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

The roll of the house was called and a quorum was announced present (Record 583).

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

Absent — Berlanga; Stiles.

The invocation was offered by Reverend H. P. Hosey, pastor, First Presbyterian Church, Winsboro, Texas, as follows:

Our Creator, Sustainer and Redeemer
We bring before you our World, Nation and State
Drawn into opposing camps,
Peopled with intemperate men and women in
every walk of life, and often dominated
by them.
A world sick from pride, human neglect and
mutual alienation.
Give to us your servants, gathered here today,
the chance to participate, for Christ's sake,
in the construction of new and better human
order,
in the pacification of anger,
in the healing of the illness of world, nation
and state.
Give us of the Church, we pray thee O Sustainer
of the Church, the chance,
that with wisdom, grace and strength,
we might take our place in history.
as redeemers,
of the human family
from sustained bondage to
indifference, violence, destruction and death.
Let us honor those who have died for peace,
by living for peace,
Let us honor those who have died for "liberty,
and justice for all"
by living for liberty, and justice for all.
Enable us, O Great Enabler, to be creators of
compassion,
sustainers of the hungry and the insecure
and redeemers of human hurt, crying and
anguish,
To the dignity of the whole human family.
To the integrity of true human community.
To the glory of your holy name,
and to the honor of Jesus Christ, who came
that all your people everywhere
might have life,
and have it more abundantly. Amen.

STATEMENT BY REPRESENTATIVE T. SMITH

When the vote on adoption of the Conference Committee Report on SB 179,
the General Appropriation Bill, was taken, I was present, in my chair, and voted
yes. My light indicated a vote of yes, but the print-out indicated I did not vote. The
machine malfunctioned and I should be shown as voting yes.

T. Smith

(STILES NOW PRESENT)

HR 541 - MOTION TO SUSPEND RULES

Representative Cary moved that all necessary rules be suspended to take up and
consider at this time, HR 541.

Representative Keller raised a point of order against further consideration of
HR 541 on the grounds that one hour's notice had not been given.

The speaker sustained the point of order.

HR 541 - NOTICE GIVEN

Pursuant to the provisions of Rule 15, Section 4 of the House Rules; at
10:15 a.m., the speaker notified the house that in one hour, Representative Cary
would be recognized to make a motion to suspend all necessary rules in order to
take up and consider HR 541.

HB 788 WITH SENATE AMENDMENTS

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

HB 788, A bill to be entitled An Act relating to work credit for determining
salary or retirement benefits of a vocational teacher.

On motion of Representative C. Evans, the house concurred in the senate
amendments to HB 788.
Amend HB 788 by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Chapter 33, Title 110B, Revised Statutes, is amended by adding Section 33.404 to read as follows:

Sec. 33.404. VOCATIONAL WORK EXPERIENCE. (a) A member employed by a public school as a vocational teacher may, before the third anniversary of the date the member's employment as a vocational teacher began, establish equivalent membership service credit for vocational work experience that is creditable in the retirement system.

(b) Vocational work experience creditable in the retirement system is work experience of a type for which the member has received salary enhancement under Section 16.056(b), Texas Education Code. If a member applies for service credit under this section for a year of work experience that has not actually been used for salary enhancement, the service is not creditable unless the commissioner of education certifies to the retirement system that the service could be used under Section 16.056(b), Texas Education Code, for salary enhancement, if the person had not already received the maximum amount of enhancement permitted under that section.

(c) For each year of service credit that a member desires to purchase under this section, the member must deposit with the retirement system an amount equal to the sum of:

1. 15.15 percent of the member's highest rate of annual compensation as of the date of deposit; plus
2. a fee of eight percent of the required contribution, compounded annually, from the date of first eligibility to the date of deposit.

(d) A member may not establish more than five years of service credit under this section.

(e) The retirement system shall grant a member one year of equivalent membership service credit for each year of creditable vocational work experience for which deposits have been made as required by this section. The retirement system may not use credit granted under this section in computing service or disability retirement benefits until the member has at least 10 years of service credit for actual service in public schools.

(f) If credit established under this section is not used in determining benefits, all deposits made under this section are refundable to the member or, if applicable, the member's beneficiary.

SECTION 2. Section 35.304(a), Title 110B, Revised Statutes, is amended to read as follows:

(a) The retirement system shall deposit in a member's individual account in the member savings account:

1. the amount of contributions to the retirement system that is deducted from the member's compensation;
2. the portion of a deposit made on or after resumption of membership that represents the amount of retirement benefits received;
3. the portion of a deposit to reinstate service credit previously canceled that represents the amount withdrawn or refunded;
4. the portion of a deposit to establish membership service credit previously waived that is required by Section 33.202(b)(1) of this subtitle;
5. the portion of a deposit to establish membership service credit for service performed after retirement that is required by Section 33.502(c)(3) or 33.502(c)(5) of this subtitle;
(6) the portion of a deposit to establish military service credit required by Section 33.302(c) of this subtitle;

(7) the portion of a deposit to establish equivalent membership service credit required by Section 33.401(e), 33.402(e)(1), 33.402(e)(2), 33.403(b)(1), or 33.403(b)(2), or 33.404(c)(1) of this subtitle; and

(8) interest earned on money in the account as provided by Subsections (b) and (c) of this section and Section 35.310(b)(1) of this subtitle.

SECTION 3. Section 35.305, Title 110B, Revised Statutes, is amended to read as follows:

Sec. 35.305. STATE CONTRIBUTION ACCOUNT. The retirement system shall deposit in the state contribution account:

(1) all state contributions to the retirement system required by Section 35.404 of this subtitle;

(2) amounts from the interest account as provided by Section 35.310(b)(5) of this subtitle;

(3) retirement annuities waived or forfeited in accordance with Section 32.102(b) or 34.004 of this subtitle;

(4) fees collected under Section 35.403(h) of this subtitle;

(5) fees and interest for reinstatement of service credit or establishment of membership service credit as provided by Section 33.202, 33.501, or 33.502 of this subtitle;

(6) the portion of a deposit required by Section 33.302 of this subtitle to establish military service credit that represents a fee; [and]

(7) the portion of a deposit required by Section 33.401(e) of this subtitle to establish out-of-state service credit that represents a fee; and

(8) the portion of a deposit required by Section 33.404(c)(2) of this subtitle to establish vocational work experience service credit that represents a fee.

SECTION 4. This Act takes effect September 1, 1983.

SECTION 5. A person whose employment as a public school vocational teacher began before the effective date of this Act is not subject to the deadline for establishing credit under Section 33.404, Title 110B, Revised Statutes, as added by this Act, that is provided by Subsection (a) of that section and may establish the credit under the terms of that section at any time before September 1, 1986.

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

SENATE AMENDMENT NO. 2

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 35, SCR 52, SCR 63, SCR 67, SCR 69, SCR 70, SCR 71, SCR 72, SCR 82, SCR 83, SCR 84, SCR 85, SCR 86, SCR 87, SCR 88, SCR 89, SCR 93, SCR 98, SCR 101, SCR 107, SCR 115, SCR 117, SCR 124, SB 22, SB 79, SB 134, SB 155, SB 277, SB 381, SB 397, SB 446, SB 554, SB 622, SB 635, SB 688, SB 787, SB 800, SB 860, SB 997, SB 1019

SB 315 - RULES SUSPENDED

Representative C. Evans moved to suspend all necessary rules to allow the Conference Committee on SB 315 to meet while the house is in session.
The motion prevailed without objection.

**SB 1091 - RULES SUSPENDED**

Representative Wallace moved to suspend all necessary rules to allow the Conference Committee on **SB 1091** to meet while the house is in session at 11 a.m. today.

The motion prevailed without objection.

**SB 106 - RULES SUSPENDED**

Representative C. Evans moved to suspend all necessary rules to allow the Conference Committee on **SB 106** to meet while the house is in session at 11 a.m. in the senate conference room.

The motion prevailed without objection.

**SJR 40 - RULES SUSPENDED**

Representative Gavin moved to suspend all necessary rules to allow the Conference Committee on **SJR 40** to meet while the house is in session at 11 a.m. today in the lieutenant governor’s committee room.

The motion prevailed without objection.

**MEMORIAL DAY ADDRESS**

Speaker Lewis recognized Representative Willis who addressed the house in recognition of Memorial Day, as follows:

Mr. Speaker and Members of the House,

Today we celebrate Memorial Day in honor of American heroes who have given their lives in the service of our country. Memorial Day was first observed in 1866 after the War Between the States. It is now observed on the last Monday in May. On this day we grateful Americans pay homage to those brave men and women who have given their lives in time of war so that you and I might convene here today in the House and Senate of the Texas Legislature and that other citizens might pursue the freedoms which only we in America enjoy.

As we go about our daily lives, let us each remember that during World War I, 116,576 men and women gave their lives for these freedoms; in World War II those making the supreme sacrifice numbered 405,399; in the Korean Conflict 54,246 gave their lives; and last but not least 57,702 died as a result of the Viet Nam Conflict. Altogether a total of 633,863 Americans died in the last four wars to preserve the freedoms which we today enjoy.

Citizens in each of our 50 states today honor the hallowed ground where these war dead are buried by placing wreaths or flags on their graves and by placing a wreath at the tombs of the unknown soldiers in Arlington National Cemetery.

Mr. Speaker and Members of the House, I know that each of you join me on this 30th day of May in the year 1983 in saying thank you and God bless you to those who died that you and I might live.

**HB 2134 WITH SENATE AMENDMENTS**

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

**HB 2134**, A bill to be entitled An Act relating to the calculation of the effective tax rate for a taxing unit.

On motion of Representative Schlueter, the house concurred in the senate amendments to **HB 2134**.
HB 2134 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2134 by striking Sections 2 and 3 and inserting the following:

SECTION 2. Subsection (a), Section 5.10, Tax Code, is amended to read as follows:

(a) The board shall conduct a biennial study [annual studies] in each appraisal district to determine [the degree of uniformity of and the weighted average level of appraisals by the appraisal district within each major kind of property. The board shall publish the findings of the study before the end of the even-numbered year following the year for which the study is conducted [studies]. In conducting the study [studies], the board shall use appropriate standard statistical analysis techniques to compute measures of central tendency and average dispersion.]

SECTION 3. This Act takes effect January 1, 1984. Section 26.04, Tax Code, as amended by this Act, applies to the calculation of the tax rate for the 1984 tax year and each subsequent tax year. The tax rate for a tax year prior to 1984 is covered by the law in effect when the tax year began, and the former law is continued in effect for that purpose.

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

SENATE AMENDMENT NO. 2

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

HB 401 WITH SENATE AMENDMENTS

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

HB 401, A bill to be entitled An Act relating to the amount of per diem to which a member of a state board or commission is entitled.

On motion of Representative Presnal, the house concurred in the senate amendments to HB 401.

HB 401 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 401 by striking Section 1 in its entirety and substituting the following in lieu thereof:

SECTION 1. Section 2, Chapter 428, Acts of the 67th Legislature, Regular Session, 1981 (Article 6813f, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. AMOUNT OF PER DIEM. A [if a] member of a state board or commission is entitled [by law] to per diem relating to the member's service on the board or commission, [.] The [the] amount of the per diem is the amount prescribed by the General Appropriations Act.

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
HB 411 WITH SENATE AMENDMENTS

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

HB 411, A bill to be entitled An Act relating to funds received under a court order from a probationer for compensation to victims of crime.

On motion of Representative T. Smith, the house concurred in the senate amendments to HB 411.

HB 411 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 411 as follows:
(1) On page 3, line 15, strike “last” and substitute “first”.
(2) On page 3, line 16, strike “was” and substitute “after full restitution has been”.

SENATE AMENDMENT NO. 2

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

HB 2227 WITH SENATE AMENDMENT

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

HB 2227, A bill to be entitled An Act relating to the authority of any general-law city, town, or village to annex up to 15,840 feet gulfward of the coastline.

On motion of Representative Davis, the house concurred in the senate amendment to HB 2227.

HB 2227 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 2227, A bill to be entitled An Act relating to the authority of any general-law city, town, or village to annex up to 5,280 feet gulfward of the coastline.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 1, Title 28, Revised Statutes, is amended by adding Article 974g-2 to read as follows:

Art. 974g-2. CITIES', TOWNS', AND VILLAGES' POWER TO ANNEX GULFWARD UP TO 5,280 FEET. The governing body of any city, town, or village incorporated and operating under the general laws of this state and lying adjacent to the coastline of the Gulf of Mexico may by ordinance extend the corporate limits thereof up to 5,280 feet gulfward beyond the coastline, as that term is defined in Section 11.013 of the Natural Resources Code.

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

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

HB 1999 WITH SENATE AMENDMENTS

Representative Wright called up with senate amendments for consideration at this time,
HB 1999, A bill to be entitled An Act relating to the compensation and powers of members of the Texas State Board of Medical Examiners, to registration of practitioners and interns, to qualifications of licensees, to grounds for refusal to admit persons to examination and to issue licenses, to fees, hearings, and stays of board decisions, to cancellation, revocation, suspension, and probation of licensees, and to peace officers commissioned by the Texas State Board of Medical Examiners; defining who are peace officers; amending Sections 2.06, 3.04, 3.08, 4.01, 4.04, 4.08, and 4.10; Subsection (i), Section 3.01; Subsection (b), Section 3.10; Subsection (a), Section 4.05; and Subsection (a), Section 4.11, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes); and amending Article 2.12, Code of Criminal Procedure, 1965.

On motion of Representative Wright, the house concurred in the senate amendments to HB 1999.

HB 1999 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1
Amend HB 1999 Section 1, Sec. 2.06, by adding at the end of the first sentence the following language: "If the General Appropriations Act does not prescribe the amount of the per diem, then per diem shall consist of actual expenses for meals, lodging, and transportation plus one hundred dollars."

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

HB 2174 WITH SENATE AMENDMENTS

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

HB 2174, A bill to be entitled An Act relating to the participation of certain college and university employees in health maintenance organizations.

On motion of Representative Barrientos, the house concurred in the senate amendments to HB 2174.

HB 2174 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1
Amend HB 2174 by inserting the following after the word "qualified" on page 1, line 33: "upon proper application to the institution" and by inserting the following after the word "Texas" on page 1, line 22: "if available."

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

HB 1421 WITH SENATE AMENDMENTS

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

HB 1421, A bill to be entitled An Act relating to the deposit in financial institutions of money received by the county tax collector for motor vehicle registration and certificates of title.

On motion of Representative Jones, the house concurred in the senate amendments to HB 1421.
HB 1421 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1421, by adding a new Section 3 to read as follows and renumber Section 3 as Section 4:

SECTION 3. All monies collected by the County Tax Collector shall be remitted to the Department within one hundred-twenty (120) days of the receipt of such monies.

SENATE AMENDMENT NO. 2

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

HB 1580 WITH SENATE AMENDMENT

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

HB 1580, A bill to be entitled An Act relating to a taxpayer's remedies in the judicial review of certain property tax determinations.

On motion of Representative Jackson, the house concurred in the senate amendment to HB 1580. (C. Smith and Fox recorded voting no)

HB 1580 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1580, A bill to be entitled An Act relating to taxpayer's remedies in the judicial review of certain property tax determinations.

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

SECTION 1. Chapter 42, Tax Code, is amended by adding Section 42.29 to read as follows:

Sec. 42.29. ATTORNEY FEES. A taxpayer who prevails in an appeal to the court under Section 42.25 or Section 42.26 of this Code may be awarded reasonable attorney fees not to exceed the greater of $5,000.00 or 20% of the total amount of taxes in dispute.

SECTION 2. Section 42.27, Tax Code, is repealed.

SECTION 3. The change in law made by this Act applies only to an appeal for which notice of appeal is filed on or after the effective date of this Act. An appeal for which notice of appeal is filed before the effective date of this Act is covered by the law in effect when the notice of appeal was filed, and the former law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule required 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 490 WITH SENATE AMENDMENTS

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

HB 490, A bill to be entitled An Act relating to subdivision controls in certain counties; providing a penalty.

On motion of Representative T. Smith, the house concurred in the senate amendments to HB 490.
HB 490 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 490 by striking lines 4 through 6 on page 5 and by inserting the following before the period on page 10, line 14:

"or from which one or more lots was conveyed by a metes and bounds description and for which no subdivision plat was filed before September 1, 1983".

SENATE AMENDMENT NO. 2

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

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 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:

Local and Uncontested Calendar

HB 533 by Peveto, et al., relating to alternate jurors. (amended)
HB 1470 by Oliver, relating to the transfer of certain cases from the district courts to the county courts at law in Dallas County. (amended)
HB 2329 by J. Gibson, relating to the creation of the County Court at Law No. 2 of Ector County. (amended)
HB 2448 by Carriker, relating to the establishment of a juvenile board in Fisher, Mitchell and Nolan Counties.
HB 2429 by Hinojosa, relating to the Rio Grande Valley Municipal Water Authority; and declaring an emergency.

Respectfully,
Betty King
Secretary of the Senate

HCR 62 WITH SENATE AMENDMENT

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

HCR 62, Creating a special interim committee to study the issue of fire protection standards.

On motion of Representative Green, the house concurred in the senate amendment to HCR 62.

HCR 62 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HCR 62 as follows:
By striking the number twelve "12" in line 27, page 3, and substituting the number fifteen "15"

RESOLVED, That the committee be composed of [12] 15 members: two
And further amend HCR 62 as follows:
By striking the word "and" in line 8, page 4, and inserting the following after comma "," line 9, page 4: "Association of Fire and Casualty Companies in Texas, and Texas Insurance Advisory Association, to be selected by their respective organization, and one active or retired paid professional firefighter appointed by the Chairperson of the Texas Fire Protection Standards Committee."

Texas, Professional Insurance Agents of Texas, Society of Fire Protection Engineers, Association of Fire and Casualty Companies in Texas, and Texas Insurance Advisory Association, to be selected by their respective organization, and one active or retired paid professional firefighter appointed by the Chairperson of the Texas Fire Protection Standards Committee.

HB 1745 WITH SENATE AMENDMENTS

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

HB 1745, A bill to be entitled An Act relating to mandatory joint elections held by political subdivisions and to the use of county election precincts and polling places.

On motion of Representative Russell, the house concurred in the senate amendments to HB 1745.

HB 1745 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1745 as follows:

(1) On page 1, line 16, between "state" and "are" insert ", other than a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, that is composed of part of one or more counties."

(2) On page 1, line 22, after the period insert the following: If a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, that is composed of part of one or more counties is holding an election on the same day in all or part of the same territory as one or more political subdivisions of this state, the district may hold its election jointly in the election precincts that can be served by common polling places. If the district chooses to hold a joint election, it shall join in an agreement with the political subdivisions regarding the conduct of the election as provided by Subsection (b) of this section.

(3) On page 2, line 2, after "county" and before the bracketing insert ", other than an election held by a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, that is composed of part of one or more counties."

(4) On page 2, line 26, between "county" and the period insert "or a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, that is composed of part of one or more counties."

(5) On page 2, line 29, after the period insert the following:

In elections held by a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, that is composed of part of one or more counties, the governing body of the district shall establish the election precincts and designate the polling places for elections held by the district.

SENATE AMENDMENT NO. 2

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

HB 1277 WITH SENATE AMENDMENTS

Representative Clark called up with senate amendments for consideration at this time,
HB 1277, A bill to be entitled An Act relating to an administrative penalty for violation of laws, safety standards, and regulations relating to transportation of gas and gas pipeline facilities.

On motion of Representative Clark, the house concurred in the senate amendments to HB 1277.

HB 1277 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1277 by deleting Subsections (j), (k), and (l) and inserting, in lieu thereof, the following:

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

(1) pay the penalty in full, or
(2) if the person seeks judicial review of either the amount of the penalty or the fact of the violation, or both:
   (A) forward the amount to the commission for placement in an escrow account, or
   (B) in lieu of payment into escrow, post with the commission a supersedeas bond in a form approved by the commission for the amount of the penalty, such bond to be effective until all judicial review of the order or decision is final.

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

(l) Failure to forward the money to the railroad commission or post bond within the time provided by Section (j) of this article results in a waiver of all legal rights to contest the violation or the amount of the penalty.

SENATE AMENDMENT NO. 2

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

HB 2068 WITH SENATE AMENDMENTS

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

HB 2068, A bill to be entitled An Act relating to off-street parking facilities, terminals, and facilities of cities over 650,000 population and the issuance and security of revenue bonds therefor.

On motion of Representative Jackson, the house concurred in the senate amendments to HB 2068.

HB 2068 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2068 on pages 1 and 2 by striking Subsection (a) of the amended Section 6 and by substituting the following:

(a) The city may pledge all or any part of the revenues, income, or receipts from such fees, rentals, rates, and charges to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in
connection with the bonds. The pledged fees, rentals, rates, and charges, shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds, and, to the extent required by the ordinance authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds, and for the payment of operation, maintenance, and other expenses in connection with the facilities authorized under this Act.

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

HB 888 WITH SENATE AMENDMENT

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

HB 888, A bill to be entitled An Act relating to a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections and to the authority of a court to sentence the defendant to the department with a period of probation commencing on release from the department.

On motion of Representative Rudd, the house concurred in the senate amendment to HB 888. (Heflin recorded voting no)

HB 888 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 888, A bill to be entitled An Act relating to a court's continuing jurisdiction over a prisoner sentenced to the Texas Department of Corrections and to the authority of a court to sentence the defendant to the department with a period of probation commencing on release from the department.

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

SECTION 1. Section 3e(a), Article 42.12, Code of Criminal Procedure, 1965, is amended to read as follows:

(a) For the purposes of this section, the jurisdiction of a court in which a sentence requiring confinement in the Texas Department of Corrections is imposed for conviction [of a felony] shall continue for 180 days from the date the execution of the sentence actually begins. After the expiration of 60 days but prior to the expiration of 180 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may on his own motion or on written motion of the defendant, suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if in the opinion of the judge the defendant would not benefit from further incarceration in a penitentiary. Probation may be granted under this section only if:

(1) the defendant is otherwise eligible for probation under this article; and

(2) the defendant had never before been incarcerated in a penitentiary serving a sentence for a felony; and

(3) the offense for which the defendant was convicted was other than those defined by Section 19.02, 20.04, 21.03, 21.05, 22.03, 22.04(a)(1), (2), or (3), 29.03: 36.02, 38.03, 71.02 or a felony of the second-degree under Section 38.10; Penal Code.

SECTION 2. Sections 15(b), (c), and (d), Article 42.12, Code of Criminal Procedure, 1965, are amended to read as follows:

(b) A prisoner under sentence of death is not eligible for parole. A prisoner sentenced under Article 42.031 of this code is not eligible for parole, except that if
that prisoner is released on probation and the probation is subsequently revoked, he may become eligible for parole in the manner otherwise provided by this section. If a prisoner is serving a sentence for the offenses listed in Section 3f(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3f(a)(2) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

(c) Except as otherwise provided by this subsection, a prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner under sentence of death is not eligible for release to mandatory supervision. A prisoner sentenced under Article 42.031 of this code is not eligible for release to mandatory supervision, except that if the prisoner is released on probation and the probation is subsequently revoked, he may become eligible for release to mandatory supervision in the manner otherwise provided by this subsection. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner's proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(d) A prisoner, other than a prisoner sentenced under Article 42.031 of this code, who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

SECTION 3. Chapter 42, Code of Criminal Procedure, 1965, is amended by adding Article 42.031 to read as follows:

Art. 42.031. SPLIT SENTENCING. (a) If at the time of sentencing a defendant to a term of imprisonment in the Texas Department of Corrections the court determines that it is in the best interest of society and the defendant, the court may order a defendant who would otherwise be sentenced to serve a period of imprisonment of not less than five years or more than 10 years to serve, as a condition of probation, a period of imprisonment of not less than two years or more than three years in the department, with a term of probation supervision commencing immediately on release of the defendant from the department. The period of probation, when added to the term of imprisonment, may not exceed 10 years.

(b) Subsection (a) of this article does not apply to a defendant sentenced for an offense committed while the defendant was released on parole or mandatory supervision from a sentence for another offense.

(c) No later than the 30th day before the date that a defendant sentenced under this article is to be released from the Texas Department of Corrections, the department shall notify the court sentencing the defendant that the department will release the defendant on a specified date. The department shall include with the notice a report of any disciplinary action taken against the defendant during his period of imprisonment.
(d) At the time of release of the defendant, the Texas Department of Corrections shall pay the defendant the amount of money he would receive on release under Chapter 104, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 6166m-1, Vernon's Texas Civil Statutes). (e) All provisions of Article 42.12 of this code relating to probation apply to a defendant released to probation under this article.

(f) If a defendant sentenced under this article is released to probation and the probation is subsequently revoked, the jurisdiction of the court is terminated at the time of revocation.

SECTION 4. Section 4, Article 6181-1, Revised Statutes, is amended to read as follows:

Sec. 4. Good conduct time applies only to eligibility for parole or mandatory supervision as provided in Section 15, Article 42.12, Code of Criminal Procedure, 1965, and for the determination of the date of release to probation of a defendant sentenced under Article 42.031 of that code [as amended], and shall not otherwise affect the inmate's term. Good conduct time is a privilege and not a right. Consequently, if during the actual term of imprisonment in the department, an inmate commits an offense or violates a rule of the department, all or any part of his accrued good conduct time may be forfeited by the director. The director may, however, in his discretion, restore good conduct time forfeited under such circumstances subject to rules and policies to be promulgated by the department. Upon revocation of parole or mandatory supervision or probation granted under Article 42.031, Code of Criminal Procedure, 1965, the inmate loses all good conduct time previously accrued, but upon return to the department may accrue new good conduct time for subsequent time served in the department.

SECTION 5. The change in the law made by this Act applies only to a defendant sentenced on or after the effective date of this Act.

SECTION 6. 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 52 WITH SENATE AMENDMENTS

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

HB 52, A bill to be entitled An Act relating to the attorney general's duty to respond to requests for legal opinions.

On motion of Representative Delco, the house concurred in the senate amendments to HB 52.

HB 52 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 52 by adding after the word "thereafter" on line 23, page 1, the following:

... unless the Attorney General shall have, on or before such date, advised the official requesting such opinion, in writing, that the opinion will be delayed or not rendered and stating the reasons therefor.

SENATE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill.
Representative Jones called up with senate amendments for consideration at this time.

HB 1282, A bill to be entitled An Act relating to the split payment of and the granting of discounts for the early payment of property taxes.

On motion of Representative Jones, the house concurred in the senate amendments to HB 1282.

HB 1282 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1282 as follows:

1) Strike the current Section 2 and substitute a new Section 2 to read as follows:

SECTION 2. Section 3 0.5(a), Tax Code, as amended by H.B. No. 426, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(a) The governing body of a taxing unit that collects its own taxes may adopt the discounts provided by Subsection (b) or Subsection (c) of this section, or both, in the manner required by law for official action by the body. The discounts, if adopted, apply to taxes for a taxing unit for all units for which the adopting taxing unit collects taxes if the governing body of the other unit, in the manner required by law for official action by the body, adopts the discounts or approves of their application to its taxes by the collecting unit. If a taxing unit adopts both discounts under Subsections (b) and (c) of this section, the discounts adopted under Subsection (b) apply unless the unit mails its tax bills after September 30, in which case only the discounts under Subsection (c) apply.

2) Insert a new Section 3 to read as follows:

SECTION 3. Section 3 0.5(d), Tax Code, as amended by H.B. No. 426, Acts of the 68th Legislature, Regular Session, 1983, is repealed.

3) Renumber the current Sections 3, 4, and 5 as Sections 4, 5, and 6.

SENATE AMENDMENT NO. 2

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

HB 2061 WITH SENATE AMENDMENTS

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

HB 2061, A bill to be entitled An Act relating to the establishment and operation of Gateway State Park and to the establishment of the Gateway State Park Board.

On motion of Representative C. Evans, the house concurred in the senate amendments to HB 2061.

HB 2061 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2061 by adding a new Section 3 and a new Section 4 and renumbering the current Section 3 as Section 5 to read as follows:

"SECTION 3. Chapter 22, Parks and Wildlife Code, is amended by adding Subchapter S to read as follows:
"SUBCHAPTER S.  TRINITY RIVER STATE PARK
Section 22.251. PARK ESTABLISHED: JURISDICTION OF DEPARTMENT. The Trinity River State Park is established under the jurisdiction of the department on property that may be acquired according to this Act.

Section 22.252. DEPARTMENT TO ACQUIRE PARK LAND. (a) The department may acquire by purchase, gift, lease, or condemnation all of the land described in Section 4 of the Act that added this subchapter to this code. The department may acquire the mineral interests in that land.

(b) A lease executed under this section from the state may not exceed 30 years and may be renewed on its expiration. A lease executed under this section from any other public entity is not limited to any term of years. For purposes of this subsection, 'public entity' means an agency or instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

(c) The department may acquire the land with money from the Urban Park Fund.

(d) The department shall not expend any funds for the operation and maintenance of the Trinity River State Park.

(e) The department will honor all existing easements on the property to be acquired under this Act, as well as all existing permits to pump water from the Trinity River and to discharge water into the Trinity River.

Section 22.253. CONDEMNATION. (a) If necessary for the acquisition of the Trinity River State Park, the department may institute condemnation proceedings according to the laws of this state against any person, including a governmental entity.

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline may be the sole expense of the department.

(c) 'Sole expense' means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

Section 22.254. (a) Nothing in this Act shall preclude or prohibit the City of Dallas from initiating, developing, completing, extending, or maintaining any project, as described in Subsection (b) of this section, whether the project may be located within, partially within, or adjacent to the boundaries of Trinity River State Park.

(b) For purposes of this section, the City of Dallas by ordinance or resolution of the governing body may approve and authorize any or all of the following:

(1) the development of a lake to be located within the flood plain of the Trinity River within the City of Dallas;

(2) the extension of Trinity River flood controls which shall include but not be limited to the construction of drainage channels, swales, levees, and associated flood control appurtenances in the Trinity River flood plain which may be constructed and maintained within the boundaries of Trinity River State Park;

(3) the extension of Simpson Stuart Road at the point where it may cross the flood plain of the Trinity River; and

(4) the construction of swales in or adjacent to the natural channel of the Trinity River as necessary to provide offset capacity for full utilization of the McCommas Bluff Reclamation landfill.

(c) If the City of Dallas approves a project, as authorized by this section, the department shall grant the City of Dallas access to land within Trinity River State Park.
Park and whatever permissions are necessary in order to attain the purposes of the project.

(d) For purposes of this section, Chapter 276, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5421q, Vernon's Texas Civil Statutes), does not apply.

"SECTION 4. (a) Except as otherwise provided by this section, if the Trinity River State Park authorized by Subchapter S, Chapter 22, Parks and Wildlife Code, is established, the park shall consist of the following described land:

(1) PARCEL #1. In Southeast Dallas County, the lands bounded by the following description:
From a Starting Point at the southern edge of the Atchison, Topeka and Santa Fe (Gulf Coast and Santa Fe) Railroad trestle as it coincides with the line of state ownership on or near the west bank of the Trinity River,
Thence, in a westerly direction perpendicular to the Trinity River in a line for a distance of 200 feet;
Thence in a southerly direction, for a distance of approximately 11 miles, following a line running parallel to an 200 feet west of a line of state ownership on or near the west bank of the Trinity River, to the northern edge of Highway 635;
Thence in an easterly direction, for a distance of approximately 200 feet, along Highway 635, to the line of state ownership on or near the west bank of the Trinity River;
Thence in a northerly direction for a distance of approximately 11 miles following the line of state ownership on or near the west bank of the Trinity River, to the Starting Point.
Notwithstanding the above description, that stretch of Parcel #1 which adjoins the property of Sleepy Hollow Country Club, which lies on the west bank of the Trinity River north of Loop 12, will be confined between the Trinity River and the foot on the east side of the existing man-made levee paralleling the Trinity River on its west bank.
(2) PARCEL #2. In Southeast Dallas County, the lands bounded by the following description:
From a Starting Point at the southern edge of the Atchison, Topeka and Santa Fe (Gulf Coast and Santa Fe) railroad trestle as it coincides with the line of state ownership on or near the east bank of the Trinity River;
Thence, in an easterly direction perpendicular to the Trinity River in a line for a distance of 200 feet;
Thence, in southerly direction for a distance of approximately 11 miles, following a line running parallel to and 200 feet to the east of the line of state ownership on or near the east bank of the Trinity River, to the Northern edge of Highway 635;
Thence in a westerly direction, for a distance of approximately 200 feet, along Highway 635 to the line of state ownership on or near the east bank of the Trinity River;
Thence in a northerly direction for a distance of approximately 11 miles following the line of state ownership on or near the east bank of the Trinity River, to the Starting Point.
(3) PARCEL #3. In Southeast Dallas County, approximately 90 acres of land, described as all those lands enclosed by the boundaries of Rochester Park and the line of state ownership on or near the east bank of the Trinity River that are not currently a part of Rochester Park.
(4) PARCEL #4. In Southeast Dallas County, approximately 320 acres of lands, bounded by the following description, excluding those lands already described in Parcel #2.
From a Starting Point on the line of state ownership on or near the east bank of the Trinity River as it coincides with the eastern boundary of Rochester Park;

Thence, in a northerly direction following the eastern boundary of Rochester Park for a distance of approximately .06 mile;

Thence, never deviating from the eastern boundary of Rochester Park, in an easterly direction for a distance of approximately .09 mile;

Thence, never deviating from the eastern boundary of Rochester Park, in a northerly direction for a distance of approximately .15 mile;

Thence, never deviating from the eastern boundary of Rochester Park, in an easterly direction for approximately .19 mile where this line intersects with the west bank of White Rock Creek;

Thence in an easterly direction, following the west bank of White Rock Creek for a distance of .125 mile to the junction of White Rock Creek and its eastern tributary at that point;

Thence, crossing across White Rock Creek in an easterly direction to the western bank of the eastern tributary;

Thence, in an easterly direction, following the western bank of the eastern tributary for a distance of approximately .56 mile;

Thence, in a southerly direction in a line for a distance of approximately 1.125 miles to a point at the southwestern end of the Loop 12 bridge located on Loop 12 approximately .53 miles east of the east bank of the Trinity River;

Thence, in a southwesterly direction along the southern edge of Loop 12 for a distance of approximately .53 miles to the line of state ownership on or near the east bank of the Trinity River;

Thence in a northerly direction for a distance of approximately 1.56 miles to the Starting Point.

(5) PARCEL #5. In Southeast Dallas County, approximately 1152 acres of land bounded by the following description, excluding those lands already described in Parcel #2, and excluding those lands currently owned and used by the City of Dallas for water and sanitation treatment purposes:

From a Starting Point at the southeastern corner of Abstract 231 (Dallas County Plat Books, E. Crockett Survey) at the point where said corner intersects the line of state ownership on or near the east bank of the Trinity River;

Thence, in a Northerly direction in a line for a distance of 415 feet following the eastern boundary of Abstract 231 (Dallas County Plat Books, E. Crockett Survey);

Thence, in a Northwesterly direction in a line for a distance of approximately 1.375 miles to a point at the southwest corner of the Loop 12 bridge located on Loop 12 approximately .53 mile east of the east bank of the Trinity River;

Thence, in a Southwesterly direction along the southern edge of Loop 12 for a distance of approximately .53 miles to the line of state ownership on or near the east bank of the Trinity River;

Thence, in a southerly direction for a distance of approximately 2.22 miles to the Starting Point.

(b) In this section, “Trinity River” means only:

1. the natural Trinity River Channel south from the southern edge of the Atchison, Topeka and Santa Fe (G.C. & S.F.) Railroad trestle to the northernmost point of the artificial channel created by human construction south of Loop 12 and north of Interstate 635; and

2. the artificial channel created by human construction and located south of Loop 12 and north of Interstate 635.

(c) The lands listed in Subsection (a) of this section do not include a fee simple interest in lands already owned in fee simple by the United States or an agency of the United States, the State Department of Highways and Public Transportation,
the County of Dallas, the City of Dallas, any other municipality of the state, or department of such a municipality. However, this does not preclude the Parks and Wildlife Department from acquiring interest in those lands in less than fee simple.

(d) Except as provided by Subsection (c) of this section, the Parks and Wildlife Department may acquire lands in Parcels #1 and #2 in fee simple or in less than fee simple if a substantial decrease in price is thereby achieved.

(e) The Parks and Wildlife Department may deviate from the boundaries established by this section where it finds that the deviation will result in substantial improvement in fulfilling the objectives of this Act, provided that the total amount of land acquired if the Trinity River State Park is established shall approximate the acreage described in Subsection (a) of this section.

(f) The Parks and Wildlife Department may acquire additional areas, not to exceed 100 acres, contiguous to the areas described in Subsection (a) of this section, for reasonable access and vehicular parking.

SENATE AMENDMENT NO. 2

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

HB 1018 WITH SENATE AMENDMENTS

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

HB 1018, A bill to be entitled An Act relating to the authority of rural fire prevention districts to issue bonds, notes, and bond anticipation notes.

On motion of Representative Messer, the house concurred in the senate amendments to HB 1018.

HB 1018 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend the committee substitute for HB 1018, on page 1, line 24, by inserting between the comma and "the" the following: and on approval by a majority vote of the commissioners court of each county in which all or part of the district is located.

SENATE AMENDMENT NO. 2

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

HB 1985 WITH SENATE AMENDMENTS

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

HB 1985, A bill to be entitled An Act relating to the establishment, powers, and duties of the Texas Planning Council for Developmental Disabilities and to the rights of persons with developmental disabilities.

On motion of Representative Messer, the house concurred in the senate amendments to HB 1985.

HB 1985 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1985 on page 3, line 21, by striking “School” and substituting “Commission”.

SENATE AMENDMENT NO. 2

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

HB 1985 WITH SENATE AMENDMENTS

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

HB 1985, A bill to be entitled An Act relating to the establishment, powers, and duties of the Texas Planning Council for Developmental Disabilities and to the rights of persons with developmental disabilities.

On motion of Representative Messer, the house concurred in the senate amendments to HB 1985.

