The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 98).

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

Absent, Excused — Crockett; Garcia, M.; Presnal.

Absent — Berlanga; Colbert; Leonard; Moreno, A.; Moreno, P.; Thompson, S.

The invocation was offered by Dr. W. Hal Brooks, pastor, North Richland Hills Baptist Church, Fort Worth, Texas, as follows:

Almighty God, we acknowledge you as the creator and the sustainer of all life. We recognize from the timeless truths of your Word that both individually and as a people we are primarily what we think. For you have told us as a man thinketh in his heart so is he. Therefore we look to you for wisdom and for understanding that in the decisions which we are called upon to make day by day which determine the quality of our lives and the way of our lives we may think noble thoughts in order that we may live quality lives. We pray that you will give these legislators a special sense of direction, wisdom, and understanding. Protect with your presence and your power. We are deeply grateful for the privileges and the blessings which we enjoy because we live in this great land. Help us never to become complacent or to take for granted these blessings. Accept our gratitude and thanksgiving and praise to you because of all that you are to each of us.

Amen.

LEAVES OF ABSENCE GRANTED

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

M. Garcia on motion of Rangel.
The following members were granted leaves of absence for today because of illness:

Crockett on motion of D. Hudson.
Presnal on motion of Geistweidt.

(Colbert, P. Moreno, Berlanga, A. Moreno, and Leonard now present)

**HB 2316 - PERMISSION TO INTRODUCE**

Representative Kemp moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2316.

The motion prevailed by (Record 99): 126 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Cerverha; Clark; Clemons; Colbert; Collazo; Connelly; Coody; Craddick; Danburg; Davis; Delay; Denton; Eckels; Edwards; Eikenburg; Emmett; Evans, L.; Finnell; Gamez; Gandy; Garcia, A.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Parker; Patronella; Patterson; Pennington; Pierce; Polk; Polumbo; Ragsdale; Rangel; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willie; Wilson; Wolens; Word; Wright.

Nay — Smith, C.

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

Absent, Excused — Crockett; Garcia, M.; Presnal.

Absent — Agnish; Criss; Delco; English; Evans, C.; Fox; Grisham; Martinez, W.; Oliver, Patrick; Peveto; Price; Robinson; Robnett; Salinas; Thompson, S.; Uber; Valles.

**INTRODUCTION OF RICHARD E. FLOYD**

Speaker Lewis introduced Richard E. Floyd, a state assemblyman, from the state of California to the house.

The speaker presented Mr. Floyd with the Texas flag.

**HB 2317 - PERMISSION TO INTRODUCE**

Representative Stiles moved to suspend the constitutional rule for permission to introduce and have placed on first reading HB 2317.

The motion prevailed by (Record 100): 127 Yeas, 1 Nay, 1 Present, not voting.

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

Nay — Connelly.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crockett; Garcia, M.; Presnal.

Absent — Agnich; Bomer; Carriker; Ceverha; Delco; Evans, C.; Gamez; Hernandez; Hurry; Martinez, W.; Peveto; Price; Robinson; Robnett; Simpson; Smith, C.; Thompson, S.; Uher.

STATEMENT BY REPRESENTATIVE CONNELLY

I inadvertently voted no when I intended to vote yes on introduction of HB 2317.

MESSAGE FROM THE SENATE

The Honorable Speaker of the House of Representatives

House Chamber

March 30, 1983

The Honorable

Mr. Speaker:

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

SCR 54 by Brown, et al., relating to March 29, 1983, being designated Fort Bend County Day.

SB 116 by Traeger, relating to death benefits from the Employees Retirement System of Texas based on service as a law enforcement or custodial officer.

SB 123 by Leedom, relating to an exemption from sales and use taxes for certain equipment used by the visually handicapped.

SB 147 by Blake, relating to care of the State Capitol and its grounds.

SB 244 by Washington, relating to the mandatory use of interest earned on certain client funds held by attorneys, law firms, or professional corporations engaged in the practice of law to provide legal services to the indigent in civil matters.

SB 283 by Santiesteban, relating to the classification of criminal mischief offenses on the basis of the value of the property damaged or destroyed.

SB 357 by Sarpaliius, relating to annexation of county territory by certain junior college districts and to duties of the governing boards of such districts.

SB 371 by Brooks, relating to medical care subsidies for certain adopted children.

SB 417 by Doggett and Brown, relating to the registration and registration fees of alarm systems installers.
SB 444 by Traeger, relating to fees for compulsory inspection of certain vehicles.

SB 544 by Uribe, relating to the deposit of certain money to the credit of the General Revenue Fund.

SB 609 by Vale, relating to annexation of county territory by certain junior college districts.

SB 617 by Williams, relating to regulation of compressed natural gas by the Railroad Commission of Texas.

SB 641 by Farabee, relating to the formation, termination, administration, and costs of municipally created reinvestment zones that qualify for tax increment financing.

SB 987 by Glasgow, relating to the filing of returns and payment of estimated insurance gross premium taxes.

SB 995 by Doggett, relating to the open meetings and open records requirements applicable to governmental bodies.

Respectfully,
Betty King
Secretary of the Senate

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time and passed to third reading: (Members registering votes are shown following the caption)

SB 209 (D. Lee - House Sponsor), A bill to be entitled An Act relating to renaming the Arroyo Colorado Navigation District as the Port of Harlingen Authority.

SB 452 (Kuempel - House Sponsor), A bill to be entitled An Act relating to the election and terms of office of directors of the Cibolo Creek Municipal Authority, in parts of Bexar, Comal, and Guadalupe counties; amending Section 6, Chapter 347, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-487, Vernon's Texas Civil Statutes).

CSHB 188, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District.

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

SECTION 1. CREATION. Under Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district to be known as the Wheeler County Water Supply District is created as a governmental agency, a body politic and corporate, and a political subdivision of this state.

SECTION 2. CONFIRMATION ELECTION. (a) Before the district is created, a confirmation election must be called and held in the area of the proposed district in the manner and subject to the conditions provided by Sections 54.026-54.029, Water Code, and the district must be approved by the qualified voters of the proposed district voting at the election. The requirement in Chapter 54, Water Code, for a simultaneous directors' election does not apply.

(b) The confirmation election must be held within 180 days following the effective date of this Act, and Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), does not apply.

SECTION 3. BOUNDARIES. The district's boundaries are coterminous with the boundaries of Wheeler County, Texas, as those boundaries existed on January 1, 1983.

SECTION 4. FINDINGS. The legislature finds that the purposes of Article XVI, Section 59, of the Texas Constitution will be furthered through the creation
of the district, and it is the purpose of the legislature in passing this Act to accomplish those purposes in Wheeler County. The legislature also finds that all of the land and other property included within the area and boundaries of the district will be benefited by the works and projects that are to be accomplished by the district, pursuant to powers conferred by Article XVI, Section 59, of the Texas Constitution, and that the district is created to serve a public use and benefit.

SECTION 5. BOARD OF DIRECTORS; APPOINTMENT AND ELECTION. (a) The district shall be governed by a board of five directors appointed as provided by Subsection (b) of this section.

(b) The directors shall be appointed in the following manner:
   (1) two directors by the Wheeler County commissioners court;
   (2) one director by the governing body of the city of Wheeler;
   (3) one director by the governing body of Shamrock; and
   (4) one director by the governing body of Mobeetie.

(c) In appointing its directors, the Wheeler County commissioners court shall give due consideration to the interests of the cities of Kelton, Briscoe, Lela, and Allison.

(d) The terms of office of one of the first directors appointed by Wheeler County, as designated by the commissioners court, and the first director appointed by the city of Wheeler expire on December 31, 1984, and the terms of office of the other three initial directors expire on December 31, 1985.

(e) Successors to the initial directors shall be appointed by the respective city and county governing bodies for terms of two years.

(f) Each governing body may fill a vacancy in the office of director appointed by that governing body.

(g) Each director shall remain in office until his successor is appointed and has qualified.

(i) A director may be removed from office by the board for misfeasance, malfeasance, or willful neglect of duty, but only after reasonable notice is given and a public hearing has been held, unless the notice and public hearing are expressly waived in writing by the accused director.

