United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 31, 2021
Lyle W. Cayce
Clerk

No. 20-40475

MANDELL RHODES, JR.,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:18-CV-173

ORDER:

Mandell Rhodes, Jr., Texas Prisoner 307498, seeks a certificate of appealability ("COA") from the denial of his Section 2254(d) application. He claims that the forfeiture of good-time credits that resulted from the revocation of parole violated the Double Jeopardy Clause of the Constitution. The district court rejected his argument, denied his application, then also denied a COA.

Rhodes was sentenced in 1980, incarcerated until he was released on parole in 2015, then had his parole revoked in 2017. While he was incarcerated, Texas statutes regarding good-time credits were revised

multiple times. *See., e.g.*, Act of May 26, 1989, 71st Leg., R.S., ch. 212. The district court applied Texas's current statutory provisions in forfeiting Rhodes's good-time credit when his parole was revoked. *See* TEX. GOV'T CODE § 498.003(a). The following statutory language has been in effect since at least three years prior to Rhodes's 1980 sentencing: "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." *Id.*; *cf.* Act of June 10, 1977, 65th Leg., R.S., ch. 347, § 3.

Addressing a similar argument, this court has previously rejected that requiring a prisoner "to serve the entire portion remaining on his sentence after his parole is revoked violates the multiple punishments prong of the Double Jeopardy Clause." *Morrison v. Johnson*, 106 F.3d 127, 129 n.1 (5th Cir. 1997).

IT IS ORDERED that the Appellant's motion to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that Appellant's motion for certificate of appealability is DENIED.

/s/ Leslie H. Southwick
LESLIE H. SOUTHWICK
United States Circuit Judge

APPENDIX B

United States Court of Appeals for the Fifth Circuit

No. 20-40475

MANDELL RHODES, JR.,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:18-CV-173

Before DENNIS, SOUTHWICK, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

Mandell Rhodes, Jr., Texas Prisoner 307498, seeks reconsideration of the March 31, 2021 denial of his certificate of appealability ("COA"). Rhodes urges that the court failed to consider his claim that the district court "misapplied and unlawfully utilized the provision in Texas Government Code § 498.003(a)."

We interpret Rhodes's argument as making the following points. First, he relies on the language in the 1983 amendment of the good-conduct-time provision stating that "[t]he change in the law made by this Act applies

APPENDIX C

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

MANDELL RHODES, JR., #307498	§	
VS.	§	CIVIL ACTION NO. 6:18cv173
DIRECTOR, TDCJ-CID	§	

FINAL JUDGMENT

The Court having considered Petitioner's case and rendered its decision by opinion issued this same date, it is hereby **ORDERED** that Petitioner's federal habeas petition is **DISMISSED** with prejudice, and Petitioner is **DENIED** a certificate of appealability *sua sponte*.

SIGNED this the 2nd day of July, 2020.

Richard A. Schell

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

MANDELL RHODES, JR., #307498	§	
VS.	§	CIVIL ACTION NO. 6:18cv173
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Mandell Rhodes, Jr., proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging the denial or forfeiture of good conduct credits. The cause of action was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On March 10, 2020, Judge Love issued a Report, (Dkt. #26), recommending that Petitioner's habeas petition be dismissed with prejudice and that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address with an acknowledgment card. The docket reflects that Petitioner received a copy of this Report on March 26, 2020, and Petitioner has filed timely objections, (Dkt. #30).

The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

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ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #26), is **ADOPTED** as the opinion of the Court. Petitioner's objections, (Dkt. #30), are **OVERRULED**. Further, it is

ORDERED that Petitioner's federal habeas petition is **DISMISSED** with prejudice. Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby ~~DENIED~~.

SIGNED this the 2nd day of July, 2020.

Richard A. Schell

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

MANDELL RHODES, JR., #307498	§	
VS.	§	CIVIL ACTION NO. 6:18cv173
DIRECTOR, TDCJ-CID	§	

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Mandell Rhodes, Jr., proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging the denial or forfeiture of good conduct credits. The cause of action was referred to the undersigned United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

I. Procedural Background

In 1980, Rhodes was convicted after a jury trial for the offense of aggravated rape and was sentenced to fifty years' imprisonment. Rhodes was released onto parole in January 15, 2015. While on parole, Rhodes was convicted of the offense of "invasive visual recording," a state jail felony—and was sentenced to two years' imprisonment. A pre-revocation warrant was executed by the parole division in January 2017. His parole was then revoked in October 2017, which forms the basis for Petitioner's habeas petition.