HB 1985 - TEXT OF SENATE AMENDMENTS
SENATE AMENDMENT NO. 2

Amend HB 1985 on page 3, line 10 in Section 112.012(b) by striking “an” and substituting “a voting”.

SENATE AMENDMENT NO. 3

Amend the House Committee Substitute to HB 1985 on page 5 after line 27 by adding subsection (d) to Section 112.016 as follows:

(d) The Council shall meet quarterly in regular session and on call by the Chairman when necessary for the transaction of Council business.

SENATE AMENDMENT NO. 4

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

HB 1344 WITH SENATE AMENDMENT

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

HB 1344, A bill to be entitled An Act relating to jurisdiction over and regulation of certain entities by the State Board of Insurance.

On motion of Representative Gavin, the house concurred in the senate amendment to HB 1344.

HB 1344 - TEXT OF SENATE AMENDMENT

CSHB 1344, A bill to be entitled An Act relating to jurisdiction over the regulation of certain entities by the State Board of Insurance.

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

SECTION 1. Chapter 3, Insurance Code, is amended by adding Article 3.51-68 to read as follows:

Art. 3.51-68. MULTIPLE EMPLOYER TRUSTS. (a) Except as otherwise provided in this article, a person or other entity which has contracted to provide indemnification or expense reimbursement in this state to persons domiciled in this state or for risks located in this state, whether as an insurer, administrator, funding mechanism, or by any other method, for any type of medical expenses including, but not limited to surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether this coverage is by direct payment, reimbursement, or otherwise, is presumed to be and is subject to the jurisdiction of the State Board of Insurance with respect to that activity.

In addition, such person or entity is subject to review by the Commissioner of Insurance for the purpose of determining whether the same is subject to the jurisdiction of the State Board of Insurance. A review shall include the trust agreement, articles of association, bylaws, minutes of membership or directors meetings, applications or requests for exemption filed with the United States Government the reserving technique or funding mechanism as respects the benefits or programs offered through such person or entity and the claim settlement practices and history of such person or entity. In reviewing the reserving or funding technique of such person or entity, the Commissioner shall apply the reserving requirements for an insurer licensed pursuant to Chapter 3 of the Texas Insurance Code offering similar benefits.

(b) A person or entity may establish that it is subject to the exclusive jurisdiction of the United States by providing to the State Board of Insurance a certificate, license, or other official authorization issued by the United States agency.
that permits or qualifies such person or entity to provide those services for which it is licensed or certificated and the State Board of Insurance may not exercise jurisdiction. If a person or entity is unable to provide the certificate or license or other official authorization required by this section to establish it is subject to the exclusive jurisdiction of the United States because the same is not available from the United States agency, it may file with the Commissioner of Insurance a certified copy of all application papers it filed with said agency and if such application, plan, or other paper is valid on its face, the Commissioner of Insurance may not exercise jurisdiction under this article unless after a review of all relevant matters, including those enumerated in this section, the Commissioner determines in his opinion that the person or entity is subject to the jurisdiction of the State Board of Insurance or otherwise subject to the insurance laws of this state. In arriving at the determination of jurisdiction specified above, the Commissioner shall consider, in addition to any other relevant factors, the following:

(i) is the trustee appointed, subject to termination, and controlled by the administrator or participating employers;
(ii) is there a benefit review committee or similar committee;
(iii) if there is a benefit review committee or similar committee, is such committee (a) appointed and controlled by the administrator, trustee, or participating employers, and (b) advisory in nature or does it have actual authority to determine the level of funding for benefits;
(iv) are rates of premium or contribution substantially controlled by the administrator or are they substantially controlled by the trustee or participating employers;
(v) are claim adjustment and settlement substantially controlled by the administrator, or subject to the authority of the trustee, benefit review committee, or participating employers;
(vi) is the dissemination of information, if any, under greater control of the administrator than the trustee and participating employer; and
(vii) is the administrator a third party not directly related to the trustee or participating employers or is the administrator related to, representative of, connected with, or a part of the trustee or participating employers.

In any hearing before the Board to review the Commissioner's determination of jurisdiction, any plan, fund, or program established by an association of employers and meeting the above criteria shall be presumed to be subject to the jurisdiction of the United States.

(c) A person or entity situated outside of this state may establish that it is subject to the jurisdiction of the regulatory authority of another state by providing to the State Board of Insurance an appropriate certificate, license or other official authorization issued by the regulatory authority of another state that permits or qualifies such person or entity to provide the services for which it is licensed or certified and the Commissioner of Insurance may not exercise jurisdiction under this article over such plan or trust situated outside of this state unless in the discretion of the Commissioner it appears the financial condition or claims practices of such plan or trust is such as to render it detrimental to the best interests of the beneficiaries of this state.

(d) Any person or entity aggrieved by the Commissioner's exercise of jurisdiction shall have the right to a hearing. The hearing will be before the State Board of Insurance pursuant to Article 1.04(d) of this Code. Any person or entity aggrieved by any decision of the State Board of Insurance respecting such hearing may appeal to the District Court of Travis County, Texas, pursuant to Article 1.04(d) of this Code; provided an appeal of the Board's action shall not operate to stay the Board's decision unless the court finds after hearing that a stay would not be
injurious to the welfare of the beneficiaries under the plan or trust or to the public generally.

(e) A person or entity which is unable to establish that it is either an entity situated outside of this state subject to the insurance regulatory authority of another state, or subject to the exclusive jurisdiction of the United States, or which is otherwise subject to the jurisdiction of the Commissioner of Insurance under either Sections (b) or (c) of this article is subject to examination by the State Board of Insurance, under Articles 1.15, 1.16, 1.17, 1.18, and 1.19 of this Code, to suits and prosecutions under Article 1.19 of this Code, and all other provisions of this Code applicable to persons or entities of the same type which are subject to the jurisdiction of the State Board of Insurance.

(f) The State Board of Insurance shall prepare and maintain for public inspection a list of those persons or entities described in Section (a) of this article not subject to either the insurance regulatory authority of another state or the exclusive jurisdiction of the United States which the Board has determined to be under its jurisdiction.

(g) This article shall not be construed to and does not limit the State Board of Insurance or the State of Texas to any remedy or action available under any law respecting any entity specified in this article including, but not limited to Articles 1.14, 1.14-1, 1.19, 21.28 and 21.28A of this Code. It is the sense of the Legislature that the State Board of Insurance and the State of Texas be able to choose at any time any remedy or action available under any law respecting the subject matter of this article without regard to prior proceedings under this article. This article does not limit any person, entity, plan, fund, or program from the application of any law of this state which is otherwise applicable. The exercise of jurisdiction by the Commissioner of Insurance under this article shall not be construed to cause a person or entity not otherwise subject to Articles 21.28-C, 21.28-D or 21.28-E of this Code to become a member insurer under said articles.

(h) This article does not apply to a plan, fund, or program which was heretofore or is hereafter established and maintained by a single employer for the purpose of providing for its employees to the extent that such plan, fund, or program was established and is maintained for the purpose of providing for such employees or their dependents the indemnification or expense reimbursement of medical expenses as described in Section (a) of this article or to any self-administered or self-funded employee benefit plan administered by or on behalf of political subdivisions or agencies of this state or under The Interlocal Cooperation Act (Article 4413(32C), Vernon’s Texas Civil Statutes). This provision does not relieve any such plan, fund, or program from the application of any other insurance law of this state.

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

HB 1651 WITH SENATE AMENDMENTS

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

HB 1651, A bill to be entitled An Act relating to transactions in certain counties involving business machines; providing penalties.

On motion of Representative Colbert, the house concurred in the senate amendments to HB 1651.
SENATE AMENDMENT NO. 1

Amend HB 1651 by deleting Section 15 in its entirety and renumbering Section 16 as Section 15.

SENATE AMENDMENT NO. 2

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

HB 1401 WITH SENATE AMENDMENTS

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

HB 1401, A bill to be entitled An Act relating to a refund made to an employer for unemployment compensation benefits paid to a disqualified employee, and to payments made by a reimbursing employer.

On motion of Representative Fox, the house concurred in the senate amendments to HB 1401.

HB 1401 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1401, SECTION 2, as follows:

(I) Strike "[plus one-half (1/2) of the amount of the extended benefits]" and substitute "plus one-half (1/2) of the amount of the extended benefits".

(2) Strike "claim" and substitute "initial claim".

SENATE AMENDMENT NO. 2

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

HB 773 WITH SENATE AMENDMENT

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

HB 773, A bill to be entitled An Act relating to prohibiting the discharge of waste and sewage into drainage ditches in Harris County.

On motion of Representative Eckels, the house concurred in the senate amendment to HB 773.

HB 773 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 773, A bill to be entitled An Act relating to authorizing the commissioners court of Harris County to prohibit the discharge of waste and sewage into drainage ditches in the county and to make other changes in the county road law; providing a penalty.

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

SECTION 1. Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, is amended by adding Section 1-A to read as follows:

Sec. 1-A. 'The Commissioners' Court of Harris County may prohibit the discharge of sewage and municipal, recreational, agricultural, or industrial waste into drainage ditches in the rights-of-way of county roads when such waste is not being discharged in accordance with a permit issued by the Texas Department of Water Resources. The court may adopt rules to administer this section.'
SECTION 2. Section 2, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, is amended to read as follows:

Sec. 2. Subject to the provisions of this Act, the Commissioners' Court of Harris County shall have the power and right to adopt such rules and regulations for: (1) the proper construction and maintenance of its roads, bridges and drainage as it may see proper; (2) the construction and maintenance of driveways, culverts, bridges, and other structures within the county road right-of-way to provide access to and from the traveled portion of the road to property adjoining such road which may include but shall not be limited to the following: (a) to require any individual or entity to give notice to Harris County prior to the placement, removal, or relocation of driveways, culverts, bridges, and other structures within the county road right-of-way; (b) to set requirements for the size, type, and location of such driveways, culverts, bridges, and other structures within the county road right-of-way; (3) the laying, constructing, maintaining and repairing of pipelines, lines, mains, cables, or other public utility facilities in, under, along, across, and/or over the county road right-of-way by any individual or entity authorized to do so by law, which may include but shall not be limited to the following: (a) to require notice to Harris County prior to the laying, constructing, maintaining, or repair of said pipelines, lines, mains, cables, or other public utility facilities within the county road right-of-way; (b) to set minimum requirements and conditions for such laying, constructing, maintaining, and repairing of such pipelines, lines, mains, cables, or other public utility facilities in, under, across, and/or along such county road right-of-way; (4) the drainage of land into a road, road right-of-way, or appurtenant drainage facility; (5) the collection of reasonable fees set by the Commissioners' Court from any person or entity required by such rules and regulations to give notice to Harris County. Such fees shall be used only to defray the expense of administration of such rules and regulations promulgated by the Commissioners' Court. The Commissioners' Court shall further have the power from time to time to add to, alter, or amend said rules and regulations. Any person who shall violate any provisions of any rules or regulations adopted by the Commissioners' Court pursuant to this section shall be guilty of a Class C misdemeanor and shall upon conviction be punished by a fine not to exceed Two Hundred Dollars ($200.00). Provided that shall have power from time to time to add to, alter, or amend said rules, regulations; that at any meeting when such rules and regulations are adopted, amended or repealed, there shall be present at least three commissioners and the county judge. Provided, however, if two of the commissioners shall fail or refuse to attend any regular weekly meeting of the Commissioners' Court for as long as two days in succession, then upon the third day the Commissioners' Court may, two commissioners and the county judge being present, proceed to act on any matter covered by this section, in like manner as if three members and the county judge were present, as hereinbefore provided.

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 1269 WITH SENATE AMENDMENTS

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

HB 1269, A bill to be entitled An Act relating to the maximum population for a county election precinct in which voting machines or electronic voting systems are used.
On motion of Representative Uher, the house concurred in the senate amendments to HB 1269.

**HB 1269 - TEXT OF SENATE AMENDMENTS**

**SENATE AMENDMENT NO. 1**

Amend HB 1269 by striking the number "700,000" in Subdiv. 2 of Section 1 and placing in lieu thereof the number "175,000"

**SENATE AMENDMENT NO. 2**

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

**HB 2251 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Delco submitted the following conference committee report on HB 2251:

Austin, Texas, May 27, 1983

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

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2251 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Carl Parker  
Chet Edwards  
Lloyd Doggett  
On the part of the Senate

Wilhelmina Delco  
Reby Cary  
Ed Watson  
On the part of the House

**HB 2251**

A BILL TO BE ENTITLED  
AN ACT  
relating to the creation of a state job-training program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. SHORT TITLE. This Act may be cited as the Texas Job-Training Partnership Act.

SECTION 2. PURPOSE. The purpose of this Act is to facilitate the development and implementation of effective state and local systems for managing job-training, employment, and related programs in the State of Texas, as authorized by the Federal Job Training Partnership Act (Pub. L. No. 97-300, 96 Stat. 1322, Section 122).

(2) Policy. It is state policy to coordinate all available resources from federal, state, and local governments, business, labor, and community-based organizations to develop and promote a balanced, equitable, and cost-beneficial employment and training system. It is state policy that there be consultation between the governor and the state legislature in implementing the federal Job Training Partnership Act and this Act.

SECTION 3. ESTABLISHMENT OF STATE GOALS. (a) It is a goal of this state to assist its citizens in obtaining gainful employment and in reducing dependency on public assistance and unemployment compensation by:

(1) preparing young people and unskilled adults who are economically disadvantaged for entry into the work force;
(2) assisting citizens faced with serious barriers to employment to overcome those barriers, including age, handicapped status, lack of education, and locality;

(3) taking an affirmative role in ensuring the maximum utilization of available resources in planning, implementing, and facilitating this Act through a partnership of individuals from the various diverse communities of the state, including but not limited to representatives of business communities, local and state government, ethnic communities, education communities, and the various cultural and socio-economic communities, to participate in decision-making and policy-making activities associated with programs created under this Act; and

(4) retraining individuals whose current skills are no longer in demand in the labor market and who must upgrade their work skills to return to the work force.

(b) It is a goal of this state to develop a well-trained, productive work force to meet the needs of a changing economy by:

(1) coordinating existing labor market information to maximize its utility for planning and operating programs;

(2) providing enhanced employment and training capabilities specially designed to meet the needs of business and industry, including industries that utilize advanced technology;

(3) linking employment and training services with economic development efforts; and

(4) coordinating the planning and delivery of job-training, employment and related programs provided by a number of separate state agencies so as to improve the efficiency and effectiveness of these programs.

SECTION 4. DEFINITIONS. In this Act the definitions set forth in Section 4 of the federal Act shall apply; definitions set forth below shall have the meanings indicated:


(b) "Grant recipient" means the entity which contracts for and receives funds from the governor.

(c) "Service delivery area" means a geographic area designated by the governor, which is composed of one or more units of local government within which programs can be efficiently and effectively provided.

(d) "Labor market area" means an economically integrated geographical area within which individuals may reside and find employment within a reasonable distance.

SECTION 5. ADMINISTRATION. (a) A job-training and employment staff is established within the governor's office. The staff shall:

(1) have responsibility for policy development, program planning, monitoring, and evaluation of these programs in coordination with existing state agencies as provided under the Job Training Partnership Act;

(2) provide staff support as directed by the governor for the State Job Training Coordinating Council; and

(3) perform such other functions and duties relating to the job-training, employment, and related programs as may be required by law or assigned by the governor.

(b) The Texas Department of Community Affairs shall:

(1) have primary responsibility for implementation and management of the job-training program; and

(2) perform such other functions and duties relating to the job-training program as may be required by law or assigned by the governor.

SECTION 6. MONITORING COMMITTEE. The progress of the implementation of the Job Training Partnership Act in this state shall be monitored by a joint committee appointed by the speaker of the house of representatives and
the lieutenant governor. The committee shall make recommendations for any necessary legislative action or remedies for the next regular session of the legislature as well as recommending congressional remedies.

SECTION 7. PROGRAM DELIVERY SYSTEM. (a) The governor shall designate service delivery areas according to the procedures established in the federal Act so that:

(1) each SDA meets the requirements in the federal Act for their establishment;

(2) the number of SDAs, to the extent feasible, is kept to a minimum for the purpose of administrative efficiency; and

(3) each SDA is of such size so as to receive an allocation of funds sufficient to plan and operate an effective local program as determined by the governor.

(b) The governor shall certify a Private Industry Council (PIC) in each service delivery area when the governor determines that the appointments procedures and composition of the members of the PIC are consistent with the requirements of the federal Act.

(c) The governor shall prescribe criteria for the selection of the local entity to administer programs authorized under the federal Act to insure that the entity has the capacity to:

(1) develop plans and provide for efficient and effective programs;

(2) provide in a timely fashion required and accurate management information; and

(3) properly disburse, account for, and control all expenditure of funds.

(d) The appropriate chief elected officials in each service delivery area, as specified in the federal Act, shall select the members and the initial size of the PIC in accordance with the procedures specified in the federal Act.

(e) The appropriate chief elected official or officials in the SDA shall enter into an agreement with the PIC to determine procedures for:

(1) the selection of the grant recipient, the planning entity, and the administrative entity for the SDA; and

(2) the development of the local job-training plan.

SECTION 8. STATE RESPONSIBILITIES. (a) The legislature reserves the right to review and comment on the job-training plan submitted from each service delivery area and on the governor's coordination and special services plan. The governor's plans shall be submitted to the lieutenant governor and the speaker of the house not later than February 1 of each odd-numbered year, who shall refer the plans to the appropriate senate and house committees for review and comment.

(b) The state hereby establishes a State Job Training Coordinating Council as required by the federal Act, hereinafter referred to as the "state council". The state council shall:

(1) be appointed by the governor in accordance with the requirements of the federal Act;

(2) have not more than 40 members including the chairperson;

(3) meet not less than quarterly;

(4) develop and recommend statewide goals and program objectives;

(5) identify needs for training and employment services;

(6) review operations of local programs and state agencies providing job-training, employment, and related programs identified in the federal Act;

(7) establish criteria for coordinating program planning and operations;

(8) evaluate the results of state and local training and employment services;

(9) develop and recommend the state's coordination and special services plan to the governor;

(10) perform the functions formerly conducted by the State Coordinating Committee for the work incentive program under Title IV of the Social Security Act.
Act, the advisory council established under the Wagner-Peyser Act (29 U.S.C. 49) and under the Texas Unemployment Compensation Act (Article 5221b-1 et seq., Vernon’s Texas Civil Statutes); and

(11) perform such functions and duties relating to job-training, employment, and related programs as required by the federal Act or as assigned by the governor.

(c) The governor or his delegated agency shall:

(1) prepare a statement of goals and objectives for job-training and placement programs within the state;

(2) be responsible for the planning, monitoring, implementing, and evaluating of job-training, employment, and related programs as provided for by the federal Act;

(3) shall monitor or cause to be monitored not less than annually each grant recipient and contractor to assure compliance;

(4) prescribe, within parameters established by the secretary, variations in the performance standards for programs under the federal Act. Such variations shall recognize the economic, geographic, and demographic differences in various regions of the state;

(5) provide specifications for the design, development, and operation of a statewide uniform labor market information system to facilitate the timely availability of employment and training information throughout the state;

(6) develop and provide to service delivery area information on a state and local area basis regarding economic, industrial, and labor market conditions;

(7) plan, provide for the operation of, and evaluate special model or demonstration programs (including programs receiving financial assistance from private sources);

(8) make available to service delivery areas, with or without reimbursement and upon request, appropriate information and technical assistance to assist in developing and implementing plans and programs;

(9) establish and maintain a computerized statewide management information system to collect and maintain the financial, participant, and program data necessary to insure program accountability on a monthly basis;

(10) develop and formally issue procedures to insure consistency of definitions, formats, recordkeeping, data gathering, and reporting. These procedures shall concern, but not be limited to:

(a) planning and contracting;

(b) labor market information;

(c) financial management;

(d) participant tracking;

(e) monitoring;

(f) evaluation;

(g) audit;

(h) complaints and grievance procedures;

(i) personnel standards, including equal opportunity compliance;

(j) property management;

(11) at least once every two years, the governor shall provide for an independent audit of each recipient of funds authorized under the federal Act;

(12) the governor shall approve or disapprove the final local job-training plans and modifications according to the criteria established in the federal Act;

(13) submit a coordination and special services plan to the secretary of labor in accordance with the requirements of the federal Act; and

(14) provide preservice and in-service training to improve professional capability of managers and technical staff of state agencies, local administrative entities, private industry councils, and contractors involved in planning and operating programs.
(d) All state agencies providing employment, job-training, and related programs shall provide to the state council information for planning, reviewing program operations, and evaluating program results as required by the governor. In addition, these agencies shall also submit their plans to the state council.

SECTION 9. LOCAL RESPONSIBILITIES. (a) For each SDA, it shall be the responsibility of the Private Industry Council (PIC) and the appropriate chief elected official(s) in accordance with an agreement or agreements to:

1. prepare a plan which provides a comprehensive program of job-training, employment, and related services in response to the needs of the eligible population within the SDA;

2. submit such job-training plan:

   (a) not less than 120 days before the beginning date of the plan, to each house of the state legislature and other entities as prescribed by the federal Act;

   (3) prepare and submit an annual report to the governor in accordance with the federal Act;

4. establish procedures for providing oversight of all programs conducted under the local job-training plan;

5. develop jointly with the employment service those components of the Wagner-Peyser plan which are applicable to that SDA;

6. maintain records and a management information system designed to facilitate uniform compilation and analysis of programmatic and financial data for the SDA, consistent with federal and state requirements;

7. establish fiscal, audit, and debt-collection procedures to insure the proper disbursal, use, and accounting of all funds provided under the federal Act.

(b) The PIC and appropriate chief elected official(s) are responsible for:

1. the allocation of available resources to its program;

2. developing procedures and criteria for the selecting of eligible participants and their eligibility determination; and

3. the selection of service providers with a demonstrated capability to provide effective services and achieve performance goals.

(c) If there is more than one SDA in a single labor market area, the PIC and the appropriate chief elected official(s) for each such SDA shall coordinate those activities as required by the federal Act.

SECTION 10. RULES AND REGULATIONS. The governor may in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes), prescribe such rules and regulations as the governor deems necessary to carry out the provisions of this Act and the federal Act.

SECTION 11. SEVERABILITY CLAUSE. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 12. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 13. 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.

Representative Delco moved to adopt the conference committee report on HB 2251.

The motion prevailed without objection. (C. Smith recorded voting no)

HB 337 WITH SENATE AMENDMENTS
Representative Green called up with senate amendments for consideration at this time,

**HB 337**, A bill to be entitled An Act relating to the assignment of judges by the presiding judges of administrative judicial districts.

Representative Green 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 337** - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 337**: Green, chair; T. Smith, Rangel, L. Evans, and M. Garcia.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives

House Chamber

The Honorable

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to **SB 382** and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Mauzy, Farabee, Doggett, Brooks, Caperton.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 1190** by the following vote: 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to **SB 1040** by 27 yeas, 0 nays; **SB 1306** by viva voce vote; **SB 1241** by viva voce vote; **SB 1144** by viva voce vote; **SB 988** by 29 yeas, 1 nay; **SB 987** by viva voce vote; **SB 985** by viva voce vote; **SB 923** by viva voce vote; **SB 559** by viva voce vote.

Respectfully,

Betty King

Secretary of the Senate

**HR 541** - MOTION TO SUSPEND RULES

Representative Cary moved that all necessary rules be suspended to take up and consider at this time, **HR 541**.

(Berlanga now present)

A record vote was requested.

The motion was lost (not receiving the necessary two-thirds vote) by (Record 584): 77 Yeas, 63 Nays, 1 Present, not voting.

Yees — Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Clark; Clemons; Colbert; Collazo; Criss; Crockett; Danburg; Delco; Denton; Edwards; English; Evans, L.; Gamez; Gandy; Garcia, A.;
Garcia, M.; Gavin; Gilley; Glossbrenner; Granoff; Green; Hackney; Hall, L.; Hall, W.; Harrison, D.; Harrison, W.; Hernandez; Hightower; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hur; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; Madia; Martinez, R.; Martinez, W.; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Peveto; Polk; Polumbo; Price; Ragsdale; Rangel; Salinas; Shaw; Smith, C.; Stiles; Sutton; Tejeda; Thompson, S.; Tow; Turner; Valles; Wallace; Watson; Willis; Wolens.

Nays — Agnich; Armbrister; Arnold; Blanton; Bomer; Buchanan; Ceverha; Connelly; Craddick; Davis; DeLay; Eckels; Eikenburg; Emmett; Finnell; Fox; Geistweidt; Grisham; Haley; Hall, T.; Hammond; Hanna; Hellin; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Jackson; Jones; Keller; Khoury; Kuempel; Leonard; McKenna; McWilliams; Mankins; Patrick; Patterson; Pennington; Pierce; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Thompson, G.; Toomey; Vowell; Waldrop; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker(C).

Absent — Coody; Evans, C.; Gibson, B.; Gibson, J.; Laney; Messer; Patronella; Uher; Wilson.

(Speaker pro tempore in the chair)

HR 528 - ADOPTED

Representative Kubiak moved that all necessary rules be suspended to take up and consider at this time, HR 528.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Kubiak:

HR 528

WHEREAS, It is with great pleasure that the members of the house pause this day to acknowledge the birthday of a respected colleague and friend, the Honorable Paul Moreno; and

WHEREAS, Representative Moreno, who represents District 72 in El Paso County, is currently serving his eighth term in the house; and

WHEREAS, The insight and knowledge of this esteemed lawmaker have contributed significantly to state government and his tenure has been noted by dedicated and sincere hard work for the citizens of his district; and

WHEREAS, It is the desire of his friends in the house to honor him on this special occasion; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature hereby extend sincere greetings and congratulations to Paul Moreno on the celebration of his 53rd birthday; and, be it further

RESOLVED, That a copy of this resolution be prepared for Representative Moreno as a token of best wishes from his fellow members of the Texas House of Representatives.

The resolution was adopted without objection.

On motion of Representative Valles, the names of all the members of the house were added to HR 528 as signers thereof.

SB 1026 - RULES SUSPENDED
Representative Kemp moved to suspend all necessary rules to allow the Conference Committee on SB 1026 to meet while the house is in session.

The motion prevailed without objection.

HR 545 - ADOPTED

Representative Simpson moved that all necessary rules be suspended to take up and consider at this time, HR 545.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Simpson:

HR 545, Commending Dr. George M. Waddill, Jr.

The resolution was adopted without objection.

HR 536 - ADOPTED

Representative Messer moved that all necessary rules be suspended to take up and consider at this time, HR 536.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Messer:

HR 536, In memory of Clarence Victor Griggs and Mary Cathryn White Griggs.

The resolution was unanimously adopted by a rising vote.

HR 539 - ADOPTED

Representative Tejeda moved that all necessary rules be suspended to take up and consider at this time, HR 539.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Tejeda:

HR 539, Commending Marcelino Lopez.

The resolution was adopted without objection.

HR 537 - ADOPTED

Representative Tejeda moved that all necessary rules be suspended to take up and consider at this time, HR 537.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Tejeda:

HR 537, In memory of Manuela “Mamie” Lopez.

The resolution was unanimously adopted by a rising vote.

HR 546 - ADOPTED
Representative Coody moved that all necessary rules be suspended to take up and consider at this time, HR 546.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Coody:

HR 546, In memory of Mary Habermacher Benton.

The resolution was unanimously adopted by a rising vote.

SCR 123 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, SCR 123.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 123

WHEREAS, The interim between regular sessions is an opportune time to assess legislative accomplishments of the immediate past and to identify new issues needing study in anticipation of future legislative activity beyond those issues for which specific interim studies have been directed by means of separately adopted resolutions; and

WHEREAS, The legislative interim, being over 19 months in length, may easily witness the emergence of additional issues, wholly unforeseen at the time of last adjournment; and

WHEREAS, Certain of these issues may be of great import to the people of the State of Texas, to a degree that requires their prompt consideration by committees under the joint sponsorship of both senate and house; and

WHEREAS, Though interim powers to create and charge unicameral committees have traditionally been exercised by the presiding officer of each house, there are no rule provisions enabling the creation during the interim of bicameral sponsored committees; and

WHEREAS, A grant of such standby power to the presiding officers would greatly benefit the legislative process; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby authorize the lieutenant governor and speaker of the house of representatives, or the president pro tempore of the senate or speaker pro tempore of the house in the event of a vacancy in either presiding office, to create by mutual agreement such special joint committees as they consider necessary during the legislative interim to cover the period from May 31, 1983, to January 8, 1985; and, be it further

RESOLVED, That each committee created under the authority of this resolution be composed of such combination of legislators, state officials, or citizen members as shall be determined mutually by the presiding officers establishing them; and, be it further

RESOLVED, That each committee be authorized to employ staff to assist in the conduct of its study and be authorized to enter into agreements with any corporation, organization, or person engaged in governmental research; provided that the employment of staff and any agreements with any corporation, organization, or person shall be approved by the presiding officers of the senate and the house of representatives; and, be it further

RESOLVED, That each committee have full powers with respect to witnesses and state agency cooperation as provided for in Sections 10 through 17 and Section
18 of the Legislative Reorganization Act of 1961 (Article 5429f, Vernon's Texas Civil Statutes), the provisions of those sections to be binding on witnesses and state agencies; and, be it further

RESOLVED, That necessary expenses of operations for each committee, including reimbursement for expenses incurred by members in fulfilling responsibilities associated with the committee, be paid from the contingent expense fund of the senate and the contingent expense fund of the house; and, be it further

RESOLVED, That each committee make a complete report of its findings and recommendations to the 69th Legislature or at an earlier date if so directed by the presiding officers.

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

Substitute the following for SCR 123:

WHEREAS, The interim between regular sessions is an opportune time to assess legislative accomplishments of the immediate past, and to identify new issues needing study in anticipation of future legislative activity beyond those issues for which specific interim studies have been directed by means of separately adopted resolutions; and

WHEREAS, The legislative interim, being over 19 months in length, may easily witness the emergence of additional issues, wholly unforeseen at the time of last adjournment; and

WHEREAS, Certain of these issues may be of great import to the people of the State of Texas, to a degree that requires their prompt consideration by committees under the joint sponsorship of both the senate and the house; and

WHEREAS, Though interim powers to create and charge unicameral committees have traditionally been exercised by the presiding officer of each house, there are no rule provisions enabling the creation during the interim of bicameral sponsored committees; and

WHEREAS, A grant of such standby power would greatly benefit the legislative process; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby authorize the lieutenant governor and speaker of the house of representatives, or the chair of the Senate Administration Committee or the chair of the House Administration Committee in the event of a vacancy in either presiding office, to create by mutual agreement such special joint committees as they consider necessary during the legislative interim to cover the period from May 31, 1983, to January 8, 1985; and, be it further

RESOLVED, That each committee created under the authority of this resolution be composed of such combination of legislators, state officials, or citizen members as shall be determined mutually by the presiding officers establishing each committee; and, be it further

RESOLVED, That on the request of the presiding officers of each house, the governor may appoint members to a study committee created under the authority of this resolution; and, be it further

RESOLVED, That each committee be authorized to utilize existing legislative staff to assist in the conduct of its study and be authorized to enter into agreements with any corporation, organization, or person engaged in governmental research, provided that such utilization and agreements shall be approved by the administration committees of both houses and by the lieutenant governor and speaker of the house of representatives; and, be it further

RESOLVED, That each committee have full powers with respect to witnesses and state agency cooperation as provided for in Sections 10 through 17 and Section 18, Legislative Reorganization Act of 1961 (Article 5429f, Vernon's Texas Civil
Statutes), the provisions of those sections to be binding on witnesses and state agencies; and, be it further

RESOLVED, That, on the approval of the Senate Administration Committee, senate members and appointees on each committee be reimbursed from the contingent expense fund of the senate for expenses incurred in fulfilling responsibilities associated with the committee; and, be it further

RESOLVED, That, on the approval of the House Administration Committee, house members and appointees on each committee be reimbursed from the contingent expense fund of the house for expenses incurred in fulfilling responsibilities associated with the committee; and, be it further

RESOLVED, That, on the approval of the administration committees of both houses, other necessary expenses of operation for each committee be paid from the contingent expense fund of the senate and the contingent expense fund of the house; and, be it further

RESOLVED, That each committee make a complete report of its findings and recommendations to the 69th Legislature, or at a date specified by the presiding officers or chairs of the administration committees.

The amendment was adopted without objection.

SCR 123, as amended, was adopted without objection.

MESSAGE FROM THE SENATE
Austin, Texas, May 30, 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 concurred in House Amendments to SB 1281 by viva voce vote; SB 864 by viva voce vote; SB 757 by 30 yeas, 1 nay; SB 607 by viva voce vote; SB 194 by 30 yeas, 1 nay; SB 1274 by viva voce vote; SB 1213 by 30 yeas, 1 nay; SB 812 by viva voce vote; SB 306 by 30 yeas, 1 nay; SB 1352 by 29 yeas, 1 nay, 1 present, not voting; SB 123 by viva voce vote; SB 60 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 216 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 385 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SCR 135 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Parker, Washington, Doggett, Mauzy, McFarland.

Respectfully,
Betty King
Secretary of the Senate

HR 508 - ADOPTED
Representative Gilley moved that all necessary rules be suspended to take up and consider at this time, **HR 508**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gilley:

**HR 508**, Congratulating Miss Eydie McDowell.

The resolution was adopted without objection.

**HR 284 - ADOPTED**

Representative Oliver moved that all necessary rules be suspended to take up and consider at this time, **HR 284**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Oliver:

**HR 284**, Congratulating the Reverend H. D. Webb, Sr., and the congregation of the Griggs Chapel Baptist Church.

The resolution was adopted without objection.

**HR 494 - ADOPTED**

Representative D. Lee moved that all necessary rules be suspended to take up and consider at this time, **HR 494**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By D. Lee:

**HR 494**, Congratulating the Auxiliary of Catholic War Veterans Manuel Benavidez Post 1085 of Harlingen.

The resolution was adopted without objection.

(Speaker in the chair)

**HOUSE AT EASE**

At 12:11 p.m., the speaker announced that the house would stand at ease.

(A. Moreno in the chair)

(B. Barton in the chair)

(Carriker in the chair)

The chair called the house to order at 12:32 p.m.
MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 42 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Brown, Sarpalus, Lyon, McFarland, Edwards.

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 337.

The following have been appointed on the part of the Senate: Senators Brooks, Caperton, Farabee, Mauzy, Washington.

Respectfully,
Betty King
Secretary of the Senate

HOUSE AT EASE

At 12:33 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 1:01 p.m.

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 752 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 244 by the following vote: 19 yeas, 11 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 482 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 1363 by 30 yeas, 1 nay; SB 733 by viva voce vote; SB 642 by viva voce vote; SB 1228 by viva voce vote; SB 1304 by viva voce vote; SB 253 by viva voce vote.
I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 149 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 705 by the following vote: viva voce vote.

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

Local and Uncontested Calendar

HB 21 by C. Smith, relating to disruption of classes or public school transportation. (amended)

HB 160 by Staniswalis, relating to the required elements of disclosure for political advertising.

HB 470 by Blanton, relating to registration of antique motor vehicles.

HB 624 by Laney, et al., relating to the authority of certain counties concerning cemeteries.

HB 1322 by D. Lee, relating to the compensation of the county auditor of Cameron County.

HB 1511 by Wieting, relating to the regulation of bees, beekeepers and honey.

CSHB 1517 by Rudd, relating to the duty of a county to provide physical facilities, equipment, and utilities for adult probation services.

HB 1967 by Emmett, relating to the designation of county roads as farm-to-market roads.

HB 2150 by Danburg, relating to local regulation of alcoholic beverage advertising.

HB 2302 by Oliveira, relating to the county courts at law in Cameron County.

HB 2345 by Messer, relating to the election and terms of office of directors of the Comanche Hills Utility District.

HB 2346 by Messer, relating to the election and terms of office of directors of the Bell County Water Control and Improvement District No. 3.

HB 2347 by Messer, relating to the election and terms of office of directors of the Bell County Water Control and Improvement District No. 1.

HB 2359 by Messer, relating to the election and terms of office of directors of the Bell County Water Control and Improvement District No. 6.

HB 2433 by A. Garcia, relating to the civil jurisdiction of the County Court at Law of Hidalgo County and the County Court at Law No. 2 of Hidalgo County.

HB 2434 by A. Moreno, et al., relating to the validation of notes, etc.

HB 2435 by Simpson, relating to the composition and compensation of the Randall County Juvenile Board.

HB 1869 by Robnett, relating to an exemption from sales and use taxes for gold, silver, and numismatic coins and platinum, gold, and silver bullion.

Respectfully,
Betty King
Secretary of the Senate

HOUSE AT EASE

At 1:02 p.m., the chair announced that the house would stand at ease.

(Oliver in the chair)

(Speaker pro tempore in the chair)
The chair called the house to order at 2:21 p.m.

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 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 adopted the Conference Committee Report on SB 255 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 583 by 30 yeas, 1 nay; SB 1062 by viva voce vote; SCR 123 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 106 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 928 by the following vote: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

At 2:22 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 2:30 p.m.

HCR 276 - ADOPTED

Representative Willis moved that all necessary rules be suspended to take up and consider at this time, HCR 276.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Willis:

HCR 276, Congratulating the members of the Texas Christian University women's golf team and their coach.

The resolution was adopted.

HR 550 - ADOPTED

Representative Willis moved that all necessary rules be suspended to take up and consider at this time, HR 550.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Willis:

HR 550, Commending Mr. Tommy Taylor.
The resolution was adopted without objection.

(Speaker in the chair)

HB 1421 - VOTE RECONSIDERED

Representative Schlueter moved to reconsider the vote by which the house concurred in senate amendments to HB 1421.

The motion to reconsider prevailed.

HB 1421 WITH SENATE AMENDMENTS

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

HB 1421, A bill to be entitled An Act relating to the deposit in financial institutions of money received by the county tax collector for motor vehicle registration and certificates of title.

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

The motion prevailed without objection.

HB 1421 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1421: Jones, chair; Schlueter, Stiles, Shea, and Kuempel.