(j) If a director moves from the district, he is considered to have resigned his office.

SECTION 6. TEMPORARY DIRECTORS. The initial directors appointed as provided by Section 5 of this Act shall be appointed within 30 days after the effective date of this Act and shall serve as temporary directors of the district. If the creation of the district is approved at the confirmation election, the temporary directors become permanent directors of the district and shall serve the terms and exercise the powers and authority provided by this Act.

SECTION 7. BOARD OF DIRECTORS; PROCEDURES. (a) A director is not entitled to compensation for his services, but a director is entitled to reimbursement for his actual expenses incurred in performing his duties, to the extent authorized and permitted by the board.

(b) The board shall elect one of the directors as president of the board. The president shall preside at meetings of the board and shall perform other duties prescribed by the board. The board shall elect another of the directors as vice-president of the board. The vice-president shall perform the duties of the president when the president is not present or is otherwise incapacitated. The president and vice-president shall serve for a term of one year. The board shall elect a secretary of the board, who is the official custodian of the minutes, books, records, and seal of the board. The board shall elect a treasurer of the board, who shall perform duties and functions prescribed by the board. The offices of secretary and treasurer may be held by one person, and the holder or holders of those offices need
not be a director. The board may appoint one or more persons who are not directors to be an assistant secretary of the board to perform any duty or function of the secretary of the board.

(c) Three directors constitute a quorum. All directors are entitled to vote. The district shall act and proceed through resolutions adopted by the board, and the affirmative vote of at least three of the directors is necessary to adopt a resolution.

(d) The first president, vice-president, secretary, and treasurer shall be elected at the first meeting of the board after all directors have been appointed and have qualified for office. Except for the first officers, the officers of the board shall be elected annually at the first meeting of the board after January 1 of each year, or at any time necessary to fill a vacancy.

(e) The board shall have regular meetings at times specified by resolutions of the board and shall have special meetings when called by the president or when called by any three of the directors.

(f) A director is not personally liable for any bonds issued or contracts executed by the district.

SECTION 8. SPECIFIC POWERS. (a) The district may exercise all powers necessary or appropriate to carry out, achieve, or effect the purposes of this Act, including, without limitation, the powers provided by this section.

(b) The district may sue and be sued in its own name.

(c) The district may adopt an official seal.

(d) The district may adopt and enforce bylaws, rules, and regulations for the conduct of its affairs.

(e) The district may acquire, hold, use, and dispose of its revenues, income receipts, funds, and money from every source, and may select a depository or depositories.

(f) The district may acquire, own, rent, lease, accept, hold, manage, operate improve, or dispose of any property, or any interest in property, in performing its duties and exercising its powers under this Act. This may be done by purchase, lease-purchase, exchange, gift, assignment, condemnation, sale, installment sale lease, or other method.

(g) The district may sell, through installment sale, lease-purchase, or otherwise, may assign, lease, encumber, mortgage, or otherwise dispose of any property, or any interest in property, and release or relinquish any right, title, claim, lien, interest, easement, or demand, regardless of how it was acquired. The district may dispose of property by public or private sale, with or without public bidding notwithstanding any other law. Also, the district may lease or rent any land, buildings, structures, or facilities from or to any person, firm, corporation, city, or other public agency or political subdivision to carry out this Act.

(h) The district may request and may accept any appropriations, grants allocations, subsidies, guaranties, aid, contributions, services, labor, materials, gifts or donations from the federal government, the state, any city, public agency political subdivision, or any other source.

(i) The district may operate and maintain an office, and may appoint, and determine the duties, tenure, qualifications, and compensation of officers, employees, agents, and professional advisors and counselors, including financial consultants, accountants, attorneys, architects, engineers, appraisers, and financial experts considered necessary or advisable by the board. The district may employ a general manager who may employ and discharge employees and may exercise the authority conferred on the general manager by the board.

(j) The district may issue its bonds, provide for and secure the payment of the bonds, and provide for the rights of the holders of the bonds, in the manner and to the extent permitted by this Act.
(k) The district may exercise the authority under Chapter 30, Water Code, including the authority to collect, transport, process, treat, dispose of, and control municipal, domestic, industrial, or communal waste, whether in fluid, solid, or composite form, including the control, abatement, or reduction of pollution.

(l) The district may exercise the powers and duties of a municipal utility district as provided by Chapter 54, Water Code, including the powers granted by Sections 54.218 and 54.219, Water Code. Any election required to be held under Chapter 54, Water Code, may be held simultaneously with the confirmation election required by Section 2 of this Act.

(m) The district may adopt, revise, charge, enforce, and collect necessary rates, charges, fees, and rentals for providing district facilities or services and may require a deposit for any services or facilities furnished. The district may provide that the deposit will bear interest and may discontinue a facility or service to prevent an abuse or enforce payment of an unpaid rate, charge, fee, or rental due to the district.

SECTION 9. DISTRICT CONTRACT AUTHORITY. (a) The district may enter into contracts with and supply water to a city, county, other public agency, or political subdivision, including specifically Wheeler County or a city located in Wheeler County. The district is also authorized to contract with any city, county, public agency, or political subdivision for the rental or leasing of, or for the operation of the water production, water supply, water filtration or purification, and water supply facilities of that entity for consideration on which the district and the entity may agree. A contract may be on terms and for the time to which the parties agree, and it may provide that it shall continue in effect until bonds specified in the contract and refunding bonds issued in lieu of those bonds are paid. Except as provided by Subsection (b) of this section, an election is not required in connection with the contract.

(b) A contract entered into by a city, county, public agency, or other political subdivision with the district under Subsection (a) of this section may provide that the contract will be paid from ad valorem taxes or from any other income of the contracting party or any combination of ad valorem taxes and income. The contract also may provide that if the payments are to be made from the revenues of the contracting party’s utility system, that the payments constitute expenses of operating and maintaining the utility system. If the contracting party is a conservation and reclamation district, if required by the Texas Constitution, or if the contract provides it is to be paid from ad valorem taxes, the contract must first be approved by a majority of the qualified voters of the contracting party voting at an election called and held for that purpose. The election must be held as provided by Subsections (c), (d), (e), and (f), Section 22, of this Act.

(c) Without limiting Subsections (a) and (b) of this section, the district may enter into a contract for a term not to exceed 40 years with the persons on the terms and conditions the board may consider desirable, fair, and advantageous for:

1. the purchase, sale, or purchase and sale of water;
2. the collection, transportation, treatment, 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 excesses 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 authorize to do or perform so that, to the greatest extent reasonably possible, considering sound engineering and economic practices, the land and property may
be placed in a position to ultimately receive the services of the works, improvements, plants, facilities, equipment, and appliances;
(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 the district.

SECTION 10. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. (a) A city, county, public agency, or other political subdivision may contract with the district in any manner authorized by Chapter 30, Water Code, provided a city may contract with the district in the manner authorized by Subsection (c), Section 30.030, Water Code.

(b) The district and a city, county, public agency, or other political subdivision have the rights, powers, and authority with respect to the control, storage, preservation, transmission, treatment, and disposal of storm water and floodwater, and the water of rivers and streams, and groundwater granted, permitted, and authorized by Chapter 30, Water Code, with respect to waste, waste disposal systems, and treatment facilities. Each city, county, public agency, or other political subdivision may fix, charge, and collect fees, rates, charges, rentals, and other amounts for any service or facilities provided pursuant to or in connection with a contract with the district, and may pledge amounts sufficient to make payments required under the contract.

SECTION 11. WATER PERMITS. (a) The district may obtain, through appropriate proceedings, water appropriation permits and diversion permits from the Texas Water Commission.

(b) The district may acquire water appropriation permits from owners of those permits by contract or other method.

(c) The district may lease, purchase, or otherwise acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation, public agency, city, county, other political subdivision, or the state, or by the United States or any of its agencies.

SECTION 12. AUTHORITY OVER WATER. (a) The district may enter into and enforce contracts and agreements with any person, firm, corporation, public agency, city, county, other political subdivision, the state, or the United States or any of its agencies for the purchase or sale of water and for any other purpose relating to its powers.

