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 202).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cevalos; Cevallos; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delay; Deko; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finney; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granof; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammonds; Hanna; Harrison, W.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Jones; Keller; Kemp; Khoury; Kubik; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schafer; Schoolcraft; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Whitting; Wills; Wilson; Wolens; Word.

Absent, Excused — Harrison, D.; Luna; Parker; Smith, C.; Wright.

Absent — Hury; Jackson; Moreno, P.; Shaw.

The invocation was offered by Rabbi Abraham A. Pollack, Congregation Agudath Jacob, Waco, Texas, as follows:

Enter into his gates with thanksgiving and into his courts with praise, be thankful unto him and bless his name, for the Lord is good, his mercy is everlasting, and his truth endureth to all generations.

We pray that the spirit of God descend upon our heart—this is our morning prayer. Make us daily aware of thy presence and in thy spirit may we find the attitudes we need for this day. Slow us down, Lord, slow us down; we work too hard, we eat too fast, we hurry too much. Help us to take time to think clearly, time to pray sincerely, and above all time to cultivate the sense of thy presence in our hearts and in our homes. Then give us the faith and the fortitude to walk uprightly for the good of our nation and for the good of our State of Texas.

We thank thee for the gift of life, for the blessings of home, for the work to do and the strength to do it, for friendship which warms our hearts, for a nation that is free and our faith in thee which keeps us strong, holds us steady, and carries us through every experience with honor.

May thy wisdom make us wise, may thy patience help us to be more patient, may thy love strengthen us to love others, and may thy forgiveness help us to forgive one another.
LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

C. Smith on motion of Fox.
D. Harrison on motion of Heflin.
Luna on motion of Hackney.

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

Wright on motion of Pennington.

(Jackson now present)

RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 136, HCR 171

(Speaker pro tempore in the chair)

LEAVE OF ABSENCE GRANTED

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

Parker on motion of B. Barton.

(Hury now present)

MESSAGE FROM THE SENATE

Austin, Texas, April 21, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

Local and Uncontested Calendar

HCR 43 by Wolens, granting Billy Howard permission to sue the state.
HCR 49 by A. Edwards, granting Onoray Davis permission to sue the state.
HCR 66 by G. Hill, granting 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 permission to sue the state.
HCR 74 by Schluteter, granting permission to Robin M. Orr and Candace D. Orr to sue the state.
HB 166 by Colbert, relating to the days on which emergency elections ordered by the governor may be held and the content of an emergency election proclamation.
HB 600 by Bush, relating to the sale of certain state-owned real property in Grayson County, Texas.
HB 687 by G. Hill, relating to the test period for marginal wells.
HB 691 by Finnell, relating to the enforcement of certain vehicle weight limitations.

HB 1214 by Finnell, relating to transfer of accumulated contributions of certain members of the Employees Retirement System of Texas.

Respectfully,
Betty King
Secretary of the Senate

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

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

By T. Smith:
HR 206, In memory of Charles B. Lacey.
The resolution was unanimously adopted by a rising vote.

By B. Barton:
HR 208, Congratulating the Blanco High School boys’ basketball team.
The resolution was adopted without objection.

By C. Evans:
HR 210, Congratulating the Good Hope Baptist Church.
The resolution was adopted without objection.

By T. Hall:
HR 218, Congratulating the Pilot Point high school football team.
The resolution was adopted without objection.

By Sutton:
HR 219, Congratulating Darryl Grant.
The resolution was adopted without objection.

By S. Hudson:
HR 221, Commending Mildred Garland.
The resolution was adopted without objection.

By Uher:
HR 225, Honoring Judge G. P. “Jeep” Hardy, Jr.
The resolution was adopted without objection.

By Uher:
HR 226, Commending Annette Smith.
The resolution was adopted without objection.

By D. Lee:
HR 228, In memory of Frank Ferree.
The resolution was unanimously adopted by a rising vote.

By S. Hudson:
HR 231, Commending Allene Hardy.
The resolution was adopted without objection.

By S. Hudson:
HR 232, Commending Lonny King.
The resolution was adopted without objection.

By Robinson:
HR 233, Commending Fred Anthony Havel, Jr.
The resolution was adopted without objection.
By B. Barton:
HR 235, Congratulating the Llano High School Yellowjacket Band. The resolution was adopted without objection.

By Patronella:
HR 236, Honoring E. A. "Squatty" Lyons. The resolution was adopted without objection. (E. Barton recorded voting no)

By Kubiak:
HR 237, Congratulating the Snook High School boys' basketball team. The resolution was adopted without objection.

By Stiles:
HR 238, Congratulating J. C. Burnham. The resolution was adopted without objection.

By Stiles:
HR 239, Congratulating Glenn Prater. The resolution was adopted without objection.

By Robinson:
HR 240, Commending Shannon Petru. The resolution was adopted without objection.