SB 42 - REQUEST OF SENATE GRANTED

On motion of Representative B. Gibson, the house granted the request of the senate for the appointment of a conference committee on SB 42.

SB 42 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on SB 42: B. Gibson, chair; Jackson, Turner, Wolens, and Schlueter.

HR 533 - ADOPTED

Representative G. Thompson moved that all necessary rules be suspended to take up and consider at this time, HR 533.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By G. Thompson:

HR 533, Commending Mrs. Vonnie Lewis.

The resolution was adopted without objection.

On motion of Representative Laney, the names of all the members of the house were added to HR 533 as signers thereof.

INTRODUCTION OF VONNIE LEWIS

Speaker Lewis recognized Representative G. Thompson who introduced Vonnie Lewis to the house.
Speaker Lewis presented a gavel to Mrs. Lewis.

(Speaker pro tempore in the chair)

**SB 853 - REQUEST OF SENATE GRANTED**

On motion of Representative Oliveira, the house granted the request of the senate for the appointment of a conference committee on SB 853.

**SB 853 - APPOINTMENT OF CONFERENCE COMMITTEE**

The chair announced the appointment of the following conference committee, on the part of the house, on SB 853: Oliveira, chair; Wallace, Green, G. Thompson, and Pennington.

**SB 853 - RULES SUSPENDED**

Representative Oliveira moved to suspend all necessary rules to allow the Conference Committee on SB 853 to meet while the house is in session.

The motion prevailed without objection.

**HR 552 - ADOPTED**

Representative Laney moved that all necessary rules be suspended to take up and consider at this time, HR 552.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Laney:

**HR 552**, In memory of Billy Vaughn Gist.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Luna, the names of all the members of the house were added to HR 552 as signers thereof.

**HR 554 - ADOPTED**

Representative L. Hall moved that all necessary rules be suspended to take up and consider at this time, HR 554.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By L. Hall:

**HR 554**

**WHEREAS**, Our colleague, State Representative E. Carlyle Smith, Jr., has been chosen as a Distinguished Engineer by Texas Tech University; and

**WHEREAS**, An alumnus of Texas Tech University, Representative Smith received bachelor of architecture and bachelor of science in civil engineering degrees in 1963; Mr. Smith also served as president of the student body and was a varsity basketball letterman during his years at the university; and

**WHEREAS**, As president of Smith & Warder, Inc., Representative Smith has contributed to many important architectural projects, including the Dallas County Government Center, the Grand Prairie and South Grand Prairie High Schools, and the Lew Sterrett Criminal Justice Center for Dallas County; and

**WHEREAS**, Mr. Smith is also a proficient legislator, presently serving his fifth term as a state representative from Dallas County; and
WHEREAS, This highly respected architect and engineer is a member of the American Institute of Architects and Texas Society of Architects; he is a licensed architect and registered professional engineer in Texas; and

WHEREAS, Representative Smith has shown his commitment to his community as president of the Grand Prairie Chamber of Commerce, member of the Grand Prairie planning and zoning commission, director of the Community Council of Greater Dallas, president of the Grand Prairie Jaycees, director of the Rotary Club, co-chairman of the Y.M.C.A. drive, chairman of the United Fund Drive, and president of the Grand Prairie Community Concerts Association; he is currently a director of the Midway National Bank in Grand Prairie; and

WHEREAS, Representative Smith has established a commendable record of leadership in his legislative and professional endeavors, and it is indeed appropriate that the members of the house of representatives recognize his recent well-deserved honor; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas congratulate Representative E. Carlyle Smith, Jr., on being named a Distinguished Engineer by Texas Tech University, and commend him on the praiseworthy accomplishments that earned this award; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Representative Smith as an expression of high esteem from his fellow members of the Texas House of Representatives.

The resolution was adopted without objection.

On motion of Representative Oliver, the names of all the members of the house were added to HR 554 as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HB 1169 by Khoury, relating to suits for the dissolution of marriage and affecting the parent-child relationship. (amended)

HB 1858 by D. Harrison, relating to the terms of office of directors of certain general law water districts. (amended)

HB 36 by A. Hill, relating to a Uniform Statutory Court Act. (amended)

CSHB 1299 by Geistweidt, relating to the establishment of a pilot job training and work experience program. (amended)

HB 1075 by W. Harrison, relating to the protection of public employees who report a violation of law.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 1044 by viva voce vote; SB 711 by viva voce vote; SB 360 by viva voce vote; SB 538 by viva voce vote; SB 1273 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 1091 by the following vote: viva voce vote.
I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 151 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 921 by the following vote: 31 yea, 0 nays.

Respectfully,
Betty King
Secretary of the Senate

HR 460 - ADOPTED

Representative Wright moved that all necessary rules be suspended to take up and consider at this time, HR 460.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Wright:

HR 460

WHEREAS, The Texas Legislature enacted the Texas Health Planning and Development Act in 1975 "to insure that health-care services and facilities are made available to all citizens in an orderly and economical manner and to meet the requirements of, and to implement, the National Health Planning and Resources Development Act of 1974"; the Texas Health Facilities Commission was created by the Texas Act; and

WHEREAS, The commission determines and certifies the need for proposed projects that initiate, terminate, or substantially expand certain health-care services; and

WHEREAS, There has been some recent concern that the process required for approval of changes in services does not respond to health-care needs in a cost-effective and timely manner; and

WHEREAS, House rules provide that the Committee on Public Health has jurisdiction over matters pertaining to the Texas Health Facilities Commission, and with sunset review scheduled for legislative consideration during the 69th Legislature, a committee review, during the coming interim, of the commission's duties and activities would be beneficial; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby direct the House Committee on Public Health to study the Texas Health Facilities Commission; and, be it further

RESOLVED, That the committee closely monitor the sunset review of the Texas Health Facilities Commission and that the committee make recommendations to the Texas Sunset Commission concerning its report and findings; and, be it further

RESOLVED, That the committee be authorized to employ staff to assist in the conduct of the study; 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 of the Texas Legislature, any process for the proper dispatch of its work under the authority of this resolution; and, be it further

RESOLVED, That the committee be authorized to request the assistance, where needed in the discharge of its duties, of the Texas Sunset Commission, the Texas Health Facilities Commission, the Texas Department of Health, and all other
state agencies, departments, and offices, and that it be the duty of such agencies, departments, and offices to assist the committee when requested to do so. The committee shall have the power to inspect the records, documents, and files of every agency, department, and office of the state, to the extent necessary to the discharge of its duties within the area of its jurisdiction; and, be it further

RESOLVED, That the 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 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. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Library.

The resolution was adopted without objection.

HR 540 - ADOPTED

Representative Wright moved that all necessary rules be suspended to take up and consider at this time, HR 540.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Wright:

HR 540

WHEREAS, Alcohol-related accidents have long been recognized as the major cause of highway deaths and injuries; and
WHEREAS, Traffic deaths in Texas that were alcohol-related increased 70 percent from 1976 through 1981; and
WHEREAS, More than 20,000 people are killed each year in the United States in alcohol-related traffic accidents; and
WHEREAS, Possessing open containers of alcoholic beverages in the passenger portion of vehicles may contribute to the number of alcohol-related traffic accidents; and
WHEREAS, No current records are being maintained pertaining to the number of major accidents in which open containers of alcoholic beverages are present in the passenger portion of vehicles; now, therefore, be it

RESOLVED, That the House of Representatives of the State of Texas, 68th Legislature, hereby request that the Texas Department of Public Safety and other law enforcement agencies in the state maintain records of the number of traffic accidents in which an injury requiring hospitalization or a fatality occurs and in which an open container of alcoholic beverage is found in the passenger portion of any of the vehicles involved.

The resolution was adopted without objection.

HCR 3 - LAID ON THE TABLE SUBJECT TO CALL

Representative Turner moved that HCR 3 be laid on the table subject to call.

The motion prevailed without objection.
SB 42 - RULES SUSPENDED

Representative B. Gibson moved to suspend all necessary rules to allow the Conference Committee on SB 42 to meet while the house is in session at 3:45 p.m. in the sergeants committee room.

The motion prevailed without objection.

SB 921 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Bush submitted the conference committee report on SB 921.

Representative Bush moved to adopt the conference committee report on SB 921.

The motion prevailed without objection.

HR 553 - ADOPTED

Representative Peveto moved that all necessary rules be suspended to take up and consider at this time, HR 553.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Peveto:

HR 553, In memory of Fred James Early, Jr.

The resolution was unanimously adopted by a rising vote.

HR 556 - ADOPTED

Representative Uher moved that all necessary rules be suspended to take up and consider at this time, HR 556.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Uher:

HR 556, Expressing appreciation to John T. Potter.

The resolution was read and was adopted without objection.

On motion of Representative T. Hall, the names of all the members of the house were added to HR 556 as signers thereof.

HR 555 - ADOPTED

Representative Shea moved that all necessary rules be suspended to take up and consider at this time, HR 555.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Shea, et al.:

HR 555, Congratulating Cecil and Henry Stanton.

The resolution was adopted without objection.

On motion of Representative Robnett, the names of all the members of the house were added to HR 555 as signers thereof.
HR 551 - ADOPTED

Representative Barrientos moved that all necessary rules be suspended to take up and consider at this time, HR 551.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Barrientos:

HR 551, Congratulating Leonard Davila and the Street People.

The resolution was adopted without objection.

On motion of Representative M. Garcia, the names of all the members of the house were added to HR 551 as signers thereof.

HR 503 - ADOPTED

Representative Delco moved that all necessary rules be suspended to take up and consider at this time, HR 503.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Delco and Gavin:

HR 503, Commending Ruby Hernandez.

The resolution was adopted without objection.

On motion of Representative Luna, the names of all the members of the house were added to HR 503 as signers thereof.

HR 504 - ADOPTED

Representative Delco moved that all necessary rules be suspended to take up and consider at this time, HR 504.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Delco and Gavin:

HR 504, Commending Grace Jefferson.

The resolution was adopted without objection.

On motion of Representative Luna, the names of all the members of the house were added to HR 504 as signers thereof.

HR 505 - ADOPTED

Representative Delco moved that all necessary rules be suspended to take up and consider at this time, HR 505.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Delco:

HR 505, Commending Milo Payne.

The resolution was adopted without objection.
On motion of Representative Luna, the names of all the members of the house were added to HR 505 as signers thereof.

**HB 1877 WITH SENATE AMENDMENTS**

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

HB 1877, A bill to be entitled An Act relating to the contents of a wine and beer retailer's permit and a retail dealer's on-premise license.

Representative Luna moved that the house concur in the senate amendments to HB 1877.

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

The motion to not concur was lost.

The house concurred in senate amendments to HB 1877. (Clemons, G. Thompson, Hollowell, Fox, C. Smith, Craddick, and Schlueter recorded voting no)

**HB 1877 - TEXT OF SENATE AMENDMENTS**

**SENATE AMENDMENT NO. 1**

Amend HB 1877 by striking all below the enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Section 25.08, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.08. [PERMIT CONTENTS OF PERMIT; PHOTOGRAPH]. Each wine and beer retailer's permit shall contain the name [and photograph] of the individual natural person holding the permit or, if the holder is not an individual natural person, the name [and photograph] of the individual partner, officer, trustee, or receiver who is primarily responsible for the management of the premises. The commission may prescribe the size and nature of the photograph, the manner of furnishing it, and the method of affixing it to the permit.

**SECTION 2.** Section 69.08, Alcoholic Beverage Code, is amended to read as follows:

Sec. 69.08. [LICENSE CONTENTS OF LICENSE; PHOTOGRAPH]. Each retail dealer's on-premise license shall contain the name [and photograph] of the individual natural person holding the license or, if the holder is not an individual natural person, the name [and photograph] of the individual partner, officer, trustee, or receiver who is primarily responsible for the management of the premises. The commission may prescribe the size and nature of the photograph, the manner of furnishing it, and the method of affixing it to the license.

**SECTION 3.** Section 5.49, Alcoholic Beverage Code, is amended to read as follows:

Sec. 5.49. PRINTED COPIES OF CODE AND RULES. The Commission from time to time may have as many copies of this code and any commission rule governing the collection or refund of the gross receipts tax printed in pamphlet form for distribution as it finds necessary.

**SECTION 4.** Section 202.03, Alcoholic Beverage Code, is amended to read as follows:
Sec. 202.03. TAX RETURN: DUE DATE. (a) Each permittee shall file a sworn tax return with the commission on or before the 15th day of every month.

(b) The return shall be in a form prescribed by the commission or administrator and shall include a statement of the total gross taxable receipts during the preceding month and any other information required by the commission or administrator. The form may not request more detailed information from a permittee than is ordinarily readily available from a typical permittee's daily sales records.

(c) Tax due for a business day which falls in two different months is allocated to the month during which the business day begins.

SECTION 5. Chapter 202, Alcoholic Beverage Code, is amended by adding a new Section 202.15 and a new Section 202.16 to read as follows:

Sec. 202.15. EXCESS TAX. A permittee is entitled to a refund or tax credit on future tax payment for any excess tax on gross receipts paid through oversight, mistake, error, or miscalculation.

Sec. 202.16. TAX CREDITS AND REFUNDS. The commission shall provide by rule for the equitable and final disposition of tax refunds or credits when gross receipts tax is overpaid or paid by mistake. It shall prescribe the time and manner for filing claims for credits and refunds and provide appropriate forms. The statute of limitations for refunds under Sec. 202.15 shall be four years.

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

SENATE AMENDMENT NO. 2

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

HB 1299 WITH SENATE AMENDMENTS

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

HB 1299, A bill to be entitled An Act relating to the establishment of a pilot job training and work experience program for persons receiving financial assistance under the Aid to Families with Dependent Children program.

Representative Geistweidt 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 1299 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1299: Geistweidt, chair; Polk, Haley, Tow, and DeLay.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 557.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

HR 557

BE IT RESOLVED by the Texas House of Representatives, That House Rule 14, Section 9(a) is hereby suspended in order that the conference committee on Senate Bill 315 may make appropriate changes to expand the scope of the duties, programs, and funding of the Texas Department of Community Affairs; and be it further

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

RESOLVED, That the specific action contemplated by the conference committee is to add language that (1) authorizes the Texas Department of Community Affairs to administer the Community Development Block Grant Entitlement Program; (2) establishes the community development review committee; (3) authorizes appropriations made to the Department of Human Resources in Senate Bill 179 of the 68th Legislature, Regular Session to be appropriations to the Texas Department of Community Affairs; and (4) makes a state park operated by an independent board eligible for funding under programs administered by the Texas Department of Community Affairs; and be it further

RESOLVED, That the suspension of this limitation is requested to facilitate the effective and efficient administration of various programs relating to community affairs in Texas.

A record vote was requested.

The resolution was adopted by (Record 585): 131 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga(C); Blandon; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cavazos; Ceverha; Clark; Colbert; Collazo; Connelly; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckel; Eikenberg; English; Evans, C.; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn;
Representative Leonard moved that all necessary rules be suspended to take
up and consider at this time, SCR 133.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 133

WHEREAS, DiscoverAir alleges that:

(1) it contracted with the Department of Agriculture, contract number
    TX-1-81, for aerial application of granular insecticide bait to control imported fire
    ant infestations;

(2) it performed its contractual obligations in good faith;

(3) it was verbally notified on May 15, 1981, that the remainder of the
    contract was being canceled; and

(4) it was not compensated in any manner for the contract; now, therefore,
    be it

RESOLVED by the Senate of the State of Texas, the House of Representatives
concurring, That DiscoverAir be and is hereby granted permission to sue the State
of Texas and the Department of Agriculture for any relief to which it 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 and on the
commissioner of agriculture 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 claimant, 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.
Representative Cain called up with senate amendments for consideration at this time.

HB 2066, A bill to be entitled An Act relating to airport zoning regulations.

On motion of Representative Cain, the house concurred in the senate amendments to HB 2066.

HB 2066 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2066 by striking all below the enacting clause in HB 2066 by Cain and substitute in lieu thereof the following:

"SECTION 1. Section 1, Subsections (2) and (10) of the Airport Zoning Act, as amended (Article 46e-1(2) and -1(10) Vernon's Texas Civil Statutes), are amended to read as follows:

"(2) ‘Airport Hazard’ means any structure or tree [or use of land] which obstructs the air space required for the take-off, landing and flight of aircraft [or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of flight craft; hazardous; interfering with or obstructing such land; taking off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles] or which interferes with visual, radar, radio, or other systems for tracking, data acquisition, monitoring, or control of aircraft.

"(10) ‘Compatible land use’ includes any use of land adjacent to an airport that will protect the owners, occupants, or users of the land from levels of noise or vibrations created by the operations of the airport, including the taking off and landing of aircraft; that may endanger the health, safety, or welfare of the owners, occupants, or users of the land, and protect airport users from airport hazards; and means a use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

"SECTION 2. Section 3, Subsections (2) and (3) of the Airport Zoning Act, as amended (Article 46e-3(2) and -3(3), Vernon's Texas Civil Statutes), are amended to read as follows:

"(2) Where an airport is utilized in the interest of the public to the benefit of a political subdivision or where an airport owned or operated by a defense agency of the federal government or the State of Texas is located within the territorial limits of a political subdivision and any airport hazard area or controlled compatible land use area appertaining to such airport is located outside the territorial limits of said political subdivision, the political subdivision gaining the benefits of the airport's utilization in the public interest or the political subdivision withinwhose territorial limits the airport owned or operated by a defense agency of the federal government of the State of Texas is situated and the political subdivision within which the airport hazard area or controlled compatible land use area is located may create, by ordinance or resolution duly adopted, a joint airport zoning board, which board shall have the same power as that vested by Subsection (1) or (3), as applicable, to adopt, administer, and enforce airport hazard and compatible land use zoning regulations applicable to the airport hazard areas and controlled compatible land use areas in question [as that vested by subsection (1) in the political subdivision within which such area is located]. Each such joint board shall have as members two (2) representatives appointed by each political subdivision participating in its
creation and in addition a chairman elected by a majority of the members so appointed. Where an agency of the State of Texas owns and operates under authority of law an airport located within the airport hazard area or controlled compatible land use area governed by a joint zoning board, such agency shall be entitled to have two (2) representatives on such joint zoning board.

"Provided, however, where an airport is utilized in the interest of the public to the benefit of any political subdivision having more than 50,000 [25,000] inhabitants, according to the last preceding Federal Census, and such airport is located within the territorial limits of such political subdivision and any airport hazard or controlled compatible land use area appertaining to such airport is located outside of the territorial limits of said political subdivision receiving the benefits of the airport's utilization, the political subdivision shall have the same power to adopt, administer, and enforce airport hazard and compatible land use zoning regulations applicable to the airport hazard or controlled compatible land use area in question as that vested by Subsections (1) and (3) in the political subdivision within which such area is located. Each hazard or compatible land use zoning regulation shall include a statement that the airport fulfills an essential community purpose.

“(3) In this subsection Act, ‘centerline’ means a line extending through the midpoint of each end of a runway; ‘primary runway’ means existing or planned paved runway(s), as shown in the official Airport Layout Plan (ALP), of at least 3,200 feet on which a majority of the approaches to and departures from the airport occur; ‘instrument runway’ means existing or planned runway(s) of at least 3,200 feet for which there is or is planned to be an instrument landing procedure published by a defense agency of the federal government or by the Federal Aviation Administration; and ‘controlled area’ or ‘controlled compatible land use area’ means that land located outside airport boundaries and within a rectangle bounded by lines located no farther than one and one-half (1.5) statute miles from the centerline of an instrument or primary runway and lines located no farther than five (5) statute miles from each end of the paved surface of an instrument or primary runway.

“When an airport is utilized in the interest of the public to the benefit of a political subdivision or when an airport owned or operated by a defense agency of the federal government or by the State of Texas is located within the territorial limits of a political subdivision, [and whether the controlled area is located within or outside the territorial limits of the political subdivision:] the political subdivision may adopt, administer and enforce under the police power using the procedures and subject to the conditions prescribed in this Act, airport compatible land use zoning regulations for the portion of the controlled area located within that political subdivision, [for the purpose of restricting the controlled areas to compatible land use, exercise the powers prescribed by subsections (1) and (2) of this section:] The political subdivision may also by ordinance or resolution implement federal laws or rules controlling the use of land located adjacent to or in the immediate vicinity of the airport in connection with compatible land use restrictions. The establishment and enforcement of compatible land use restrictions in the controlled area shall be accomplished in the same manner as prescribed in this Act for airport hazard zoning. Each compatible land use regulation shall include a statement that the airport fulfills an essential community purpose.

SECTION 3. Section 5 of the Airport Zoning Act, as amended (Article 46e-5, Vernon’s Texas Civil Statutes), is amended to read as follows:

“(2) Prior to the initial zoning of any airport hazard or compatible land use area under this Act or the amendment of an existing airport zoning regulation, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the Airport Zoning Commission, to recommend the boundaries of the various zones to be established and the
regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city planning commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission. At least fifteen (15) days notice of the hearing shall be published in an official paper or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard or compatible land use area to be zoned.

"SECTION 4. Section 6, Subsection (2) of the Airport Zoning Act, as amended (Article 46e-6(2), Vernon’s Texas Civil Statutes), is amended to read as follows:

"(2) Non-conforming Uses and Structures. No airport zoning regulations adopted under this Act shall require changes in land use or the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in Section 7(3). For purposes of this subsection, permitted non-conforming structures include all phases or elements of a multi-phase structure, whether or not actual construction has commenced, which had received a determination of no hazard by the Federal Aviation Administration under Part 77 of the Federal Aviation Regulation (14 Code of Federal Regulations, Part 77) before the airport zoning regulations were adopted or amended under this Act.

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

SENATE AMENDMENT NO. 2

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

HB 382 WITH SENATE AMENDMENTS

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

HB 382. A bill to be entitled An Act relating to the payment by the state of certain expenses arising from the prosecution of an inmate or employee of the department of corrections and from investigation of offenses under Section 39.021, Penal Code.

On motion of Representative Hightower, the house concurred in the senate amendments to HB 382. (Heflin recorded voting no)

HB 382 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

CSHB 382. A bill to be entitled An Act relating to the payment by the state of certain expenses arising from the prosecution of an inmate of the department of corrections.

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

SECTION 1. Chapter 103, Code of Criminal Procedure, 1925, is amended by adding Article 1036 to read as follows:

Art. 1036. COST OF STATEMENT OF FACTS AND TRANSCRIPT. (a) 
In a prosecution of an offense committed while the actor was a prisoner in the
May 30, 1983

HOUSE JOURNAL

3575

custody of the department of corrections, the state shall reimburse the county for expenses incurred by the county, in an amount that the court determines to be reasonable, for payment of:

1. Salaries and expenses of foreign language interpreters and interpreters for deaf persons whose services are necessary to the prosecution;
2. Consultation fees of experts whose assistance is directly related to the prosecution;
3. Travel expenses for witnesses;
4. Expenses for the food and lodging of jurors;
5. Compensation of witnesses;
6. The cost of preparation of a statement of facts and a transcript of the trial for purposes of appeal;
7. If the death of a person is an element of the offense, expenses of an inquest relating to the death;
8. Food, lodging, per diem, and travel expenses incurred by the prosecutor’s staff during travel essential to the prosecution of the offense;
9. Court reporter’s fees; and
10. The cost of special security officers.

(b) If there is a change of venue, then the court may, in its discretion, determine that a special prosecutor should be hired for the prosecution of an offense described in Section (a) of this article, and the state shall reimburse the county for the salary and expenses of the special prosecutor if the court determines that the hiring of the special prosecutor was reasonable. The amount of reimbursement may not exceed an amount that the court determines to be reasonable.

(c) The state shall reimburse the county for expenses incurred by the county for the investigation of an offense described in Section (a) of this article, whether or not the investigation results in the prosecution of an offense.

(d) The court shall certify the amount of reimbursement for expenses under Sections (a) and (b) of this article to the comptroller of public accounts. The comptroller shall issue a warrant in that amount to the commissioners court of the county.

(e) The commissioners court of the county shall certify the amount of reimbursement for expenses under Section (c) of this article to the comptroller of public accounts. The comptroller shall issue a warrant in that amount to the commissioners court or, if the comptroller determines that the amount certified by the commissioners court is unreasonable, in an amount that the comptroller determines to be reasonable.

SECTION 2. This Act applies only to the reimbursement of expenses incurred by a county on or after the effective date of this Act. Sections (a) and (b) of Article 1036, Code of Criminal Procedure, 1925, as enacted by this Act, do not apply to the reimbursement of expenses incurred in the prosecution of an offense for which the indictment was presented to or the information was filed with the court before the effective date of this Act.

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

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

SENATE AMENDMENT NO. 2

Amend CS HB 382 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 103, Code of Criminal Procedure, 1925, is amended by adding Article 1036 to read as follows:
Art. 1036. COST OF STATEMENT OF FACTS AND TRANSCRIPT. The state may pay to Walker County, Texas, for costs of prosecution of offenses committed while the actor was a prisoner in the custody of the Department of Corrections, or while the actor was an employee of the Department of Corrections in the discharge of his official duties. The court in which the case is tried shall certify the amount of reimbursement for expenses under this provision to the comptroller of public accounts. The comptroller shall issue a warrant in that amount to Walker County subject to the amounts appropriated for this purpose. This provision applies only to the reimbursement of expenses incurred by Walker County in a prosecution which occurs after the effective date of this Act.

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

SECTION 3. This Act expires August 31, 1985.

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

SENATE AMENDMENT NO. 3

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

SCR 59 - ADOPTED
(Presnal - House Sponsor)

Representative Presnal moved that all necessary rules be suspended to take up and consider at this time, SCR 59.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 59

WHEREAS, Shelia A. Jones alleges that in the summer of 1981 she entered into a contract with Texas A&M University for temporary storage of jewelry and other personal items valued at $486 in the Walton Storage Area; and

WHEREAS, Shelia A. Jones alleges that said contract provided for the doors to the storage area to be locked; and

WHEREAS, Shelia A. Jones alleges that in June, 1981, said doors were removed from the storage buildings in direct contradiction to said contract; and

WHEREAS, Shelia A. Jones alleges that Texas A&M University has withheld compensation for replacement of personal items lost by her due to failure of said university to comply with its obligations under the contract; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Shelia A. Jones be and is hereby granted permission to sue The Texas A&M University System for any relief to which she 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 Board of Regents of The Texas A&M University System 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 claimant, 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.

HR 461 - NOTICE GIVEN

Pursuant to the provisions of Rule 15, Section 4 of the House Rules; at 4:21 p.m., the chair notified the house that in one hour, Representative C. Evans would be recognized to make a motion to suspend all necessary rules in order to take up and consider HR 461.

HR 538 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 538.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

HR 538, Congratulating Dave Balmforth.

The resolution was read and was adopted without objection.

On motion of Representative Berlanga, the names of all the members of the house were added to HR 538 as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives

The Honorable

Mr. Speaker:

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 1421.

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

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 2251 by the following vote: viva voce vote.

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

HB 1191 by C. Evans, relating to the revision, recodification and reenactment of substantive and procedural laws; and declaring an emergency. (amended)

HB 1502 by Peveto, relating to proration of property taxes because of loss of an exemption during a tax year.

The Senate has discharged conferees on HB 1015.

Respectfully,

Betty King
Secretary of the Senate
HB 350 WITH SENATE AMENDMENTS

Representative S. Hudson called up with senate amendments for consideration at this time,

HB 350, A bill to be entitled An Act relating to the placement of signs outside of the entrance of a polling place.

On motion of Representative S. Hudson, the house concurred in the senate amendments to HB 350. (Heflin recorded voting no)

HB 350 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 350, Section 1, Subsection (b) by removing the words “rule of the secretary of state” and placing in lieu thereof “the Texas Election Code”.

SENATE AMENDMENT NO. 2

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

HB 1769 WITH SENATE AMENDMENTS

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

HB 1769, A bill to be entitled An Act relating to imposition of a fee by the Texas Department of Water Resources to be used to pay expenses of inspection of waste treatment facilities.

On motion of Representative Eckels, the house concurred in the senate amendments to HB 1769.

HB 1769 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1769 as follows: (1) Add appropriately numbered sections 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 970a, 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), 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 59, 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.
(e)  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.
(c)  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 to 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, or 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 or deputy 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 meetings 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.

(f) 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.

[Sections 65.123-65.200 reserved for expansion]

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 district. 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 $3,000 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. AREAWIDE 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.
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.

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 of 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 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.

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) After the order is recorded, the area is a component part of the district.

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.

(c) The districts may be consolidated only if the qualified voters in each district voting at the election vote in favor of the consolidation.

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) New 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 the Texas Civil Statutes 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 2. 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 3. 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, or variable, or floating, according to any clearly-stated formula, calculation, or method) variable, floating, adjustable, 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 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 reregistered 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.

SENATE AMENDMENT NO. 2

Amend HB 1769 by adding the following new Sections 2 and 3 and renumbering Section 2 to be Section 4:

SECTION 2. Subsection (e), Section 4, Solid Waste Disposal Act (Article 4477-7, Vernon’s Texas Civil Statutes), is amended to read as follows:

(e) Except as provided in Subsection (f) of this section with respect to certain industrial solid wastes, each state agency has the power to require and issue permits authorizing and governing the construction, operation, and maintenance of solid waste facilities used for the storage, processing, or disposal of solid waste. This power may be exercised by a state agency only with respect to the solid waste over which it has jurisdiction under this Act. If this power is exercised by a state agency, that state agency shall prescribe the form of and reasonable requirements for the permit application and the procedures to be followed in processing the application, to the extent not otherwise provided for in this subsection. The following additional provisions apply if a state agency exercises the power authorized in this subsection:

(1) The state agency to whom the permit application is submitted shall mail a copy of the application or a summary of its contents to the Texas Air Control Board, to the other state agency, to the mayor and health authorities of any city or town within whose territorial limits or extraterritorial jurisdiction the solid waste facility is located, and to the county judge and health authorities of the county in which the facility is located. The governmental entities to whom the information is mailed shall have a reasonable time, as prescribed by the state agency to whom the application was originally submitted, to present comments and recommendations on the permit application before that state agency acts on the application.

(2) A separate permit shall be issued for each solid waste facility. The permit shall include the names and addresses of the person or persons who own the land where the solid waste facility is located and the person who is or will be the operator or person in charge of the facility; a legal description of the land on which the facility is located; and the terms and conditions on which the permit is issued, including the duration of the permit. The state agency in its discretion shall have the power to process a permit application for purpose of determining land use compatibility alone, and at another time, if the site location is acceptable, consider technical matters related to the application. Where this power is exercised, a public hearing may be held for each determination in accordance with Paragraph (4) of this Subsection (e).

(3) The state agency may amend, extend, or renew any permit it issues in accordance with reasonable procedures prescribed by the state agency. The procedures prescribed in Paragraph (1) of this Subsection (e) for permit applications apply also to applications to amend, extend, or renew a permit.

(4) Before a permit is issued, amended, extended, or renewed, the state agency to which the application is submitted shall provide an opportunity for a hearing to the applicant and persons affected; the state agency may also hold such a hearing upon its own motion. The state agency by rule shall establish procedures for public notice and any public hearing authorized under this paragraph. A hearing on a permit involving a solid waste facility for hazardous industrial solid waste must include one session held in the county in which the solid waste facility is located. Hearings under this paragraph shall be conducted in accordance with the hearing
rules adopted by the state agency and the applicable provisions of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(5) Before a permit is issued, amended, extended, or renewed, the state agency to which the application is submitted may require the permittee to execute a bond or give other financial assurance conditioned on the permittee’s satisfactorily operating and closing the solid waste facility. The state agency to which the application is submitted shall require an assurance of financial responsibility as may be necessary or desirable consistent with the degree and duration of risks associated with the processing, storage, or disposal of specified solid waste. Financial requirements established by the state agency shall at a minimum be consistent with the federal requirements established under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C., 6901 et seq., as amended.

(6) If a permit is issued, amended, renewed, or extended by a state agency in accordance with this Subsection (c), the owner or operator of the solid waste facility does not need to obtain a license for the same facility from a county, or from a political subdivision exercising the authority granted in Section 6 of this Act.

(7) A permit issued under this Act is issued only to the person in whose name the application is made and is issued only for the facility described in the permit. A permit may not be transferred without prior written notice to and prior written approval by the state agency which issued it.

(8) The state agency has the authority, for good cause, to revoke or amend any permit it issues for reasons pertaining to public health, air or water pollution, land use, or violation of this Act or of any other applicable laws or rules controlling the management of solid waste. The state agency using this authority shall notify the governmental entities named in Paragraph (1) of this Subsection (c) and provide an opportunity for a hearing to the permittee and persons affected. The state agency may hold such a hearing upon its own motion. The state agency by rule shall establish procedures for public notice and any public hearing authorized under this paragraph. Hearings under this paragraph shall be conducted in accordance with the hearing rules adopted by the state agency and the applicable provisions of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(9) Manufacturing and processing establishments, commonly known as rendering plants, which process for any purpose waste materials originating from animals, poultry, and fish (all hereinafter referred to as “animals”) and materials of vegetable origin, including without limitation animal parts and scraps, offal, paunch manure, and waste cooking grease of animal and vegetable origin are subject to regulation under the industrial solid waste provisions of this Act and may also be regulated under Chapter 26, Water Code. When a rendering establishment is owned by a person who operates the rendering establishment as an integral part of an establishment engaged in manufacturing or processing for animal or human consumption food derived wholly or in part from dead, slaughtered, or processed animals, poultry, or fish, the combined business may operate under authority of a single permit issued pursuant to Chapter 26, Water Code. The provisions of this subsection do not apply to those rendering plants in operation and production on or before August 27, 1973.

(10) Each state agency may issue an emergency order, either mandatory or prohibitory in nature, regarding any activity of solid waste management within its jurisdiction, whether such activity is covered by a permit or not, if the state agency determines that the activity is creating or will cause extensive or severe property damage or economic loss to others or is posing an immediate and serious threat to human life or health and that other procedures available to the state agency to
remedy or prevent the occurrence of the situation will result in unreasonable delay. The order may be issued without notice and hearing, or with such notice and hearing as the state agency deems practicable under the circumstances.

(i) If an emergency order is issued under this authority without a hearing, the issuing agency shall fix a time and place for a hearing to be held in accordance with the departmental rules by the state agency, so as to affirm, modify, or set aside the emergency order.

(ii) The requirements of Paragraph (4) of this subsection relating to public notice do not apply to such a hearing, but such general notice of the hearing shall be given in accordance with the departmental rules of the state agency.

SECTION 3. Subsection (a), Section 5, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Every county has the solid waste management powers which are enumerated in this Section 5. However, the exercise of the licensing authority and other powers granted to counties by this Act does not preclude the department or the department of water resources from exercising any of the powers vested in the department or the department of water resources under other provisions of this Act, including specifically the provisions authorizing the department and the department of water resources to issue permits for the construction, operation, and maintenance of facilities for the processing, storage, or disposal of solid waste. The powers specified in Subsections (d) and (e) of this section and Section 18 of the County Solid Waste Control Act (Article 4477-8, Vernon's Texas Civil Statutes) may not be exercised by a county with respect to the industrial solid waste disposal practices and areas to which Subsection (I) of Section 4 of this Act applies. The department or the department of water resources, by specific action or directive, may supersede any authority or power granted to or exercised by a county under this Act, but only with respect to those matters which are, under this Act, within the jurisdiction of the state agency acting.

SENATE AMENDMENT NO. 3

Amend Section 1 of HB 1769 by deleting underlined Subsection (b), page 1, and substituting the following in lieu thereof:

(b) The board, by rule, shall adopt a fee schedule for determining the amount of the fee to be charged. The amounts of the fees in such schedule shall be proportional to the average volume of discharge specified in the permit, beginning at $100 for a zero discharge or small discharge, and a maximum of $2,000 for the largest average volume of discharge in the state. The annual fee to be charged each permittee shall be that set by the fee schedule adopted by the board.

SENATE AMENDMENT NO. 4

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

SCR 113 - ADOPTED
(Wallace - House Sponsor)

Representative Wallace moved that all necessary rules be suspended to take up and consider at this time, SCR 113.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 113

WHEREAS, The Houston Metropolitan Transit Authority is contemplating the purchase of 150 buses from a foreign manufacturer; and
WHEREAS, The foreign-made articulated buses under consideration have proved to be a costly failure in other American cities; and
WHEREAS, Buses are manufactured in the Rio Grande Valley of Texas which are of superior quality, have lower maintenance costs, and are 40 percent less expensive than the foreign made product; and
WHEREAS, The purchase of the Texas-made buses would help alleviate the unemployment crisis in South Texas and stimulate that area’s economy; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature express its desire that the Houston Metropolitan Transit Authority purchase buses manufactured in this state; and, be it further
RESOLVED, That the Texas Secretary of State send an official copy of this resolution to Allen Kiepper, General Manager of the Houston Metropolitan Transit Authority.

The resolution was adopted.

SCR 122 - ADOPTED
(Waldrop - House Sponsor)

Representative Waldrop moved that all necessary rules be suspended to take up and consider at this time, SCR 122.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 122

WHEREAS, John B. McDonald, Jerry Calhoun, J. Christopher Kolstad, Bobby Reed, and Joe Cannon allege that:
(1) they jointly own an undivided one-third interest in certain real property located in Limestone County, Texas;
(2) in 1914 the State of Texas purportedly received title to that property through escheat declared in a judgment by the District Court of Limestone County;
(3) the proceedings and judgment through which the state claims ownership of the property are either void or voidable; and
(4) the 1914 judgment has caused a cloud on their title to the property and that cloud can only be removed through a proceeding in a court of competent jurisdiction; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That John B. McDonald, Jerry Calhoun, J. Christopher Kolstad, Bobby Reed, and Joe Cannon be and are hereby granted permission to sue the State of Texas and the General Land Office in any court of competent jurisdiction in Limestone County 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 and on the Commissioner of the General Land Office 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.

**HB 2276 WITH SENATE AMENDMENT**

Representative Geistweidt called up senate amendment for consideration at this time,

**HB 2276**, A bill to be entitled An Act relating to the right of the state to appropriate water.

On motion of Representative Geistweidt, the house concurred in the senate amendment to HB 2276.