(b) The district may acquire or construct inside or outside the boundaries of the district, a reservoir or reservoirs, wells, and all works, plants, transmission lines, and other facilities necessary or useful to divert, impound, drill, store, treat, and transport water to Wheeler County, the cities in Wheeler County, and other persons for municipal, domestic, agricultural, industrial, mining, oil flooding, or other useful purposes.

(c) The district may sell water inside and outside the boundaries of the district and may develop or otherwise acquire underground sources of water.

(d) A public agency or political subdivision of the state, including Wheeler County and each city in Wheeler County may enter into a contract or agreement with the district for a water supply or for any purpose relating to the district's powers or functions. The contract or agreement may be entered into on terms and conditions to which the parties may agree.

(e) A public agency or political subdivision of the state including Wheeler County and each city in Wheeler County may lease, sell, or otherwise convey its land or any interest in its land to the district for consideration agreed on between the parties to be adequate.
(f) Approval, notice, consent, and an election are not required in connection with any contract, agreement, or conveyance under Subsection (d) or (e) of this section.

(g) The rights, powers, privileges, authority, and functions granted to the district by this Act are subject to the continuing right of supervision by the state, to be exercised by the Texas Water Commission, subject to this Act, Section 12.081, Water Code, and Chapter 50, Water Code.

SECTION 13. ACQUISITION AND DISPOSITION OF PROPERTY. The district may acquire land or any interest in land, inside or outside the boundaries of the district for reservoirs, works, wells, plants, transmission lines, and other facilities necessary or useful to drill, divert, impound, store, treat, and transport water to Wheeler County, the Red River Authority of Texas, and others for municipal, domestic, agricultural, industrial, mining, oil flooding, and all other useful purposes. Subject to the terms of any resolution or deed of trust authorizing or securing bonds issued by the district, the district may sell, lease, rent, trade, or otherwise dispose of any property considered by the board not to be needed for district purposes.

SECTION 14. EMINENT DOMAIN. To carry out the authority conferred by this Act, the district may acquire, by condemnation in the manner provided by Title 52, Revised Statutes, or Subchapter E, Chapter 50, Water Code, the fee simple title to or any other interest in property above the probable high water line around any reservoirs, inside or outside the boundaries of the district. The district is declared to be a municipal corporation within the meaning of Title 52. The board shall determine the amount and character of property to be acquired.

SECTION 15. ENTRY OF PROPERTY. The district has the same authority as municipal utility districts under Section 54.216, Water Code, to enter land and make surveys and to attend to other business of the district.

SECTION 16. RIGHTS-OF-WAY ON PUBLIC PROPERTY. The district is granted all necessary or useful rights-of-way and easements along, over, under, and across all public, state, city, and county roads, highways, and places for any of its purposes, but the district shall restore the facilities used to their previous condition as nearly as possible at the sole expense of the district as defined by Section 17 of this Act.

SECTION 17. PAYMENT FOR RESTORATION OF PROPERTY. If the district, in the exercise of its power of eminent domain or police power, or any other power requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph, or telephone lines, conduits, poles, properties, facilities, or pipelines, the relocation, raising, lowering, rerouting, or changes in grade or alteration of construction shall be accomplished at the sole expense of the district. “Sole expense” means the actual cost of the lowering, rerouting, or change in grade or alteration in providing comparable replacement without enhancement of the facilities, after deducting the net salvage value derived from the old facility.

SECTION 18. CONSTRUCTION BIDS. A construction contract requiring an expenditure of more than $5,000 may be entered into by the district only after competitive bidding as provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon’s Texas Civil Statutes).

SECTION 19. BONDS. (a) To carry out the authority conferred by this Act, the district may issue its negotiable bonds payable from and secured by revenues or ad valorem taxes, or both revenues and ad valorem taxes, of the district, in the manner and under the terms and conditions provided by this Act and in the resolution authorizing the issuance of the bonds.

(b) The bonds shall be authorized by resolution of the board and shall be issued in the name of the district, signed by the president or vice-president, and
The bonds shall be issued as provided by Chapter 845, Acts of the 67th Legislature, Regular Session, 1981 (Article 717k-6, Vernon's Texas Civil Statutes), and the interest rate on the bonds may not exceed the maximum net effective interest rate as defined by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes), legally authorized at the time of issuance of the bonds.

(c) The bonds may be secured by a pledge of all or any part of the revenues of the district, by all or any part of the revenues of any one or more contracts entered into by the district, or by other revenues or income specified by resolution of the board or in a trust indenture securing the bonds. The pledge may reserve the right, under conditions specified in the pledge, to issue additional bonds that will be on a parity with or subordinate to the bonds then being issued.

(d) The district also may issue bonds payable from ad valorem taxes to be levied on all taxable property in the district or may issue bonds secured by and payable from both taxes and revenues of the district. If bonds are issued payable wholly or partially from ad valorem taxes, the board shall levy a tax sufficient to pay the principal of and the interest on the bonds when due, but the rate of the tax for any year may be fixed after giving consideration to money received from the pledged revenues that may be available for payment of principal and interest, to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(e) If bonds payable wholly from revenues are issued, the board shall establish and revise the rates of compensation for water sold and services rendered by the district in an amount sufficient to pay the expense of operating and maintaining the facilities of the district, to pay the principal of and interest on the bonds when due, and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. If bonds payable partially from revenues are issued, the board shall establish and revise the rate of compensation for water sold and any other services rendered by the district in an amount sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture securing the bonds.

(f) From the proceeds from the sale of the bonds, the district may set aside an amount for the payment of interest expected to accrue during the period of construction but not to exceed a period of three years and may set aside amounts for a reserve interest and sinking fund, and other funds provided in the resolution authorizing the bonds or in the trust indenture. Proceeds from the sale of the bonds also may be used for the purposes for which the district is created, including expenses of issuing and selling the bonds and the amount needed to operate the district during construction of the improvements.

(g) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, a court of competent jurisdiction may, on petition of the holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the district, except taxes, employ and discharge agents and employees of the district, take charge of funds on hand other than funds received from taxes, unless commingled, and manage the proprietary affairs of the district without consent or hindrance by the board. The receiver may also be authorized to sell or make contracts for the sale of water or renew the contracts with the approval of the court appointing him. The court may vest the receiver with other powers and duties that the court finds necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds, or the trust indenture securing them, may limit or qualify the rights of the holders of less than all of the outstanding bonds payable from the source to institute or prosecute litigation affecting the district's property or income.

SECTION 20. REFUNDING BONDS. The district may issue refunding bonds to refund outstanding bonds issued under this Act. The refunding bonds may
be issued without having been authorized at an election. Refunding bonds may be issued by the district as provided by Chapter 503, Acts of the 54th Legislature, Regular Session, 1955 (Article 717k, Vernon's Texas Civil Statutes), and Chapter 784, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-3, Vernon's Texas Civil Statutes).

SECTION 21. TRUST INDENTURE. Bonds, including refunding bonds, authorized by this Act, that are not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture under which the trustee may be a bank having trust powers located either in this state or in another state. The bonds may be additionally secured by a deed of trust or mortgage lien on physical property of the district and all franchises, easements, water rights and appropriation permits, leases and contracts, and rights appurtenant to that property, vesting in the trustee power to sell the property for the payment of indebtedness, to operate the property, and to exercise all other authority for the further security of the bonds. The trust indenture, regardless of the existence of the deed of trust or mortgage lien on the property, may include provisions prescribed by the board for the security of the bonds and the preservation of the trust estate, may make provision for amendment or modification and the issuance of bonds to replace lost or mutilated bonds, may 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 may make provision for the investment of funds of the district. A purchaser at a sale under the deed of trust lien, if one is given, is the absolute owner of the property, facilities, and rights purchased and is entitled to maintain and operate them.

SECTION 22. BOND ELECTION. (a) Bonds payable wholly or partially from ad valorem taxes, except refunding bonds, may not be issued unless authorized at an election at which the qualified voters who reside in the district are allowed to vote and unless a majority of the votes cast at the election favor issuance of the bonds.