Rhodes filed a state application for a writ of habeas corpus in November 2017, which was denied without a written order. In that state habeas application, Rhodes challenged the forfeiture of his good time credits.

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II. Rhodes' Federal Petition and Accompanying Memorandum of Law

Rhodes states the following in his federal habeas petition:

> TDCJ unlawfully forfeited good conduct time earned by Petitioner under Senate Bill 640—Acts 1983, 68th TX. Leg., R.S., Ch. 375, P. 2045, which pursuant to the intent of the 68th Legislature in Senate Bill 640 lawfully reduced his sentence. Such forfeiture violated the double jeopardy clause of the U.S. Constitution.
>
> Between August 14, 2006 and January 13, 2015, Petitioner earned 16 years, 3 months, and 7 days [of] good conduct time pursuant to Senate Bill 640 Acts 1983, 68th Leg., R.S., Ch. 375, p. 2045; an act which included language showing that it was the INTENT of the 68th Legislature that such good conduct time was to be "earned by a prisoner toward reduction of a sentence." See attachment "A." On Jan. 13, 2015, Petitioner was released to parole and on Nov. 7, 2017, he was returned to TDCJ after revocation of parole. Upon revocation TDCJ forfeited petitioner's 16 years, 3 months, and 7 days Senate Bill 640 good conduct time credits. This forfeiture violated the Double Jeopardy Clause of the U.S. Constitution.

(Dkt. #1, pg. 6). In his memorandum of law, Petitioner raises the exact arguments and issues.

III. Respondent's Answer

In its answer, Respondent maintains that Rhodes does not have a protected liberty interest in the restoration of his forfeited credits for good conduct time. Moreover, Respondent argues that the double jeopardy clause is not implicated in a challenge regarding the forfeiture of good conduct credits.

IV. Petitioner Rhodes' Reply

In his reply, (Dkt. #20), Rhodes insists that the forfeiture of his sixteen years of good conduct time—such time that reduced his sentence—violated the principles against double jeopardy. He also asserts that Respondent is attempting to "distract" and "draw this court's attention away from Senate Bill 640" and its language.

V. Legal Standards

The role of federal courts in reviewing habeas petitions filed by state prisoners is exceedingly narrow. A prisoner seeking federal habeas corpus review must assert a violation of a

federal constitutional right; federal relief is unavailable to correct errors of state constitutional, statutory, or procedural law unless a federal issue is also present. *See Lowery v. Collins*, 988 F.2d 1364, 1367 (5th Cir. 1993); *see also Estelle v. McGuire*, 503 F.3d 408, 413 (5th Cir. 2007) ("We first note that 'federal habeas corpus relief does not lie for errors of state law.'") (internal citation omitted). When reviewing state proceedings, a federal court will not act as a "super state supreme court" to review error under state law. *Wood v. Quarterman*, 503 F.3d 408, 414 (5th Cir. 2007).

Federal habeas review of state court proceedings is governed by the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996. Under the AEDPA, which imposed several habeas corpus reforms, a petitioner who is in custody "pursuant to the judgment of a State court" is not entitled to federal habeas relief with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

> 1. resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established law, as determined by the Supreme Court of the United States; or
>
> 2. resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceedings.

28 U.S.C. § 2254(d). The AEDPA imposes a "highly deferential standard for evaluating state court rulings," which demands that federal courts give state court decisions "the benefit of the doubt." *See Renico v. Lett*, 559 U.S. 766, 773 (2010) (internal citations omitted); *see also Cardenas v. Stephens*, 820 F.3d 197, 201-02 (5th Cir. 2016) ("Federal review under the AEDPA is therefore highly deferential: The question is not whether we, in our independent judgment, believe that the state court reached the wrong result. Rather, we ask only whether the state court's judgment was so obviously incorrect as to be an objectively unreasonable resolution of the claim."). Given the high deferential standard, a state court's findings of fact are entitled to a

presumption of correctness and a petitioner can only overcome that burden through clear and convincing evidence. *Reed v. Quarterman*, 504 F.3d 465, 490 (5th Cir. 2007).