**HB 2276 - TEXT OF SENATE AMENDMENT**

**SENATE AMENDMENT NO. 1**

**CSHB 2276**, A bill to be entitled An Act relating to the right of the state to appropriate water.

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

**SECTION 1.** Section 11.024, Water Code, is amended to read as follows:

Sec. 11.024. APPROPRIATION: PREFERENCES. In order to conserve and properly utilize state water, the public welfare requires not only recognition of beneficial uses but also a constructive public policy regarding the preferences between these uses, and it is therefore declared to be the public policy of this state that in appropriating state water preference shall be given to the following uses in the order named:

1. domestic and municipal uses, including water for sustaining human life and the life of domestic animals, it being the public policy of the state and for the benefit of the greatest number of people that in the appropriation of water as herein defined, the appropriation of water for domestic and municipal uses shall be and remain superior to the rights of the state to appropriate the same for all other purposes;
2. industrial uses, meaning processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric;
3. irrigation;
4. mining and recovery of minerals;
5. hydroelectric power;
6. navigation;
7. recreation and pleasure; and
8. other beneficial uses.

**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.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

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

HR 461 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 461.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

HR 461

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

WHEREAS, A roster of mascot candidates eligible for this special recognition under the rules of this house has been compiled; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby elect the following children of house members to the honorary office of mascot:

Shane Armbrister and Erin Armbrister, children of Representative Kenneth Armbrister;
David Cain II, son of Representative David Cain;
Jacob Stevenson Carriker and Karen Denise Carriker, children of Representative Steven Carriker;
Celena Adel Cavazos and Jennifer Lynn Cavazos, children of Representative Eddie Cavazos;
Collyn Alena Clemons, Carrie Lynn Clemons, and William Joe Clemons III, children of Representative Billy Clemons;
David Connelly and Maura Connelly, children of Representative Barry Connelly;
Sean Patrick Anthony Crockett and Rutherford Crockett, children of Representative Jim Crockett;
Carissa Spencer Davis and Brian Davis, children of Representative Mark Davis;
Alana Catherine Raquel Edwards, daughter of Representative Al Edwards;
Robert O'Brien Emmett, son of Representative Ed Emmett;
Larry Q. Evans II and Jon Alan Evans, sons of Representative Larry Evans;
Melissa Gayle Gamez, daughter of Representative Joe Gamez;
Jennifer Gail Hackney, daughter of Representative Clint Hackney;
Kriselda Hinojosa, daughter of Representative Juan Hinojosa;
Joseph F. Hudson, son of Representative David Hudson;
James F. Hury III, son of Representative James Hury;
Martha Grace Jackson, daughter of Representative Lee Jackson;
Lindsay Kubiak and Logan Kubiak, daughters of Representative L. B. Kubiak;
Robert W. (Rob) Leonard III, son of Representative Bob Leonard;
Halina Victoria Martinez, daughter of Representative Roman Martinez;
Shelli Lynn McKenna, daughter of Representative Jan McKenna;
Laura Ann Moreno and Louis Alejandro Moreno, children of Representative Alex Moreno;
Robin Denise Robinson and Kara Brooke Robinson, daughters of Representative Phyllis Robinson;
Jennifer Robnett, daughter of Representative Nolan J. (Buzz) Robnett;
Monica Presley Russell and Clay Russell, children of Representative Sam Russell;
Brad Schlueter, son of Representative Stan Schlueter; Christopher Alex Short, son of Representative Alex Short; Stephanie Stiles, Rocky Stiles, and Buddy Stiles, children of Representative Mark Stiles; Frank N. Tejeda III, son of Representative Frank Tejeda; Christine Victoria Toomey and Shelley Marie Toomey, daughters of Representative Mike Toomey; Erik Wilson, son of Representative Ron Wilson; Bradfield Denman Wright, son of Representative Brad Wright; and, be it further
RESOLVED, That pictures of the mascots appear on the picture panel of the house of representatives and that an official certificate be prepared for each mascot as a memento of this honor.

Representative C. Evans offered the following amendment to the resolution:
Amend HR 461 as follows:
Insert the following between lines 8 and 9 on page 2:
John Lockwood Hammond and Phillip Winslow Hammond, sons of Representative Bill Hammond
The amendment was adopted without objection.

Representative Cain offered the following amendment to the resolution:
Amend line 12 on page 1 of HR 461 to read as follows:
"David Cain II and Jennifer Dianne Cain, children of Representative David Cain."
The amendment was adopted without objection.

Representative Crockett offered the following amendment to the resolution:
Amend lines 21 and 22 on page 1 of HR 461 to read as follows:
"Sean Patrick Anthony Rutherford Crockett, son of Representative Jim Crockett;"
The amendment was adopted without objection.

Representative Millsap offered the following amendment to the resolution:
Amend HR 461 on page 2, between lines 19 and 20, by inserting the following language:
"James Millsap and Joseph Millsap, sons of Representative Mike Millsap;"
The amendment was adopted without objection.
HR 461, as amended, was adopted without objection.

MESSAGE FROM THE SENATE
Austin, Texas, May 30, 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 granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1299.
The following have been appointed on the part of the Senate: Senators Brown, Brooks, Whitmire, Washington, Parmer.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 325 by 21 yeas, 8 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 42 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 315 by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 1355 by the following vote: viva voce vote.

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

HB 1501 by Peveto, relating to salaries of the veterans county service officer and assistants.

HB 2229 by C. Evans, relating to the membership of the Court of Appeals for the Second Supreme Judicial District.

HB 2156 by Turner, relating to the exemption of state lands from taxation; and declaring an emergency. (amended)

The Senate has discharged the conferees on SB 853 and concurred in House amendments by viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

HCR 277 - ADOPTED

Representative Leonard moved that all necessary rules be suspended to take up and consider at this time, HCR 277.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Leonard:

HCR 277

WHEREAS, State occupational regulatory boards differ with respect to the refunding of fees collected for licensing and certification examinations; and

WHEREAS, The legislature feels it preferable for the state to have a uniform policy governing such fee refunds; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring, That the 68th Legislature of the State of Texas hereby direct all state occupational regulatory boards to promptly refund fees collected from applicants for occupational licensing and certification examinations, whenever the applicant does not take the examination and whenever he or she applies in writing for a refund during an interval between two and six months after the date of the examination; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded to all occupational licensing boards as an expression of the sentiment of the Legislature of the State of Texas.
The resolution was adopted without objection.

**HB 36 WITH SENATE AMENDMENTS**

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

**HB 36**, A bill to be entitled An Act relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.

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

The motion prevailed without objection.

**HB 36 - APPOINTMENT OF CONFERENCE COMMITTEE**

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 36**: A. Hill, chair; Tejeda, Madla, Rangel, and Denton.

**HB 36 - RULES SUSPENDED**

Representative A. Hill moved to suspend all necessary rules to allow the conference committee on **HB 36** to meet while the house is in session at 6:15 p.m. in the speakers committee room.

The motion prevailed without objection.

**RECESS**

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

The motion prevailed without objection.

The house accordingly, at 5:24 p.m., recessed until 7:30 p.m. today.

**NIGHT SESSION**

The speaker called the house to order at 7:30 p.m.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 30, 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 granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 36**.

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

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

**HJR 70** by Wright, proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction.
The vote by which the Senate refused to concur in House amendments was reconsidered 17 yeas, 13 nays. The Senate concurred in House amendments to SB 752 by 16 yeas, 13 nays.

Respectfully,
Betty King
Secretary of the Senate

SCR 125 - ADOPTED

Representative A. Moreno moved that all necessary rules be suspended to take up and consider at this time, SCR 125.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 125

WHEREAS, Ramon Murillo, Jr., and Graciela Murillo, individually and on behalf of their deceased infant child, Jose Murillo, and his estate, allege that:

1. Graciela Murillo and her infant child, Jose Murillo, were under the medical supervision of the doctors and other employees of the Family Medical Center at McAllen - University of Texas and the Physicians Educational Foundation;
2. the child died as a result of massive brain damage and permanent quadriplegia that were inflicted at birth; and
3. the child's injuries were the direct result of negligence in the delivery performed by the physicians and other employees of the Family Medical Center at McAllen and the Physicians Educational Foundation; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Ramon Murillo, Jr., and Graciela Murillo, individually and on behalf of their deceased infant child, Jose Murillo, and his estate, be and are hereby granted permission to sue the State of Texas and the University of Texas System 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 and on the chairman of the board of regents of The University of Texas System 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.

HB 2329 WITH SENATE AMENDMENTS

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

HB 2329, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Ector County.
On motion of Representative J. Gibson, the house concurred in the senate amendments to HB 2329.

HB 2329 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2329 by renumbering Section 10 as 11 and inserting a new Section 10 to read as follows:

SECTION 10. Chapter 4, Acts of the 56th Legislature, Regular Session, 1959 (Article 1970-346, Vernon’s Texas Civil Statutes), is amended by amending Sections 3, 6, 17, and 24 to read as follows:

Sec. 3. The County Court at Law of Ector County has concurrent civil jurisdiction with the district court in cases in which the matter in controversy exceeds $300 and does not exceed $50,000, excluding interest, in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy, in eminent domain cases and proceedings as provided by general law and in cases and proceedings involving family law matters, including adoption, birth records, removal of disability of minority or coverture; change of names of persons; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; paternity; termination of parental rights; independent actions involving child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency; and independent actions involving controversies between parents, between parent and child, and between spouses. [The jurisdiction of the County Court at Law of Ector County and of the judge thereof shall extend to all matters of eminent domain of which jurisdiction has heretofore been vested in the County Court of Ector County or in the county judge, but this provision shall not affect the jurisdiction of the Commissioners Court or of the county judge of Ector County as the presiding officer of said Commissioners Court as to roads, bridges, and public highways and matters of eminent domain which are now within the jurisdiction of the Commissioners Court or the presiding judge thereof.]

Sec. 6. (a) The respective judges of the County Court of Ector County and of the County Court at Law of Ector County shall, from time to time as occasion may require, transfer cases from one of such courts to the other of such courts in order that the business may be equally distributed among them, that the judges thereof may at all times be provided with cases to be tried or otherwise considered, and that the trial of no case need be delayed because of the disqualification of the judge in whose court it is pending; provided, however, that no case shall be transferred from one court to the other without the consent of the judge of the court to which it is transferred; and provided further, that no case may be transferred unless it is within the jurisdiction of the court to which it is transferred from the County Court of Ector County which does not come within the jurisdiction of the County Court at Law of Ector County as prescribed in this Act.

(b) On motion of a party, on agreement of the parties, or on their own motion, the judges of the County Court at Law of Ector County and the district courts in Ector County may transfer civil cases and proceedings to and from the dockets of their respective courts, except that a case or proceeding may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. If a judge is disqualified in a case or proceeding, he shall transfer the case or proceeding from his court to another of the courts.

(c) When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from
the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligations in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which the case is transferred as if originally issued out of the court to which the transfer is made.

Sec. 17. (a) The county clerk of Ector County shall be the clerk of the County Court at Law of Ector County, except that, in matters within the concurrent jurisdiction of the county court at law and the district courts, the district clerk serves as clerk of the court. In matters within their concurrent jurisdiction, the judges of the county courts at law and the district courts may adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts.

(b) The [and the] seal of the county court at law shall be the same as that provided by law for county courts, except the seal shall contain the words “County Court at Law of Ector County.”

Sec. 24. (a) The laws of the State of Texas, the rules of procedure and the rules of evidence shall be applicable to and control trials and proceedings in the County Court at Law of Ector County, and shall be applicable to and govern the proceedings in and appeals to and appeals from the County Court at Law of Ector County. Practice in the county court at law shall conform to that prescribed by law and the rules for county courts, except that procedure, evidence, issuance of process and writs, juries, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving those matters of concurrent jurisdiction with the district courts shall be governed by the law and rules pertaining to district courts.

(b) This Act does not diminish the jurisdiction of the district courts or the county court, and those courts retain and continue to exercise the jurisdiction that is conferred by law on district courts and county courts, respectively. The jurisdiction conferred by this Act is concurrent with the jurisdiction of those courts.

SENATE AMENDMENT NO. 2

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

HB 1470 WITH SENATE AMENDMENTS

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

HB 1470, A bill to be entitled An Act relating to the transfer of certain cases from the district courts to the county courts at law in Dallas County.

Representative Oliver 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 1470 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on HB 1470: Oliver, chair; Wolens, Granoff, Parker, and P. Hill.

HB 533 WITH SENATE AMENDMENTS

Representative Peveto called up with senate amendments for consideration at this time.
HB 533, A bill to be entitled An Act relating to alternate jurors.

On motion of Representative Peveto, the house concurred in the senate amendments to HB 533.

HB 533 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 533 by adding the following section:

SECTION 5. Article 37.02, Code of Criminal Procedure, is amended to read as follows:

In misdemeanor cases in the district court, where one or more jurors have been discharged from serving after the cause has been submitted to them, if all the alternate jurors selected under Article 33.011 of this Code have either been seated or discharged, and there be as many as nine of the jurors remaining, those remaining may render and return a verdict; but in such case, the verdict must be signed by each juror rendering it.

SENATE AMENDMENT NO. 2

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

HB 21 WITH SENATE AMENDMENTS

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

HB 21, A bill to be entitled An Act relating to disruption of classes or public school transportation; providing penalties.

On motion of Representative C. Smith, the house concurred in the senate amendments to HB 21.

HB 21 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 21, Section 2 by striking "$2,000 or confinement in jail for not less than 10 days or more than one year or both" and placing in lieu thereof the words "$200".

SENATE AMENDMENT NO. 2

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

HB 1517 WITH SENATE AMENDMENT

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

HB 1517, A bill to be entitled An Act relating to the duty of a county to provide physical facilities, equipment, and utilities for offices of the Texas Adult Probation Commission.

On motion of Representative Rudd, the house concurred in the senate amendment to HB 1517.

HB 1517 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

CSHB 1517, A bill to be entitled An Act relating to the duty of a county to provide physical facilities, equipment, and utilities for adult probation services.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 10, Article 42.12, Code of Criminal Procedure, 1965, is amended by amending Subsection (g) and adding Subsections (j)-(n) to read as follows:

(g) Personnel of the respective district probation departments shall not be deemed state employees and the responsible judge or judges of a district probation department shall negotiate a contract with the most populous county within the judicial district for all district probation department staff to participate in that county's group insurance programs, liability insurance, or self-insurance for acts done in the course and scope of their employment as probation department staff, retirement plan, including the district and county retirement system if the county participates in that system for any county employees, and personnel policies with regard to vacation credit, sick leave credit, holiday schedule, credit union, jury leave, military leave, etc. It shall be the responsibility of the county or counties comprising the judicial district or geographical area served by a district probation department to provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service.

(j) The county or counties comprising a judicial district or geographical area served by a district probation department shall provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service.

(k) The district judge or judges may authorize the expenditure of district funds in order to provide expanded facilities, equipment, and utilities if:

(1) the probation department needs to increase its number of employees in order to provide more effective service;

(2) the county or counties certify to the judge or judges that they have neither adequate space in county-owned buildings nor adequate funds to lease additional physical facilities, purchase additional equipment, and pay for additional utilities required by the department; and

(3) the county or counties provide facilities, equipment, and utilities at or above the level required by the Texas Adult Probation Commission.

(l) The Texas Adult Probation Commission shall set as the level of contribution a county or counties must meet or exceed to receive district funds under Subsection (k) of this section a level that is not lower than the average level provided by the county or counties during the county fiscal years of 1979, 1980, 1981, 1982, and 1983. In setting the level, the commission may consider inflation and changes in the population and tax base in the county or counties.

(m) If the probation department needs to expand its facilities in order to provide more effective services and if the judge or judges determine that effective management of the department requires all or part of the department to be moved to rented or leased space outside of the county-owned building because additional space in a county-owned building is unavailable, the county or counties shall provide the department with funds necessary to pay for the rental or lease of the same number of square feet as provided to the department in county-owned buildings immediately before such a move. The district judge or judges may approve a proportional reduction in a county's contribution to the cost of rental or lease of space provided to a probation department if the judge or judges determine that the number of probationers supervised by the department has decreased and the department is able to provide effective services with a reduced number of officers requiring less office space.

(n) The district judge or judges may authorize expenditures of funds provided by the Texas Adult Probation Commission to the department for the purposes of providing facilities, equipment, and utilities for community-based correctional programs if:
(1) the judge or judges direct the probation department to establish community-based correctional programs requiring facilities other than a probation office;
(2) the adult probation commission provides state funds for the purpose of establishing or improving residential centers, restitution centers, and other community-based correctional programs other than jails or prisons; and
(3) the county or counties certify to the judge or judges that space in county-owned buildings is not available and county funds are not available to provide facilities, equipment, and utilities for the establishment of community-based correctional programs.

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.

HB 1015 - CONFERENCE COMMITTEE DISCHARGED
Representative Messer moved to discharge the conference committee on HB 1015.
The motion prevailed without objection.

HB 1015 WITH SENATE AMENDMENTS
Representative Messer called up with senate amendments for consideration at this time,

HB 1015, A bill to be entitled An Act relating to firemen's and policemen's civil service; providing a penalty.

On motion of Representative Messer, the house concurred in the senate amendments to HB 1015. (McWilliams recorded voting no)

HB 1015 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1
Amend HB 1015 by striking Section 12 of the printed bill and renumbering subsequent sections accordingly.

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

SB 216 - ADOPTION OF CONFERENCE COMMITTEE REPORT
Representative Danburg submitted the conference committee report on SB 216.
Representative Danburg moved to adopt the conference committee report on SB 216.
The motion prevailed without objection. (Green and G. Thompson recorded voting no)

SB 482 - ADOPTION OF CONFERENCE COMMITTEE REPORT
Representative Messer submitted the conference committee report on SB 482.
Representative Messer moved to adopt the conference committee report on SB 482.
The motion prevailed without objection.
SB 928 - ADOPTION OF CONFERENCE COMMITTEE REPORT
Representative Simpson submitted the conference committee report on SB 928.

Representative Simpson moved to adopt the conference committee report on SB 928.

The motion prevailed without objection.

SB 385 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT
Representative Madla submitted the conference committee report on SB 385.

Representative Madla moved to adopt the conference committee report on SB 385.

The vote of the house was taken on the motion to adopt the conference committee report on SB 385 and the vote was announced yeas 71, nays 66.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 586): 64 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Barrientos; Barton, E.; Bush; Cary; Cavazos; Colbert; Collazo; Connelly; Coody; Crockett; Danburg; Davis; Delco; Denton; Edwards; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Harrison, W.; Hernandez; Hill, G.; Hinojosa; Hudson, D.; Hudson, S.; Hury; Jones; Kemp; Kubiak; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Mosser; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Pierce; Polumbo; Price; Rangel; Salinas; Schoolcraft; Smith, T.; Sutton; Tejeda; Thompson, S.; Tow; Valles; Watson; Willis.

Nays — Agnich; Armbrister; Arnold; Barton, B.; Blanton; Bomer; Buchanan; Burnett; Ceverha; Clark; Craddick; Eikenburg; English; Evans, C.; Finnell; Fox; Gavin; Geistweidt; Haley; Hall, L.; Hall, T.; Hall, W.; Hanna; Harrison, D.; Heflin; Hightower; Hilbert; Hill, P.; Hollowell; Horn; Jackson; Keller; Khoury; Kuempel; Laney; McKenna; Mankins; Parker; Patterson; Pennington; Peveto; Polk; Presnal; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Stiles; Toomey; Turner; Uhler; Waldrop; Wallace; Whaley; Wieting; Word; Wright.

Present, not voting — Mr. Speaker (C), Thompson, G.

Absent — Berlanga; Cain; Carriker; Clemens; Criss; Delay; Eckels; Emmett; Evans, L.; Gibson, B.; Hammond; Hill, A.; Leonard; Martinez, W.; Ragsdale; Vowell; Wilson; Wolens.

The speaker stated that the house refused to adopt the conference committee report on SB 385 by the above vote.

SB 382 - REQUEST OF SENATE GRANTED
On motion of Representative S. Hudson, the house granted the request of the senate for the appointment of a conference committee on SB 382.

SB 382 - APPOINTMENT OF CONFERENCE COMMITTEE
The speaker announced the appointment of the following conference committee, on the part of the house, on SB 382: S. Hudson, chair; Oliveira, McKenna, Denton, and G. Hill.
SB 1091 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Wallace submitted the conference committee report on SB 1091.

Representative Wallace moved to adopt the conference committee report on SB 1091.

The motion prevailed without objection.

SB 151 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative C. Evans submitted the conference committee report on SB 151.

Representative C. Evans moved to adopt the conference committee report on SB 151.

The motion prevailed without objection.

SB 244 - CONFERENCE COMMITTEE REPORT TABLED

Representative Tejeda submitted the conference committee report on SB 244.

Representative Tejeda moved to adopt the conference committee report on SB 244.

Representative Rudd moved to table the conference committee report on SB 244.

A record vote was requested.

The motion to table prevailed by (Record 587): 79 Yeas, 63 Nays, 5 Present, not voting.

Yeas — Agnich; Arnold; Blanton; Bomer; Buchanan; Bush; Carriker; Ceverha; Clark; Clemmons; Connelly; Coody; Craddick; Criss; DeLay; Denton; Eckels; Eikenburg; Emmett; English; Evans, C.; Fennell; Fox; Gavin; Geistweidt; Gibson, J.; Gilley; Hale; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, D.; Hellin; Hernandez; Hilbert; Hill, A.; Hill, P.; Hollowell; Horn; Hury; Jones; Keller; Khoury; Kuempel; Lancy; Leonard; McKenna; Mankins; Messer; Millsap; Parker; Patrick; Pennington; Peveto; Pierce; Polumbo; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Staniswalis; Thompson, G.; Toomey; Uher; Vowell; Waldrop; Whaley; Word; Wright.

Nays — Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Burnett; Cain; Cavazos; Colbert; Collazo; Danburg; Davis; Delco; Edwards; Evans, L.; Gamez; Gandy; Garcia, A.; Garcia, M.; Gibson, B.; Glossbrenner; Granoff; Green; Grisham; Hackney; Hall, W.; Harrison, W.; Hinojosa; Hudson, D.; Hudson, S.; Jackson; Kemp; Lee, D.; Lee, E. F.; Luna; McWilliams; Madla; Martinez, R.; Martinez, W.; Moreno, A.; Moreno, P.; Oliveira; Oliver; Patronella; Patterson; Polk; Price; Ragsdale; Rangel; Salinas; Smith, T.; Stiles; Sutton; Tejeda; Thompson, S.; Turner; Valles; Wallace; Watson; Wieting; Willis; Wilson; Wolens.

Present, not voting — Mr. Speaker(C); Crockett; Hightower; Kubiak; Presnal.

Absent — Cary; Hill, G.; Tow.
MESSAGE FROM THE SENATE

Austin, Texas, May 30, 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 adopted the Conference Committee Report on HB 1421 by the following vote: 31 yea, 0 nay.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 2298 by the following vote: viva voce vote.

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 1470.

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

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

HB 848 by Willis, relating to the authority of the boards of regents of certain institutions of higher education to provide malpractice insurance to veterinary staff members.

CSHB 1719 by Madla, relating to solid waste management. (amended)

HCR 276 by Willis, congratulating the TCU women's golf team.

HB 178 by Hinojosa, et al., relating to the location of and acquisition of land and facilities by the Texas State Technical Institute. (amended)

HB 1643 by McKenna, et al., relating to the disposition of obscene devices and material.

Respectfully,

Betty King
Secretary of the Senate

SB 42 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative B. Gibson submitted the conference committee report on SB 42.

Representative B. Gibson moved to adopt the conference committee report on SB 42.

The motion prevailed.

HB 1470 - RULES SUSPENDED

Representative Oliver moved to suspend all necessary rules to allow the conference committee on HB 1470 to meet while the house is in session at 9:35 p.m. in the senate sergeants committee room.

The motion prevailed without objection.

HB 337 - RULES SUSPENDED

Representative Green moved to suspend all necessary rules to allow the conference committee on HB 337 to meet while the house is in session.
The motion prevailed without objection.

**SB 1355 - ADOPTION OF CONFERENCE COMMITTEE REPORT**
Representative Presnal submitted the conference committee report on SB 1355.
Representative Presnal moved to adopt the conference committee report on SB 1355.
The motion prevailed without objection. (Fox and Toomey recorded voting no)

**SB 106 - ADOPTION OF CONFERENCE COMMITTEE REPORT**
Representative C. Evans submitted the conference committee report on SB 106.
Representative C. Evans moved to adopt the conference committee report on SB 106.
The motion prevailed. (Russell recorded voting no)

**MESSAGE FROM THE SENATE**

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives

House Chamber

The Honorable

Mr. Speaker:

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

- **HCR 275** by Haley, reestablishing the Select Committee on Public Education.
- **HB 1289** by Uher, relating to the imposition of fees and terms of probation on certain defendants. (amended)
- **HCR 277** by Leonard, directing licensing agencies to make prompt refund of fees to applicants who do not take examinations.

Respectfully,

Betty King
Secretary of the Senate

**SB 315 - ADOPTION OF CONFERENCE COMMITTEE REPORT**
Representative C. Evans submitted the conference committee report on SB 315.
Representative C. Evans moved to adopt the conference committee report on SB 315.
The motion prevailed without objection.

**SB 960 - ADOPTION OF CONFERENCE COMMITTEE REPORT**
Representative C. Evans submitted the conference committee report on SB 960.
Representative C. Evans moved to adopt the conference committee report on SB 960.
The motion prevailed without objection.
Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 280.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:

HCR 280, Commending the staff of the Texas Legislative Council.

The resolution was adopted without objection.

HCR 279 - ADOPTED

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 279.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:

HCR 279, Commending Robert I. Kelly, House Parliamentarian.

The resolution was read and was adopted without objection.

On motion of Representative Khoury, the names of all the members of the house were added to HCR 279 as signers thereof.

HCR 281 - ADOPTED

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 281.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:

HCR 281, Commending Walter Fisher, House Assistant Parliamentarian.

The resolution was read and was adopted without objection.

On motion of Representative D. Lee, the names of all the members of the house were added to HCR 281 as signers thereof.

HR 568 - ADOPTED

Representative Coody moved that all necessary rules be suspended to take up and consider at this time, HR 568.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Coody:

HR 568

WHEREAS, Many of our esteemed colleagues celebrated their birthdays during the Regular Session of the 68th Legislature, and for their fellow members in the Texas House of Representatives, it was indeed a great pleasure to commemorate these significant dates; and
WHEREAS, Because the birthdays of our other distinguished colleagues fall during the interim, the house will not have the opportunity to extend its timely congratulations to these outstanding Texans on their special days; and

WHEREAS, To compensate for this regretful lack of recognition, the house on this last day of the regular session would like to honor the following members on their upcoming birthdays:

The Honorable Allen Hightower (May 31), Steven Wolens (June 4), Jay Gibson (June 9), Frank Collazo (June 10), Jan McKenna (June 15), Alan Schoolcraft (June 15), Gary Thompson (June 15), Hill Kemp (June 17), Kenneth Armbrister (June 19), Gerald Hill (June 20), Arves Jones (July 3), A. C. (Tony) Garcia (July 4), Frank Eikenburg (July 7), Joe GAMEZ (July 9), Charles Gandy (July 12), Bruce Gibson (July 13), Wilhelmina DeLeo (July 16), Roy English (July 18), Fred Agnich (July 19), Gonzalo Barrientos (July 20), Ed R. Watson (July 20), Bill Hollowell (July 22), Ralph Wallace (July 27), Milton Fox (July 28), Barry Connelly (July 29), Elton Bomer (July 30), Tip Hall (August 5), Tony Polumbo (August 8), Anita Hill (August 13), Ed Emmett (August 14), Hugo Berlanga (August 16), Doyle Willis (August 18), Betty Denton (August 19), George Pierce (August 19), W. N. (Billy) Hall (August 20), Gib Lewis (August 22), John Gavin (August 22), Paul Colbert (August 28), Sam Russell (August 31), Lanny Hall (September 3), Dudley Harrison (September 4), Gordon “Doc” Arnold (September 8), Smith Gilley (September 8), Reby Cary (September 10), Phyllis Robinson (September 11), Jim Crockett (September 12), Mary Polk (September 13), Randy Pennington (September 15), Charles Finnell (September 16), Tom Craddick (September 19), Bill Haley (September 22), Ron Wilson (September 24), Debra Danburg (September 25), Terral Smith (September 29), Frank Tejeda (October 2), Froy Salinas (October 5), Larry Evans (October 13), W. O. (Bill) Harrison (October 16), Rodney Tow (October 22), Bill Ceveria (October 28), Ernestine Glossbrenner (November 1), Joe Hernandez (November 3), Mark Stiles (November 3), Matt Garcia (November 7), Jim Parker (November 7), Jesse Oliver (November 10), Tom Waltrip (November 12), David Cain (November 13), Roman Martinez (November 14), Jim Horn (November 18), Bob Valles (November 19), Al Luna (November 26), Edmund Kuempel (November 29), L. B. Kubiak (December 5), Don Lee (December 7), Bob Simpson (December 8), Eddie Cavazos (December 9), Erwin W. Barton (December 10), Patricia Hill (December 10), Tom Uher (December 16), Stan Schlueter (December 19), Pete Patterson (December 20), Robert Saunders (December 20), Lou Nelle Sutton (December 22), Steven Carriker (December 23), Noel Grisham (December 24), Mark Davis (December 26), Bill Hammond (December 27), Senfronia Thompson (January 1), Walter Martinez (January 2), Bob Leonard (January 2), Brad Wright (January 3), Lee Jackson (January 4), Alex Short (January 5); and

WHEREAS, These many commendable legislators are highly regarded by their fellow members in the house of representatives, who now all wish to extend their warmest birthday greetings; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby wish these members a Happy Birthday, with the further wish that they celebrate many more of the same; and, be it further

RESOLVED, That official copies of this resolution be prepared for them as tokens of the good wishes of the house of representatives.

The resolution was adopted without objection.

HR 495 - ADOPTED

Representative B. Gibson moved that all necessary rules be suspended to take up and consider at this time, HR 495.

The motion prevailed without objection.
The speaker laid before the house the following resolution:
By B. Gibson:
HR 495, Congratulating the city of Godley on its 100th anniversary.

Representative B. Gibson offered the following amendment to the resolution:
Amend HR 495 by inserting between the first and second resolving clauses the following:
"Resolved, That on June 4, 1983, from 7 a.m. until 7 p.m. Godley, Johnson County, Texas, is hereby designated by the Texas House of Representatives as the official Capital of the State of Texas; and, be it further"

The amendment was adopted without objection.
HR 495, as amended, was adopted.

HR 562 - ADOPTED

Representative Price moved that all necessary rules be suspended to take up and consider at this time, HR 562.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Price:
HR 562, Honoring Helen Kinsey.
The resolution was adopted without objection.

HR 565 - ADOPTED

Representative Stiles moved that all necessary rules be suspended to take up and consider at this time, HR 565.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Stiles:
HR 565

WHEREAS, It is with great pleasure that the members of the House of Representatives pause to note the birthday of our distinguished colleague and friend from the 18th house district, the Honorable Allen R. "Bubba" Hightower; and
WHEREAS, Representative Hightower, who was born on May 31, 1946 in Alabama, will celebrate the 37th anniversary of his birth at midnight tonight; and
WHEREAS, Despite his short tenure in the house of representatives, this outstanding lawmaker has shown exceptional bravado as a freshman legislator; he skillfully led the Alabama-Coushatta Indians in a recent skirmish against Texas Attorney General Jim Mattox and courageously defended the Texas Department of Corrections in legislative battles; and
WHEREAS, Representative Hightower has served the people of his district and of the entire state with utmost integrity and dedication, and members of the house desire to extend to him warmest greetings; now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature hereby wish the Honorable Allen Ross Hightower, Jr., a Happy Birthday, with the further wish that he celebrate many more of the same; and, be it further
RESOLVED, That an official copy of this resolution be prepared for Representative Hightower as a memento of this special occasion from his colleagues in the house of representatives.

The resolution was read and was adopted without objection.

On motion of Representative Turner, the names of all the members of the house were added to HR 565 as signers thereof.

HR 569 - ADOPTED

Representative Blanton moved that all necessary rules be suspended to take up and consider at this time, HR 569.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Blanton:

HR 569, Congratulating The University of Texas baseball team and Coach Cliff Gustafson.

The resolution was adopted without objection.

On motion of Representative Ceverha, the names of all the members of the house were added to HR 569 as signers thereof.

HR 566 - ADOPTED

Representative Kubiak moved that all necessary rules be suspended to take up and consider at this time, HR 566.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak:

HR 566, Congratulating the Bremond High School track team.

The resolution was adopted without objection.

HR 563 - ADOPTED

Representative Crockett moved that all necessary rules be suspended to take up and consider at this time, HR 563.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Crockett:

HR 563, In memory of Virginia Trevino.

The resolution was unanimously adopted by a rising vote.

(Grisham in the chair)

HR 559 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 559.

The motion prevailed without objection.

The chair laid before the house the following resolution:
By C. Evans:

**HR 559**, Commending House Journal Clerk Margie Avant and her staff.

The resolution was adopted without objection.

On motion of Representative Colbert, the names of all the members of the house were added to **HR 559** as signers thereof.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives

The Honorable

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 382** by the following vote: viva voce vote.

I am directed by the Senate to inform the House that:

The Senate conferees have been discharged for **SB 385** and the Senate has concurred in House amendment by viva voce vote.

The Senate has passed the following:

**HB 1488** by Simpson, relating to the regulation of the formation and operation of risk retention groups.

Respectfully,

Betty King

Secretary of the Senate

**HR 558 - ADOPTED**

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, **HR 558**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

**HR 558**, Commending House Chief Clerk Betty Murray and her staff.

The resolution was adopted without objection.

**HR 542 - ADOPTED**

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, **HR 542**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

**HR 542**, Commending House Financial Division Director Tom Treadway and his staff.

The resolution was adopted without objection.
HR 543 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 543.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

HR 543, Commending House Services and Security Division Director Gale Kloesel and his staff.

The resolution was adopted without objection.

HR 544 - ADOPTED

Representative C. Evans moved that all necessary rules be suspended to take up and consider at this time, HR 544.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By C. Evans:

HR 544, Commending House Legislative Division Director Jim Reynolds and his staff.

The resolution was adopted without objection.

HR 572 - ADOPTED

Representative Delco moved that all necessary rules be suspended to take up and consider at this time, HR 572.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Delco:

HR 572, Commending Doorkeeper Joseph C. Wagner.

The resolution was adopted without objection.

On motion of Representative DeLay, the names of all the members of the house were added to HR 572 as signers thereof.

(Speaker pro tempore in the chair)

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HB 2076 by Colbert, et al., relating to certain school district property tax revenues to be used by a junior college district operated by the school district.
CSHB 1444 by Rangel, relating to the assignment of judges by the presiding judges of administrative judicial districts. (amended)
HB 1253 by Oliveira, relating to offenses of using, disposing of, or storing a pesticide or pesticide container in certain manners.

Respectfully,
Betty King
Secretary of the Senate

HB 1169 WITH SENATE AMENDMENTS

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

HB 1169, A bill to be entitled An Act relating to suits for the dissolution of marriage and affecting the parent-child relationship and to orders and decrees in these suits, including the enforcement and limitations of orders and decrees.

On motion of Representative Khoury, the house concurred in the senate amendments to HB 1169. (Fox recorded voting no)

(Speaker in the chair)

HB 1169 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1169 by adding the following language after SECTION 7 and by renumbering subsequent sections:

SECTION 8. Chapter 14, Family Code, is amended by adding Section 14.031 to read as follows:

Sec. 14.031. NOTICE OF CHANGE OF RESIDENCE. (a) Each decree that provides for the appointment of a possessory conservator who has possession of or access to a child shall include, and in its absence shall be deemed to include, the requirement that the managing conservator and each possessory conservator who intend a change of place of residence must give written notice of the intended date of change and new address of residence to every other party who has possession of or access to the child. The notice must be given on or before 30 days before the conservator changes the conservator’s place of residence or, if the conservator did not know or could not have known of the change within the 30-day period, on the first day that the conservator knew or should have known of the change.

(b) The court may waive the notice required by this section upon motion by the moving conservator if it finds that the giving of notice of a change of place of residence would be likely to expose the child or the conservator to abuse or injury.

(c) The notice required by this section may be served by delivery of a copy of the notice to the party to be served either in person or by registered or certified mail, return receipt requested, to the last known address of the party to be served.

SECTION 9. Section 14.08(c), Family Code, as amended, is amended to read as follows:

(c) After a hearing, the court may modify an order or portion of a decree that:

(1) designates a managing conservator if:

(A) the circumstances of the child, managing conservator, possessory conservator, or other party affected by the order or decree [or parent] have [so] materially and substantially changed since the entry of the order or decree to be modified; and

(B) [that] the retention of the present managing conservator would be injurious to the welfare of the child; and

(C) [that] the appointment of the new managing conservator would be a positive improvement for the child; or
(D) the managing conservator has voluntarily relinquished possession and control of the child for a period of more than 12 months and the modification is in the best interest of the child; or

(2) provides for the support of a child [sets the terms and conditions for access to or possession of a child, or prescribes the relative rights, privileges, duties, and powers of conservators] if the circumstances of the child or a person affected by the order or portion of the decree to be modified have materially and substantially changed since its entry, except that a support [order] providing for the support of a child may be modified only as to obligations accruing subsequent to the motion to modify: or

(3) sets the terms and conditions for possession of or access to a child, or prescribes the relative rights, privileges, duties, and powers of conservators if:

(A) the circumstances of the child or a person affected by the order or portion of the decree to be modified have materially and substantially changed since the entry of the order or decree; or

(B) the order or portion of the decree to be modified has become unworkable or inappropriate under existing circumstances; or

(C) the notice required by Section 14.031 of this code was not given, or there was a change in a conservator's residence to a place outside the jurisdiction of the court. If a change of residence results in increased expenses for any party having possession of or access to a child, the court may enter appropriate orders to allocate those increased costs on a fair and equitable basis, taking into account the cause of the increased costs and the best interests of the child. Such an order may be entered without regard to whether any other change in the terms and conditions of possession of or access to the child is made.