(b) Bonds that are not payable wholly or partially from ad valorem taxes may be issued without approval at an election.

(c) A bond election may be called by the board on its own motion. The resolution calling the election must specify the time and place or places for holding the election, the purpose for which the bonds are to be issued, the amount of the bonds, the form of the ballot, and other matters considered necessary or advisable by the board.

(d) Notice of the election shall be given by publishing a substantial copy of the resolution calling the election in a newspaper with general circulation in the district, once each week for two consecutive weeks, with the first publication to be at least 14 days before the day of the election.

(e) The returns of the election shall be made to and canvassed by the board.

(f) Except as specifically provided by this section, the Texas Election Code is applicable to elections held under this section.

(g) Before the district may issue bonds for improvements, it shall secure prior approval from the Texas Water Commission as provided by Section 51.421, Water Code.

SECTION 23. BONDS; APPROVAL AND REGISTRATION. (a) After bonds, including refunding bonds, are authorized by the district, the bonds and the proceedings relating to their issuance shall be submitted to the attorney general for his examination as to their validity.

(b) If the bonds state that they are secured by a pledge of the revenues or proceeds of a contract previously made between the district and any city, county, or other public agency or political subdivision, or other entity, a copy of the contract and the proceedings authorizing the contract shall also be submitted to the attorney general.
(c) If the attorney general finds that the bonds were authorized and the contracts were entered into in accordance with the constitution and laws of this state, he shall approve the bonds and contracts, and the bonds then shall be registered by the comptroller of public accounts.

(d) After approval and registration, the bonds and the contracts, if any, are valid and binding obligations in accordance with their terms for all purposes and are incontestable in any court, or other forum, for any reason.

SECTION 24. LIMITATION ON DISANNEXATION OF TERRITORY.
Territory located in the district may not be disannexed from the district after the issuance of bonds.

SECTION 25. DEPOSITORY AND TRUSTEES. (a) The board shall designate one or more banks inside or outside the district to serve as depository for the funds of the district.

(b) Except as provided by Subsection (c) of this section, funds of the district shall be deposited in the depository bank or banks.

(c) Bond proceeds and funds pledged to pay bonds may, to the extent provided in any resolution or trust indenture authorizing or securing bonds of the district, be deposited with any other bank or trustee named in the bond resolution or trust indenture, and funds shall be remitted to each paying agent for the payment of principal of and interest on bonds.

(d) To the extent that funds in the depository banks and the trustee bank are not insured by the Federal Deposit Insurance Corporation, they must be secured in the manner provided by law for the security of city funds.

(e) The board may invest district funds in obligations and make time deposits of district funds, in the manner determined by the board, or in the manner permitted or required in a resolution or trust indenture authorizing or securing bonds of the district.

SECTION 26. BONDS AS INVESTMENTS AND AS SECURITY FOR DEPOSITS. (a) District 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.

(b) District 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 27. TAX EXEMPTION. The accomplishment of the purposes stated in this Act is for the benefit of the people of this state and for the improvement of their property and industries, and the district, in carrying out the purposes of this Act, will be performing an essential public function under the constitution. The district is not required to pay any tax or assessment on its facilities or any part of its facilities, and the bonds issued and their transfer and the income from the bonds, including the profits made on the sale of the bonds, are free from taxation within this state.

SECTION 28. LEVY, ASSESSMENT, AND COLLECTION OF TAXES.
(a) The board may annually levy taxes to pay:
(1) the bonds issued by the district; and
(2) the amounts due under contracts entered into by the district for which payment is to be made from ad valorem taxes.

(b) The board may levy taxes for the entire year in which the district is created.

(c) The board shall levy taxes on all property in the district subject to district taxation.

(d) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(e) The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code.

SECTION 29. MAINTENANCE TAX. (a) The district may levy and collect a tax for maintenance purposes, including funds for planning, maintaining, repairing, and operating plants, works, facilities, improvements, appliances, and equipment of the district and for paying costs of proper services, engineering, and legal fees, and organization and administrative expenses.

(b) A maintenance tax may not be levied by the district until it is approved by a majority of the qualified voters of the district voting at an election called and held for that purpose.

(c) The maintenance tax election may be held at the same time and in conjunction with the election to authorize bonds, and the procedure for calling the election, giving notice, conducting the election, and canvassing the returns is the same as for a bond election.

SECTION 30. NOTICE. Proof of publication of the constitutional notice required under Article XVI, Section 59(d), of the Texas Constitution has been made in the manner provided in that constitutional provision and a copy of the notice and the bill as originally introduced have been delivered to the governor of the state and to the commissioners court of the county in which the district is to be located and to the governing body of each incorporated city in whose jurisdiction the district or any part of the district is or will be located. The notice and delivery are found and declared to be proper and sufficient to satisfy constitutional requirements.

SECTION 31. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 218, A bill to be entitled An Act relating to the compensation of the district judges in Cameron County.

HB 333, A bill to be entitled An Act relating to establishment of a juvenile board for the 110th Judicial District.

HB 672, A bill to be entitled An Act relating to the establishment and powers of a juvenile board in Upshur County; composition of the board; selection of chairman; meetings; compensation of members; designation of fiscal officer; duty of fiscal officer; duty of board to keep records and make records available to commissioners court, hire necessary and qualified employees with approval from the commissioners court, establish juvenile probation department, designate a court as a juvenile court, inspect detention facilities and report on conditions, report to commissioners court on condition of the juvenile court, and make recommendations and establish policies and procedures for the provision of services; finances and reimbursement of employee expenses; and declaring an emergency.
Representative Whaley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 672 line 15 by adding a new section one to read as follows and re-numbering the present section one and other sections accordingly:

"SECTION 1. Advice and consent as used in this Act is to have the meaning of approval of the commissioners court."

Committee Amendment No. 1 was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Fox on motion of C. Smith.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time and passed to third reading:

SB 101 (C. Evans - House Sponsor), A bill to be entitled An Act relating to certain reports required from and the continuation of the office of the Interstate Oil Compact Commissioner for Texas; adding Sections 90.0031 and 90.0032, Natural Resources Code; and repealing Section 2.062, Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes).

(C. Smith - no)

SB 132 (Buchanan - House Sponsor), A bill to be entitled An Act relating to the powers of and the levy of taxes and issuance of bonds by the Palo Duro River Authority; amending Subsection (e), Section 20; Subsections (h) and (i), Section 28; and Sections 8, 9, 10, 14, and 27, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973.

SB 136 (Patrick - House Sponsor), A bill to be entitled An Act relating to contingency reserves of mutual, level premium, legal reserve life insurance companies; amending Article 11.11, Insurance Code, as amended.

(Green - no)

SB 171 (G. Hill - House Sponsor), A bill to be entitled An Act relating to working hours of patrolmen in certain cities; repealing Article 5167, Revised Statutes.

(Hollowell - no)

SB 220 (Turner - House Sponsor), A bill to be entitled An Act relating to the inclusion of an area as part of a municipality if the municipality has treated the area as being within its boundaries.

(Green - no)

Representative Shaw offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend Section 3 of SB 220 by adding the seven words indicated:

SECTION 3. The governing body of a municipality by ordinance may make an area a part of the municipality if on the date of the adoption of the ordinance:

(1) the records of the city indicate that the area has been a part of the municipality for at least the preceding 20 years;
(2) the municipality has provided police protection and other services, and otherwise treated the area as a part of the municipality during the preceding 20 years;
(3) no final judicial determination has been made during the preceding 20 years that the area is outside the boundaries of the municipality; and
(4) no lawsuit is pending that challenges the inclusion of the area as a part of the municipality.

Committee Amendment No. 1 was adopted without objection.

SB 374 (Carriker - House Sponsor), A bill to be entitled An Act relating to the authority of certain counties and cities to jointly establish an auditorium and to the financing, equipping, maintenance, and operation of the auditorium.

SB 434 (Hanna - House Sponsor), A bill to be entitled An Act relating to undivided mineral interests owned by nonresidents or unknown persons; amending Sections 1 and 2, Chapter 281, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 2320b, Vernon's Texas Civil Statutes).

