a result of this claim; and, be it further
RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas, on the commissioner of human resources, and on the Commissioners Court of Lubbock County and that the suit be tried as other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted
by the claimants, but the alleged cause of action must be proved under the laws of
this state as in other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as a waiver of
any defense of law or fact, available to the State of Texas or to any of its employees,
agents, departments, agencies, or political subdivisions, but every defense is
specifically reserved.

The resolution was adopted without objection.

SCR 137 - ADOPTED
(Presnal - House Sponsor)

The speaker laid before the house the following privileged resolution:

SCR 137, Suspending house and senate rules limiting conference committees
in order to consider changes in S.B. 179 made by the conference committee.

A record vote was requested.

SCR 137 was adopted by (Record 579): 136 Yeas, 0 Nays, 4 Present, not
voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.;
Berkman; Blanton; Bonner; Buchanan; Burnett; Bush; Cain; Carricker; Cavazos;
Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Craddick; Criss; Crockett;
Danburg; Davis; DeLay; Delco; Denton; Ekenburg; Emmett; English; Evans, C.;
Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, M.; Gavin; Geistweidt;
Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Haley;
Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn;
Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiat;
Kuemppel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madla;
Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.;
Oliveira; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk;
Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell;
Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.;
Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Tow;
Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis;
Wilson; Wolens; Word; Wright.

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

Absent, Excused — Salinas.

Absent — Cary; Coody; Eckels; Edwards; Garcia, A.; Hall, L.; Hernandez;
Smith, C.; Toomey.

HCR 274 - ADOPTED

Representative Wilson moved that all necessary rules be suspended to take up
and consider at this time, HCR 274.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:

HCR 274, Designating June 11, 1983, as "Bob Anderson Day" in Dallas.

The resolution was adopted without objection.
On motion of Representative Ceverha, the names of all the members of the house were added to HCR 274 as signers thereof.

HCR 272 - ADOPTED

Representative DeLay moved that all necessary rules be suspended to take up and consider at this time, HCR 272.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By DeLay:

HCR 272, Expressing appreciation to the Texas Academy of Family Physicians, the Texas Medical Association, the Texas Department of Human Resources, the Texas Department of Health, L. W. Snider, M.D., Nurse Betty Lindeman, and the participating physicians of the Texas Academy of Family Physicians.

The resolution was adopted without objection.

On motion of Representative DeLay, the names of all the members of the house were added to HCR 272 as signers thereof.

HR 518 - ADOPTED

Representative Denton moved that all necessary rules be suspended to take up and consider at this time, HR 518.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Denton:

HR 518, Commending Sister Seraphine Ferrero.

The resolution was adopted without objection.

On motion of Representative G. Hill, the names of all the members of the house were added to HR 518 as signers thereof.

HR 510 - ADOPTED

Representative G. Hill moved that all necessary rules be suspended to take up and consider at this time, HR 510.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By G. Hill:

HR 510, Congratulating the Westwood High School boy's golf team.

The resolution was adopted without objection.

HR 511 - ADOPTED

Representative G. Hill moved that all necessary rules be suspended to take up and consider at this time, HR 511.

The motion prevailed without objection.
The speaker laid before the house the following resolution:

By G. Hill:

**HR 511**, Congratulating the Westwood High School girls’ golf team.

The resolution was adopted without objection.

**HR 512 - ADOPTED**

Representative Crockett moved that all necessary rules be suspended to take up and consider at this time, **HR 512**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Crockett:

**HR 512**, Extending condolences to Natasha Gillespie y Valenzuela.

The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to **HR 512** as signers thereof.

**HCR 271 - ADOPTED**

Representative Crockett moved that all necessary rules be suspended to take up and consider at this time, **HCR 271**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Crockett:

**HCR 271**, Congratulating James and Louise Hipp.

The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to **HCR 271** as signers thereof.

**HR 532 - ADOPTED**

Representative Haley moved that all necessary rules be suspended to take up and consider at this time, **HR 532**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Haley:

**HR 532**, Commending F. L. Moffett.

The resolution was adopted without objection.

**HR 529 - ADOPTED**

Representative Haley moved that all necessary rules be suspended to take up and consider at this time, **HR 529**.

The motion prevailed without objection.