SECTION 10. Section 14.09, Family Code, as amended, is amended by adding Subsections (e) and (f), to read as follows:

(e) If the managing conservator has voluntarily relinquished to a possessory conservator under court order to pay child support the actual care, control and possession of a child in excess of the court ordered periods of possession of and access to the child, the possessory conservator may affirmatively plead and prove the fact that he or she has supplied actual support to the child as a defense in whole or part to a motion for contempt for failure to make periodic payments according to the terms of a court order.

(f) If the managing conservator has voluntarily relinquished to another person, including a possessory conservator under court order to pay child support, the actual care, control and possession of a child in excess of the court ordered periods of possession of and access to the child, the child support order continues unabated until further order of the court as provided by Section 14.08 of this code. Child support arrears may be reduced to money judgment and the support order may not be retroactively modified. However, a possessory conservator who has provided actual support to the child during such periods may seek reimbursement for that support as a counterclaim or offset against the claim of the managing conservator. An action for support supplied to a child against the managing conservator shall be limited to the amount of periodic payments previously ordered by the court.

SECTION 11. Section 3, Licensed Professional Counselors Act (Article 4512g, Vernon's Texas Civil Statutes), is amended by adding a new subpart (7) to read as follows:

"(7) persons providing counseling services exclusively related to marriage and family concerns and who holds a masters or doctorate degree in the area of marriage and family therapy from an accredited college or university."
SECTION ______. Sec. 13, Licensed Professional Counselor's Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13. A specialty designation except in the area of marriage and family counseling may be added on demonstration to the board that the applicant has met the recognized minimum standards as established by nationally recognized certification agencies. On passage of an examination, written, oral, or situational, on receipt of credentials from certifying agencies, the board may, by a simple majority of the board members present and voting, consider the credentials adequate evidence of professional competence and recommend to the chairman of the board that a license with appropriate specialty designation, if any, be approved. A professional counselor may not claim or advertise a counseling specialty unless the qualifications of that specialty have been met and have been approved by the board.”

SENATE AMENDMENT NO. 2

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

HB 1858 WITH SENATE AMENDMENTS

Representative D. Harrison called up with senate amendments for consideration at this time,

HB 1858, A bill to be entitled An Act relating to the terms of office of directors of certain general law water districts.

On motion of Representative D. Harrison, the house concurred in the senate amendments to HB 1858.

HB 1858 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1858 by striking Senate Committee Amendment No. 1 in its entirety and amending SECTION 6 of the Bill to read as follows:

SECTION 6. Sections 54.036 and 54.103, Water Code, as amended, are amended to read as follows:

“Section 54.036. DIRECTORS TO CONTINUE SERVING. The existing board of a district converted to a municipal utility district under the provisions of this chapter shall continue to serve as the board of the converted district until the first Saturday in April [election date provided by Article 2.01b of Vernon’s Texas Election Code] following conversion of the district, at which time five directors shall be elected to serve for such period of time and in the same manner as provided in Section 54.029 of this code for directors first elected for a district.”

“Section 54.103. ELECTION OF DIRECTORS; TERM OF OFFICE. (a) On the first Saturday in April [available election date] in the first even-numbered year following the confirmation election [provided in Article 2.01b of Vernon’s Texas Election Code], an election shall be held in a district for the election of two directors who shall each serve two-year terms and[if] One year after the election of the two directors for the two-year terms, an election shall be held in the district for the election of three directors who shall [be elected to] serve four-year terms [two years]. Thereafter, on the same date in each following even-numbered year, there shall be an [unnamed] election of two directors one election [in one year] and three directors in the next election [year] in continual sequence.

(b) All elections of directors shall be held in districts on the first Saturday in April [one of the dates provided in Article 2.01b of Vernon's Texas Election Code]. In a district that is required to change the date of the election of directors to comply with this requirement, the provisions of Subsections (c) and (d), Section 9b, Texas
Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), govern the adjustment of dates and events in connection with the election.

“(c) The permanent directors may assign position number to each director's office, in which case directors shall thereafter be elected by position and not at large.”

SENATE AMENDMENT NO. 2

Amend HB 1858, page 1, line 17, by striking the word “Chapter” and inserting in lieu thereof the following:

Chapters 54 and

and on page 3, lines 9-21, by striking SECTION 6 and appropriately renumbering the remaining sections.

SENATE AMENDMENT NO. 3

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

HB 2156 WITH SENATE AMENDMENTS

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

HB 2156, A bill to be entitled An Act relating to the exemption of state lands from taxation; amending Section 11.11, Property Tax Code; and declaring an emergency.

On motion of Representative Turner, the house concurred in the senate amendments to HB 2156.

HB 2156 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 2156 by striking SECTION 1 and substituting therefor the following:

“SECTION 1. Section 11.11, Property Tax Code, is amended by adding a new Subsection (e) to read as follows:

(e) It is provided, however, that property that is held or dedicated for the support, maintenance, or benefit of an institution of higher education as defined by Section 61.003(7), Texas Education Code but is not rented or leased for compensation to a private business enterprise to be used by it for a purpose not related to the performance of the duties and functions of the State or is not rented or leased to provide private residential housing to members of the public other than students and employees of the State is not taxable.”

SENATE AMENDMENT NO. 2

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

HB 1421 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Jones submitted the following conference committee report on HB 1421:
Honorable William P. Hobby  
President of the Senate  

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives  

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1421 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.

Bill Sims  
John Leedom  
J. E. Brown  
John Sharp  
On the part of the Senate  

Mark Stiles  
Edmund Kuempel  
Arves Jones  
On the part of the House  

HB 1421  

A BILL TO BE ENTITLED  
AN ACT  
relating to the deposit in financial institutions of money received by the county tax collector for motor vehicle registration and certificates of title.  

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

SECTION 1. Subsections (d) and (f), Section 10, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-10, Vernon's Texas Civil Statutes), are amended to read as follows:  

(d) The County Tax Collector may defer remittance to the Department of fees collected under this Act if the fees are deposited in an interest-bearing account or certificate in the County Depository. The County Tax Collector shall remit to the Department fees so deposited no later than the thirty-fourth (34th) day after the due dates set forth in Subsections (b) and (c) of this section.

(f) The County owns all interest earned on fees deposited in an interest-bearing account or certificate under Subsection (d) of this section. The County Treasurer shall credit the interest earned on fees so deposited to the County General Fund.

SECTION 2. Subsection (b), Section 57, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:  

(b) The County Tax Assessor-Collector may defer remittance to the Department of fees collected under Subsection (a) of this section if the fees are deposited in an interest-bearing account or certificate in the County Depository. The County Tax Assessor-Collector shall remit to the Department fees so deposited no later than the thirty-fourth (34th) day after the due date set forth in Subsection (a) of this section. The County owns all interest earned on fees deposited under this subsection. The County Treasurer shall credit the interest earned on fees so deposited to the County General Fund.

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.

Representative Jones moved to adopt the conference committee report on HB 1421.
The motion prevailed without objection.

HB 1191 WITH SENATE AMENDMENTS

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

HB 1191, A bill to be entitled An Act relating to the revision, recodification, and reenactment of substantive and procedural laws (including, but not limited to, administrative and enforcement provisions) concerning the manufacture, distribution, dispensing, possession, and delivery of marihuana, controlled substances, and drug paraphernalia; providing penalties; amending, recodifying, and reenacting Sections 1.02, 3.08, 4.01, 4.011, 4.012, 4.03, 4.031, 4.032, 4.04, 4.041, 4.042, 4.043, 4.05, 4.051, 4.052, 4.12, 5.03, 5.05, 5.06, 5.07, 5.08, and 5.081 of the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); adding a new Section 4.053 to Subchapter 4 of the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); amending and reenacting Section 3(c), Article 42.12, Code of Criminal Procedure, 1965, as amended; amending and reenacting Articles 44.04(b) and (c), Code of Criminal Procedure, 1965, as amended; repealing Sections 4.01(c) and (d), Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); including a saving clause; providing for expiration of certain provisions of the Texas Controlled Substances Act if not reenacted on or before December 31, 1985; and declaring an emergency.

On motion of Representative C. Evans, the house concurred in the senate amendments to HB 1191.

HB 1191 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

Amend HB 1191 as follows:

a. On page 15, line 17, strike "@" and add "(!)" in its place.

b. On page 16, line 17, strike "!*" and add "!" in its place.

c. On page 32, line 10, strike "!0" and add "!Y" in its place.

d. On page 34, line 27, strike "!Q" and add "!" in its place.

e. On page 37, line 19, strike "$500" and add "$50,000" in its place.

f. On page 38, strike all of lines 10 through 19 and add the following in its place:

Sec. 4.053. DELIVERY OF CONTROLLED SUBSTANCE TO MINOR.
(a) Except as authorized by this Act, a person commits an aggravated offense if the person knowingly or intentionally delivers a controlled substance listed in Penalty Group 1, 2, or 3 or knowingly or intentionally delivers marihuana and the person delivers the marihuana or controlled substance to a person:

(1) who is 17 years of age or younger;
(2) that the actor knows or believes intends to deliver the controlled substance or marihuana to a person 17 years of age or younger;
(3) who is enrolled in an elementary or secondary school; or
(4) that the actor knows or believes intends to deliver the controlled substance or marihuana to a person who is enrolled in an elementary or secondary school.

SENATE AMENDMENT NO. 2

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

INTRODUCTION OF GOVERNOR MARK WHITE

Speaker Lewis introduced Governor Mark White to the house.
Governor White addressed the house briefly.

**HR 567 - ADOPTED**

Representative Oliveira moved that all necessary rules be suspended to take up and consider at this time, HR 567.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Oliveira:

**HR 567, Commending Hector Antonio Vera.**

The resolution was adopted without objection.

(McKenna in the chair)

**SCR 136 - ADOPTED**

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, SCR 136.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**SCR 136**

WHEREAS, Thelma McCall alleges that:

(1) the grand jury indicted her on theft charges as a result of information supplied by the Port of Houston Authority;

(2) she was acquitted of all charges; and

(3) she suffered damage to her health, reputation, and character and was terminated from her employment because of the actions of the Port of Houston Authority; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Thelma McCall be and is hereby granted permission to sue the State of Texas and the Port of Houston Authority for any relief to which she 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 and on the general manager of the Port of Houston Authority 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 claimant, 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.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

The chair announced that the speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:
HB 36 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative A. Hill submitted the following conference committee report on HB 36:

Austin, Texas, May 30, 1983

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 36 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 Anita Hill
Bob Vale Betty Denton
Hugh Parmer Irma Rangel
On the part of the Senate On the part of the House

HB 36

A BILL TO BE ENTITLED
AN ACT
relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.

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

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.001. SHORT TITLE. This Act may be cited as the Uniform Statutory Court Act.

SECTION 1.002. SCOPE OF ACT. (a) Subchapter B changes the name of each existing county court at law to a circuit court. All constitutional and statutory references to county courts at law mean circuit courts, and all laws and rules applicable to county courts at law are applicable to circuit courts.

(b) Except as otherwise provided by this Act, Subchapter A provides uniform jurisdiction, powers, terms, practices and procedures, qualifications and salaries of judges, personnel, and other provisions throughout the state for all circuit courts.

(c) Additional courts may be created by amending Subchapter C of this Act without repeating the general provisions of Subchapter A.

(d) This Act does not apply to statutory probate courts which, for purposes of this Act, are defined by Section 3, Texas Probate Code.

SECTION 1.003. JURISDICTION. (a) Except as provided by Subsection (b) of this section, a circuit court has concurrent civil jurisdiction with the district court in:

(1) cases in which the matter in controversy exceeds $500 and does not exceed $50,000, excluding interest;

(2) appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy;

(3) eminent domain cases and proceedings, regardless of the amount in controversy, except that the courts that are directed by this Act to give preference to criminal cases do not have jurisdiction of eminent domain cases; and
cases and proceedings involving adoptions, birth records, or removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; paternity; termination of parental rights; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incidental to divorce or annulment proceedings; independent actions involving child support and custody of minors and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses.

(b) A circuit court has jurisdiction over the matters set out in Subsection (a)(4) of this section only if:

1. the court redesignated by this Act as the circuit court had that jurisdiction on the effective date of this Act; or
2. the court was created in Subchapter C of this Act by the 68th Legislature, Regular Session.

(c) A circuit court has concurrent jurisdiction with the county court in:

1. all civil and criminal cases and proceedings, original and appellate, prescribed by law for county courts; and
2. probate matters and proceedings in a county that does not have a statutory probate court; and
3. mental illness matters and proceedings pursuant to the Texas Mental Health Code, as revised by the 68th Legislature, Regular Session (Article 5547-1 et seq., Vernon's Texas Civil Statutes), in a county that does not have a statutory probate court. Notwithstanding the provisions of the Texas Mental Health Code, as revised, regarding jurisdiction (Article 5547-40, Vernon's Texas Civil Statutes), a constitutional county court exercising jurisdiction in mental illness matters may retain such jurisdiction subject only to Section 41 of that code providing for transfer of proceedings (Article 5547-41, Vernon's Texas Civil Statutes).

(d) A circuit court has concurrent jurisdiction with the justice court in all criminal matters for which jurisdiction is conferred on justice courts by the general laws of this state. This section does not deny the right of appeal to a circuit court from the justice court where the right of appeal to the county court exists by law.

2. This subsection shall not apply to justice or circuit courts in Wichita County, Texas.

(e) A circuit court has concurrent jurisdiction with the justice court in all criminal matters for which jurisdiction is conferred on justice courts by the general laws of this state. This section does not deny the right of appeal to a circuit court from the justice court where the right of appeal to the county court exists by law.

(f) A circuit court does not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the commissioners court. The judge of the county court retains and shall exercise all ex officio duties of the county judge.

(g) This section does not diminish the jurisdiction of the district courts and justice courts but only gives concurrent jurisdiction to the circuit courts over the matters specified in Subsections (a)-(e). The district courts and justice courts retain and shall continue to exercise the jurisdiction conferred by law on those courts.

(h) Article 1951, Revised Statutes, does not apply to a circuit court. Neither Article 1951 nor Section 4, Chapter 832, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3266a, Vernon's Texas Civil Statutes), affects or diminishes the jurisdiction of the circuit court.

SECTION 1.004. POWERS AND DUTIES. (a) A circuit court or its judge may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the
jurisdiction of the court. It may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) A circuit court or its judge may punish for contempt as prescribed by general law.

(c) The judge of a circuit court has all other powers, duties, immunities, and privileges provided by law for county court judges, except that a judge of a circuit court does not have any authority over the administrative business of the county that is performed by the county judge of the county.

SECTION 1.005. TERMS OF COURT. The terms of a circuit court begin on the first Monday in January and the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

SECTION 1.006. JUDGES. (a) A judge of a circuit court must be a citizen of the United States, must have resided in the county in which the court is located for at least one year prior to his election or appointment, and must be a person licensed to practice law in this state who has actively practiced law for at least four years prior to his election or appointment. The requirement that the person must have actively practiced law for four years does not apply to a person serving as judge of a statutory county court on the date that the court is renamed by this Act.

(b) Unless otherwise provided by this Act, the commissioners court of each county shall fix the annual salary of each judge of a circuit court at a sum that is at least equal to the amount that is $1,000 less than the total annual salary, including supplements, received by the judges of the district courts in that county. The annual salary shall be paid in equal monthly installments.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a circuit court. The appointee holds office until the next succeeding general election and until his successor is elected and qualified.

(d) At the general election in 1986 and every fourth year thereafter, the qualified voters of the county shall elect the judges of the circuit courts for regular terms of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge of a circuit court shall take the oath of office prescribed by the constitution of this state.

(f) The judge of a circuit court may not engage in the private practice of law.

(g) The judge of a circuit court that is designated a juvenile court is a member of the county juvenile board.

SECTION 1.007. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The judge of each circuit court shall appoint an official court reporter. The court reporter must have the qualifications prescribed by law for that office and is entitled to the same compensation, fees, and allowances as the reporters of the district courts in that county.

(b) The judge of each circuit court may appoint a court coordinator or administrative assistant position, if approved by the commissioners court, for his court. A court coordinator or administrative assistant performs the duties prescribed by the judge of his court and cooperates with the administrative judges and state agencies for the uniform and efficient operation of the courts and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law. This section is cumulative of the provisions of the law that relate to a court administrator's system for county courts with criminal jurisdiction in certain counties and a court manager, coordinator system, and presiding judge for certain courts in counties with a population in excess of 2,000,000.
(c) The criminal district attorney or county attorney and the sheriff of the county shall attend each circuit court as required by the judge of the court. The county clerk serves as clerk of the circuit court except that, in matters within the concurrent jurisdiction of the circuit court and the district court, the judges of the circuit courts and district courts in a county may provide, in the rules adopted under Section 1.011(c) of this Act, for the district clerk to serve as clerk of the court.

(d) The commissioners court shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the circuit courts in each county.

SECTION 1.008. SPECIAL JUDGE. (a) If the regular judge of a circuit court is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a person licensed to practice law in this state to sit as a special judge.

(b) To be eligible for appointment as a special judge, the person must meet the qualifications required of the regular judge.

(c) A special judge shall take the oath of office that is required by law for the regular judge and has all the power and jurisdiction of the court and of the regular judge for whom he is sitting. A special judge may sign orders, judgments, decrees, or other process of any kind as "Judge Presiding" when acting for the regular judge.

(d) A special judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the services. The compensation shall be paid out of county funds on certification by the presiding judge of the administrative judicial district that the special judge has rendered the services and is entitled to receive the compensation. None of the amount paid to a special judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge.

(e) This section is cumulative of the law relating to the appointment of a special judge by the presiding judge for certain circuit courts with criminal jurisdiction in counties with a population in excess of 2,000,000.

SECTION 1.009. VISITING JUDGE. (a) If a regular judge of a circuit court is absent or is from any cause disabled or disqualified from presiding, the presiding judge of the administrative judicial district in which the county is located may appoint a retired judge of a district court, county court at law, or circuit court, or a regular judge of a district court or circuit court to preside over the circuit court. The presiding judge of the judicial district, with the consent of a retired judge of a district court, retired judge of a county court at law, or retired judge of a circuit court, or a regular judge of a district court or a regular judge of a circuit court within his district, may make an assignment outside of the judicial district in which he presides with the specific authorization of the presiding judge of the judicial district in which the assignment is made.

(b) A retired judge of a district court, retired judge of a county court at law, or retired judge of a circuit court may elect to be a judicial officer of a circuit court by filing the written election with the presiding judge of the judicial district in which the judge resides. A judge may not elect to be a judicial officer of a circuit court if the judge:

(1) appears and pleads as an attorney at law in any court of this state;

(2) has been defeated in an election for judge of the court over which he formerly presided;

(3) has been removed from office by impeachment, by the supreme court, by the governor on address of the legislature, by legislative abolishment of the court presided over by the judge, or by the Judicial Qualifications Commission; or

(4) has resigned as judge of a court while under investigation by the Judicial Qualifications Commission.
(c) A visiting judge may sign orders, judgments, decrees, or other process as "Judge Presiding" when acting for the regular judge.

(d) A visiting judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the service, less an amount equal to the prorated annuity received from a state, district, or county retirement fund. A visiting judge shall be reimbursed for actual food and lodging expenses incurred, in an amount not to exceed $100 a day, and for actual travel expenses between the residence of the judge and the court to which he is assigned. The compensation shall be paid out of county funds on certification by the presiding judge of the administrative judicial district that the visiting judge has rendered the service and is entitled to receive the compensation. None of the amount paid to a visiting judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge. Section 42.104, Title 110B, Revised Statutes, does not apply to a retired judge of a district court who is appointed a visiting judge under this section.

(e) This section is cumulative of the law relating to the appointment of a special judge by the presiding judge for certain circuit courts with criminal jurisdiction in counties with a population in excess of 2,000,000.

SECTION 1.010. TRANSFER OF CASES; EXCHANGE OF BENCHES.
(a) The judge of the county court and the judges of the circuit courts in a county may transfer cases to and from the dockets of their respective courts, except that a case may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. The county judge and the judges of the circuit courts in a county may exchange benches and courtrooms with each other so that if one is absent, disabled, or disqualified, the other may hold court for him without the necessity of transferring the case. Either judge may hear all or any part of a case pending in the county court or a circuit court and may rule and enter orders on and continue, determine, or render judgment on all or any part of the case without the necessity of transferring it to his own docket. A judge may not sit or act in a case unless it is within the jurisdiction of his court. Each judgment and order shall be entered in the minutes of the court in which the case is pending.

(b) On motion of a party or on their own motion, the judges of the circuit court and district courts in a county may, upon agreement of the parties, transfer civil cases and proceedings to and from the dockets of their respective courts, except that a case or proceeding may not be transferred from one court to another without the consent of the judge of the court to which it is transferred and may not be transferred unless it is within the jurisdiction of the court to which it is transferred. If a judge is disqualified in a case or proceeding, he shall transfer the case or proceeding from his court to one of the other courts.

(c) When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which the case is transferred as if originally issued out of the court to which the transfer is made.

SECTION 1.011. JURIES; PRACTICE AND PROCEDURE. (a) The drawing of jury panels, selection of jurors, and practice in the circuit courts shall conform to that prescribed by general law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, juries, and all other matters pertaining to the conduct of trials and hearings in the circuit courts involving those matters of concurrent jurisdiction with district courts shall be
governed by the constitution, laws, and rules pertaining to district courts. Notwithstanding any law to the contrary, in circuit courts the jury shall be composed of 12 persons in all cases in which circuit courts have concurrent jurisdiction with district courts; but the parties may by consent agree, in a particular case, to try with a less number.

(b) The judges of the circuit courts in a county may adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of the circuit courts that they consider necessary or desirable for the orderly dispatch of the business of those courts, except that the judges may not adopt rules inconsistent with law, the Texas Rules of Civil Procedure, or the Rules of Post Trial and Appellate Procedure in Criminal Cases.

(c) In matters within their concurrent jurisdiction, the judges of the circuit courts and district courts in a county shall adopt the rules governing the filing and numbering of cases, the assignment of cases for trial, and the distribution of the work of those courts that they consider necessary or desirable for the orderly dispatch of the business of those courts, except that the judges may not adopt rules inconsistent with law, the Texas Rules of Civil Procedure, or the Rules of Post Trial and Appellate Procedure in Criminal Cases. The rules must provide for either the county clerk or the district clerk to serve as clerk of the circuit courts in matters within the concurrent jurisdiction of the circuit courts and district courts. The rules must receive an affirmative vote of a majority of the judges of the district courts and a majority of the judges of the circuit courts in the county. For compliance with this subsection when the vote of either the district court judges or the circuit court judges is tied, the vote of the district judge with the greatest number of years of service is considered to be the vote of a majority of the district court judges, and the vote of the circuit court judge with the greatest number of years of service is considered to be the vote of a majority of the circuit court judges.

SECTION 1.012. SEAL. The seal of the courts that are renamed or created by this Act is the same as that provided by law for county courts, except that the seal shall contain the name of the circuit court as it appears in this Act.

SUBCHAPTER B. CHANGE OF NAME AND SPECIAL PROVISIONS FOR CERTAIN COURTS

SECTION 2.001. (a) The name of the County Court at Law of Anderson County is changed to the Circuit Court No. 1 of Anderson County.

(b) The commissioners court in Anderson County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.002. (a) The name of the County Court at Law of Angelina County is changed to the Circuit Court No. 1 of Angelina County.

(b) The Commissioners Court of Angelina County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.003. (a) The name of the County Court at Law No. 1 of Bell County is changed to the Circuit Court No. 1 of Bell County.

(b) The commissioners court in Bell County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.004. (a) The name of the County Court at Law No. 2 of Bell County is changed to the Circuit Court No. 2 of Bell County.

(b) The commissioners court in Bell County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.005. (a) The name of the County Court at Law No. 1 of Bexar County is changed to the Circuit Court No. 1 of Bexar County.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.006. (a) The name of the County Court at Law No. 2 of Bexar County is changed to the Circuit Court No. 2 of Bexar County.
(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.007. (a) The name of the County Court at Law No. 3 of Bexar County is changed to the Circuit Court No. 3 of Bexar County.
(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.008. (a) The name of the County Court at Law No. 4 of Bexar County is changed to the Circuit Court No. 4 of Bexar County.
(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
(c) The Circuit Court No. 4 of Bexar County shall give preference to probate matters and proceedings.
(d) The judge of the Circuit Court No. 4 of Bexar County may appoint an administrative assistant or assistants to aid him in the performance of his duties in probate matters. The salary of the administrative assistant or assistants shall be set by the commissioners court and paid out of the general fund of the county by warrants drawn by the county treasurer, or his successor, on orders of the commissioners court.

SECTION 2.009. (a) The name of the County Court at Law No. 5 of Bexar County is changed to the Circuit Court No. 5 of Bexar County.
(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.010. (a) The name of the County Court at Law No. 6 of Bexar County is changed to the Circuit Court No. 6 of Bexar County.
(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
(c) The Circuit Court No. 6 of Bexar County shall give preference to probate matters and proceedings.
(d) The judge of the Circuit Court No. 6 of Bexar County may appoint an administrative assistant or assistants to aid him in the performance of his duties in probate matters. The salary of the administrative assistant or assistants shall be set by the commissioners court and paid out of the general fund of the county by warrants drawn by the county treasurer, or his successor, on orders of the commissioners court.

SECTION 2.011. The name of the County Court at Law No. 1 of Brazoria County is changed to the Circuit Court No. 1 of Brazoria County.
SECTION 2.012. The name of the County Court at Law No. 2 of Brazoria County is changed to the Circuit Court No. 2 of Brazoria County.
SECTION 2.013. (a) The name of the County Court at Law of Brazos County is changed to the Circuit Court No. 1 of Brazos County.
(b) The commissioners court in Brazos County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.014. (a) The name of the County Court at Law of Cameron County is changed to the Circuit Court No. 1 of Cameron County.
(b) The commissioners court in Cameron County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.015. (a) The name of the County Court at Law No. 2 of Cameron County is changed to the Circuit Court No. 2 of Cameron County.
(b) The commissioners court in Cameron County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.016. (a) The name of the County Court at Law of Collin County is changed to the Circuit Court No. 1 of Collin County.
(b) The Commissioners Court of Collin County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
SECTION 2.017. (a) The name of the County Court at Law No. 2 of Collin County is changed to the Circuit Court No. 2 of Collin County.
(b) The Commissioners Court of Collin County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.018. (a) The name of the County Court at Law of Comal County is changed to the Circuit Court No. 1 of Comal County.
(b) The Commissioners Court of Comal County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.019. The name of the County Court of Dallas County at Law No. 1 is changed to the Circuit Court No. 1 of Dallas County.

SECTION 2.020. The name of the County Court of Dallas County at Law No. 2 is changed to the Circuit Court No. 2 of Dallas County.

SECTION 2.021. The name of the County Court of Dallas County at Law No. 3 is changed to the Circuit Court No. 3 of Dallas County.

SECTION 2.022. The name of the County Court of Dallas County at Law No. 4 is changed to the Circuit Court No. 4 of Dallas County.

SECTION 2.023. The name of the County Court of Dallas County at Law No. 5 is changed to the Circuit Court No. 5 of Dallas County.

SECTION 2.024. (a) The name of the County Criminal Court of Dallas County is changed to the Circuit Court No. 6 of Dallas County.
(b) The Circuit Court No. 6 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.025. (a) The name of the County Criminal Court No. 2 of Dallas County is changed to the Circuit Court No. 7 of Dallas County.
(b) The Circuit Court No. 7 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.026. (a) The name of the County Criminal Court No. 3 of Dallas County is changed to the Circuit Court No. 8 of Dallas County.
(b) The Circuit Court No. 8 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.027. (a) The name of the County Criminal Court No. 4 of Dallas County is changed to the Circuit Court No. 9 of Dallas County.
(b) The Circuit Court No. 9 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.028. (a) The name of the County Criminal Court No. 5 of Dallas County is changed to the Circuit Court No. 10 of Dallas County.
(b) The Circuit Court No. 10 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.029. (a) The name of the County Criminal Court No. 6 of Dallas County is changed to the Circuit Court No. 11 of Dallas County.
(b) The Circuit Court No. 11 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.030. (a) The name of the County Criminal Court No. 7 of Dallas County is changed to the Circuit Court No. 12 of Dallas County.
(b) The Circuit Court No. 12 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.031. (a) The name of the County Criminal Court No. 8 of Dallas County is changed to the Circuit Court No. 13 of Dallas County.
(b) The Circuit Court No. 13 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.032. (a) The name of the County Criminal Court No. 9 of Dallas County is changed to the Circuit Court No. 14 of Dallas County.
(b) The Circuit Court No. 14 of Dallas County shall give preference to criminal misdemeanor cases.
SECTION 2.033. (a) The name of the County Criminal Court No. 10 of Dallas County is changed to the Circuit Court No. 15 of Dallas County.
(b) The Circuit Court No. 15 of Dallas County shall give preference to criminal misdemeanor cases.

SECTION 2.034. (a) The name of the Dallas County Criminal Court of Appeals is changed to the Circuit Court No. 16 of Dallas County.
(b) The Circuit Court No. 16 of Dallas County shall give preference to criminal misdemeanor cases appealed from justice of the peace and municipal courts.

SECTION 2.035. (a) The name of the Dallas County Criminal Court of Appeals No. 2 is changed to the Circuit Court No. 17 of Dallas County.
(b) The Circuit Court No. 17 of Dallas County shall give preference to criminal misdemeanor cases appealed from justice of the peace and municipal courts.

SECTION 2.036. (a) The name of the County Court at Law of Denton County is changed to the Circuit Court No. 1 of Denton County.
(b) The Commissioners Court of Denton County shall set the judge’s annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.037. (a) The name of the County Court at Law No. 2 of Denton County is changed to the Circuit Court No. 2 of Denton County.
(b) The Commissioners Court of Denton County shall set the judge’s annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.038. The name of the County Court at Law of Ector County is changed to the Circuit Court No. 1 of Ector County.
(b) The commissioners court in Ector County shall set the judge’s annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.039. The name of the County Court at Law No. 1 of El Paso County is changed to the Circuit Court No. 1 of El Paso County.

SECTION 2.040. The name of the County Court at Law No. 2 of El Paso County is changed to the Circuit Court No. 2 of El Paso County.

SECTION 2.041. The name of the County Court at Law No. 3 of El Paso County is changed to the Circuit Court No. 3 of El Paso County.

SECTION 2.042. The name of the County Court at Law No. 4 of El Paso County is changed to the Circuit Court No. 4 of El Paso County.

SECTION 2.043. The name of the County Court at Law No. 5 of El Paso County is changed to the Circuit Court No. 5 of El Paso County.

SECTION 2.044. (a) The name of the County Court at Law of Fort Bend County is changed to the Circuit Court No. 1 of Fort Bend County.
(b) The commissioners court in Fort Bend County shall set the judge’s annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.045. (a) The name of the County Court at Law No. 1 of Galveston County is changed to the Circuit Court No. 1 of Galveston County.
(b) The judge’s annual salary shall be 90 percent of the annual salary including supplements of that paid the district judges of the county. The salary shall be paid in equal monthly installments.

SECTION 2.046. (a) The name of the County Court at Law No. 2 of Galveston County is changed to the Circuit Court No. 2 of Galveston County.
(b) The judge’s annual salary shall be 90 percent of the annual salary including supplement of that paid the district judges of the county. The salary shall be paid in equal monthly installments.

SECTION 2.047. (a) The name of the County Court at Law of Grayson County is changed to the Circuit Court No. 1 of Grayson County.
(b) The Commissioners Court of Grayson County shall set the judge’s annual salary. The salary shall be paid in equal monthly installments.
May 30, 1983  

SECTION 2.048. (a) The name of the County Court at Law No. 2 of Grayson County is changed to the Circuit Court No. 2 of Grayson County.

(b) The Commissioners Court of Grayson County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.049. (a) The name of the County Court at Law of Gregg County is changed to the Circuit Court No. 1 of Gregg County.

(b) The commissioners court in Gregg County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.050. (a) The name of the County Court at Law of Guadalupe County is changed to the Circuit Court No. 1 of Guadalupe County.

(b) The commissioners court in Guadalupe County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.051. (a) The name of the County Civil Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 1 of Harris County.

(b) The Circuit Court No. 1 of Harris County shall give preference to civil cases.

(c) The county clerk of Harris County is the clerk of Circuit Court No. 1 of Harris County and shall receive and collect the fees provided by law in civil matters.

SECTION 2.052. (a) The name of the County Civil Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 2 of Harris County.

(b) The Circuit Court No. 2 of Harris County shall give preference to civil cases.

(c) The county clerk of Harris County is the clerk of Circuit Court No. 2 of Harris County and shall receive and collect the fees provided by law in civil matters.

SECTION 2.053. (a) The name of the County Civil Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 3 of Harris County.

(b) The Circuit Court No. 3 of Harris County shall give preference to civil cases.

(c) The county clerk of Harris County is the clerk of Circuit Court No. 3 of Harris County and shall receive and collect the fees provided by law in civil matters.

SECTION 2.054. (a) The name of the County Civil Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 4 of Harris County.

(b) The Circuit Court No. 4 of Harris County shall give preference to civil cases.

(c) The county clerk of Harris County is the clerk of Circuit Court No. 4 of Harris County and shall receive and collect the fees provided by law in civil matters.

SECTION 2.055. (a) The name of the County Criminal Court at Law No. 1 of Harris County, Texas, is changed to the Circuit Court No. 5 of Harris County.

(b) The Circuit Court No. 5 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 5 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 5 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 5 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 5 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 5 of Harris County, Texas.
SECTION 2.056. (a) The name of the County Criminal Court at Law No. 2 of Harris County, Texas, is changed to the Circuit Court No. 6 of Harris County.

(b) The Circuit Court No. 6 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 6 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 6 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 6 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 6 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 6 of Harris County, Texas.

SECTION 2.057. (a) The name of the County Criminal Court at Law No. 3 of Harris County, Texas, is changed to the Circuit Court No. 7 of Harris County.

(b) The Circuit Court No. 7 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 7 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 7 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 7 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 7 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 7 of Harris County, Texas.

SECTION 2.058. (a) The name of the County Criminal Court at Law No. 4 of Harris County, Texas, is changed to the Circuit Court No. 8 of Harris County.

(b) The Circuit Court No. 8 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 8 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 8 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 8 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 8 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 8 of Harris County, Texas.
SECTION 2.059. (a) The name of the County Criminal Court at Law No. 5 of Harris County, Texas, is changed to the Circuit Court No. 9 of Harris County.  
(b) The Circuit Court No. 9 of Harris County shall give preference to criminal cases.  
(c) The terms of the Circuit Court No. 9 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.  
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 9 of Harris County and shall receive and collect the fees provided by law in criminal matters.  
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 9 of Harris County shall receive the fees fixed by law for executing criminal process.  
(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 9 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 9 of Harris County, Texas.

SECTION 2.060. (a) The name of the County Criminal Court at Law No. 6 of Harris County, Texas, is changed to the Circuit Court No. 10 of Harris County.  
(b) The Circuit Court No. 10 of Harris County shall give preference to criminal cases.  
(c) The terms of the Circuit Court No. 10 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.  
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 10 of Harris County and shall receive and collect the fees provided by law in criminal matters.  
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 10 of Harris County shall receive the fees fixed by law for executing criminal process.  
(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 10 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 10 of Harris County, Texas.

SECTION 2.061. (a) The name of the County Criminal Court at Law No. 7 of Harris County, Texas, is changed to the Circuit Court No. 11 of Harris County.  
(b) The Circuit Court No. 11 of Harris County shall give preference to criminal cases.  
(c) The terms of the Circuit Court No. 11 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.  
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 11 of Harris County and shall receive and collect the fees provided by law in criminal matters.  
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 11 of Harris County shall receive the fees fixed by law for executing criminal process.  
(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 11 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 11 of Harris County, Texas.
SECTION 2.062. (a) The name of the County Criminal Court at Law No. 8 of Harris County, Texas, is changed to the Circuit Court No. 12 of Harris County.

(b) The Circuit Court No. 12 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 12 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 12 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 12 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 12 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 12 of Harris County, Texas.

SECTION 2.063. (a) The name of the County Criminal Court at Law No. 9 of Harris County, Texas, is changed to the Circuit Court No. 13 of Harris County.

(b) The Circuit Court No. 13 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 13 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 13 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 13 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 13 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 13 of Harris County, Texas.

SECTION 2.064. (a) The name of the County Criminal Court at Law No. 10 of Harris County, Texas, is changed to the Circuit Court No. 14 of Harris County.

(b) The Circuit Court No. 14 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 14 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 14 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 14 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 14 of Harris County, Texas, and the district attorney and his assistants shall have the right and
it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 14 of Harris County, Texas.

SECTION 2.065. (a) The name of the County Court at Law of Hays County is changed to the Circuit Court No. 1 of Hays County.

(b) The commissioners court in Hays County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.066. (a) The name of the County Court at Law of Henderson County is changed to the Circuit Court No. 1 of Henderson County.

(b) The Commissioners Court of Henderson County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.067. (a) The name of the County Court at Law of Hidalgo County is changed to the Circuit Court No. 1 of Hidalgo County.

(b) The Commissioners Court of Hidalgo County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.068. (a) The name of the County Court at Law No. 2 of Hidalgo County is changed to the Circuit Court No. 2 of Hidalgo County.

(b) The Commissioners Court of Hidalgo County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.069. (a) The name of the County Court at Law, No. 3 of Hidalgo County is changed to the Circuit Court No. 3 of Hidalgo County.

(b) The Commissioners Court of Hidalgo County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.070. (a) The name of the County Court at Law of Houston County is changed to the Circuit Court No. 1 of Houston County.