(HB 68, A bill to be entitled An Act relating to the assignment of workers' compensation benefits in occupational disease cases.

Committee Amendment No. 1 was adopted without objection.

HB 94, A bill to be entitled An Act relating to the right of a possessory conservator of a child to the child's medical and educational records.

Representative M. Garcia offered the following committee amendments to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 94 on page 1, line 9 by inserting the following after "and": The custodian of records shall delete all references in the records to the place of residence of the managing conservator of the child prior to their release to the possessory conservator.

COMMITTEE AMENDMENT NO. 2

Amend HB 94, by Garcia, on page 1, line 8 by inserting the following between "medical" and "and": "dental,"

The committee amendments were severally adopted without objection.

HB 99, A bill to be entitled An Act relating to the reduction of workers' compensation death benefits because of benefits paid for prior period of incapacity.
Representative Leonard offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 99 by deleting the words “This section” and inserting the words “Section 8b” on page 1, line 12.

Committee Amendment No. 1 was adopted without objection.

HB 373, A bill to be entitled An Act relating to the terms of court of certain district courts in Hidalgo County.

HB 399, A bill to be entitled An Act relating to the name and terms of office for directors of the Ground Water Conservation District No. Two, North of the Canadian River.

Representative Buchanan offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 399 by inserting the word “Lipscomb” between the words “Hutchinson” and “Moore” on page 1, line 13 of the bill.

Committee Amendment No. 1 was adopted without objection.

 HB 499, A bill to be entitled An Act relating to the disposition of persons determined to be incompetent to stand trial.

(C. Smith - no)

HB 600, A bill to be entitled An Act relating to the sale of certain state-owned real property in Grayson County, Texas.

HB 680, A bill to be entitled An Act relating to the board of regents of East Texas State University.

HB 797, A bill to be entitled An Act relating to exemptions from licensing requirements for insurance adjusters.

CSHB 853, A bill to be entitled An Act relating to the rate of interest or time price differential charged in a manufactured home credit transaction.

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

SECTION 1. Subsection (7), Section 3, Chapter 6A, Title 79, Revised Statutes (Article 5069-6A.03, Vernon’s Texas Civil Statutes), is amended to read as follows:

(7) As an alternative to the rates and amounts of time price differential that may be charged under this section, the parties may agree to any rate or amount of time price differential not exceeding a rate or amount authorized by Article 1.04 of this title [The provisions of this chapter shall apply to credit transactions as defined by Subsection 2(d) notwithstanding any provision of Article 1.04 of this title].

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.

(Green and C. Smith - no)
CSHB 957, A bill to be entitled An Act relating to printing on the ballot and posting the names of candidates for the general election for state and county officers.

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

SECTION 1. Section 209, Texas Election Code (Article 13.31, Vernon’s Texas Election Code), is amended to read as follows:

209. NAME PRINTED ON BALLOT. After the names of the successful candidates have been published or posted in compliance with Section 207 of this code (Article 13.29, Vernon’s Texas Election Code) [art. 13.29], and all contests, if any, have been determined, the county clerk shall cause the names of all the nominees to be printed on the official ballot in the column for the ticket of that party. At the appropriate time, the county clerk shall cause to be printed on the official ballot the names of all other candidates certified to him for placement on the ballot in accordance with this code.

SECTION 2. Section 210, Texas Election Code (Article 13.32, Vernon’s Texas Election Code), is repealed.

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

HB 1199, A bill to be entitled An Act relating to obstructions, barriers, and restraints on beaches and adjacent property.

HB 1200, A bill to be entitled An Act relating to a United States foreign-trade zone and subzones at or near the Customs Port of Entry of Corpus Christi.

HB 1214, A bill to be entitled An Act relating to transfer of accumulated contributions of certain members of the Employees Retirement System of Texas.

HB 1231, A bill to be entitled An Act relating to correcting patents.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

SCR 28 (Tejeda - House Sponsor)

WHEREAS, H. B. Zachry Company, a corporation organized under the laws of the State of Delaware and authorized to do business in the State of Texas, alleges that on or about March 24, 1976, it entered into a written contract with the Trinity River Authority of Texas to perform construction on expansion of the Authority’s Central Plant in Grand Prairie, Dallas County, Texas; and

WHEREAS, H. B. Zachry Company alleges that it met its obligations under the terms of the contract; and

WHEREAS, H. B. Zachry Company alleges that the Trinity River Authority of Texas has wrongfully withheld from it sums to which it is entitled under the contract; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That H. B. Zachry Company be and is hereby granted permission to sue the Trinity River Authority of Texas 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 General Manager of the Trinity River Authority of Texas or his designated representative 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 Trinity River Authority of Texas or to any of its employees, agents, departments, or agencies, but every defense is specifically reserved.

The resolution was adopted without objection.

By G. Hill:

HCR 4

WHEREAS, No organization is more widely acclaimed and esteemed for its accomplishments than the 4-H program of the Texas Agricultural Extension Service; and

WHEREAS, The Texas 4-H program is sponsoring a legislative seminar to educate its members in the process of democratic government, both in theory and in practice; and

WHEREAS, This valuable and comprehensive educational program will attract participants from throughout the state to acquaint 4-H members with legislative procedures; and

WHEREAS, The 4-H legislative seminar is to be held in Austin on July 19, 20, and 21, 1983; and

WHEREAS, The governor, lieutenant governor, speaker of the house, and members of the Texas Legislature are invited to attend the seminar and encouraged to lend their leadership and expertise in the discussion of selected issues; and

WHEREAS, The major phase of the 4-H seminar is the mock legislative session to be conducted on July 20 and 21 in the chambers of the house of representatives and the senate in the State Capitol; and

WHEREAS, The Texas Legislature heartily endorses the goals and ideals of the Texas 4-H legislative seminar; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby grant permission to Texas 4-H to use the chambers of the house of representatives and senate in the State Capitol on Wednesday, July 20, and Thursday, July 21, 1983, for its legislative seminar.

The resolution was adopted without objection.

By Khoury:

HCR 8

WHEREAS, Falls County is known for its splendid natural attractions, including the geothermal springs that for years have drawn visitors seeking the therapeutic benefits of associated mineral baths, and that more recently have been pressed into service to provide space heating for local hospitals; and

WHEREAS, Bisecting Falls County's lush and scenic prairies is the Brazos River, from whose falls the county derives its name, and along whose curves and banks are ample opportunities for picnicking, fishing, canoeing, and other outdoor activities; and

WHEREAS, Falls County is situated along the Brazos Trail as designated in brochures of the State Department of Highways and Public Transportation, thereby making it a convenient stopping point for travelers touring that portion of the state; and

WHEREAS, These features and considerations combine to suggest Falls County's potential for the siting of a new state park; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby direct the Parks and Wildlife Commission to undertake a study of the feasibility of establishing a state park in Falls County and to report its findings to the Texas Legislature before August 31, 1984; and, be it further
RESOLVED, That the commission and the staff of the Parks and Wildlife Department consult with county officers, local citizens, state travel officials, and private conservancy groups, to solicit suggestions of areas within the county that might be incorporated into such a park; and, be it further
RESOLVED, That the chief clerk forward copies of this resolution to members of the Parks and Wildlife Commission and to the executive director of the Parks and Wildlife Department.

The resolution was adopted without objection.