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

HR 529, In memory of Phabrice Payne.
The resolution was unanimously adopted by a rising vote.

**HR 530 - ADOPTED**

Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, HR 530.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Berlanga:

HR 530, Commending the Texas Camel Racers Association.
The resolution was adopted.

**HR 535 - ADOPTED**

Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, HR 535.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Berlanga:

HR 535, Commending Dr. Cleotilde P. Garcia.
The resolution was adopted without objection.

**HCR 103 - ADOPTED**

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 103.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Wilson:

HCR 103

WHEREAS, The Presidential Medal of Freedom, the nation’s highest civilian award, was instituted in 1963 to honor those “who contribute significantly to the quality of American life”; and
WHEREAS, Texas has many distinguished citizens whose endeavors have immeasurably enhanced the quality of life in our state in a number of important areas, including the arts and humanities, science, education, public service, and human rights; and
WHEREAS, It is appropriate that the people of the State of Texas be provided with a means of paying tribute to citizens whose outstanding achievements have benefited the lives of all of the people of this state; now, therefore, be it
RESOLVED by the House of Representatives, the Senate concurring, That the 68th Legislature of the State of Texas hereby request Governor Mark White to recognize such citizens by awarding an annual Distinguished Citizen Award in each of the following categories: arts and humanities, science, education, public service, and human rights; and, be it further
RESOLVED, That the individuals so honored be presented with a suitable certificate commemorating their selection and that their names be placed on a scroll which shall be on permanent display in the governor's office; and, be it further
RESOLVED, That an official copy of this resolution be forwarded to Governor Mark White as an expression of the views of the Legislature of the State of Texas.

The resolution was adopted.

HR 534 - ADOPTED

Representative Ceverha moved that all necessary rules be suspended to take up and consider at this time, HR 534.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Ceverha:

HR 534

WHEREAS, The management of records, the dissemination of information, and the maintenance of adequate files is an integral and important function of both the legislative and executive branches of state government; and
WHEREAS, As a means of reducing operating costs and increasing office efficiency relating to records and files, the Association of Records Managers and Administrators advocates that business, industry, and government eliminate using both legal- and letter-size papers for records and correspondence; and
WHEREAS, The association initiated Project ELF (Eliminate Legal size Files) to promote this cause, and 23 states have adopted, wholly or partially, the project's recommendations; and
WHEREAS, In 1981, the Judicial Conference of the United States eliminated the legal-size requirement for all federal courts, effective January 1, 1983; and
WHEREAS, The United States Postal Service, the Securities and Exchange Commission, and the Federal Communications Commission, among others, are currently planning to eliminate legal-size forms; and
WHEREAS, The elimination of legal-size forms and records is an idea that merits serious consideration by both the legislative and executive branches of Texas government; now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature hereby direct the House Committee on State Affairs to conduct an interim study on the merits of eliminating the use of legal-size forms and other papers in state government, and to additionally conduct a comprehensive study of the management of all state records and historical documents within the committee's jurisdiction; and, be it further
RESOLVED, That for the purpose of this study the committee also include two or more public members, to be appointed by the speaker of the house; and, be it further
RESOLVED, That the committee be authorized to employ staff to assist in the conduct of this study; and, be it further
RESOLVED, That the expenses incurred in carrying out the provisions of this resolution be paid from the funds provided the committee for interim activities; and, be it further
RESOLVED, That the committee, through its chair, be authorized to issue and enforce, in the manner provided by the Rules of the House of Representatives, any process for the proper dispatch of its work under the authority of this resolution; and, be it further
RESOLVED, That the committee make a complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985. Five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed with the Texas Legislative Council; and two copies shall be filed with the chief clerk of the House of Representatives. Following official distribution of the committee report, all remaining copies shall be deposited with the legislative reference librarian.

The resolution was adopted without objection.

HR 525 - ADOPTED

Representative S. Hudson moved that all necessary rules be suspended to take up and consider at this time, HR 525.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By S. Hudson:

HR 525, Honoring St. Paul United Methodist Church of Dallas.

The resolution was adopted without objection.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 525 as signers thereof.

HR 522 - ADOPTED

Representative Fox moved that all necessary rules be suspended to take up and consider at this time, HR 522.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Fox:

HR 522, Commending Sam G. Reed.