(b) The commissioners court in Houston County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.071. (a) The name of the County Court of Jefferson County at Law is changed to the Circuit Court No. 1 of Jefferson County.

(b) The commissioners court in Jefferson County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.072. (a) The name of the County Court of Jefferson County at Law No. 2 is changed to the Circuit Court No. 2 of Jefferson County.

(b) The commissioners court in Jefferson County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.073. (a) The name of the County Court at Law No. 1 of Lubbock County is changed to the Circuit Court No. 1 of Lubbock County.

(b) The county clerk of Lubbock County serves as clerk of the Circuit Court No. 1 of Lubbock County except that, in matters prescribed by Subdivision (4) of Section 1.003(a) and by Section 1.003(c) of this Act, the district clerk of Lubbock County serves as clerk of the court.

(c) The judge's salary in Lubbock County shall be in an amount not less than 85 percent of the total annual salary, including supplements paid by Lubbock County, of the judge of the 99th District Court of the State of Texas.

SECTION 2.074. (a) The name of the County Court at Law No. 2 of Lubbock County is changed to the Circuit Court No. 2 of Lubbock County.

(b) The county clerk of Lubbock County serves as clerk of the Circuit Court No. 2 of Lubbock County except that, in matters prescribed by Subdivision (4) of Section 1.003(a) and by Section 1.003(c) of this Act, the district clerk of Lubbock County serves as clerk of the court.

(c) The judge's salary in Lubbock County shall be in an amount not less than 85 percent of the total annual salary, including supplements paid by Lubbock County, of the judge of the 99th District Court of the State of Texas.

SECTION 2.075. (a) The name of the County Court at Law of Medina County is changed to the Circuit Court No. 1 of Medina County.
(b) The commissioners court in Medina County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.076. (a) The name of the County Court at Law of Midland County is changed to the Circuit Court No. 1 of Midland County.

(b) The commissioners court in Midland County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.077. (a) The name of the County Court at Law No. 1 of Montgomery County is changed to the Circuit Court No. 1 of Montgomery County.

(b) The Commissioners Court of Montgomery County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.078. (a) The name of the County Court at Law No. 2 of Montgomery County is changed to the Circuit Court No. 2 of Montgomery County.

(b) The Commissioners Court of Montgomery County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.079. (a) The name of the County Court at Law of Nacogdoches County is changed to the Circuit Court No. 1 of Nacogdoches County.

(b) The Commissioners Court of Nacogdoches County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.080. (a) The name of the County Court at Law of Nolan County is changed to the Circuit Court No. 1 of Nolan County.

(b) The commissioners court in Nolan County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.081. The name of the County Court at Law No. 1 of Nueces County is changed to the Circuit Court No. 1 of Nueces County.

SECTION 2.082. The name of the County Court at Law No. 2 of Nueces County is changed to the Circuit Court No. 2 of Nueces County.

SECTION 2.083. The name of the County Court at Law No. 3 of Nueces County is changed to the Circuit Court No. 3 of Nueces County.

SECTION 2.084. (a) The name of the County Court at Law of Orange County is changed to the Circuit Court No. 1 of Orange County.

(b) The commissioners court in Orange County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.085. (a) The name of the County Court at Law of Potter County is changed to the Circuit Court No. 1 of Potter County.

(b) The commissioners court in Potter County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.086. (a) The name of the County Court at Law No. 2 of Potter County is changed to the Circuit Court No. 2 of Potter County.

(b) The commissioners court in Potter County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.087. (a) The name of the County Court at Law of Randall County is changed to the Circuit Court No. 1 of Randall County.

(b) The Commissioners Court of Randall County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.088. (a) The name of the County Court at Law of Reeves County is changed to the Circuit Court No. 1 of Reeves County.

(b) The commissioners court in Reeves County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.089. (a) The name of the County Court at Law of Smith County is changed to the Circuit Court No. 1 of Smith County.

(b) The commissioners court in Smith County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.090. (a) The name of the County Court at Law No. 2 of Smith County is changed to the Circuit Court No. 2 of Smith County.
(b) The commissioners court in Smith County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.091. The name of the County Court at Law No. 1 of Tarrant County is changed to the Circuit Court No. 1 of Tarrant County.

SECTION 2.092. The name of the County Court at Law No. 2 of Tarrant County is changed to the Circuit Court No. 2 of Tarrant County.

SECTION 2.093. The name of the County Criminal Court No. 1 of Tarrant County is changed to the Circuit Court No. 3 of Tarrant County.

SECTION 2.094. The name of the County Criminal Court No. 2 of Tarrant County is changed to the Circuit Court No. 4 of Tarrant County.

SECTION 2.095. The name of the County Criminal Court No. 3 of Tarrant County is changed to the Circuit Court No. 5 of Tarrant County.

SECTION 2.096. The name of the County Criminal Court No. 4 of Tarrant County is changed to the Circuit Court No. 6 of Tarrant County.

SECTION 2.097. (a) The name of the County Court at Law of Taylor County is changed to the Circuit Court No. 1 of Taylor County.

(b) If the judge of the Circuit Court No. 1 of Taylor County is absent, disabled, or disqualified, a county judge of Taylor County with the qualifications required of the judge of the circuit court may, at the request of the judge of the circuit court, sit and hold court in the circuit court. If the circuit court judge is incapable of requesting the services of the other judge, the county judge may hold court in the circuit court without the judge's request. The county judge may not sit or act in a case in the circuit court unless it is within the jurisdiction of the county court.

(c) The commissioners court in Taylor County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.098. (a) The name of the County Court at Law of Tom Green County is changed to the Circuit Court No. 1 of Tom Green County.

(b) The commissioners court in Tom Green county shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.099. (a) The name of the County Court at Law No. 1 of Travis County is changed to the Circuit Court No. 1 of Travis County.

(b) The commissioners court in Travis County shall set the judge's salary at an amount equal to at least $19,000, but not more than the amount paid district judges by the state.

SECTION 2.100. (a) The name of the County Court at Law No. 2 of Travis County is changed to the Circuit Court No. 2 of Travis County.

(b) The commissioners court in Travis County shall set the judge's salary at an amount equal to at least $19,000, but not more than the amount paid district judges by the state.

SECTION 2.101. (a) The name of the County Court at Law No. 3 of Travis County is changed to the Circuit Court No. 3 of Travis County.

(b) The commissioners court in Travis County shall set the judge's salary at an amount equal to at least $19,000, but not more than the amount paid district judges by the state.

SECTION 2.102. (a) The name of the County Court at Law No. 4 of Travis County is changed to the Circuit Court No. 4 of Travis County.

(b) The commissioners court in Travis County shall set the judge's salary at an amount equal to at least $19,000, but not more than the amount paid district judges by the state.

SECTION 2.103. (a) The name of the County Court at Law of Val Verde County is changed to the Circuit Court No. 1 of Val Verde County.

(b) The commissioners court in Val Verde County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
SECTION 2.104. (a) The name of the County Court at Law of Victoria County is changed to the Circuit Court No. 1 of Victoria County.

(b) The judge's annual salary shall be 90 percent of the annual salary, including supplements, of that paid the district judges of the county.

SECTION 2.105. (a) The name of the County Court at Law No. 2 of Victoria County is changed to the Circuit Court No. 2 of Victoria County.

(b) This section takes effect on January 1, 1984, or on the date that the commissioners court determines the Circuit Court No. 2 of Victoria County is created by entering an order in its minutes, whichever date is earlier.

(c) The judge's annual salary shall be 90 percent of the annual salary, including supplements, of that paid the district judges of the county.

SECTION 2.106. (a) The name of the County Court at Law of Walker County is changed to the Circuit Court No. 1 of Walker County.

(b) The commissioners court in Walker County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.107. (a) The name of the County Court at Law of Webb County is changed to the Circuit Court No. 1 of Webb County.

(b) The commissioners court in Webb County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.108. (a) The name of the County Court at Law of Wichita County is changed to the Circuit Court No. 1 of Wichita County.

(b) The commissioners court in Wichita County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 2.109. (a) The name of the County Court at Law of Wise County is changed to the Circuit Court No. 1 of Wise County.

(b) The commissioners court in Wise County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SUBCHAPTER C. CREATION OF CIRCUIT COURTS

SECTION 3.001. (a) The Circuit Court No. 7 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.002. (a) The Circuit Court No. 8 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.003. (a) The Circuit Court No. 9 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.004. (a) The Circuit Court No. 15 of Harris County is created.

(b) The Circuit Court No. 15 of Harris County shall give preference to criminal cases.

(c) The terms of the Circuit Court No. 15 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year. Each term continues until the business of the court is disposed of.

(d) The district clerk of Harris County is the clerk of the Circuit Court No. 15 of Harris County and shall receive and collect the fees provided by law in criminal matters.

(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 15 of Harris County shall receive the fees fixed by law for executing criminal process.

(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 15 of Harris
County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 15 of Harris County, Texas.

SECTION 3.005. (a) The Circuit Court No. 16 of Harris County is created.
(b) The Circuit Court No. 16 of Harris County shall give preference to criminal cases.
(c) The terms of the Circuit Court No. 16 of Harris County begin on the first Monday of the months of June, August, October, December, February, and April of each year.
(d) The district clerk of Harris County is the clerk of the Circuit Court No. 16 of Harris County and shall receive and collect the fees provided by law in criminal matters.
(e) The sheriffs and constables of this state executing process issued out of the Circuit Court No. 16 of Harris County shall receive the fees fixed by law for executing criminal process.
(f) The district attorney of Harris County, or his assistants, shall be in attendance upon each term and all sessions of the Circuit Court No. 16 of Harris County, Texas, and the district attorney and his assistants shall have the right and it shall be their duty to represent the State of Texas in criminal cases pending in Circuit Court No. 16 of Harris County, Texas.

SECTION 3.006. (a) The Circuit Court No. 1 of Kleberg County is created.
(b) The commissioners court in Kleberg County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.007. (a) The Circuit Court No. 3 of Montgomery County is created.
(b) The commissioners court in Montgomery County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
(c) This section takes effect January 1, 1984, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 3.008. (a) The Circuit Court No. 1 of Panola County is created.
(b) The commissioners court in Panola County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.009. (a) The Circuit Court No. 1 of Cherokee County is created.
(b) The commissioners court in Cherokee County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.
(c) This section takes effect January 1, 1986, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 3.010. (a) The Circuit Court No. 2 of Ector County is created.
(b) The commissioners court in Ector County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.011. The Circuit Court No. 4 of Nueces County is created.

SECTION 3.012. (a) The Circuit Court No. 7 of Tarrant County is created.
(b) The Circuit Court No. 7 of Tarrant County shall give preference to criminal cases.
(c) This section takes effect January 1, 1984.

SECTION 3.013. (a) The Circuit Court No. 8 of Tarrant County is created.
(b) The Circuit Court No. 8 of Tarrant County shall give preference to criminal cases.
(c) This section takes effect January 1, 1986.

SECTION 3.014. (a) The Circuit Court No. 2 of Wichita County is created.
(b) The Commissioners Court of Wichita County shall set the judge's annual salary. The annual salary shall be paid in equal monthly installments.
(c) This section takes effect on September 1, 1983.
SECTION 3.015. (a) The Circuit Court No. 1 of Calhoun County is created.
(b) The Circuit Court No. 1 of Calhoun County is created on January 1, 1986,
or on an earlier date determined by the commissioners court by an order entered in
its minutes.
(c) The commissioners court sets the salary.
SECTION 3.016. (a) The Circuit Court No. 1 of Rusk County is created.
(b) The Circuit Court No. 1 of Rusk County is created on January 1, 1986,
or on an earlier date determined by the commissioners court by an order entered in
its minutes.
(c) The commissioners court shall set the salary.
SECTION 3.017. (a) The Circuit Court No. 1 of Caldwell County is created.
(b) The Circuit Court No. 1 of Caldwell County is created on October 1, 1983.
(c) The commissioners court shall set the salary.

SUBCHAPTER D. TEMPORARY PROVISIONS

SECTION 4.001. EFFECTIVE DATE. Except as otherwise provided by this
Act, this Act takes effect September 1, 1983.

SECTION 4.002. CREATION OF A COURT IN SEPARATE ACTS. If the
68th Legislature, Regular Session, creates a circuit court for a county in this Act and
creates a county court at law for the county in a separate Act, this Act prevails over
the Act creating the individual court. The county court at law is not created and the
separate Act has no effect. The court created by this Act is governed by this Act.

SECTION 4.003. OFFICE OF JUDGE. The person serving as judge of a
statutory county court on the date that the court is renamed by this Act continues
in office as judge of the court as renamed for the term to which he was elected or,
in the case of a person appointed to fill a vacancy, until the next general election.

SECTION 4.004. REPEALER. (a) Each Act creating a court that is renamed
by Subchapter B of this Act is repealed. The repeal of these Acts does not affect the
existence of the courts, and the courts as renamed continue in existence as provided
by Subchapters A and B of this Act.
(b) The following articles and acts as compiled in Vernon's Texas Civil
Statutes are repealed: 1969a-1; 1969a-2; 1970a; 1970-1; 1970-2; 1970-3; 1970-4;
May 30, 1983

HOUSE JOURNAL

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

SECTION 5.001. CONTINGENT PROVISION. If H.B. 2298 is enacted by the 68th Legislature, Regular Session, and becomes law:

(1) Sections 2.008 and 2.100 of this Act are repealed.

(2) Sections 3.001, 3.002; and 3.003 are amended to read as follows:

SECTION 3.001. (a) The Circuit Court No. 4 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.002. (a) The Circuit Court No. 6 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

SECTION 3.003. (a) The Circuit Court No. 7 of Bexar County is created.

(b) The commissioners court in Bexar County shall set the judge's annual salary. The salary shall be paid in equal monthly installments.

(c) This section takes effect January 1, 1985, except that the qualified voters of Bexar County shall elect the judge of the Circuit Court No. 7 of Bexar County at the general election in 1984 for a two-year term beginning January 1, 1985.

SECTION 5.002. 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.

Representative A. Hill moved to suspend all necessary rules and to adopt the conference committee report on HB 36.

The motion prevailed.

HB 2298 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Tejeda submitted the following conference committee report on HB 2298:

Austin, Texas, May 30, 1983

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2298 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.

Bob Vale
Frank Tejeda
A BILL TO BE ENTITLED
AN ACT
relating to the creation of two county courts at law in Bexar County, and to the redesignation of certain county courts at law in Bexar County as probate courts.

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

SECTION 1. CREATION. The County Courts at Law Numbers 4 and 6 of Bexar County are created effective July 1, 1983.

SECTION 2. JURISDICTION. (a) The courts created by this Act have the same jurisdiction of civil and criminal cases as that of the County Courts at Law Numbers 1, 2, 3, and 5 of Bexar County.

(b) The courts created by this Act do not have jurisdiction over causes and proceedings concerning roads, bridges, and public highways and the general administration of county business that is within the jurisdiction of the commissioners court. The judge of the county court retains and shall exercise all ex officio duties of the county judge.

(c) The courts created by this Act shall give preference to criminal matters and appeals de novo from the municipal and justice courts.

SECTION 3. POWERS AND DUTIES. (a) The courts created by this Act or the judge of a court created by this Act may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. They may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(b) The courts created by this Act or the judge of a court created by this Act may punish for contempt as prescribed by general law.

(c) The judge of a court created by this Act has all other powers, duties, immunities, and privileges provided by law for county court judges, except that the judge does not have any authority over the administrative business of the county that is performed by the county judge of the county.

SECTION 4. TERMS OF COURT. The terms of the courts created by this Act begin on the first Mondays in January, March, May, July, September, and November of each year. Each term of court continues until the next succeeding term begins.

SECTION 5. JUDGE. (a) The judge of a court created by this Act must:

1. be a citizen of the United States;
2. reside in the county;
3. be licensed to practice law in this state; and
4. have actively practiced law for at least four years prior to election or appointment.

(b) Subject to Section 8(c), Chapter 427, Acts of the 54th Legislature, 1955 (Article 3883d, Vernon's Texas Civil Statutes), the commissioners court shall set the annual salary of each judge of a court created by this Act. The annual salary shall be paid in equal monthly installments from county funds.

(c) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a court created by this Act. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.
(d) At the general election in 1986 and every fourth year thereafter, the qualified voters of the county shall elect the judges of the courts created by this Act for regular terms of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(e) The judge of a court created by this Act shall take the oath of office prescribed by the constitution of this state.

SECTION 6. COURT OFFICIALS, PERSONNEL, AND FACILITIES. (a) The judge of a court created by this Act shall appoint an official court reporter. The reporter must be well skilled in his profession and have the qualifications prescribed by law for that office. The reporter shall be a sworn officer of the court and serves at the pleasure of the judge. The reporter is entitled to the same compensation, fees, and allowances as the court reporters of the district courts in the county.

(b) The judge of a court created by this Act may appoint a court coordinator or administrative assistant for the court. A court coordinator or administrative assistant performs the duties prescribed by the judge and cooperates with the administrative judges and state agencies for the uniform and efficient operation of the courts and the administration of justice. The court coordinator or administrative assistant is entitled to be paid from county funds the compensation, fees, and allowances that are set by the commissioners court or as otherwise provided by law. This section is cumulative of the provisions of the law that relate to a court administrator's system for county courts with criminal jurisdiction in certain counties.

(c) The criminal district attorney shall attend the courts created by this Act as required by the judges of the courts.

(d) The county clerk serves as the clerk of the courts created by this Act. The county clerk shall appoint a deputy for each county court at law created by this Act. The deputy shall take the oath of office prescribed by the constitution of this state. The county clerk may require a deputy to furnish bond in an amount, conditioned, and payable as prescribed by law. The deputy shall act in the name of his principal and may perform all official acts that may be performed by the county clerk. The deputy shall attend all sessions of the county court at law to which he is appointed and perform the services in and for the court that are usually performed by the county clerk and his deputies in the county courts of this state. The deputy shall perform any services that may, from time to time, be assigned him by the judge of the court. The deputy shall, in all cases, both civil and criminal, that may be filed in the county court at law to which he is appointed or that may be transferred to that court from another county court at law of Bexar County, tax, assess, and collect the same fees and costs and in the same manner as provided by law for the county courts of this state and the judges of those courts in similar cases. The clerk and the clerk's deputies shall deposit or pay all fees and costs received in their official capacity as provided by law. A deputy may act for the deputy of any other county court at law of Bexar County when requested to do so by the judges of the county courts at law of Bexar County. A deputy acting for another deputy is not entitled to receive additional compensation. In the event of a vacancy, the county clerk of Bexar County shall immediately appoint another deputy for the court. The annual salary of the deputy appointed for each of the courts created by this Act is the same as the annual salary of the deputies of the other county courts at law of Bexar County. The salary shall be paid in equal monthly installments out of county funds. Nothing in this section of this Act alters the duties and powers of the county clerk of Bexar County, except as specifically stated.

SECTION 7. SPECIAL JUDGE. (a) If the regular judge of a court created by this Act is absent or is from any cause disabled or disqualified from presiding, a special judge may be appointed or elected in the manner provided by law for special judges of county courts.
(b) A special judge shall take the oath of office that is required by law for the 
regular judge and has all the power and jurisdiction of the court and of the regular 
judge for whom he is sitting. A special judge may sign orders, judgments, decrees, 
or other process of any kind as "Judge Presiding" when acting for the regular judge. 

(c) A special judge is entitled to receive for the services actually performed the 
same amount of compensation that the regular judge is entitled to receive for the 
services. The compensation shall be paid out of county funds. None of the amount 
paid to a special judge for sitting for the regular judge may be deducted or paid out 
of the salary of the regular judge.

SECTION 8. SEPARATE DOCKETS. The clerk of a court created by this 
Act shall keep a separate docket for the court. Cases shall be docketed in the order 
filed or in any manner as determined by a majority of the judges of the county courts 
at law of Bexar County and the judge of the county court.

SECTION 9. REPORTER'S FEES. The official court reporter's fee shall be 
taxed as costs in civil actions in the same manner as that fee is taxed in civil cases 
in the district courts of this state.

SECTION 10. TRANSFER OF CASES. A judge of a county court at law of 
Bexar County may transfer with the consent of the judge of the court to which 
transfer is to be made civil or criminal actions, matters, and proceedings from his 
court to any one of the other courts by the entry of an order on the docket of the 
court. The judge of the county court at law to which a case is transferred has 
jurisdiction to hear and determine the case and render and enter the necessary and 
proper orders, decrees, and judgments. A case may not be transferred unless it is 
within the jurisdiction of the court to which transferred.

SECTION 11. EXCHANGE OF BENCHES. (a) The judges of the county 
courts at law of Bexar County may exchange benches with each other so that if one 
is absent, disabled, or disqualified, another may hold court for him without the 
necessity of transferring the case. A judge may hear all or any part of a case pending 
in a county court at law and may rule and enter orders on and continue, determine, 
or render judgment on all or any part of the case without the necessity of transferring 
it to his own docket. A judge may not sit or act in a case unless it is within the 
jurisdiction of his court. Each judgment and order shall be entered in the minutes 
of the court in which the case is pending.

(b) When a case is transferred from one court to another as provided by this 
section, all processes, writs, bonds, recognizances, or other obligations issued from 
the transferring court are returnable to the court to which the case is transferred as 
if originally issued by that court. The obligees in all bonds and recognizances taken 
in and for a court from which a case is transferred and all witnesses summoned to 
appear in a court from which a case is transferred are required to appear before the 
court to which the case is transferred as if originally issued out of the court to which 
the transfer is made.

SECTION 12. PRACTICE AND PROCEDURE. The practice in the courts 
created by this Act shall conform to that prescribed by law relating to county courts 
and county courts at law. Appeals and writs of error may be taken from judgments 
and orders of the courts created by this Act and from judgments and orders of the 
judges, in civil and criminal cases, in the same manner as prescribed by law relating 
to appeals and writs of error from judgments and orders of the county courts and 
county courts at law. Appeals may be taken from interlocutory orders of the courts 
created by this Act appointing a receiver, overruling a motion to vacate, or 
overruling an order appointing a receiver, but the procedure and manner in which 
appeals from interlocutory orders are taken is governed by the laws relating to 
appeals from similar orders of the district courts.

SECTION 13. SHERIFF AND DEPUTY SHERIFF. The sheriff of Bexar 
County or the sheriff's appointed deputy shall attend all sessions of the courts
created by this Act. The sheriff shall appoint one deputy for each of the courts. Before assuming his duties, the deputy sheriff shall take the oath of office prescribed by the constitution of this state. The sheriff may require the deputy to furnish bond in an amount, conditioned, and payable as prescribed by law. The deputy shall act in the name of his principal and may perform all official acts that the sheriff may perform. The deputy sheriff shall attend all sessions of the county court at law to which he is appointed and shall perform services in and for the court and for the judge that are usually performed by sheriffs and their deputies in the district and county courts, including the serving of process, subpoenas, warrants, and writs in both civil and criminal cases. The deputy sheriff shall perform the services that the judge assigns to him. The deputy sheriff has the powers, authority, and privileges that the sheriffs and their deputies in this state have. The deputy sheriff shall act for the deputy sheriff of any other county court at law of Bexar County when required to do so by a judge of the courts or by the sheriff. A deputy acting for another is not entitled to receive any additional compensation. The sheriff of Bexar County shall immediately appoint a deputy to fill a vacancy in the office of deputy sheriff for a court created by this Act. The salary of the deputy sheriffs appointed for the courts created by this Act shall be the same as the salaries of the other deputy sheriffs for the county courts at law of Bexar County. The annual salary shall be paid in equal monthly installments out of county funds. Nothing in this section alters the duties and powers of the sheriff of Bexar County, except as specifically stated.

SECTION 14. SEAL. The seals of the courts created by this Act are the same as provided by law for county courts, except that the seal of the County Court at Law Number 4 of Bexar County shall contain the words “County Court at Law Number 4 of Bexar County, Texas,” and the seal of the County Court at Law Number 6 of Bexar County shall contain the words “County Court at Law Number 6 of Bexar County, Texas.”

SECTION 15. INITIAL APPOINTMENT OF JUDGES. The commissioners court shall appoint a person to fill each vacancy existing on creation of the office of judge. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

SECTION 16. REDESIGNATION OF COURTS. The County Court at Law Number 6 of Bexar County, Texas, shall hereafter be called and known as the “Probate Court No. 1 of Bexar County, Texas,” and the County Court at Law Number 4 of Bexar County, Texas, shall hereafter be called and known as the “Probate Court No. 2 of Bexar County, Texas.”

SECTION 17. PROBATE JURISDICTION. (a) Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County have the general jurisdiction of a probate court within the limits of Bexar County, concurrent with the jurisdiction of the county court in probate matters and proceedings. Each probate court may probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business relating to deceased persons, hear and determine all matters affecting minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, lunacy proceedings, and the apprenticing of minors as provided by law.

(b) All those matters filed with the county clerk, regardless of the court or judge to which the matter or proceeding is addressed, shall be filed by the clerk alternately in Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County. Every odd-numbered case shall be filed in Probate Court No. 1 of Bexar County and every even-numbered case shall be filed in Probate Court No. 2 of Bexar County. The clerk shall keep separate dockets for each of the courts.
SECTION 18. JURISDICTION RELATING TO MENTAL HEALTH, ALCOHOLISM, AND NARCOTIC ADDICTION. (a) The Probate Court No. 1 of Bexar County and the Probate Court No. 2 of Bexar County have general jurisdiction, concurrent with the jurisdiction of the county court, to hear and determine all actions, cases, matters, or proceedings instituted under:

1. the Texas Mental Health Code (Article 5547-1, et seq., Vernon's Texas Civil Statutes);
2. Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953 (Article 556 l,c, Vernon's Texas Civil Statutes); and

(b) All matters for which the courts have jurisdiction under Subsection (a) of this section filed with the county clerk, regardless of the court or judge to which the matter or proceeding is addressed, shall be filed by the clerk alternately in Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County. Every odd-numbered case shall be filed with Probate Court No. 1 of Bexar County and every even-numbered case shall be filed with Probate Court No. 2 of Bexar County, but the judges of the statutory probate courts and the county judge may determine another manner for filing cases. The clerk shall keep a separate docket for each court.

SECTION 19. EMINENT DOMAIN JURISDICTION. (a) Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County have eminent domain jurisdiction.

(b) All actions, cases, matters, or proceedings of eminent domain arising under Title 52, Revised Statutes, or under Chapter 186, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 6674n, Vernon's Texas Civil Statutes), shall be filed and docketed in Probate Court No. 1 of Bexar County, and Probate Court No. 2 of Bexar County.

SECTION 20. COUNTY COURT JURISDICTION CONCURRENT. The county court retains its powers and jurisdiction existing on the effective date of this Act and shall exercise its powers and jurisdiction as a probate court with respect to all probate matters and proceedings other than those transferred to or filed in Probate Court No. 1 of Bexar County or Probate Court No. 2 of Bexar County. The county judge is the judge of the County Court of Bexar County and shall exercise all ex officio duties of the county judge of Bexar County, except as far as those duties are expressly committed by statute to the judge of Probate Court No. 1 of Bexar County or to the judge of Probate Court No. 2 of Bexar County.

SECTION 21. PROBATE COURT NO. 2: GENERAL JURISDICTION.

(a) Probate Court No. 2 of Bexar County has the same jurisdiction, powers, and duties, and concurrent jurisdiction, powers, and duties in all civil and criminal actions, proceedings, and matters, original and appellate, over which, by the constitution and general laws of this state, the County Courts at Law Numbers 1, 2, and 3 of Bexar County have jurisdiction, and has concurrent jurisdiction with the district courts in which the matter in controversy exceeds $500 and does not exceed $5,000, exclusive of interest. Probate Court No. 2 shall give preference and priority to probate matters and proceedings.

(b) The practice in civil and criminal matters in Probate Court No. 2 of Bexar County shall be the same as prescribed by law for county courts. Appeals and writs of error may be taken from judgments and orders of Probate Court No. 2 of Bexar County and from judgments and orders of the judge, in civil and criminal cases, and in the same manner as prescribed by law relating to appeals and writs of error from judgments and orders of the county courts in similar cases. Appeals may be taken from interlocutory orders of Probate Court No. 2 of Bexar County, appointing a receiver, and from orders overruling a motion to vacate or an order appointing a
receiver. The procedure and manner in which appeals from interlocutory orders are taken shall be governed by the laws relating to appeals from similar orders of the district courts.

SECTION 22. PRACTICE AND PROCEDURE. The practice and procedure in Probate Courts Nos. 1 and 2 of Bexar County shall be the same as that provided by general law for the county courts. All statutes and rules of court relating to proceedings in the county courts, or to the review of or appeals from county courts, apply to Probate Courts Nos. 1 and 2 of Bexar County.

SECTION 23. POWER OF COURTS. The Probate Courts Nos. 1 and 2 of Bexar County may issue writs of injunction, mandamus, execution, attachment, and all writs and process necessary to the exercise and enforcement of the jurisdiction of the court, and may punish for contempt as provided by general law for county courts.

SECTION 24. TERMS OF COURTS. The Probate Courts Nos. 1 and 2 of Bexar County shall each hold six terms of court each year, beginning on the first Monday in January, March, May, July, September, and November. Each term continues until the business of the court is completed, but a term of court may not continue beyond the date fixed for the beginning of its new term unless an order is entered on the minutes during the term extending the term for a particular cause specified in the order.

SECTION 25. JUDGES. Each judge serves a four-year term. Each judge shall be elected as provided by the constitution and laws of this state for the election of judges of county probate courts. Each judge must be well informed in the laws of this state and must have been a licensed and practicing member of the bar of this state for at least five years. Each judge shall take the oath of office prescribed by the Constitution of Texas, but no bond shall be required of the judge.

SECTION 26. VACANCY. A vacancy in the office of the judge of Probate Court No. 1 of Bexar County or Probate Court No. 2 of Bexar County shall be filled by appointment by the commissioners court. The appointee serves until the next general election and until his successor is elected and has qualified.

SECTION 27. ABSENCE OF JUDGE. In the case of the absence, disqualification, or incapacity of the judge of Probate Court No. 1 of Bexar County or Probate Court No. 2 of Bexar County, the county judge or the judge of the other statutory probate court shall sit and act as judge, and may hear and determine, either in his own courtroom or in the courtroom of the court, any pending matter or proceeding, and enter any order in that matter or proceeding that the judge of the court may enter.

SECTION 28. TRANSFER OF CASES. (a) Each of the judges of the statutory probate courts and the judge of the county court may transfer a case for which the statutory probate courts are given jurisdiction by Section 17 or 18 of this Act to the county court or to a statutory probate court.

(b) Each of the judges of the county courts at law of Bexar County and the judge of Probate Court No. 2 of Bexar County may transfer civil or criminal actions, matters, or proceedings among their courts.

(c) A case may not be transferred without the consent of the judge of the court to which it is transferred.

(d) The judge transferring the case shall enter an order to that effect on the minutes of his court.

(e) The judge of the court to which a case is transferred has the jurisdiction to hear and determine the case and enter the necessary orders, decrees, and judgments as if the case had been originally filed in his court.

(f) Processes are returnable to and may be filed in the court to which transfer is made and are valid and binding as if originally issued out of the court to which transfer is made.
SECTION 29. FEES. The judges of Probate Courts Nos. 1 and 2 of Bexar County shall collect the same fees established by law relating to county judges as to matters within the jurisdiction of the court. The judges shall pay the fees into the county treasury as collected. The judge is entitled to receive an annual salary in the amount fixed as provided by law for probate judges. The salary shall be paid in 12 equal monthly installments.

SECTION 30. COUNTY CLERK. The county clerk serves as the clerk of Probate Courts Nos. 1 and 2 of Bexar County.

SECTION 31. SEAL. The seal of each court shall be the same as provided by law for county courts, except that the seal of Probate Court No. 1 of Bexar County shall contain the words “Probate Court No. 1 of Bexar County, Texas,” and the seal of Probate Court No. 2 of Bexar County shall contain the words “Probate Court No. 2 of Bexar County, Texas.”

SECTION 32. DEPUTY CLERK. The county clerk of Bexar County shall appoint a deputy clerk for Probate Court No. 1 of Bexar County and a deputy clerk for Probate Court No. 2 of Bexar County. The person appointed to a court must be acceptable to the judge, and the appointment must be confirmed in writing by the judge before the appointment becomes effective. The deputy clerk shall take the oath of office prescribed by the Constitution of Texas. The county clerk may require the deputy clerk to furnish a bond in an amount, conditioned, and payable as prescribed by law. The deputy clerk acts in the name of the county clerk and he may perform all official acts that may be lawfully done and performed by the county clerk. The deputy clerk shall attend all sessions of the court to which he is appointed and shall perform services in and for the court as are usually performed by the county clerk and his deputies in and for the county courts. The deputy clerk shall perform any other services that may be assigned him by the judge. The deputy clerk shall tax, assess, and collect fees and costs in the same manner as provided by law for county courts. Fees and costs collected by the county clerk and his deputies, as well as any and all other sums of money received by them in their official capacities, shall be deposited in the proper fund or paid to the proper person entitled to them in the manner prescribed by law. The deputy clerk serves at the pleasure of the judge. The salary of the deputy clerk shall be fixed by the judge but may not exceed the salary paid to the deputies for the county courts at law of Bexar County. The annual salary shall be paid in equal monthly installments as provided by law for the payment of the salaries of the deputies of the county clerk. Nothing in this section changes the duties and powers of the county clerk except as specifically set out.

SECTION 33. SHERIFF. The county sheriff, by and through a deputy, shall attend all sessions of Probate Court No. 1 of Bexar County and Probate Court No. 2 of Bexar County. The sheriff shall appoint one deputy for each of the courts. The person appointed to a court must be acceptable to the judge, and the appointment must be approved and confirmed in writing by the judge before it becomes effective. The appointed deputy sheriff shall take the oath of office prescribed by law. The sheriff may require the deputy to furnish a bond in an amount, conditioned, and payable as prescribed by law. The deputy sheriff shall perform all official acts that the sheriff may lawfully perform. The deputy sheriff serves at the pleasure of the judge. The deputy shall attend all sessions of the court to which he is appointed and shall perform the services in and for the court, and for the judge, that are usually performed by sheriffs and their deputies in the district and county courts, including the serving of any process, subpoenas, warrants, and writs of any kind, nature, or character, in civil matters and proceedings. The deputy shall perform any other services that may be assigned to him by the judge. The deputy has the same rights, powers, authority, and privileges that the sheriffs and their deputies throughout this state have. The deputy sheriffs of the probate courts and county court may act for
each other. The deputies shall act for one another when required to do so by any of the judges or by the sheriff. A deputy acting for another is not entitled to receive any additional compensation. The salary of the deputy sheriff appointed for a court shall be fixed by the judge, but the salary may not exceed the salary paid to the deputy sheriffs for the county courts at law of Bexar County. The annual salary shall be paid in equal monthly installments as provided by law for the payment of the salaries of the deputies of the county sheriff. Nothing in this section changes the duties and powers of the sheriff of Bexar County except as herein specifically provided.

SECTION 34. COURT REPORTER. The judge of Probate Court No. 1 of Bexar County and the judge of Probate Court No. 2 of Bexar County may each appoint an official court reporter. The reporter must be well skilled in his profession. The reporter is a sworn officer of the court and holds his office at the pleasure of the court. The reporter must have the qualifications prescribed by law for that office. The official reporter is entitled to the same amount of compensation paid to official reporters in the district courts of Bexar County. The reporter's salary shall be paid in the same manner that compensation of official reporters of the district courts of Bexar County is paid.

SECTION 35. ADMINISTRATIVE ASSISTANTS. The judge of Probate Court No. 1 of Bexar County and the judge of Probate Court No. 2 of Bexar County may each appoint an administrative assistant and an auditor to aid him in the performance of his duties. The judge of each court sets the salary of the administrative assistant and the salary of the auditor. The appointment of an administrative assistant and auditor and the salary are evidenced by an order entered in the minutes of each court. The appointment and the amount of salary continue in effect from year to year until changed by order of the judge of the court in which the administrative assistant and auditor serve. The salary of each auditor and assistant shall be paid monthly out of the general fund of Bexar County or out of any other fund available for the purpose.

SECTION 36. CONFORMING AMENDMENT. Sections 1-16, Chapter 170, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1970-31e.1, Vernon's Texas Civil Statutes), is revised to read as follows:

Sec. 1. There is created the "County Court at Law Number 5 of Bexar County, Texas."

Sec. 2. The County Court at Law Number 5 of Bexar County, Texas, has the same jurisdiction, powers, and duties, and concurrent jurisdiction, powers, and duties in all civil and criminal actions, proceedings, and matters, original and appellate, over which by the constitution and general laws of this state, the County Courts at Law Numbers 1, 2, and 3 of Bexar County, have jurisdiction, and has concurrent jurisdiction with the district courts when the matter in controversy exceeds $500 and does not exceed $5,000, exclusive of interest, as provided in Article 1970a, Revised Statutes.

Sec. 3. Civil and criminal actions, matters, and proceedings may be filed in the County Court at Law Number 5 of Bexar County, Texas, in the same manner and under the same conditions, circumstances, and instances as now obtain for the filing of actions, matters, and proceedings, civil and criminal, in the County Courts at Law Numbers 1, 2, and 3 of Bexar County, and all such actions, matters and proceedings shall be docketed in the order in the court in which filed, or in such manner as may be determined by a majority of the judges of the said county courts at law and the County Judge of Bexar County, Texas.

Sec. 4. The clerk of said County Court at Law Number 5 of Bexar County, Texas, shall keep a separate docket for said County Court at Law Number 5 of Bexar County, Texas, the same as is now or may be provided by law for keeping of dockets for the county courts at law of Bexar County, Texas; the clerk shall tax the official
court reporter's fee as costs in civil actions in said County Court at Law Number 5 of Bexar County, Texas, in like manner as said fee is taxed in civil cases in the district courts of this state. The judges of the County Courts at Law Numbers 1, 2, 3, and 5 of Bexar County, Texas, and each of them may, with the consent of the judge of the court to which transfer is to be made, transfer civil or criminal actions, matters, and proceedings from his respective court to any one of the other courts by the entry of an order to the effect upon the docket of such court; and the judge of the county court at law to which any such action, matter, or proceeding, civil or criminal, shall have been transferred, shall have jurisdiction to hear and determine said matter or matters and render and enter the necessary and proper orders, decrees, and judgments therein, and in the same manner and with the same force and effect as if such case, action, matter, or proceeding had been originally filed in said county court at law to which transferred. Provided, however, that no cause, action, matter, case, or proceeding shall be transferred without the consent of the judge of the court to which transferred.