SCR 23 in lieu of HCR 12 (Vowell - House Sponsor)

WHEREAS, Borsberry Construction Co., Inc., a corporation organized and operating under the laws of the State of Texas, with its principal place of business in El Paso County, Texas, alleges that on or about July 7, 1978, it entered into a contract with the State of Texas under Project No. F45-11 to perform certain work, including but not limited to grading and structures in Wheeler County, Texas; and
WHEREAS, Borsberry Construction Co., Inc., alleges that it has been damaged and continues to suffer damages as a result of the State of Texas having failed to comply with its obligations under the contract; and
WHEREAS, Borsberry Construction Co., Inc., alleges that the State of Texas, acting through the State Department of Highways and Public Transportation and its duly authorized agents, has arbitrarily, wrongfully, and illegally withheld payments to it of certain sums as liquidated damages based upon the alleged delay of Borsberry Construction Co., Inc., in completing the project; and
WHEREAS, Borsberry Construction Co., Inc., alleges that its damages and the wrongful withholding of certain sums were caused by the State of Texas, acting through the State Department of Highways and Public Transportation, failing to comply with its obligations under the contract; and
WHEREAS, Borsberry Construction Co., Inc., alleges that the State of Texas, acting through the State Department of Highways and Public Transportation and its duly authorized agents, has wrongfully and illegally denied claims arising out of or in connection with the performance of Borsberry Construction Co., Inc., of its contract with the State of Texas; and
WHEREAS, Borsberry Construction Co., Inc., desires to institute suit against the State of Texas and the State Department of Highways and Public Transportation to recover all amounts it alleges are being wrongfully denied it or otherwise due to it in connection with its contract with the State of Texas; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Borsberry Construction Co., Inc., be and is hereby granted permission to sue the State of Texas and the State Department of Highways and Public Transportation within a period of two years after the effective date of this resolution in any court of competent jurisdiction for all claims arising out of Project No. F45-11; 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 the state engineer-director of the State Department of Highways and Public Transportation 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.

HCR 12 - LAID ON THE TABLE SUBJECT TO CALL

Representative Vowell moved that HCR 12 be laid on the table subject to call.

The motion prevailed without objection.

By G. Hill:

HCR 14

WHEREAS, Approximately 18.5 percent of the state's total population, about 1,900,000 people, are 60 years of age and older; and

WHEREAS, These men and women have a wide range of talent and skills that combine with years of invaluable experience to create a group of Texans who can contribute greatly to the continued development and prosperity of this state; and

WHEREAS, Many older citizens have the knowledge, time, capabilities, and interest to allow them to serve with distinction on the boards and commission of this state; and

WHEREAS, Older persons can ably represent not only the interests of the aging population but also the interests and concerns of all citizens, and their participation in state government should be encouraged; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby urge the governor of Texas to give greater consideration to the appointment of older citizens to state boards and commissions so that the representation of persons 60 years of age and older on boards and commissions will more closely approximate the proportion of persons in this group to the total population of the state; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded to the governor of Texas and to the executive director of the Texas Department on Aging as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

By Mankins:

HCR 16

WHEREAS, Harry Brown, Incorporated, a corporation authorized to do business in the State of Texas, alleges that it contracted with the State Department of Highways and Public Transportation to perform construction on certain projects in Cass, Harrison, Marion, and Morris counties; and

WHEREAS, Harry Brown, Incorporated, alleges that it met its obligations under the terms of the contracts and that it performed other work, not required under the contracts, and, in so doing, has suffered certain damages and additional expenses; and

WHEREAS, Harry Brown, Incorporated, alleges that the State of Texas, acting by and through the State Department of Highways and Public Transportation, has wrongfully withheld from it sums, including liquidated damages, to which it is entitled; and
WHEREAS, Harry Brown, Incorporated, alleges that it has been denied administrative relief of this claim and that it has exhausted all administrative remedies; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Harry Brown, Incorporated, is granted permission to sue the State of Texas and the State Department of Highways and Public Transportation 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 state engineer-director of the State Department of Highways and Public Transportation 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.

By Patrick:

HCR 22

WHEREAS, Nearly 2,500 American servicemen remain unaccounted for in Southeast Asia, including 166 citizens of Texas; and

WHEREAS, Past experience indicates that diplomatic pressure and the force of world opinion can have a strong influence on the Vietnamese government; and

WHEREAS, Through such efforts an accounting of the whereabouts of these brave men may be achieved, resulting in the return of many of them; and

WHEREAS, The Texas Legislature wishes to join the "American Spirit" effort to secure the release of these courageous Americans; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby memorialize the President and Congress of the United States to redouble their efforts to secure the release of the nearly 2,500 Americans still listed as prisoners of war or missing in action in Southeast Asia; and, be it further

RESOLVED, That the secretary of state forward official copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

The resolution was adopted without objection.

CSHCR 24 was withdrawn by the author.

By A. Smith:

HCR 35

WHEREAS, Texas has a large number of laws relating to persons with handicapping conditions, and these laws are spread throughout the state's statutes; and
WHEREAS, A compilation and explanation of these laws, including an index, cross-references, and notes on the purposes of this legislation, would be a useful tool not only for disabled individuals but also for agencies and organizations serving the disabled; and

WHEREAS, It is appropriate for this legislature to request the Texas Legislative Council to undertake a study of the laws affecting the handicapped and to issue a publication compiling and describing the laws; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby request the Texas Legislative Council to make a compilation of state laws relating to persons with disabilities that would include the text of all such laws, appropriate annotations, explanations, and a comprehensive index; and, be it further:

RESOLVED, That the council undertake this project during the interim of the 68th Legislature; and, be it further

RESOLVED, That the council staff be authorized to request the assistance of private organizations, state agencies, and knowledgeable individuals as needed in the discharge of its duties relating to this project.

The resolution was adopted without objection.

By Staniswalis:

HCR 36

WHEREAS, The Honorable Ronald Reagan, President of the United States, is a distinguished American and an outstanding national leader and public policymaker; and

WHEREAS, During his administration as chief executive, President Reagan has diligently addressed the problems confronting the citizens of the country in a forthright manner; and

WHEREAS, Since the president and the members of this legislature face many similar issues, it would be highly appropriate for President Reagan to share his insight into the national perspective on these concerns with the Texas Legislature; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby extend an invitation to the Honorable Ronald Reagan, President of the United States of America, to address a joint session of the Legislature of the State of Texas on issues of mutual concern to him and to the citizens of this state at a date that is mutually agreeable to him and to the lieutenant governor and to the speaker of the house of representatives; and, be it further

RESOLVED, That an official copy of this resolution be prepared for President Reagan as his official invitation from the 68th Legislature of the State of Texas.

(The resolution was adopted without objection.)

By Staniswalis:

HCR 37

WHEREAS, George Bush, Vice-President of the United States of America, has truly distinguished himself as a commendable citizen of the State of Texas and as an outstanding leader in national government; and
WHEREAS, The exceptional abilities of Vice-President Bush have resulted in his appointment to such prestigious posts as ambassador to the United Nations, chief of the United States Liaison Office in Peking, and director of the Central Intelligence Agency; and

WHEREAS, As vice-president, he has earned the respect and admiration of his colleagues in government and the citizens of the country alike, and he has played an important role in resolving many of the nation's domestic and international problems; and

WHEREAS, Because of the desire of this legislature to honor the vice-president, it would be highly appropriate for Vice-President Bush to deliver an address to the Texas House of Representatives and Senate; now, therefore, be it

RESOLVED by the House of Representatives of the 68th Legislature, the Senate concurring, That the Honorable George Bush, Vice-President of the United States of America, be hereby invited to address a joint session of the House of Representatives and the Senate of the State of Texas in the Hall of the House at an early date that is mutually agreeable to him and to the lieutenant governor and to the speaker of the house; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Vice-President Bush as his official invitation from the Legislature of the State of Texas.

(Russell, Shaw, Rangel, Sutton, Stiles, Hinojosa, Criss, Barrientos, E. F. Lee, Kubiak, S. Hudson, L. Evans, Hury, Green, Short, Davis, S. Thompson, Danburg, Kemp, Clemmons, Valles, Ragsdale, Carriker, Patronella, R. Martinez, A. Garcia, Edwards, Cavazos, Armbrister - no; Oliver - present-not voting)

The resolution was adopted without objection.