The resolution was adopted without objection. (Fox recorded voting yes)

On motion of Representative Heflin, the names of all the members of the house were added to HR 522 as signers thereof.

HR 496 - ADOPTED

Representative Bush moved that all necessary rules be suspended to take up and consider at this time, HR 496.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bush:

HR 496, Honoring the Texas Credit Union League.

The resolution was adopted without objection.

HR 507 - ADOPTED

Representative Waldrop moved that all necessary rules be suspended to take up and consider at this time, HR 507.

The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Waldrop:

HR 507, Commending Mrs. Thelma Pryor.

The resolution was adopted without objection.

**HR 490 - ADOPTED**

Representative Barrientos moved that all necessary rules be suspended to take up and consider at this time, HR 490.

The motion prevailed without objection.

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

HR 490, Commending the efforts of the Capital City Youth Fair.

The resolution was adopted without objection.

**HR 493 - ADOPTED**

Representative Hackney moved that all necessary rules be suspended to take up and consider at this time, HR 493.

The motion prevailed without objection.

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

HR 493, Congratulating Carlos John Durham.

The resolution was adopted without objection.

**HR 526 - ADOPTED**

Representative W. Harrison moved that all necessary rules be suspended to take up and consider at this time, HR 526.

The motion prevailed without objection.

The speaker laid before the house the following resolution:
By W. Harrison:

HR 526, Commending Cecil E. Burney.

The resolution was adopted without objection.

On motion of Representative W. Harrison, the names of all the members of the house were added to HR 526 as signers thereof.

**HR 524 - ADOPTED**

Representative Barrientos moved that all necessary rules be suspended to take up and consider at this time, HR 524.

The motion prevailed without objection.

The speaker laid before the house the following resolution:
By M. Garcia:

HR 524, Endorsing and encouraging the program of tribute to Gus Garcia.

The resolution was adopted without objection.

On motion of Representative Gamez, the names of all the members of the house were added to HR 524 as signers thereof.

HR 523 - ADOPTED

Representative Gamez moved that all necessary rules be suspended to take up and consider at this time, HR 523.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Gamez:

HR 523, Congratulating Michael Casias.

The resolution was adopted without objection.

On motion of Representative Gamez, the names of all the members of the house were added to HR 523 as signers thereof.

ADJOURNMENT

Representative Watson moved that the house adjourn until 2 p.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 3:06 p.m., adjourned until 2 p.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by a committee on resolutions, as follows:

Rules and Resolutions - HR 430, HR 431, HR 432, HR 433, HR 435, HR 436, HR 437, HR 438, HR 439, HR 440, HR 441, HR 444, HR 447, HR 448, HR 450, HR 452, HR 453, HR 455, HR 456, HR 458, HR 459, HR 462, HR 463, HR 466, HR 468, HR 470, HR 471, HR 472, HR 474, HR 475, HR 476, HR 477, HR 478, HR 479, HR 480, HR 481, HR 482, HR 485, HR 487, HR 492, HR 497, HR 498, HR 499, HR 500, HR 501, HR 503, HR 504, HR 505, HR 506, HCR 261, HCR 262, HCR 264, HCR 266, HCR 267, HCR 269

ENROLLED

May 27 - HB 355, HB 2383, HCR 158, HCR 247, HCR 267

SENT TO THE GOVERNOR

May 28 - HCR 60, HCR 88, HCR 108, HCR 117, HCR 130, HCR 166, HCR 214, HCR 217, HCR 253, HB 18, HB 30, HB 64, HB 171, HB 179, HB 186, HB 283, HB 413, HB 444, HB 450, HB 484, HB 487, HB 500, HB 524, HB 590, HB 736, HB 793, HB 877, HB 838, HB 846, HB 860, HB 882, HB 965, HB 1019, HB 1054, HB 1061, HB 1118, HB 1125, HB 1208, HB 1212, HB 1254, HB 1291, HB 1301, HB 1500, HB 1554, HB 1603, HB 1608, HB 1613, HB 1655, HB 1677, HB 1710, HB 1743,
COAUTHORS AUTHORIZED

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

HB 1911 - A. Hill, Armbrister
HB 1339 - A. Smith
HB 2288 - Gandy