Sec. 5. The judges of the County Courts at Law Numbers 1, 2, 3, and 5 of Bexar County, Texas, may, at any time, exchange benches, and may, at any time, sit and act for and with each other in any civil or criminal case, matter, or proceeding now, or hereafter, pending in any of said county courts at law of Bexar County, Texas; and any and all such acts thus performed by the judge of the County Court at Law Number 1 of Bexar County, Texas, or by the judge of the County Court at Law Number 2 of Bexar County, Texas, or by the judge of the County Court at Law Number 3 of Bexar County, Texas, or by the judge of the County Court at Law Number 5 of Bexar County, Texas, shall be valid and binding upon all parties to such cases, matters, and proceedings.

Sec. 6. The practice in said County Court at Law Number 5 of Bexar County, Texas, shall be the same as prescribed by law relating to county courts and county courts at law. Appeals and writs of error may be taken from judgments and orders of said County Court at Law Number 5 of Bexar County, Texas, from judgments and orders of the judge thereof, in civil and criminal cases, and in the same manner as now is, or may hereafter be, prescribed by law relating to appeals and writs of error from judgments and orders of the county courts and county courts at law throughout this state, and the respective judges thereof, in similar cases. Appeals may also be taken from interlocutory orders of said County Court at Law Number 5 of Bexar County, Texas, appointing a receiver, and also from orders of said County Court at Law Number 5 of Bexar County, Texas, overruling a motion to vacate or an order appointing a receiver; provided, however, that the procedure and manner in which such appeals from interlocutory orders are taken shall be governed by the laws relating to appeals from similar orders of the district courts throughout this state.

Sec. 7. The judge of the County Court at Law Number 5 of Bexar County, Texas, shall appoint an official shorthand reporter for such court, who shall be well skilled in his profession and shall be a sworn officer of the court, and shall hold his office at the pleasure of the court and all of the provisions of Chapter 13, Title 42, Revised Statutes, and as the same may hereafter be amended and all other provisions of the law relating to "official court reporters" shall, and the same are hereby made to, apply in all its provisions, insofar as they are applicable to the official shorthand reporter herein authorized to be appointed, and insofar as they are not inconsistent with the provisions of this Act, and such official shorthand reporter shall be entitled to the same compensation as applicable to official shorthand reporters in the district courts of Bexar County, Texas, and paid in the same manner that compensation of official shorthand reporters of said district court of Bexar County is paid.
Sec. 8. The county clerk of Bexar County, Texas, shall be the clerk of the County Court at Law Number 5 of Bexar County, Texas, in addition to his duties as they are now, or may hereafter be, prescribed by law. The seal of said court shall be the same as provided by law for county courts, except that the seal of the County Court at Law Number 5 of Bexar County, Texas, shall contain the words "County Court at Law Number 5 of Bexar County, Texas." The county clerk of Bexar County, Texas, shall, on the effective date of this Act, or as soon thereafter as may be possible, appoint a deputy for said County Court at Law Number 5 of Bexar County, Texas. Said deputy so appointed shall take the oath of office prescribed by the Constitution of Texas, and the county clerk of Bexar County, Texas, shall have power and authority to require said deputy to furnish bond in such amount, conditioned, and payable as may be prescribed by law. Said deputy shall act in the name of his principal and he may do and perform all such official acts as may be lawfully done and performed by said county clerk of Bexar County in person; it shall be the duty of said deputy to attend all sessions of said county court at law to which he is appointed and perform such services in and for said court as are usually performed by the county clerk and his deputies of the several county courts of this state; and said deputy shall also perform any and all other services that may, from time to time, be assigned him by the judge of said court. Said deputy shall, in all cases, both civil and criminal, that may be transferred to said court from another county court at law of Bexar County, Texas, tax and assess and collect the same fees and costs, and in the same manner, as now provided by law for the county courts of this state and the judges thereof in similar cases; and all such fees and costs, when collected by said county clerk and his deputy, as well as any and all other sums of money received by said county clerk and his deputy in their official capacity, shall be deposited in such fund, or paid to the proper person or persons entitled to the same, and in the manner as may be provided by law. The deputy appointed hereunder is hereby authorized to act for the deputy of any other county court at law of Bexar County, Texas, and each and all of said deputies shall be, and they are hereby, authorized to act for each other, in any matter pertaining to the clerical business of said court, and it shall be the duty of said deputies to thus act for one another when requested to do so by the judges of the several county courts at law of Bexar County, but they shall receive no additional compensation for so serving. In the event of a vacancy caused by any reason whatsoever, the county clerk of Bexar County, Texas, shall immediately appoint another deputy for said court. The salary of the deputy appointed for said County Court at Law Number 5 of Bexar County, Texas, shall be determined and fixed as prescribed by law for the deputies of the several county courts at law of Bexar County, but shall not exceed the salary now being paid to, or that in the future may be paid to, the deputies for the County Courts at Law Numbers 1, 2, and 3 of Bexar County, Texas; said annual salary to be paid to said deputy in equal monthly installments out of such fund of Bexar County, Texas, as provided by law for the payment of the salaries of the several deputies of the county clerk of Bexar County, Texas, and such payment of said salary shall be made in the manner provided by law. Provided, that nothing contained in this section of this Act is intended to change or alter the duties and powers that have heretofore been and are now being exercised by the county clerk of Bexar County, Texas, except as herein specifically and expressly stated.

Sec. 9. The sheriff of Bexar County, Texas, shall, by and through a deputy to be appointed as hereinafter provided, attend all sessions of said County Court at Law Number 5 of Bexar County, Texas, and said sheriff shall appoint the deputy. The deputy sheriff so appointed shall, before assuming his duties, take the oath of office prescribed by the Constitution of Texas, and the sheriff of Bexar County, Texas, shall have the power and authority to require said deputy to furnish bond
in such amount, conditioned, and payable as may be prescribed by law. Said deputy shall act in the name of his principal and he may do and perform all such official acts as may be lawfully done and performed by the sheriff of Bexar County, Texas, in person. It shall be the duty of the deputy sheriff appointed as herein provided, to attend all sessions of said county court at law to which he is appointed, and also perform and render such services in and for said court, and for the judge thereof, as are usually and generally performed and rendered by sheriffs and their deputies in and about the several district and county courts of this state, and including the serving of any and all process, subpoenas, warrants, and writs of any and all kinds, nature, and character, in both civil and criminal cases, matters, and proceedings; and it shall be the duty of said deputy sheriff to also perform and render any and all other services that may, from time to time, be assigned to him by the judge of said court. Said deputy sheriff shall have, possess, and enjoy the same rights, powers, authority, and privileges that the sheriffs and their deputies throughout this state now or may hereafter have, possess, and enjoy; and said deputy sheriff is authorized and empowered to act for the deputy sheriff of any other county court at law of Bexar County, Texas, and all of said deputy sheriffs may, and they are hereby authorized and empowered to, act for one another, and it shall be their duty to act for one another when required to do so by either of the judges of said courts or by said sheriff; but said deputy thus acting for another shall not be entitled to receive, nor shall he receive, any additional compensation. The sheriff of Bexar County, Texas, shall, in the event of a vacancy caused by any reason whatsoever, immediately appoint another deputy for the court. The salary of the deputy sheriff appointed for said County Court at Law Number 5 of Bexar County, Texas, shall be determined and fixed as prescribed by law for the deputy sheriffs for the several county courts at law of Bexar County, but shall not exceed the salary now being paid to, or that in the future may be paid to, the deputy sheriffs for the County Courts at Law Numbers 1, 2, and 3 of Bexar County, Texas; and said annual salary shall be paid to such deputy sheriff in equal monthly installments out of such fund of Bexar County, Texas, as provided by law for the payment of the salaries of the several deputies of the sheriff of Bexar County, Texas, and such payment of said salary shall be made in the manner provided by law. Provided, that nothing contained in this section of this Act is intended to change or alter the duties and powers of the sheriff of Bexar County, Texas, except as herein specifically and expressly provided.

Sec. 10. The judge of the County Court at Law Number 5 of Bexar County, Texas, shall be elected at the general election at which county court at law judges are regularly elected by the qualified voters of Bexar County for a term of four years as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution. The judge shall hold office until his successor shall have been elected and qualified. He shall have been a duly licensed and practicing member of the bar of this state for at least four years; he shall take the oath of office prescribed by the Constitution of Texas, but no bond shall be required of such judge. The judge of the County Court at Law Number 5 of Bexar County, Texas, shall receive and shall be paid the same salary as is now, or as may hereafter be, prescribed by law for the judges of the several county courts at law of Bexar County, Texas, in equal monthly installments out of the general fund of Bexar County, Texas, by warrants drawn on the county treasurer of said county upon orders of the Commissioners Court of Bexar County.

Sec. 11. Any vacancy in the office of the judge of the County Court at Law Number 5 of Bexar County, Texas, shall be filled by appointment made by the Commissioners Court of Bexar County, and the judge so appointed shall serve until January 1 following the next general election and until his successor shall be duly elected and qualified.
Sec. 12. A special judge may be appointed or elected for the County Court at Law Number 5 of Bexar County, Texas, in the same manner as may now or hereafter be provided by the general laws of this state relating to the appointment and election of a special judge, or judges, of the several district and county courts and county courts at law of this state; and every such special judge thus appointed or elected for said court shall receive for the services he may actually perform as such special judge the same amount of pay which the regular judge of said court would be entitled to receive for such services; and said amount to be paid to such special judge shall be paid out of the general fund of Bexar County, Texas, by warrants drawn upon the county treasury of said county upon orders of the Commissioners Court of Bexar County, Texas; but no part of the amount paid to any special judge shall be deducted from or paid out of the salary of the regular judge of said County Court at Law Number 5 of Bexar County, Texas.

Sec. 13. The County Court at Law Number 5 of Bexar County, Texas, or the judge thereof, shall have power to grant all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in such cases where the offense charged is within the jurisdiction of said court, or of any other court in said county of inferior jurisdiction.

Sec. 14. The County Court at Law Number 5 of Bexar County, Texas, shall hold six terms of court each year, commencing on the first Monday in January, March, May, July, September, and November of each year and each term shall continue until the business of said court shall have been disposed of; provided, however, that no term of said court shall continue beyond the date fixed for the commencement of its new term, except upon an order entered on its minutes during the term extending the term for any particular causes therein specified.

Sec. 15. For the purpose of disposing of the business of said County Court at Law Number 5 of Bexar County, Texas, there shall be appointed by the criminal district attorney of Bexar County, Texas, in addition to the assistants now provided by law, one assistant for the County Court at Law Number 5 of Bexar County, Texas, for the purpose of conducting the duties of his office in said court. Said assistant shall be paid the same salary as is now, or may hereafter, paid to the assistants serving in County Courts at Law Numbers 1, 2, 3 and 5 of Bexar County, the same to be paid in equal monthly installments, by said county, upon warrants drawn against the general fund by orders of the commissioners court.

SECTION 37. JUDGES SERVING IN REDESIGNATED COURTS. (a) The judge of the County Court at Law Number 6 of Bexar County is the judge of Probate Court No. 1 of Bexar County. The judge serves until December 31, 1986, and until his successor is elected and has qualified.

(b) The judge of the County Court at Law Number 4 of Bexar County is the judge of Probate Court No. 2 of Bexar County. The judge serves until December 31, 1986, and until his successor is elected and has qualified.

SECTION 38. TRANSFER OF PENDING CASES. (a) Any other matters pending in County Court at Law Number 6 of Bexar County shall be transferred to County Courts at Law Numbers 1, 2, 3, 4, 5, and 6. The primary objective in transferring these matters shall be equalization of the case loads.

(b) All matters pending in County Court at Law Number 4 of Bexar County on the first day of the initial term of Probate Court No. 2 that are in the jurisdiction of the Probate Court No. 2 of Bexar County shall be transferred to that court.

(c) All processes, writs, bonds, recognizances, or other obligations issued or made in a case transferred under this section shall be returned to and filed in the court to which the transfer is made. Bonds executed and recognizances entered into in those cases bind the parties for their appearance or to fulfill the obligations of the bonds or recognizances and are valid as if issued out of the court to which the case is transferred.
SECTION 39. REPEAL. The following are repealed:

1. Chapter 114, Acts of the 58th Legislature, Regular Session, 1963 (Article 1970-301f, Vernon’s Texas Civil Statutes); and

SECTION 40. EFFECTIVE DATE. This Act takes effect July 1, 1983.

SECTION 41. 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.

Representative Tejeda moved to adopt the conference committee report on HB 2298.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 236, HCR 274, HCR 147, HCR 272, HB 385, HB 697, HB 742, HB 949, HB 1157, HB 1216, HB 1263, HB 1415, HB 1454, HB 1460, HB 1519, HB 1699, HB 1750, HB 1863, HB 1876, HB 1925, HB 2058, HB 2067, HB 2126, HB 2153, HB 2154, HB 2196, HB 2289, HB 2322, HB 2325, HB 2327, HB 2337, HB 2348, HB 2354, HB 2364, HB 2399, HB 2404, HB 2406, HB 2407, HB 2447, HB 2449, HB 2452

MESSAGE FROM THE SENATE

Austin, Texas, May 30, 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 adopted the Conference Committee Report on HB 36 by the following vote: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

SB 382 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative S. Hudson submitted the conference committee report on SB 382.

Representative S. Hudson moved to adopt the conference committee report on SB 382.

The motion prevailed without objection.
HB 1470 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Oliver submitted the following conference committee report on HB 1470:

Austin, Texas, May 30, 1983

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1470 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

John Leedom Jesse Oliver
Bill Sims Jim Parker
John Traeger Patricia Hill
On the part of the Senate On the part of the House

HB 1470

A BILL TO BE ENTITLED
AN ACT
relating to the transfer of certain cases from the district courts to the county courts at law in Dallas County.

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

SECTION 1. (a) On motion of a party, on agreement of the parties, or on their own motion, the judges of the district courts in Dallas County may transfer civil cases and proceedings to the dockets of the county courts at law in Dallas County except that a case or proceeding may not be transferred if the amount in controversy in said case or proceeding or the nature of the case or proceeding exceeds the jurisdictional limits or is otherwise outside the jurisdiction of the county courts at law of Dallas County.

A panel, consisting of two district judges selected by a majority vote of the District judges then sitting in Dallas County, and two county court at law judges selected by a majority vote of county judges then sitting in Dallas County, shall formulate rules and procedures for the orderly transfer of cases under this section.

An appointee’s term of service on this panel shall expire on the same date as his or her judicial term.

(b) When a case is so transferred pursuant to this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.

The obligees in all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the court to which the case is transferred as if originally issued out of the court to which the transfer is made.

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 Oliver moved to suspend all necessary rules and to adopt the conference committee report on HB 1470.
The motion prevailed.

**BILLS SIGNED BY THE SPEAKER**

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

- SB 763, SB 764, SB 791, SB 802, SB 810, SB 813, SB 827, SB 845, SB 875, SB 891, SB 898, SB 910, SB 926, SB 970, SB 986, SB 1125, SB 1166, SB 1184, SB 1185, SB 1286, SB 1308, SB 1318, SB 1323, SB 1330, SB 1348, SB 1350, SB 1351, SB 1356, SB 1366, SB 748, SB 706

**HR 573 - ADOPTED**

Representative Granoff moved that all necessary rules be suspended to take up and consider at this time, HR 573.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Granoff:

**HR 573, Commending Mr. and Mrs. Roy W. Rogers.**

The resolution was adopted without objection.

**HR 547 - ADOPTED**

Representative Gamez moved that all necessary rules be suspended to take up and consider at this time, HR 547.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gamez:

**HR 547, Commending the Committee for Alternatives to Relevant Education.**

The resolution was adopted without objection.

On motion of Representative Gamez, the names of all the members of the house were added to HR 547 as signers thereof.

**HR 548 - ADOPTED**

Representative Gamez moved that all necessary rules be suspended to take up and consider at this time, HR 548.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gamez:

**HR 548, Honoring Mayor Kirk Coyer.**

The resolution was adopted without objection.

On motion of Representative Gamez, the names of all the members of the house were added to HR 548 as signers thereof.

**HR 549 - ADOPTED**

Representative Gamez moved that all necessary rules be suspended to take up and consider at this time, HR 549.
The motion prevailed without objection.
The chair laid before the house the following resolution:
By Gamez:
HR 549, Commending Huberto “Bert” Guerrero.
The resolution was adopted without objection.
On motion of Representative Gamez, the names of all the members of the
house were added to HR 549 as signers thereof.

(Speaker in the chair)

HR 570 - ADOPTED
Representative Gamez moved that all necessary rules be suspended to take up
and consider at this time, HR 570.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Gamez:
HR 570, Commending the Honorable Joe J. Bernal.
The resolution was adopted without objection.
On motion of Representative Gamez, the names of all the members of the
house were added to HR 570 as signers thereof.

HR 571 - ADOPTED
Representative Gamez moved that all necessary rules be suspended to take up
and consider at this time, HR 571.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Gamez:
HR 571, Commending James R. Vasquez.
The resolution was adopted without objection.
On motion of Representative Gamez, the names of all the members of the
house were added to HR 571 as signers thereof.

HR 222 - ADOPTED
Representative T. Smith moved that all necessary rules be suspended to take up
and consider at this time, HR 222.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By T. Smith:
HR 222, Congratulating the Westlake Hyline Drill Team.
The resolution was adopted without objection.
HB 1444 WITH SENATE AMENDMENTS

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

HB 1444, a bill to be entitled An Act relating to the assignment of judges by the presiding judges of administrative judicial districts.

On motion of Representative Rangel, the house concurred in the senate amendments to HB 1444.

HB 1444 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

CSHB 1444, A bill to be entitled an Act relating to the assignment of judges by the presiding judges of administrative judicial districts.

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

SECTION 1. Section 5a, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5a. (a) Subject to Section 5d of this Act, the following judges may be assigned to hold district court by the presiding judge of the administrative judicial district in which the assigned judge resides:

1. a [Retired] district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes [judges, as defined by Article 6228(b) of the Revised Civil Statutes of Texas, as amended], who has [have] consented to be subject to assignment;

2. a [all] regular district judge [judges] in this state;

3. a [all] former district judge [judges] who was [were] elected at a general election or appointed by the governor, who has [have] not been defeated for reelection as a district judge, who has [have] not been removed from office by impeachment, the Supreme Court, the governor upon address of the legislature, the State Commission on Judicial Conduct [Judicial Qualifications Commission], or by the legislature's abolishment of the judge's court, who are not more than 70 years of age; and who certifies [certify] to the presiding judge a willingness to serve and to comply with the same prohibitions relating to the practice of law that are imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes. [7; Article 6228(b) of the Revised Civil Statutes of Texas, 1925, as amended or hereafter amended, may be assigned under the provisions of this Act by the presiding judge of the administrative judicial district wherein such assigned judge resides;]

(b) The [and while so] assigned judge [has, shall have] all the powers of the regular [a] judge of the court to which he is assigned [thereof].

(c) When such district judge is so assigned by the presiding judge of an administrative judicial district to a court in the same administrative district, or to a court in another administrative district upon call of the presiding judge of such other administrative district and then reassigned as provided for in Section 6 of this Act, as amended, it shall be the duty of such judge so assigned or reassigned to serve in such court or administrative district to which he may be assigned, or reassigned unless for good cause presented by him in writing to the presiding judge of his administrative district, he shall be relieved of such assignment by such presiding judge provided, however, after the presentation of a written statement declining such duty for good cause by such district judge, if the presiding judge refuses to relieve the district judge from the assignment, the district judge may, within five days after such refusal, petition the Chief Justice of the Supreme Court of the State of Texas to be relieved from such assignment for good cause, which said Chief Justice may at his discretion grant or refuse.
The compensation, salaries and expenses of such judges or reassigned shall be paid in accordance with the laws of the state, except that the salary of such retired judges shall be paid out of moneys appropriated from the General Revenue Fund for such purpose in an amount representing the difference between all of the retirement benefits of such judge as a retired district judge and the salary and compensation from all sources of the judge of the court wherein he is assigned, and determined pro-rata for the period of time he actually sits as such assigned judge. On certification of the presiding judge of the administrative judicial district that a former district judge has rendered services under the provisions of this Act, the former district judge shall be paid, out of county funds and out of money appropriated by the legislature for such purpose, for services actually performed, the same amount of compensation, salary, and expenses that the regular judge is entitled to receive from the county and from the state for such services.

SECTION 2. Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes), is amended by adding Section 5d to read as follows:

Sec. 5d. (a) At such time as a judge is assigned under the provisions of this Act, the presiding judge shall give notice of such assignment to each attorney representing any party to any case which is to be heard, in whole or in part, before such assigned judge.

(b) At any time prior to the beginning of the first hearing or trial over which such assigned judge is scheduled to preside in any particular cause, any party to the cause may file an objection to the particular judge assigned under the provisions of this Act. Such objection may not be filed after the beginning of the first pre-trial hearing or trial presided over by such assigned judge in such case, and no party may ever file more than one such objection in any case.

(c) Upon the filing of an objection authorized under Subsection (b) hereof, the assigned judge against whom the objection is filed is disqualified to hear the case, either in whole or in part.

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.

SENATE AMENDMENT NO. 2

Amend HB 1444, Section 2, Subsection 5d(a) to read as follows:

At such time as a judge is assigned under the provisions of this Act, the presiding judge shall, if reasonably practicable and time permits same, give notice of such assignment to each attorney representing any party to any contested case which is to be heard, in whole or in part, before such assigned judge.

HB 1719 WITH SENATE AMENDMENTS

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

HB 1719, A bill to be entitled An Act relating to solid waste management; providing a penalty.

On motion of Representative Madla, the house concurred in the senate amendments to HB 1719. (Saunders, Craddick, and Hanna recorded voting no)
HB 1719 - TEXT OF SENATE AMENDMENTS

SENATE AMENDMENT NO. 1

CSHB 1719, A bill to be entitled An Act relating to solid waste management.

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

SECTION 1. TITLE. This Act may be cited as the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act.

SECTION 2. POLICY. It is the policy of this state to safeguard the health, general welfare, and physical property of the people and to protect the environment by encouraging the reduction in solid waste generation and the proper management of solid waste, including disposal and processing to extract usable materials or energy. Encouraging a cooperative effort among federal, state, and local governments and private enterprise, in order to accomplish the purposes of this Act, will further that policy.

SECTION 3. FINDINGS. The legislature finds that:

1. the growth of the state's economy and population has resulted in an increase in discarded materials;
2. the improper management of solid waste creates hazards to the public health, can cause air and water pollution, creates public nuisances, and causes a blight on the landscape;
3. there is increasing public opposition to the location of solid waste land disposal facilities;
4. because some communities lack sufficient financial resources, there are municipal solid waste land disposal sites in the state being improperly operated and maintained, causing potential health problems to nearby residents, attracting vectors, and creating conditions that destroy the beauty and quality of our environment;
5. often, operational deficiencies occur at rural solid waste land disposal sites operated by local governments that do not have the funds, personnel, equipment, and technical expertise to properly operate a disposal system;
6. many smaller communities and rural residents have no organized solid waste collection and disposal system, resulting in the dumping of garbage and trash along the roadside, in roadside parks, and at illegal dump sites;
7. combining two or more small, inefficient operations into local, regional, or countywide systems may provide a more economical, efficient, and safe means for the collection and disposal of solid waste and will offer greater opportunities for future resource recovery;
8. there are private operators of municipal solid waste management systems with whom persons can contract or franchise their services, and many of these private operators possess the management expertise, qualified personnel, and specialized equipment for the safe collection, handling, and disposal of solid waste;
9. there are existing technologies to separate usable material from solid waste and to convert solid waste to energy and it will benefit this state to work in cooperation with private business, nonprofit organizations, and public agencies who have acquired knowledge, expertise, and technology in the fields of energy production and the recycling, reuse, reclamation, and collection of materials;
10. the opportunity for resource recovery is diminished unless local governments can exercise control over solid waste and can enter into long-term contracts to supply solid waste to resource recovery systems or to operate those systems; and
11. the control of collection and disposal of solid waste should continue to be the responsibility of local governments and public agencies, but the problems of solid waste management have become a matter of state concern and require state financial assistance to plan and implement solid waste management practices that
encourage the safe disposal of solid waste and the recovery of material and energy resources from solid waste.

SECTION 4. CONSTRUCTION OF ACT; EXEMPTIONS. (a) This Act shall not be construed to displace, prohibit, preclude, or limit persons from extracting or using materials they generate or legally collect or acquire for purposes of recycling or resale.

(b) Materials that are separated from solid waste or recovered from solid waste for reuse or recycling by the generator, by a private person under contract with the generator, or by a collector of solid waste or recovered materials are not subject to this Act.

SECTION 5. APPLICATION OF ACT. This Act applies only to solid waste and hazardous waste under the jurisdiction of the department as defined by the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes).

SECTION 6. DEFINITIONS. In this Act:


2. "Board" means the Texas Board of Health.

3. "City" means an incorporated city or town in the state.

4. "Commissioner" means the commissioner of health.

5. "Department" means the Texas Department of Health.

6. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any containerized or uncontainerized solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of either solid waste or hazardous waste may enter the environment or be emitted into the air or discharged into any surface water or groundwater.

7. "Governing body" means the city council, commissioners court, board of directors, trustees, or similar body charged by law with governing a public agency.

8. "Hazardous waste" means solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

9. "Industrial solid waste" means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

10. "Local government" means a county, a city, or a political subdivision of the state exercising the authority granted under Section 6 of the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes).

11. "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

12. "Person" means an individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

13. "Planning fund" means the municipal solid waste management planning fund.

14. "Planning region" means a region of this state identified by the governor as an appropriate region for municipal solid waste planning as provided by Section 4006 of the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

15. "Private operator" means a person, other than a government or governmental subdivision or agency, engaged in some aspect of operating a solid waste management system, and includes any person, other than a government or governmental subdivision or agency, owned and operated by investment of private capital.
(16) "Processing" means the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to:
   (A) neutralize the hazardous waste;
   (B) recover energy or material from hazardous waste; or
   (C) render hazardous waste nonhazardous or less hazardous, safer to transport, store, or dispose of, amenable for recovery or storage, or reduced in volume.

(17) "Property" means land, structures, interests in land, air rights, water rights, and the rights that accompany interests in land, structures, water rights, and air rights and includes easements, rights-of-way, uses, leases, incorporeal hereditaments, legal and equitable estates, interest, or rights such as terms for years and liens.

(18) "Public agency" means a city, county, or a district or authority created and operating under either Article III, Section 52(b)(1) or (2) or Article XVI, Section 59, of the Texas Constitution, or a combination of two or more of these governmental entities acting under an interlocal agreement and having the authority under this Act or other laws to own and operate a solid waste management system.

(19) "Regional or local solid waste management plan" means a plan adopted by a planning region or local government under Section 7 of this Act.

(20) "Resolution" means a resolution, order, ordinance, or other action of a governing body authorizing bonds.

(21) "Resource recovery" means recovering materials or energy from solid waste or otherwise converting solid waste to a useful purpose.

(22) "Solid waste" means any garbage, rubbish, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities, but does not include:
   (A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code;
   (B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
   (C) waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.

(23) "Solid waste facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for the processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and consist of several processing, storage, or disposal operational units; for example, one or more landfills, surface impoundments, or combinations of them.

(24) "Solid waste management" means the systematic control of any or all of the following activities:
   (A) generation;
   (B) source separation;
   (C) collection;
   (D) handling;
   (E) storage;
May 30, 1983       HOUSE JOURNAL       3675

(F) transportation;
(G) processing;
(H) treatment;
(I) resource recovery; or
(J) disposal of solid waste.

(25) "Solid waste management system" means any plant, composting process plant, incinerator, sanitary landfill, transfer station, or other works and equipment that is acquired, installed, or operated for the purpose of collecting, handling, storing, processing, recovering material or energy, or disposing of solid waste and includes sites for these works and equipment.

(26) "Solid waste resource recovery system" means any real property, buildings, structures, plants, works, facilities, equipment, pipelines, machinery, vehicles, vessels, rolling stock, licenses, or franchises that are used or useful in connection with the processing of solid waste to extract, recover, reclaim, salvage, reduce, concentrate, or convert to energy or useful matter or resources whatever their form, including electricity, steam, or other forms of energy, and metal, fertilizer, glass, or other forms of material and resources, from such solid waste, and includes any real property, buildings, structures, plants, works, facilities, pipelines, machinery, vehicles, vessels, rolling stock, licenses, or franchises used or useful in:
   (A) the transportation, receiving, storage, transfer, and handling of solid waste;
   (B) the preparation, separation, or processing of solid waste for reuse;
   (C) the handling and transportation of recovered matter, resources, or energy; and
   (D) the handling, transportation, and disposing of any nonrecoverable solid waste residue.


(28) "Technical assistance fund" means the municipal solid waste resource recovery applied research and technical assistance fund.

SECTION 7. REGIONAL AND LOCAL SOLID WASTE MANAGEMENT PLANS. (a) The board shall adopt rules for the implementation of this section, including but not limited to procedures for review of regional and local solid waste management plans and criteria for approval of regional and local solid waste management plans.

(b) A planning region may develop a regional solid waste management plan that must conform to the requirements of the state solid waste management plan. A regional solid waste management plan may be submitted to the department for review. If the department determines that a regional solid waste management plan conforms to the requirements adopted by the board, the department shall submit the regional solid waste management plan to the board for approval. A regional solid waste management plan approved by the board shall be adopted by rule in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(c) A local government may develop a local solid waste management plan that must conform to the requirements of a regional solid waste management plan for the region encompassing the jurisdiction of the local government which has been adopted by rule in accordance with Subsection (b) of this section. If there is no adopted regional solid waste management plan, the local solid waste management plan must conform to the state solid waste management plan. A local solid waste management plan may be submitted to the department for review. If the department determines that a local solid waste management plan conforms to the requirements adopted by the board, the department shall submit the local solid waste management plan to the board for approval. The board shall adopt the local solid waste management plan for the region encompassing the jurisdiction of the local government.
waste management plan to the board for approval. A local plan approved by the board shall be adopted by rule in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) If a regional or local solid waste management plan is adopted by rule of the board, public and private solid waste management activities and state regulatory activities must conform to the adopted regional or local solid waste management plan. Under procedures and criteria adopted by the board, the department may grant a variance from an adopted regional or local solid waste management plan.

(e) A regional or local solid waste management plan must be the result of a planning process that is related to proper management of solid waste in the planning area under consideration and that identifies problems and collects and evaluates data necessary to provide a written public statement of goals, objectives, and recommended actions intended to accomplish those goals and objectives. A regional solid waste management plan must consider the entire area within an identified planning region. A local solid waste management plan must consider all the area within the jurisdiction of one or more local governments but may not include an entire planning region.

(f) In order to develop programs to implement regional or local solid waste management plans or other solid waste management alternatives, to include resource recovery, under this Act, a study must be made to determine their feasibility and acceptance. This study shall normally be conducted in three phases: a screening study, a feasibility study, and an implementation study. Public agencies that have conducted any or portions of one or more phases may qualify for assistance to accomplish other phases or portions of phases. After each phase, a determination will be made by the governing body as to whether to proceed to the next phase.

(g) A screening study provides a survey and assessment of the various factors impacting the suitability of resource recovery or other solid waste management systems with the scope and detail needed to make an initial determination as to whether resource recovery or the other solid waste management systems are potentially successful alternatives to existing systems. The survey and assessment should include:

1. the amount and characteristics of waste available;
2. the suitability and economics of existing solid waste management systems;
3. institutional factors impacting potential alternatives;
4. technologies available;
5. identification of potential material and energy markets;
6. economics of alternative systems; and
7. interest of the local citizenry in available alternatives.

(h) A feasibility study provides an evaluation of alternatives that:

1. identifies current solid waste management practices and costs;
2. analyzes the waste stream and its availability by composition and quantity;
3. identifies potential markets and obtains statements of interest for recovered materials and energy;
4. identifies and evaluates alternative solid waste management systems;
5. provides an assessment of potential impacts of alternatives in terms of their public health, physical, social, economic, fiscal, environmental, and aesthetic implications;
6. conducts and evaluates results of public hearings or surveys of local citizen opinions; and
7. makes recommendations on alternatives for further considerations.

(i) An implementation study provides a recommended course of action for a public agency. An implementation study:
provides for the collection and analysis of data; 
identifies and characterizes solid waste problems and issues; 
determines waste stream composition and quantity; 
identifies and analyzes alternatives; 
evaluates risk elements of alternatives; 
identifies and solidifies markets; 
makes site analyses; 
evaluates financing options and recommends preferred methods of financing; 
evaluates the application of resource recovery technologies; 
identifies and discusses potential impacts of alternative systems;
provides for public participation and recommends preferred alternatives; 
and 
provides for implementation.

A study may not include final design and working drawings of any request for proposals for project facilities or operations.

SECTION 8. MUNICIPAL SOLID WASTE MANAGEMENT PLANNING FUND. (a) The municipal solid waste management planning fund is created as a special fund in the state treasury, and money provided by legislative appropriation and money received from other sources, including money received under contracts or agreements entered into under Section 14 of this Act, must be deposited in the state treasury to the credit of the planning fund. 
(b) The department shall use the planning fund to provide financial assistance to local governments and planning regions for the development of regional and local solid waste management plans and to public agencies and planning regions for the preparation of screening, feasibility, and implementation studies. 
(c) The planning fund may not be used for preparation of final design and working drawings, construction, acquisition of land or an interest in land, or payment for recovered resources. 
(d) The commissioner shall administer the financial assistance program and the planning fund under direction of the board. 
(e) An applicant for financial assistance from the planning fund must agree to comply with the state solid waste management plan, the department's municipal solid waste management regulations, and other requirements adopted by the board. 
(f) At least 90 percent of the total amount of money appropriated to the department for the planning fund must be used to provide financial assistance, and not more than 10 percent of the total funds appropriated to the department for the planning fund may be used to administer the financial assistance program and the planning fund and to pay the expenses of the advisory council. 
(g) The department may not authorize release of funds under an application for financial assistance until the applicant has furnished to the department a resolution adopted by the governing body of each public agency or planning region that is a party to the application certifying:
that the applicant will comply with the provisions of the financial assistance program and the requirements of the department; 
that the funds will be used only for the purposes for which they are provided; and 
that regional or local solid waste management plans or studies developed with the financial assistance will be adopted by the governing body as its policy and that future municipal solid waste management activities will, insofar as reasonably feasible, conform to the plan. 
(h) Financial assistance provided by the department to any public agency or planning region under this section must be matched at least equally by funds provided by the recipient.
(i) The board shall adopt rules for the use and distribution to public agencies and planning regions of money in the planning fund.

(j) The order of priority to be given to applicants in receiving financial assistance must be determined by:

1. the need to initiate or improve the solid waste management program in the applicant's jurisdiction;
2. the needs of the state;
3. the financial need of the applicant; and
4. the degree to which the proposed program will result in improvements that meet the requirements of the state, regional, and local solid waste management plans.

(k) The department may approve an application that is consistent with the rules adopted under Subsection (i) of this section and that the department finds requires state financial participation in the public interest.

SECTION 9. MUNICIPAL SOLID WASTE RESOURCE RECOVERY APPLIED RESEARCH AND TECHNICAL ASSISTANCE FUND.

(a) The municipal solid waste resource recovery applied research and technical assistance fund is created as a special fund in the state treasury to be used for the purpose of accomplishing applied research and development studies and providing technical assistance to public agencies to carry out investigations and to make studies relating to resource recovery and improved municipal solid waste management.

(b) The technical assistance fund is composed of legislative appropriations.

(c) The commissioner shall administer the fund under direction of the board.

(d) Studies, applied research, investigations, and other purposes accomplished with and technical assistance provided through use of money in the technical assistance fund must be done in accordance with the state solid waste management plan, the department's municipal solid waste management regulations, and other policy requirements adopted by the board.

(e) Technical assistance, applied research, investigations, studies, and other purposes for which funds may be provided from the technical assistance fund may include:

1. an evaluation of the long-term statewide needs of public agencies in financing municipal solid waste systems and consideration of the nature and extent of financial support that the state should provide for these systems;
2. an evaluation of the state of the art of waste reduction systems and waste-to-energy systems that includes steam generation and electrical production;
3. establishment and evaluation of a pilot source separation and recycling project;
4. feasibility studies of appropriate technology that may be applicable to several local governments for the improvement of solid waste management systems;
5. cost and economic comparisons of alternative solid waste management systems;
6. an evaluation of available markets for energy and recovered materials;
7. an evaluation of the availability of recovered materials and energy resources for new market opportunities; and
8. a citizen involvement program to educate citizens in solid waste management issues and the improvement of solid waste management practices.

(f) The department may hire personnel to be paid from the technical assistance fund and may use the technical assistance fund for obtaining consultant services and for entering into interagency agreements with other state agencies, public agencies, or planning regions.

SECTION 10. ADVISORY COUNCIL. (a) The Municipal Solid Waste Management and Resource Recovery Advisory Council is created and is composed of 15 members who are appointed by the board as follows:
(1) one member, an elected official from a city having a population of 750,000 or more according to the most recent federal census;
(2) one member, an elected official from a city having a population of 100,000 or more but less than 750,000 according to the most recent federal census;
(3) one member, an elected official from a city having a population of 25,000 or more but less than 100,000 according to the most recent federal census;
(4) one member, an elected official from a city having a population less than 25,000 according to the most recent federal census;
(5) two members, who are elected officials of separate counties, one of whom is from a county that has a population of less than 150,000 according the the most recent federal census:
(6) one member, an official from a city or county solid waste agency;
(7) one member, a representative from a private environmental conservation organization;
(8) one member, a representative from a public solid waste district or authority;
(9) one member, a representative from a planning region;
(10) one member, a representative of the financial community;
(11) one member, a representative from a solid waste management organization composed primarily of commercial operators;
(12) one member, a member of the board; and
(13) two members, who would not qualify as members under Subdivisions (1)-(12) of this subsection, representing the general public.