By Peveto:

HCR 42

WHEREAS, Contributing to Texas' ranking as a major agricultural state is its abundant production of a diverse variety of shellfish; an important developing sector of this industry is the farming of crawfish; and

WHEREAS, There are currently about 150 crawfish farmers in Southeast Texas involved in this expanding business, producing approximately 2 million pounds of the shellfish on almost 5,000 acres; and

WHEREAS, Mauriceville, located in Orange County, leads the state in the development, production, and promotion of crawfish; and

WHEREAS, The first crawfish farm in Texas, about 60 acres in size, was established in this community; since that initial experimental venture was undertaken, crawfish farming in Orange County has grown to include more than 2,000 acres in production; and

WHEREAS, As a result of the work undertaken on the first farm, a high quality of crawfish was developed, and yields as high as 3,000 pounds per acre have been produced there; and

WHEREAS, To promote its successful production of the crawfish, Mauriceville held the first Crawfish Field Day and Extension Information Day; and

WHEREAS, The Texas Crawfish Farmers' Association was organized by 6 members of the Mauriceville community, and the association has now grown to include 50 members; and

WHEREAS, The first crawfish restaurant owned and operated by crawfish farmers was established in Mauriceville in March, 1982; and

WHEREAS, The successful efforts undertaken in the Mauriceville area to develop and promote commercial crawfish farming merit special recognition, and
the Commissioners Court of Orange County has proclaimed Mauriceville to be “The Crawfish Capital of Texas”; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature join with the Commissioners Court of Orange County in proclaiming Mauriceville as “The Crawfish Capital of Texas.”

The resolution was adopted without objection.

By Wolens:
HCR 43

WHEREAS, Billy Howard alleges that:
(1) he owns a Texaco service station at the intersection of the LBJ Freeway and Court Road in Dallas, Texas;
(2) the State Department of Highways and Public Transportation has obstructed the Court Road entrance to his business for several months and, by doing so, has denied his customers access to the business; and
(3) as a result of the obstruction to the entrance, he has suffered loss of business and, consequently, loss of profits; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Billy Howard is granted permission to sue the State of Texas and the State Department of Highways and Public Transportation for any relief to which he 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 state engineer-director of the State Department of Highways and Public Transportation 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.

Representative Hinojosa offered the following committee amendment to the resolution.
COMMITTEE AMENDMENT NO. 1

Amend HCR 43 on page 1, line 3 by deleting the word “Court” and inserting the word “Coit” in its place.

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Edwards:
HCR 49

WHEREAS, Onoray Davis and Onoray Davis Trucking Company, Inc., allege that:
(1) Onoray Davis purchased a truck from Port City Ford in Houston, Texas, and transferred title to the truck to the Onoray Davis Trucking Company, Inc.;
(2) Onoray Davis and the trucking company became involved with other parties in a dispute over the payment for and title to the truck; and
(3) an employee of the State Department of Highways and Public Transportation, in the scope of his employment, wrongfully issued another title to the truck while the suit to settle title was still pending; now, therefore, be it 
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Onoray Davis and Onoray Davis Trucking Company, Inc., are granted permission to sue the State of Texas and the State Department of Highways and Public Transportation 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 state engineer-director of the State Department of Highways and Public Transportation 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.

HCR 56 was withdrawn by the author.

By Green:

HCR 62

WHEREAS, According to the state fire marshal, the fire problem in Texas has reached serious proportions, with significant increases in loss of both property and life due to fires; and

WHEREAS, The nationwide fire peril has been demonstrated convincingly during recent months by disasters in Las Vegas, Nevada; White Plains, New York; and elsewhere; and

WHEREAS, The Subcommittee on Consumer Affairs of the Senate Human Resources Committee has held hearings and issued an interim report on fire prevention, safety, and control in Texas; and

WHEREAS, One deficiency highlighted by the subcommittee is that, unlike most other states, Texas has no statewide fire protection standards. Although Article 5.44 of the Insurance Code vests the office of the state fire marshal with authority to conduct building inspections throughout the state, it provides no clear guidelines by which to evaluate the danger of a fire, nor does it confer upon the state fire marshal any authority to adopt statewide standards by rule. Instead, judgment as to the presence of a fire hazard is left to the discretion of the individual inspector, potentially detracting from the legal enforceability of Article 5.44; and

WHEREAS, Many municipalities in Texas have adopted one of several model fire protection building codes, yet the pattern of adoption is mixed and does not include rural areas of the state. Moreover, even where cities have adopted modern codes, coverage does not extend to their extraterritorial jurisdictions or to other areas immediately outside municipal boundaries. As a consequence, eventual annexation of noncode areas leaves fire departments with the burden of protecting buildings not constructed to comply with municipal fire protection standards; and

WHEREAS, Testimony before the subcommittee indicates a consensus among fire service personnel, architects, engineers, builders, realtors, and building officials
with regard to the need for adequate fire protection standards throughout the state; and

WHEREAS, The 68th Legislature believes that an advisory committee inviting broad-based participation by these interests would be an appropriate forum for the drafting of well-balanced, coordinated state fire protection standards; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That by this resolution the 68th Legislature create a special interim committee to study the issue of fire protection standards to be named the Texas Fire Protection Standards Committee; and, be it further

RESOLVED, That the committee formulate and suggest to the legislature fire protection standards to be enacted statutorily or otherwise adopted through enhanced rulemaking authority on the part of the state fire marshal. In formulating proposed fire protection standards, the committee shall address the issues of:

(1) whether such standards should be adopted by statute or by rule;
(2) whether standards should apply statewide in a uniform fashion or should apply instead only to unincorporated or other areas not presently covered by any standards;
(3) whether, under the latter arrangement above in which cities retain their individual authority to adopt fire protection codes, the state fire marshal should have the authority to require mandatory adoption of the Uniform Building Code, Southern Standard Building Code, or some other model code, or at least should have the authority to approve or disapprove the adoption of municipal fire protection codes;
(4) whether, under the same arrangement, the state fire marshal should have the authority to prohibit amendments or variances that conflict with municipal fire protection codes;
(5) whether, assuming that consideration of the matter is not preempted by enactment of legislation during the 68th Legislature, the state should require the equipping of high-rise buildings with automatic sprinkler systems;
(6) whether, similarly assuming that no related legislation is enacted during the current session, the state should adopt special fire protection standards for hospitals and convalescent homes, schools and day-care centers, hotels and motels, or other places of public congregation posing a particular threat to human life in the event of a catastrophic fire; and
(7) whether the State Board of Insurance should institute, as an incentive to the installation of fire protection devices, mandatory insurance-premium reductions in cases where automatic sprinkler systems or other fire protection technologies have been installed; and, be it further

RESOLVED, That the committee be composed of 11 members: two members of the house of representatives, to be appointed by the speaker of the house; two members of the senate, to be appointed by the lieutenant governor; the state fire marshal, serving as an ex officio member; and one member each representing the Association of General Contractors of America, American Institute of Architects, Texas State Association of Firefighters, State Firemen's and Fire Marshals' Association of Texas, Independent Insurance Agents of Texas, and Professional Insurance Agents of Texas, to be selected by their respective organizations. The committee shall meet initially at the call of the speaker of the house, who shall select the chair and vice-chair. The committee shall subsequently hold meetings and public hearings at the call of the chair; and, be it further

RESOLVED, That the committee be authorized to employ staff to assist in the conduct of its study; 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
reimbursed for their actual expenses, not to exceed $30 per day of attendance, and
for their mileage or other travel expenses. 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 the State Board of Insurance;
Commission on Fire Protection Personnel Standards and Education; Fire
Protection Training Division of Texas A&M University; Department of Public
Safety; Attorney General's Office; Texas Legislative Council; 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
department, agency, 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 from the contingent expense fund of the house and the
contingent expense fund of the senate equally, the members of the committee be
reimbursed for their actual expenses incurred in carrying out the provisions of this
resolution, and that other necessary expenses of operation be paid from the
contingent expense fund of the house and the contingent expense fund of the senate
equally; 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 with the Legislative Reference Library; five copies shall be filed with the
Texas Legislative Council; two copies shall be filed with the chief clerk of the house
and two copies with the secretary of the senate. Following official distribution of the
committee report, all remaining copies shall be deposited with the legislative
reference librarian.