VI. Discussion and Analysis

Rhodes' federal habeas petition should be denied because he does not have a protected liberty interest in his accrued or forfeited good conduct time. The primary consideration in this case is whether Rhodes has stated or presented the denial of a constitutionally protected liberty interest. "Federal habeas relief cannot be had 'absent the allegation by a plaintiff that he or she has been deprived of some right secured to him or her by the United States Constitution or the laws of the United States.'" *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000) (quoting *Orellana v. Kyle*, 65 F.3d 29, 31 (5th Cir. 1995)).

The procedural protections of the due process clause are triggered only when there has been a deprivation of life, liberty, or property; because neither Petitioner's life nor property interests are at stake—particularly because his chief complaint is that his due process rights were violated through the forfeiture of good-conduct credits—the pertinent question here is "whether he had a liberty interest that the prison action implicated or infringed." *Toney v. Owens*, 779 F.3d 330, 336 (5th Cir. 2015); *Richardson v. Joslin*, 501 F.3d 415, 418-19 (5th Cir. 2007). The Fifth Circuit has held that a variety of prison administrative decisions do not create constitutionally protected liberty interests. For example, punishment consisting of placement in administrative segregation or the loss of the opportunity to earn good time is not enough to trigger due process protections. *See Luken v. Scott*, 71 F.3d 192, 193 (5th Cir. 1995).

Rhodes complains about the forfeiture of over sixteen years of accrued good conduct time after he committed a new offense and his parole was subsequently revoked. Any loss of good-time credit serves only to affect Rhodes' possible release on parole—insofar as Texas law provides

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that the sole purpose of good-time credits is to accelerate eligibility for release on parole or mandatory supervision. *See* Tex. Gov. Code § 498.003(a). The Fifth Circuit has expressly held that there is no constitutional right to release on parole in the state of Texas. *See Williams v. Dretke*, 306 F. App'x 164, 166 (5th Cir. 2009) ("Texas prisoners have 'no constitutional expectancy of parole' and, thus, any effect that the punishment had on Williams's parole eligibility could not support a constitutional claim."); *Creel v. Keene*, 928 F.2d 707, 708-09 (5th Cir. 1991); *Allison v. Kyle*, 66 F.3d 71, 74 (5th Cir. 1995).

Similarly, the United States Constitution does not guarantee a prisoner credit for good conduct time. *See Madison v. Parker*, 104 F.3d 765, 768 (5th Cir. 1997) ("The Constitution does not guarantee good time credit for satisfactory behavior while in prison.") (citing *Wolff v. McDonnell*, 418 U.S. 539, 557 (1974)). Further, there is no constitutionally protected liberty interest in the **restoration** of good conduct time. *See Hallmark v. Johnson*, 118 F.3d 1073, 1079-80 (5th Cir. 1997) ("Since 1977, Texas law has provided that good conduct time credits are 'a privilege and not a right.'") (emphasis added).

As the Respondent explains, under Texas law, good conduct credits may be forfeited—either by violating TDCJ's rules while in its custody or by violating the guidelines of a conditional release program such as parole or mandatory supervision. *See* Tex. Gov't Code Ann. § 498.004(b) (2017) ("On the revocation of parole or mandatory supervision of an inmate, the inmate forfeits all good conduct time previously accrued. On return to the institutional division[,] the inmate may accrue new good conduct time for subsequent time served in the division. **The department may not restore good conduct time forfeited on a revocation**.") (emphasis supplied); *see also Norwood v. Thaler*, 2010 WL 380891 *7 (N.D. Tex. 2010) ("The language of the Texas statute

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regarding the non-restoration of good-time credit is mandatory and does not create a liberty interest in good-time credits forfeited upon revocation of parole.").