(b) Members of the advisory council shall serve for staggered terms of six years with the terms of five members expiring August 31 of each odd-numbered year. The board shall fill a vacancy on the advisory council for the unexpired term by appointing a person who has the same qualifications under Subsection (a) of this section as the person who previously filled the vacated position on the advisory council. A person who is appointed to a term on the advisory council or to fill a vacancy on the advisory council may continue to serve as a member only so long as he continues to qualify for the category from which he is appointed, and a vacancy is created on the advisory council when he fails to qualify.

(c) Except for the member representing the board, each member of the advisory council is entitled to receive $50 for each council meeting the member attends and the travel allowance authorized by the General Appropriations Act for state employees. The member representing the board is entitled to receive the same per diem and travel allowance that he receives for board meetings.

(d) The chairman of the board shall appoint one member as president of the advisory council. The president of the advisory council shall serve for a term of two years. The presidential term expires August 31 of each odd-numbered year.

(e) The advisory council shall adopt and may amend procedures for conduct of advisory council business.

(f) The advisory council shall hold at least one meeting every three months.

(g) The advisory council shall:
(1) review and evaluate the effect of state policies and programs on municipal solid waste management;
(2) make recommendations to the commissioner and the board on matters relating to municipal solid waste management;
(3) recommend legislation to the board to encourage the efficient management of municipal solid waste;
(4) recommend policies to the board for the use, allocation, or distribution of the planning fund that include:
(A) Identification of statewide priorities for use of funds;
(B) the manner and form of application for financial assistance; and
(C) criteria, in addition to those in Subsection (j), Section 8, of this Act, to be evaluated in establishing priorities for providing financial assistance to applicants;
(5) recommend to the commissioner special studies and projects to further the effectiveness of municipal solid waste management and resource recovery.
(h) The expenses incurred by the advisory council are to be paid from the planning fund, the technical assistance fund, or other money available for that purpose.

SECTION 11. POWERS AND DUTIES. (a) The board may adopt rules necessary to implement this Act.
(b) The department, under the direction of the board, shall implement and enforce this Act.
(c) The department shall:
   (1) provide technical assistance to public agencies and planning regions and cooperate with federal agencies and private organizations in carrying out the purposes of this Act;
   (2) promote planning for and implementation of the recovery of materials and energy from solid waste;
   (3) establish guidelines for regional and local municipal solid waste management plans;
   (4) review and approve or disapprove regional and local municipal solid waste management plans;
   (5) assist the advisory council in its duties;
   (6) provide educational and informational programs to promote effective municipal solid waste management practices and to encourage resource recovery;
   (7) provide procedures under which public agencies and planning regions may apply for financial assistance grants, evaluate the applications, and award financial assistance grants in accordance with rules adopted by the board; and
   (8) coordinate programs under this Act with other state agencies, including the Texas Air Control Board, the Texas Department of Water Resources, the Texas Energy and Natural Resources Advisory Council, the Railroad Commission of Texas, and any other state or federal agency having an interest in a program or project.
(d) The department may apply for and accept federal funds and enter into contracts and agreements with the federal government relating to planning, developing, maintaining, and enforcing the municipal solid waste management program.

SECTION 12. ESTABLISHMENT OF SOLID WASTE MANAGEMENT SERVICE. (a) Each city and county shall review the provision of solid waste management services in its jurisdiction and shall assure that such services are provided to all persons within its jurisdiction by a public agency or by a private person or persons.

SECTION 13. PROVISION OF RESOURCE RECOVERY SERVICES; FEES. (a) Any public agency may offer a solid waste resource recovery service to persons within its jurisdictional boundaries and may charge fees for that service.
(b) To aid in enforcing collection of fees for a solid waste resource recovery service, a public agency, after notice and hearing, may suspend service to a person who is delinquent in payment of those fees from any or all utilities owned or operated by the public agency.

SECTION 14. SOLID WASTE MANAGEMENT SERVICE CONTRACTS. (a) A public agency may enter into contracts to enable it to furnish or receive solid waste management services. Each contract may be for the time and under the terms considered appropriate by the governing body of the public agency. A home-rule
city's charter provision restricting the duration of a city contract does not apply to a city contract that relates to solid waste management services.

(b) Under a solid waste management service contract, a public agency may:

(1) acquire and operate all or any part of one or more solid waste management systems, including resource recovery systems, and may contract with any person or other public agency to manage solid waste for that person or other public agency;

(2) contract with any person to purchase or sell, by installments over a term considered desirable by the governing body or otherwise, all or any part of a solid waste management system, including a resource recovery system;

(3) contract with any person or other public agency for the operation of all or any part of a solid waste management system, including a resource recovery system;

(4) lease to or from a person or other public agency, for the term and on the conditions considered desirable by the governing body, all or any part of a solid waste management system, including a resource recovery system;

(5) contract to make all or any part of a solid waste management system available to other persons or public agencies and furnish solid waste management services through the public agency's system, provided the contract:

(A) includes provisions to assure equitable treatment of parties who contract with the public agency for solid waste management services from all or any part of the same solid waste management system;

(B) provides the method of determining the amounts to be paid by the parties;

(C) provides that the public agency shall either operate or contract with a person to operate for the public agency any solid waste management system or part of any solid waste management system;

(D) provides that the public agency is entitled to continued performance of the services after the amortization of the public agency's investment in the solid waste management system during the useful life of the system on payment of reasonable charges for the services, reduced to take into consideration the amortization; and

(E) includes any other provisions and requirements the public agency determines to be appropriate;

(6) contract with another public agency or other persons for solid waste management services, including contracts for the collection and transportation of solid waste and for processing or disposal at any permitted solid waste management facility, including a resource recovery facility, provided the contract may specify the minimum quantity and quality of solid waste to be provided by the public agency and the minimum fees and charges to be paid by the public agency for the right to have solid waste processed or disposed of at the solid waste management facility;

(7) contract with any person or other public agency to supply materials, fuel, or energy resulting from the operation of a resource recovery facility; and

(8) contract with any person or other public agency to receive or purchase solid waste, materials, fuel, or energy recovered from resource recovery facilities.

SECTION 15. MANAGEMENT OF FUNDS. (a) The department may accept and disburse funds received from the federal government for purposes relating to solid waste management and resource recovery in the manner provided by this Act and by agreement between the federal government and the department.

(b) State funds provided to public agencies or planning regions under this Act may be combined with local or regional funds to match federal funds on approved programs for the municipal solid waste management.

SECTION 16. FUNDING SOLID WASTE MANAGEMENT SERVICES. (a) A public agency may establish a solid waste management fund to make payments
for solid waste management services covered by contracts entered into by the public agency.

(b) A public agency may agree to make sufficient provision in its annual budget to make payments under its contracts.

(c) Payments to be made by a public agency under a contract may also be made from the revenues of the public agency's solid waste, water, sewer, electric, gas, or any combination of utility systems.

(d) As a source or sources of payment or as the sole source of payment, a public agency may use and pledge any available revenues or resources for and to the payment of amounts due under contracts, and may enter into covenants with respect to these sources of payment to assure their availability when required.

(e) A public agency may fix, charge, and collect fees, rates, charges, rentals, and other amounts for services or facilities provided pursuant to or in connection with a contract. These fees, rates, charges, rentals, and other amounts may be charged to and collected from the inhabitants of the public agency, if any, or from any users or beneficiaries of the services or facilities and may include water charges, sewage charges, and solid waste disposal fees and charges, including solid waste collection or handling fees. The public agency may use and pledge these fees, rates, charges, rentals, and other amounts to make payments required under a contract and may enter into a covenant to do so in amounts sufficient to make all or any part of the payments when due.

(f) A public agency that has taxing power, and that at the time of entering into a contract is using its general funds, including its tax revenues, to pay all or a part of the costs of providing solid waste collection, transportation, and disposal services, may agree and pledge that the contract is an obligation against the taxing power of the public agency.

SECTION 17. ISSUANCE OF BONDS. (a) A public agency may issue and sell bonds in the name of the public agency to acquire, construct, improve, enlarge, extend, and repair all or part of a solid waste management system, including a resource recovery system.

(b) Pending the issuance of definitive bonds, a public agency may issue negotiable interim bonds eligible for exchange or substitution on issuance of definitive bonds.

SECTION 18. MANNER OF PAYMENT OF BONDS. A public agency may provide for the payment of principal of and interest on the bonds in one or more of the following manners:

(1) from the levy and collection of ad valorem taxes on all taxable property within the boundaries of the public agency if the public agency is authorized by law to levy and collect taxes;

(2) by pledging all or any part of the designated revenues from the ownership or operation of physical properties of a solid waste management system, including a resource recovery system, or from any contract entered into by a public agency under this Act; or

(3) from any other income of the public agency.

SECTION 19. ADDITIONAL SECURITY FOR BONDS. (a) The bonds may be additionally secured by a deed of trust or mortgage lien on part or all of the physical properties of a solid waste management system, including a resource recovery system, of the public agency and rights appurtenant to those properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to operate the properties, and all other powers necessary for the further security of the bonds.

(b) The trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties, may include provisions prescribed by the governing body for the security of the bonds and the preservation of the trust estate, and may
make provisions for amendment or modification and may make provisions for investment of funds of the public agency.

(c) A purchaser under a sale under the deed of trust or mortgage lien is the absolute owner of the properties and rights purchased and may maintain and operate them.

SECTION 20. BOND ELECTION. Bonds secured in whole or in part by taxes may not be issued by a public agency until authorized by a majority vote of the qualified voters of the public agency at an election called for that purpose. A bond election shall be called and held and the vote canvassed in the manner provided by law for other bond elections of the public agency.

SECTION 21. FORM OF BONDS. (a) A public agency may issue its bonds in various series or issues.

(b) Bonds may mature serially or otherwise not more than 50 years from their date and shall bear interest at any rate permitted by the constitution and laws of this state.

(c) A public agency's bonds and interest coupons, if any, are investment securities under the terms of Chapter 8 of the Business & Commerce Code, and may be issued registrable as to principal or as to both principal and interest and may be made redeemable before maturity, at the option of the public agency, or may contain a mandatory redemption provision.

(d) A public agency's bonds may be issued in the form, denominations, and manner and under the terms, conditions, and details, and shall be signed and executed as provided by the governing body in the resolution or order authorizing their issuance.

SECTION 22. PROVISIONS OF BONDS. (a) In the orders or resolutions authorizing the issuance of bonds, including refunding bonds, the governing body 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 make additional covenants with respect to the bonds, the pledged revenues, and the operation and maintenance of the physical properties of the solid waste management system, the revenue of which is pledged.

(b) The orders or resolutions of the governing body authorizing the issuance of bonds may also prohibit the further issuance of bonds 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.

(c) The orders or resolutions of the governing body issuing bonds may include other provisions and covenants as the governing body may determine.

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

SECTION 23. APPROVAL BY ATTORNEY GENERAL; REGISTRATION BY COMPTROLLER. (a) Bonds issued by a public agency and the records relating to their issuance must be submitted to the attorney general of the State of Texas for examination. If the bonds are secured by a pledge of proceeds from a contract, a copy of the contract and a copy of the records relating to the contract also must be submitted for examination.

(b) If the attorney general finds that the bonds have been authorized and the contract entered into in accordance with law, he shall approve the bonds, and they shall be registered by the comptroller of public accounts of the State of Texas.

(c) After the approval and registration of bonds, 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.

SECTION 24. SALE OR EXCHANGE OF BONDS. (a) A public agency may sell the bonds at a public or private sale at prices and on terms determined by the governing body of the public agency.
(b) The public agency may exchange its bonds for property or any interest in property that is considered by the governing body of the public agency to be necessary or convenient to carry out the purposes of this Act.

SECTION 25. REFUNDING BONDS. (a) A public agency may issue bonds to refund all or any part of its outstanding bonds, including matured but unpaid interest coupons.

(b) Refunding bonds shall mature serially or otherwise not more than 50 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 being refunded or from other additional sources.

(d) The refunding bonds must be approved by the attorney general as in the case of other bonds and shall be registered by the comptroller on the surrender and cancellation of the bonds being refunded.

(e) The orders or resolutions authorizing the issuance of the refunding bonds may provide that they be sold and the proceeds deposited in the place or places at which the bonds being refunded are payable, in which case the refunding bonds may be issued before the cancellation of the bonds being refunded, if refunding bonds are issued before cancellation of the other bonds, 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, shall be deposited in the place or places at which the bonds being refunded are payable. The comptroller shall register these refunding bonds without the surrender and cancellation of bonds being refunded.

(f) A refunding may be accomplished in one or in several installment deliveries.

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

SECTION 26. BONDS AS INVESTMENTS. Public agency bonds are legal and authorized investments for:

(1) banks;
(2) savings banks;
(3) trust companies;
(4) savings and loan associations;
(5) insurance companies;
(6) fiduciaries;
(7) trustees;
(8) guardians; and
(9) sinking funds of cities, counties, school districts, and other political subdivisions of the state and other public funds of the state and its agencies, including the permanent school fund.

SECTION 27. BONDS AS SECURITY FOR DEPOSITS. Public agency bonds are eligible to secure deposits of public funds of the state and cities, counties, school districts, and other political subdivisions of the state. The bonds are lawful and sufficient security for deposits to the extent of their value when accompanied by all unmatured coupons.

SECTION 28. TAX STATUS OF BONDS. Since a public agency is a public entity performing an essential public function, bonds issued by the public agency, any transaction relating to the bonds, and profits made in the sale of the bonds, are free from taxation by the state or by any city, county, special district, or other political subdivision of the state.

SECTION 29. FEES. So long as bonds are outstanding, the governing body of the public agency may adopt and collect fees for services furnished or made
available by the solid waste management system, including a resource recovery system.

(b) The fees must be adequate to pay any operational costs or expenses allocable to the solid waste management system, including a resource recovery system, and must also be adequate to pay the principal of and interest on the bonds and provide and maintain the funds created by the resolution authorizing the bonds.

SECTION 30. USE OF BOND PROCEEDS. (a) Money may be set aside out of bond proceeds to provide for:

1. interest to accrue on the bonds;
2. administrative expenses up to the estimated date on which the solid waste management system will produce revenue; and
3. reserve funds created by the resolution that authorized the bonds.

(b) Proceeds from the sale of bonds may be invested, pending their use, in the securities or time deposits specified in the resolution that authorized issuance of the bonds or the trust indenture securing them. The earnings on investments may be applied as provided in the resolution or trust indenture.

SECTION 31. ADJUSTMENT OF RATES FOR ADEQUATE REVENUE. The public agency shall adopt and adjust the rates charged for solid waste management services so that the revenues, together with any taxes levied to support the services, will be sufficient to pay:

1. the expense of operating and maintaining the solid waste management system, including a resource recovery system;
2. the public agency's obligations under a contract; and
3. the public agency's obligations under and in connection with bonds issued up to that time or afterward that are secured by revenues from the solid waste management service or a solid waste management system, including a resource recovery system.

SECTION 32. BOND ANTICIPATION NOTES. A public agency may declare an emergency if funds are not available to pay the principal of or interest on bonds of the public agency issued under this Act. The public agency may issue negotiable bond anticipation notes to borrow the money needed in an emergency, and the bond anticipation notes may bear interest at any rate authorized by the constitution and the laws of this state and shall mature within one year of the date they are issued. The bond anticipation notes issued may be paid with the proceeds of bonds, or the bonds may be issued and delivered in exchange for and in substitution of the bond anticipation notes.

SECTION 33. INDUSTRIAL DEVELOPMENT CORPORATIONS. A public agency that has entered into a contract under Section 13 of this Act may sponsor the creation of an industrial development corporation as provided by the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes). The industrial development corporation may issue its bonds, notes, or other evidences of indebtedness to finance the costs of a solid waste management system, including a resource recovery system, contemplated under the contract. These bonds, notes, and other evidences of indebtedness may be issued if the system is located within the boundaries of the public agency.

SECTION 34. ADOPTION OF REGULATIONS, ORDINANCES, AND GUIDELINES. (a) The governing body of a public agency may adopt regulations for controlling and governing solid waste collection, handling, transportation, storage, processing, and disposal. The regulations may not authorize any activity, method of operation, or procedure prohibited by the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes) or by rules and regulations of the department or other state and federal agencies.

(b) To prohibit the processing or disposal of solid waste in certain areas within the boundaries of the city or county, the governing body of a city or county shall
adopt an ordinance or order that specifically designates the area of the city or county in which the disposal of solid waste will not be prohibited, unless the city or county has adopted solid waste management plans approved by the department pursuant to Subsection (a), Section 7, of this Act.

(c) An ordinance or order required under Subsection (b) of this section must be published for two consecutive weeks in a newspaper of general circulation in the area of the public agency before the proposed ordinance or order is adopted by the governing body.

SECTION 35. PROPERTY TAX. A resource recovery system acquired by a public agency to reduce municipal solid waste by mechanical means or incineration when constructed or operated under contract with a public agency is exempt from all property taxes of any city, county, school district, or other political subdivision of the state.

SECTION 36. TERMS OF INITIAL ADVISORY COUNCIL MEMBERS. (a) On appointment of the initial members to the advisory council, the board shall designate:

(1) five members to serve for a term that expires August 31, 1985;
(2) five members to serve for a term that expires August 31, 1987; and
(3) five members to serve for a term that expires August 31, 1989.

(b) The board shall appoint the initial members to the advisory council not later than the 90th day after the effective date of this Act.

SECTION 37. COMPLIANCE WITH SOLID WASTE MANAGEMENT SERVICE REQUIREMENTS. Each city and county must comply with Subsection (a) of Section 12 of this Act not later than December 31, 1987.

SECTION 38. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 39. The following statutes are not affected by this Act: the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), the County Solid Waste Control Act (Article 4477-8, Vernon's Texas Civil Statutes), and the Solid Waste Resource Recovery Financing Act (Article 4477-7a, Vernon's Texas Civil Statutes).

SECTION 40. 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.

SENATE AMENDMENT NO. 2

Amend HB 1719, Section 35, page 14, line 16 and 17, by striking the words “when constructed or operated under contract with a public agency.”

HB 1299 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Geistwiedt submitted the following conference committee report on HB 1299:

Austin, Texas, May 30, 1983

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. “Gib” Lewis
Speaker of the House of Representatives

Sir: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1299 have met and
had the same under consideration, and beg to report it back with the
recommendation that it do pass in the form and text hereto attached.

James Brown
Chet Brooks
Hugh Parmer
John Whitmire
Craig Washington
On the part of the Senate

Gerald Geistweidt
Rodney Tow
Mary Polk
Thomas DeLay
Bill Haley
On the part of the House

HB 1299

A BILL TO BE ENTITLED
AN ACT
relating to the establishment of a pilot job training and work experience program
for persons receiving financial assistance under the Aid to Families with Dependent
Children program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 31, Human Resources Code, is amended by adding
Subchapter C to read as follows:

SUBCHAPTER C. JOB TRAINING AND WORK EXPERIENCE
PROGRAM

Sec. 31.061. ESTABLISHMENT. (a) The department shall establish a job
training and work experience pilot program in selected areas of the state for persons
receiving financial assistance under the Aid to Families with Dependent Children
program.
(b) The positions must be of the type for which trainees may reasonably be
expected to meet job qualifications after two months of training and four months
of work experience.

Sec. 31.062. PARTICIPATION. (a) A person who resides in an area in which
a pilot program has been established under Subchapter C of this code may
participate in the pilot program as an alternative to participation in other state or
federal employment and job training programs if such person is a part of a
household unit receiving AFDC payments. The department may not require
participation in a program under this subchapter as a condition of receiving AFDC
payments unless required by federal regulation. If federal funds are not made
available for a program of the type provided by this section because of such federal
regulations, the department shall operate a voluntary participation program as set
out in this Act using state funds only.
(b) The department may not, in any event, require a person to participate in
the pilot program if the person is enrolled in and attending at least nine semester
hours of a training or educational curriculum and the satisfactory completion of the
course work is likely to enhance the employability of the person.

(c) Prior to a person's participation in the pilot program, the department shall
make a determination of the total benefits available to the children of the person
through participation in the AFDC program and of the total benefits that would be
available to the same children through the person's participation in the pilot
program. If the department determines that the total benefits available to the
children of the person are reduced through participation in the pilot program, the
department may not require participation of the person in the pilot program.

Sec. 31.063. CONTRACTS. (a) The department shall enter into agreements
with public agencies, local governmental units, and private organizations to provide
job training and work experience in the areas in which the pilot program is
established. Reimbursement for each contractor may not exceed the amount the
department has paid or would have paid under the AFDC program for each
participant in the job training and work experience program served by the contractor.

(b) In areas in which the pilot program has been established, the department and contractors providing services for the department shall be encouraged to participate in the program.

(c) Job training provided for by this section may not:

1. result in the displacement of an employee;
2. be related to political, electoral, or partisan activities;
3. violate applicable federal, state, or local health and safety standards; or
4. result from or in any way be associated with a strike, lockout, or other bona fide labor dispute or violate an existing labor agreement between an employer and employee.

(d) Job training and work experience assignments may provide training until job proficiency is reached but not for more than two months prior to participating in the work experience phase which will last for not more than four months in order to qualify the participant for permanent employment in that or a similar position.

(e) The department shall assure that the participant is provided benefits comparable to those available under Medicaid, including coverage for both the caretaker and children, for employment positions for a period not to exceed ten months. The employer shall assure that health insurance benefits for the employee and employee's children will be provided as a part of the employment position after that period.

(f) Each participant shall be provided an option of training toward a high school equivalency diploma, if such participant did not previously complete high school, and shall be encouraged and assisted in working toward such educational goals.

Sec. 31.064. ASSIGNMENT. (a) The department shall develop criteria for assigning persons required to participate under Section 31.062 of this code to available positions.

(b) In making an assignment to a job training position, the department shall consider the person's prior training, proficiency, experience, and skills.

(c) A person may not be assigned to an on-the-job training position if the person has good cause for refusal or failure to participate under the employment program.

(d) A person may not be assigned to an on-the-job training position or in a work experience program which requires him to participate more than 40 hours a week.

(e) The AFDC payment may not be considered compensation for work performed by the participant in the job training position.

(f) Compensation for the work experience phase of the program may not be at less than the federal minimum wage.

Sec. 31.065. SANCTIONS. (a) Subject to the provisions of Section 31.062(a) of this Act, a caretaker who without good cause fails to accept a job assignment as required by this subchapter may have his AFDC payment terminated or reduced up to an amount assigned to pay for the caretaker's portion of the grant.

(b) In accordance with the provisions of Section 31.062(a) of this Act, the department shall adopt rules consistent with this section if necessary to comply with applicable federal laws providing sanctions for persons who fail or refuse to participate in the pilot program under this subchapter.
Sec. 31.066. HEARINGS. A person whose AFDC payment is reduced or terminated because of failure or refusal to participate in the pilot program under this subchapter may request a hearing to be held in accordance with applicable federal law.

Sec. 31.067. NECESSARY SERVICES AND COSTS. (a) The department shall pay for or otherwise provide transportation and day care to a participant in the pilot program if these services are necessary and directly related to the pilot program.

(b) In providing child care for participants under this Act, the department may not displace day-care slots currently provided to low-income children whose caretaker is not required to participate in a program under this Act.

Sec. 31.068. COORDINATION WITH OTHER PROGRAMS. The department shall coordinate the pilot program with other federal and state employment programs to ensure that:

1. Job placement in an unsubsidized job takes priority over participation in the pilot program and ensure there is no duplication of employment service directed toward AFDC recipients in the state; and

2. A person who is required to work in other department work programs is not denied aid for failure to participate in one program if the person is satisfactorily participating in other programs.

Sec. 31.069. FUNDING. This pilot program shall be funded with state funds appropriated for the AFDC program and available federal funds. The department shall obtain funds through the federal Job Training and Partnership Act and other public and private sources.

Sec. 31.070. DEPARTMENT TO SELECT AREAS. The department shall select the areas in which to operate the program.

Sec. 31.071. RULES. The department shall adopt rules consistent with federal law to implement this subchapter.

Sec. 31.072. EXPIRATION. (a) This subchapter expires on September 1, 1985.

(b) Any balance of funds received for the pilot program remaining on the expiration date prescribed by this section shall be returned to the general revenue fund.

SECTION 2. The Texas Department of Human Resources shall submit a report to the 69th Legislature on the status of the program authorized by Subchapter C, Chapter 31, Human Resources Code. The report shall include an evaluation of the pilot program which includes a detailed cost benefit analysis and fiscal impact study for statewide implementation and a feasibility study of the use of state corporate franchise tax credits as an incentive to employers to hire AFDC recipients. The governor's office shall select an independent evaluator to assess the demonstration program's effectiveness and to make recommendations regarding the feasibility for statewide implementation. The department shall make a recommendation on whether to continue, expand, or discontinue the program based on the evaluation data.

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

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

Representative Geistweidt moved to suspend all necessary rules and to adopt the conference committee report on HB 1299.

The motion prevailed.
Representative Uher called up with senate amendment for consideration at this time.

Representative Uher moved to suspend all necessary rules and concur in the senate amendment to HB 1289.

The motion prevailed.

HB 1289 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HB 1289 by substituting the following language for Section 1.

SECTION 1. Article 42.12, Code of Criminal Procedure, 1965, is amended by adding Section 6c to read as follows:

Sec. 6c. A court receiving a probationer for supervision as authorized by Article 42.11 of this Code may impose on the probationer any term of probation authorized by Section 6 of this article, and may require the probationer to pay the fee authorized by Section 6a of this article. Fees received under this section shall be deposited in the same manner as required by Section 6a(b) of this article.

Amend HB 1289 by substituting the following language for Section 2:

SECTION 2. Article 42.13, Code of Criminal Procedure, 1965, is amended by adding Section 6d to read as follows:

Sec. 6d. A court receiving a probationer for supervision as authorized by Article 42.11 of this Code may impose on the probationer any term of probation authorized by Section 6 of this article, and may require the probationer to pay the fee authorized by Section 6a of this article. Fees received under this section shall be deposited in the same manner as required by Section 6a(b) of this article.

HB 178 WITH SENATE AMENDMENT

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

Representative Hinojosa moved to suspend all necessary rules and concur in the senate amendment to HB 178.

The motion prevailed.

HB 178 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HB 178 by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 135, Texas Education Code, is amended by adding a new section to read as follows:

Sec. 135.06. Extension Program. (a) Texas State Technical Institute is authorized to provide extension programs of training in the fields of Vocational-Technical Education as temporary programs to address current unemployment problems.
(b) the institute is authorized to accept in the name of the state of Texas personal properties, free and clear of any restrictions on use and disposal of said property. The institute shall not be authorized by this section to establish permanent programs or campuses.

e) the institute may operate the extension program by the use of federal grants as well as such state funds that may be required for matching funds.

d) the institute may enter into contracts with existing political subdivision, state agencies, state institutions, or federal agencies, to carry out the extension program.

e) the extension program shall be limited to the needs for Vocational-Technical Training in the area being served.

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.

(Messer in the chair)

HCR 275 WITH SENATE AMENDMENT

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

HCR 275, Reestablishing the Select Committee on Public Education.

Representative Haley moved to suspend all necessary rules and concur in the senate amendment to HCR 275.

The motion prevailed.

HCR 275 - TEXT OF SENATE AMENDMENT

SENATE AMENDMENT NO. 1

Amend HCR 275 by substituting the following:

WHEREAS, High-quality education for the citizens of Texas is a vital public concern, and a major portion of the state's total budget is appropriated for education; and

WHEREAS, Serious consideration and long-range planning are necessary to carry the Texas educational system into the 21st Century as a quality, effective system; and

WHEREAS, The Select Committee on Public Education established by the 67th Legislature, 1st Called Session, 1981, has shown that a committee of that structure can effectively study a multiplicity of complex educational issues and bring forth concrete ideas and recommendations for legislative action; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the Select Committee on Public Education be reestablished to study the issues and continuing concerns relating to public education in Texas, particularly school finance and each of its components—personnel support, operating costs, transportation, equalization, minimum aid, and the categorical-aid programs—as well as the source of funding and structure of the system; and, be it further

RESOLVED, That the committee be composed of the governor, lieutenant governor, speaker of the house of representatives, chair of the Senate Committee
on Education; chair of the House Committee on Public Education; five members appointed by the governor; four members appointed by the lieutenant governor; four members appointed by the speaker of the house of representatives; the chairman of the State Board of Education; and two members of the State Board of Education appointed by the chairman of that board; and, be it further

RESOLVED, That the governor serve as ex officio chairman of the committee and shall designate a chairperson from among the committee members to preside in the governor's place; that the lieutenant governor and the speaker of the house of representatives serve as ex officio co-vice-chairmen; and, be it further

RESOLVED, That the chair shall appoint advisory committees, as necessary, and the committee shall hold meetings and public hearings at the call of the chair; and, be it further

RESOLVED, That the Legislative Budget Board, the Texas Legislative Council, the Governor's Office, the Texas Education Agency, the senate, and the house be authorized to provide staff support to the committee on the request of the committee; and, be it further

RESOLVED, That the committee have the power to issue process to witnesses at any place in the State of Texas, to compel the attendance of such witnesses, and to compel the production of all books, records, documents, and instruments that the committee may require. If necessary to obtain compliance with subpoenas and other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by any peace officer of the State of Texas or any of its political subdivisions. The chair shall issue, in the name of the committee, such subpoenas and other process as the committee may direct. In the event that the chair is absent, the vice-chair or any designee of the chair is authorized to issue subpoenas or any other process in the same manner as the chair. Witnesses attending proceedings of the committee under process shall be allowed the same mileage and per diem as are allowed witnesses before any grand jury in the state. The testimony given at any hearing conducted pursuant to this resolution shall be given under oath subject to the penalties of perjury; and, be it further

RESOLVED, That the committee be authorized to request the assistance, where needed in the discharge of its duties, of all state agencies, departments, and offices, and that it be the duty of such agencies, departments, and offices to assist the committee when requested to do so. The committee shall have the power to inspect the records, documents, and files of every agency, department, and office of the state, to the extent necessary to the discharge of its duties within the area of its jurisdiction; and, be it further

RESOLVED, That the operating expenses of the committee be paid from available funds of the office of the governor and other participating agencies, and from the contingent expense fund of the senate and the contingent expense fund of the house, as agreed by those parties, and that the committee members and advisory committee members be reimbursed from these funds for their expenses incurred in carrying out the provisions of this resolution; and, be it further

RESOLVED, That the committee make complete reports, including findings, recommendations, and drafts of any legislation deemed necessary, to the legislature as necessary and appropriate. Copies of the reports shall be filed in the Legislative Reference Library, with the Texas Legislative Council, with the secretary of the senate, and with the chief clerk of the house.

(Edwards in the chair)
REPORT OF THE COMMITTEE TO DESIGNATE THE STATE ARTIST

May 28, 1983
Austin, Texas

The Honorable William P. Hobby
President of the Senate

The Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sirs: Pursuant to SCR 6 passed by the 68th Legislature, Regular Session, the committee met and agreed upon the following:

To be Texas State Artist from June 1, 1983, and ending May 31, 1984, Raul Gutierrez;
To be alternate State Artist from June 1, 1983, and ending May 31, 1984, James Eddleman.

Senator Bob Vale
Senator John Montford
Senator Hugh Parmer
Speaker Gib Lewis
Representative Patricia Hill
Representative Hugo Berlanga

HR 574 - ADOPTED

Representative Leonard moved that all necessary rules be suspended to take up and consider at this time, HR 574.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Leonard:

HR 574

BE IT RESOLVED by the House of Representatives of the State of Texas, That the speaker of the house appoint a committee to notify the senate and a committee to notify the governor that the house has completed its labors and stands ready to adjourn the Regular Session of the 68th Legislature sine die.

The resolution was adopted without objection.

COMMITTEES APPOINTED

The chair announced the appointment of the following committee to notify the senate that the house has completed its labors and is ready to adjourn sine die: Representatives W. Hall, chair; Oliver, Hammond, Hury, and Parker.

The chair announced the appointment of the following committee to notify the governor that the house has completed its labors and is ready to adjourn sine die: Representatives D. Lee, chair; Hellin, Saunders, Glossbrenner, and W. Martinez.

(Speaker in the chair)

ADDRESS BY SPEAKER LEWIS

Speaker Lewis addressed the house, speaking as follows:

Members, I would like to take just a minute to say “thank you” from the bottom of my heart.

Thank you for your support during the good times and the bad that have marked this session, especially for me personally.

Thank you for your hard work both on the floor of this house and in your committee assignments which you performed above and beyond the call of duty.
Thank you for your willingness to make hard decisions, ask difficult questions, make some challenging votes.

Thank you for distinguishing the 68th Regular Session of the Legislature as one of the most effective on record.

Thank you for rising above partisan politics when making decisions affecting all Texans, and above provincialism when addressing matters of importance to all segments of our population.

Thank you most of all for being the best assembly of Representatives—from the most senior to the newest member—I have ever served with in my seven terms in this house.

We may be meeting here again before this term of the 68th Legislature finally ends.

In any case, it is my plan to continue this session's fine record through the interim with additional constructive work involving the house committees and their members.

Starting tomorrow, you will all begin returning to your homes and your families—to say nothing of your professions and the work of earning a living.

It is my sincere hope the most important “thank you” of all will be forthcoming from your constituents.

A thank you for a job well done which I can only echo.

REMARKS ORDERED PRINTED

Representative Simpson moved that the remarks by Speaker Lewis be printed in the journal.

The motion prevailed without objection.

PRESENTATION TO REPRESENTATIVE J. GIBSON

The speaker recognized Representative Lou Nelle Sutton who addressed the house on behalf of the Black Caucus, speaking as follows:

Mr. Speaker and members, we, the members of the Legislative Black Caucus, follow a tradition of giving an award, which is the G. J. Sutton Award, to some member of the house, a person who does not belong to the caucus, each year; this is our third year. This award is given in memory of my late husband, G. J. Sutton, who was a former member of this house and the first chairman of the Legislative Black Caucus. He was an unusual, outstanding person, I think, and I am really pleased that we are carrying on the tradition.

We, as members of the caucus, go through the year, we look, we observe, and try to find in some special individual one who has a sensitivity to many of the areas in which we are especially interested. We find that it is a difficult task because we see many people doing this in many areas, and it is all to our advantage. But, it comes down to the final time when we must find someone and then we must agree on our conviction that that particular person has done more in one particular area that affects us in all of our districts. This year we decided that, by mutual decision, we have had better response in the field of education, the area of education, in a manner that affects all of our districts. So, we have chosen a person we feel has shown interest, has been helpful, and has worked with us from time to time, and that person is Mr. Jay Gibson of Ector.

Representative Sutton then presented Representative J. Gibson with the G. J. Sutton Award named in honor of her late husband.

Representative J. Gibson addressed the house expressing appreciation for the award.
MESSAGE FROM THE SENATE

Austin, Texas, May 30, 1983

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

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

HCR 279 by Wilson, expressing appreciation to Robert I. Kelly, House Parliamentarian.
HCR 280 by Wilson, expressing appreciation to the Texas Legislative Council.
HCR 281 by Wilson, expressing appreciation to Walter Fisher, Assistant Parliamentarian.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 1299 by the following vote: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

SENATE NOTIFIED

The committee appointed to notify the senate that the house has completed its labors, and is now ready to adjourn sine die, reported that they had performed the duty assigned them.

REMARKS ORDERED PRINTED

Representative Wilson moved that the remarks by Representative Sutton be printed in the journal.

The motion prevailed without objection.

GOVERNOR NOTIFIED

The committee appointed to notify the governor that the house has completed its labors, and is now ready to adjourn sine die, reported that they had performed the duty assigned them.

HOUSE NOTIFIED

A committee from the senate was announced at the door of the house and, being admitted, stated that the senate has completed its labors and is now ready to adjourn sine die.

PROVIDING FOR ADJOURNMENT SINE DIE

Representatives Watson and Leonard moved that, at the conclusion of the receiving of messages and signing of bills and resolutions, the house adjourn sine die.

The motion prevailed without objection.
The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:


ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Lewis, at 12 midnight, pronounced the House of Representatives of the Regular Session of the Sixty-eighth Legislature adjourned sine die.

APPENDIX

ENROLLED


SENT TO THE GOVERNOR

May 29 - HB 25, HB 33, HB 42, HB 338, HB 355, HB 525, HB 559, HB 784, HB 886, HB 998, HB 1100, HB 1114, HB 1199, HB 1210, HB 1372, HB 1447, HB 1708, HB 1836, HB 1914, HB 1987, HB 2046, HB 2116, HB 2217, HB 2218, HB 2220, HB 2224, HB 2232, HB 2271, HB 2282, HB 2284, HB 2285, HB 2314, HB 2323, HB 2333, HB 2334, HB 2352, HB 2368, HB 2370, HB 2379, HB 2380, HB 2382, HB 2383, HB 2391, HB 2398, HB 2425, HB 2443


June 6 - HCR 62, HCR 127, HCR 213, HCR 248, HCR 251, HCR 262, HCR 268, HCR 269, HCR 275, HCR 276, HCR 277, HCR 279, HCR 280,
The following members were granted permission by the authors to sign a bill and resolutions as coauthors:

- HB 1776 - Schlueter
- HJR 77 - Schlueter
- HCR 3 - Clemons
- HR 487 - Short
- HR 491 - Hilbert
- HR 498 - Madla


- HB 333 - Wieting
- HB 541 - Barrientos
- HR 551 - Crockett
- HR 555 - Robnett

BILL TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59

The following house bill was transmitted by the chief clerk to the governor:
May 30 - HB 2299

RECOMMENDATION OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

The following recommendation of the Texas Water Commission was filed with the speaker:
May 30 - HB 2299