Representative Green offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HCR 62 by striking everything in the paragraph beginning on page 3,
line 27, and ending on page 4, line 13, and substituting the following:
RESOLVED, That the committee be composed of 12 members: two
members of the house of representatives, to be appointed by the speaker of the
house; two members of the senate, to be appointed by the lieutenant governor; the
state fire marshal, serving as an ex officio member; and one member each
representing the Association of General Contractors of America, American Institute
of Architects, Texas State Association of Firefighters, State Firemen's and Fire
Marshals' Association of Texas, Independent Insurance Agents of Texas,
Professional Insurance Agents of Texas, and Society of Fire Protection Engineers,
to be selected by their respective organizations. The committee shall meet initially
at the call of the speaker of the house, who shall select the chair and vice-chair. The
committee shall subsequently hold meetings and public hearings at the call of the
chair; and, be it further
Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By G. Hill:

HCR 66

WHEREAS, Kathleen L. Joki, Warren G. Hamill, Bonny L. Keyes, Gregory L. Gregory, James W. Curry, E. Jack Blanton, Elizabeth A. Pfeil, and Catherine E. Wall allege that:

(1) they are employees of The University of Texas at Austin, an institution of The University of Texas System;

(2) Chapter 1 and Chapter 875, Acts of the 67th Legislature, Regular Session, 1981, provided pay raises for employees of The University of Texas at Austin by specified percentage increases and minimum dollar amount increases in salaries;

(3) The University of Texas at Austin has not increased their salaries in accordance with these laws; and

(4) they have been paid less each month since September, 1981, than was intended by the state legislature, and they will continue to be deprived of their lawful pay unless they are permitted to seek relief in a court of law; now, therefore, be it

RESOLVED the House of Representatives of the State of Texas, the Senate concurring, That Kathleen L. Joki, Warren G. Hamill, Bonny L. Keyes, Gregory L. Gregory, James W. Curry, E. Jack Blanton, Elizabeth A. Pfeil, and Catherine E. Wall are granted permission to sue the State of Texas and The University of Texas System in a district court in Travis County for any unpaid wages 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.

(S. Thompson now present)

HCR 67 was withdrawn by the author.

By Schlueter:

HCR 74

WHEREAS, Robin M. Orr and Candace D. Orr allege that:

(1) they were the parents of Erica Dawn Orr, deceased;

(2) Erica Dawn Orr was drowned on September 15, 1980, in Killeen, Bell County, Texas, while she was in the care of Erna Walker, who was operating a family home licensed by the Texas Department of Human Resources; and

(3) the negligence or inadequate supervision of the home and its staff was the direct cause of the girl's death; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Robin M. Orr and Candace D. Orr, individually and on behalf of the estate of Erica Dawn Orr are granted permission to sue the State of Texas and the Texas Department of Human Resources in a court of competent jurisdiction in Bell 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 human resources 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.

By Wallace, et al.:

HCR 88

WHEREAS, Property owned by Fuhrmann Energy, located in Houston on Caniff Road adjacent to the western limits of the city of South Houston, has been identified by the Texas Department of Water Resources (TDWR) as a hazardous-waste site; and

WHEREAS, Under its current and previous owners, the property has accumulated various stores of improperly managed hazardous wastes, including polychlorinated biphenyls (PCBs) that have escaped into drainage ditches leading from the property and that have contaminated surface and subsurface soils to the depths of the underground water table. Surface contamination of the soil extends to within a short distance of Freeman Elementary School, located only a few blocks away in South Houston in the Pasadena Independent School District. Underground water contaminants have not penetrated South Houston's municipal water supplies, nor any nearby water wells under the regulatory authority of the Harris-Galveston Coastal Subsidence District, but contamination of the water table nevertheless poses an ongoing serious threat to public health; and

WHEREAS, The United States Congress, via the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), established a “superfund” to support the cleanup of hazardous-waste sites throughout the nation. The United States Environmental Protection Agency (EPA) has since announced the inclusion of 418 sites, eight of which are in Texas, on a National Priorities List of sites that are to be targeted for initial cleanup under the superfund. Being a recently identified site, the Fuhrmann Energy property is not among the eight National Priorities List sites in Texas, but it has been ranked by the TDWR as being at least as hazardous, and it has been formally proposed by the TDWR for addition to the list when it is revised in the spring or summer of this year; and

WHEREAS, Until such time as the revision is made and cleanup is consequently implemented by means of the superfund, the Fuhrmann Energy property represents a continuing threat of direct contact between hazardous substances and the nearby populace. Aside from the PCBs that have contaminated
surrounding soils and subsurface water, the property is littered with asbestos materials resulting from the owner's attempts to control recent fires. It also houses a potentially dangerous tank of chlorine, and it contains approximately 300 drums of assorted chemical raw products and chemical wastes, many of which have been found to be unlabelled, open, in deteriorating condition, or exposed to the elements, with consequent potential for spillage during periodic rains; and

WHEREAS, A temporary expedient for mitigation of the problem exists in the form of the EPA's "planned removal" program (40 CFR Part 300.67), by which a governor or his or her designee may officially request up to one million dollars in funding for stopgap cleanup measures at hazardous waste sites not yet included on the National Priorities List. Thus, the TDWR, besides securing a restraining order to prevent further disturbance of, or pollutant discharge from, the property, has acted as the official designee of the Governor of Texas to formally request planned removal funding for the Fuhrmann site; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature, cognizant of the serious situation that exists at the Fuhrmann Energy hazardous-waste site in Houston, hereby lend its full support to the request by the Texas Department of Water Resources for cleanup funding for that site under the planned removal program of the United States Environmental Protection Agency (EPA); and, be it further

RESOLVED, That the Texas secretary of state send an official copy of this resolution to President Ronald Reagan with the legislature's request that he forward it to the administrator of the EPA and use all available means to expedite the release of planned removal funding for the cleanup of the Fuhrmann Energy hazardous-waste site.

Representative Craddick offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend line eleven of page one by deleting the word "Freeman" and inserting in its place South Houston. On page two line thirteen delete the words "attempts to control recent fires" and in their place insert the words "recent salvage attempts."

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

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

By Denton:

HCR 132, Congratulating the members of the Texas Retired Teachers Association.

The resolution was adopted without objection.

On motion of Representative Finnell, the names of all the members of the house were added to HCR 132 as signers thereof.

By Armbrister:

HR 162, Commending Naomi Beatrice Chase.

The resolution was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to HR 162 as signers thereof.
By Armbrister:
HR 163, Congratulating Our Lady of Victory girls' basketball team.
The resolution was adopted without objection.

By Armbrister:
HR 164, Congratulating the St. Joseph's High School girls' basketball team.
The resolution was adopted without objection.

By Gilley:
HR 169, In memory of William Jasper Price.
The resolution was unanimously adopted by a rising vote.

By Armbrister:
HR 170, Congratulating the Stroman High School freshman boys' basketball team.
The resolution was adopted without objection.

By Hury:
HR 171, Commending Walter Hall, Sr.
The resolution was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to HR 171 as signers thereof.

By Short:
HR 172, In memory of Kenneth L. Dawson.
The resolution was unanimously adopted by a rising vote.

On motion of Representative Russell, the names of all the members of the house were added to HR 172 as signers thereof.

By W. Harrison:
HR 173, Congratulating the Calallen High School girls' basketball team.
The resolution was adopted without objection.

By Clemons:
HR 174, Commending the Central High Drill Team.
The resolution was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to HR 174 as signers thereof.

By Connelly:
HR 175, Congratulating the Joan Link Elementary School PTA.
The resolution was adopted without objection.

By Laney:
HR 179, Congratulating the Hale Center High School girls' basketball team.
The resolution was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to HR 179 as signers thereof.

By Laney:
HR 180, Congratulating the Sudan High School girls' basketball team.
The resolution was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to HR 180 as signers thereof.
By Laney:
HR 181, Congratulating the Dimmitt High School boys’ basketball team.
The resolution was adopted without objection.

On motion of Representative Wilson, the names of all the members of the house were added to HR 181 as signers thereof.

By A. Smith:
HR 187, Congratulating Dr. Catherine Atkinson Bell.
The resolution was adopted without objection.

On motion of Representative Bomer, the names of all the members of the house were added to HR 187 as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:
Price on motion of McKenna.

ADJOURNMENT

Representative B. Gibson moved that the house adjourn until 10:45 a.m. today.
The motion prevailed without objection.
The house accordingly, at 10:31 a.m., adjourned until 10:45 a.m. today.