In other words, as a matter of federal law, prisoners do not have a protected, constitutional liberty interest in forfeited good-conduct time credits. *See Cook v. Cockrell*, 2003 WL 21649973 *2 (N.D. Tex. 2003) ("However, it is well-established that, as a matter of federal due process, Texas inmates have no constitutionally protected right to restoration of any forfeited time credits following revocation of parole or to a sentence reduction based on forfeited credits.").

Here, Rhodes was paroled in 2015 and then committed a new felony. His parole was revoked, and under the applicable statute, his forfeited good-conduct time cannot be restored. Moreover, regardless of any state law, Rhodes has no constitutional right to the restoration of his good-conduct credits or the release onto parole. Accordingly, Rhodes' reliance on Texas Chapter 375—which he attached and marked as Exhibit A—is misplaced.

The question before this Court is only whether Rhodes has presented the denial of a constitutional right; he has not because he has no protected liberty interest in accrued or forfeited good-conduct credits. *See Savage v. Quarterman*, 2007 WL 2870985 *7 (S.D. Tex. 2007) ("Even if good-time credits are earned, they may be forfeited under certain circumstances and there is no right, let alone an automatic right, to reinstatement of these credits.").

Likewise, Rhodes' claim that the forfeiture of his good-conduct time constitutes a double jeopardy violation is wholly without merit. It is well-settled that the forfeiture of good-conduct credit does not extend a prisoner's sentence beyond the original term. *See Preston v. Thaler*, 2012 WL 2026329 *6 (S.D. Tex. 2012) ("Because good time credit applies only to an inmate's eligibility for parole or mandatory supervision and not the length of his sentence, petitioner has no basis for

challenging the forfeiture of good time credit on double jeopardy grounds."); *see also Morrison v. Johnson*, 106 F.3d 127, 129 n. 1 (5th Cir. 1997). This claim is without merit.

As it stands, Rhodes has not identified a constitutional violation. He has no protected liberty interest in any forfeited good-conduct time. Moreover, he has not shown that the state court's adjudication of this claim on his state habeas application was unreasonable or contrary to clearly established federal law. See 28 U.S.C. § 2254(d). Rhodes' federal habeas petition should be denied.

VII. Certificate of Appealability

An appeal may not be taken to the court of appeals from a final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. §2253(c)(1)(A). A district court may deny a certificate of appealability *sua sponte* because the district court that denies a petitioner relief is in the best position to determine whether the petitioner has made a substantial showing of a denial of a constitutional right on the issues before that court. *Alexander v. Johnson*, 211 F.3d 895, 898 (5th Cir. 2000).

To obtain a certificate of appealability, a petitioner must make the same showing as was required for a certificate of probable cause. *Else v. Johnson*, 104 F.3d 82, 83 (5th Cir. 1997). The only difference is that the district court, in granting a certificate of appealability, must specify the issues to be appealed. *Muniz v. Johnson*, 114 F.3d 43, 45 (5th Cir. 1997).

The prerequisite for either a certificate of probable cause or a certificate of appealability is a substantial showing that the petitioner has been denied a federal right. *Newby v. Johnson*, 81 F.3d 567, 569 (5th Cir. 1996); *James v. Cain*, 50 F.3d 1327, 1330 (5th Cir. 1995). To do this, he must demonstrate that the issues are debatable among jurists of reason, that a court could resolve the

issues in a different manner, or that the questions are adequate to deserve encouragement to proceed further. *Id.*

In the present case, Petitioner has not shown, nor does it appear from the record, that the issues he presents are debatable among jurists of reason, that a court could resolve the issues in a different manner, or that the questions presented are adequate to deserve encouragement to proceed further. For these reasons, he is not entitled to a certificate of appealability.

RECOMMENDATION

For the foregoing reasons, it is recommended that the above-styled application for the writ of habeas corpus be dismissed with prejudice. It is further recommended that the Petitioner be denied a certificate of appealability *sua sponte*.

Within fourteen (14) days after receipt of the Magistrate Judge's Report, any party may serve and file written objections to the findings and recommendations contained in the Report.

A party's failure to file written objections to the findings, conclusions, and recommendations contained in this Report within fourteen days after being served with a copy shall bar that party from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

So ORDERED and SIGNED this 10th day of March, 2020.

JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE

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APPENDIX D

Sec. 3. Title 108, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding [35] Article 6181—1 to read as follows:

"Art. 6181—1. Inmate classification and good conduct time

"Section 1. For the purpose of this Article:

"(1) 'Department' means the Texas Department of Corrections.

"(2) 'Director' means the Director of the Texas Department of Corrections.

"(3) 'Inmate' means a person confined by order of a court in the Texas Department of Corrections, whether he is actually confined in the institution or is under the supervision or custody of the Board of Pardons and Paroles.

"(4) 'Term' means the maximum term of confinement in the Texas Department of Corrections stated in the sentence of the convicting court. When two or more sentences are to be served consecutively and not concurrently, the aggregate of the several terms shall be considered the term for purposes of this Article. When two or more sentences are to run concurrently, the term with the longest maximum confinement will be considered the term for the purposes of this Article.

"Sec. 2. The department shall classify all inmates as soon as practicable upon their arrival at the department and shall reclassify inmates as circumstances may warrant. All inmates shall be classified according to their conduct, obedience, industry, and prior criminal history. The director shall maintain a record on each inmate showing all classifications and reclassifications with dates and reasons therefor.

"Sec. 3. (a) Inmates shall accrue good conduct time based upon their classification as follows:

"(1) 20 days for each 30 days actually served while the inmate is classified as a Class I inmate;

"(2) 10 days for each 30 days actually served while the inmate is classified as a Class II inmate; and

"(3) 10 additional days for each 30 days actually served if the inmate is a trusty.

"(b) No good conduct time shall accrue during any period the inmate is classified as a Class III inmate or is on parole or under mandatory supervision.

"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, 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, 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.

"Sec. 5. If the release of an inmate falls upon a Saturday, Sunday, or legal holiday, the inmate may, at the discretion of the director, be released on the preceding workday."

35. Vernon's Ann.Civ.St. art. 6181—1.

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APPENDIX E

PRISONS AND PRISONERS—GOOD CONDUCT TIME—AMOUNT AND TIME SPENT IN COUNTY JAIL

CHAPTER 375

S. B. No. 640

AN ACT

relating to credit for good conduct time earned by a prisoner toward reduction of a sentence and to the duty of sheriffs and of the director of the Texas Department of Corrections; amending Section 3, Article 6181-1, Revised Statutes.

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

SECTION 1. Section 3, Article 6181-1, Revised Statutes, is amended[38] to read as follows:

"Section 3. (a) Inmates shall accrue good conduct time based upon their classification as follows:

"(1) 20 days for each 30 days actually served while the inmate is classified as a Class I inmate;

"(2) 10 days for each 30 days actually served while the inmate is classified as a Class II inmate; and

"(3) not less than 10 nor more than 25 [10] additional days, as determined by the director, for each 30 days actually served if the inmate is a trusty.

"(b) No good conduct time shall accrue during any period the inmate is classified as a Class III inmate or is on parole or under mandatory supervision.

"(c) A sheriff who has custody of a prisoner imprisoned in a county jail after conviction of an offense punishable by imprisonment in the department shall keep a record of the prisoner's behavior in jail. If the prisoner is transferred to the department, the director shall review the prisoner's jail record

38. Vernon's Ann.Civ.St. art. 6181-1, § 3.

Additions in text indicated by underline; deletions by [strikeouts]

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and may award good conduct time to the prisoner up to an amount equal to that which the prisoner could have accrued during such period if incarcerated in the department.

"(d) An inmate shall accrue good conduct time, in an amount determined by the director which shall not exceed 15 days for each 30 days actually served, for participation in an educational or vocational program provided to inmates by the department."

SECTION 2.[35] The change in the law made by this Act applies to credit awarded for good conduct and participation in programs during time served before, on, or after the effective date of this Act.

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.

Passed the Senate on March 28, 1983: Yeas 30, Nays 0; Senate concurred in House amendment on May 27, 1983: Yeas 31, Nays 0; passed the House, with amendment, on May 25, 1983: Yeas 121, Nays 18, one present no voting.

Approved June 17, 1983.

Effective ~~June~~ 17, 1983.