By T. Hall:
HR 241, Commending the Honorable Francis W. (Pin) Fowler. The resolution was adopted without objection.

(Shaw now present)

By T. Smith:
HR 243, Congratulating the Westlake Hyline Drill Team. The resolution was adopted without objection.

By Bush:
HR 244, Honoring Dr. Edward Hake Phillips. The resolution was adopted without objection.

By Pennington:
HR 245, Honoring the employees of the Johnson Space Center and NASA contractors. The resolution was adopted without objection.

By Green:
HR 248, Commending the Aldine High School Symphonic and Stage Bands. The resolution was adopted without objection.

By Jones:
HR 251, Congratulating Tina Marie Moore. The resolution was adopted without objection.

By S. Hudson:
HR 252, Commending Michael Carter. The resolution was adopted without objection.

By S. Hudson:
HR 253, Commending Johnnye T. Hughes. The resolution was adopted without objection.
By Willis:
HR 260, In memory of Sam Kimmell.
The resolution was unanimously adopted by a rising vote.

By Staniswalis:
HCR 150, Congratulating Sarah Etta Willard.
The resolution was adopted without objection.

HCR 153 was withdrawn by the author.

By D. Lee:
HCR 155, In memory of Frank Joseph.
The resolution was unanimously adopted by a rising vote.

HCR 158 was withdrawn by the author.

By D. Hudson:
HCR 164, Commending Irving Louis Friedman.
The resolution was adopted without objection.

By Arnold:
HCR 167, Congratulating the Ennis High School girls' basketball team.
The resolution was adopted without objection.

By Arnold:
HCR 168, Congratulating the Waxahachie High School boys' basketball team.
The resolution was adopted without objection.

By Arnold:
HCR 169, Congratulating the Maypearl High School boys' basketball team.
The resolution was adopted without objection.

SCR 60 (Shea - House Sponsor), Congratulating The Kroger Company.
The resolution was adopted without objection.

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 506 (Hightower - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Corrigan Hospital District Board of Managers concerning hospital system facilities, property, and equipment; amending Chapter 396, Acts of the 62nd Legislature, Regular Session, 1971, by adding Section 6A.

HB 134, A bill to be entitled An Act relating to the compensation of the judges of the district courts in Galveston County.

HB 230, A bill to be entitled An Act relating to the inspection of child-care institutions by the Harris County Juvenile Board.

HB 1743, A bill to be entitled An Act relating to the depository for the Titus County Hospital District.

HB 2301, A bill to be entitled An Act relating to establishment of a juvenile board in Crosby County.

HB 2304, A bill to be entitled An Act relating to approval of bonds and taxes by the qualified voters of the Hidalgo County Drainage District No. One.

HB 2306, A bill to be entitled An Act relating to the election and terms of office of the directors of the Lubbock County Water Control and Improvement District No. 1.
CONSENT 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 33 was withdrawn by the sponsor.

SB 99 was withdrawn by the sponsor.

SB 176 (G. Hill - House Sponsor), A bill to be entitled An Act relating to preservation of the view of the State Capitol from certain points and prohibition of certain construction.
(Ceverha - no)

SB 302 (Peveto - House Sponsor), A bill to be entitled An Act relating to the commitment or recommitment of certain persons determined to be incompetent to stand trial; amending Subsections (a) and (e), Section 8, Article 46.02, Code of Criminal Procedure, 1965, as amended.
(Bush - no)

SB 332 (Shea - House Sponsor), A bill to be entitled An Act relating to exclusion of certain credit insurance from the Texas Property and Casualty Insurance Guaranty Act; amending Section 3, Article 21.28-C, Insurance Code, as amended.
(Bush - no)

SB 333 (Oliver - House Sponsor), A bill to be entitled An Act relating to the status of certain decisions, regulations, orders, rules, acts, and administrative rulings of the State Board of Insurance on the filing of certain petitions in a specified district court; amending Section 7, Article 21.28-A, Insurance Code.
(Bush - no)

SB 368 was withdrawn by the sponsor.

SB 531 (Messer - House Sponsor), A bill to be entitled An Act repealing the use of the short form for the franchise tax; repealing Section 171.004, Tax Code; amending Section 171.202, Tax Code.
(Bush and B. Barton - no; Fox - present-not voting)

CSSB 617 (Hanna - House Sponsor), A bill to be entitled An Act relating to regulation of compressed natural gas by the Railroad Commission of Texas; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Title 3, Natural Resources Code, is amended by adding Chapter 116 to read as follows:

CHAPTER 116. COMPRESSED NATURAL GAS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 116.001. DEFINITIONS. In this chapter:
(1) "Commission" means the Railroad Commission of Texas.
(2) "Compressed natural gas" means natural gas that is compressed and used, stored, sold, transported, or distributed for use by or through a CNG system.
(3) "CNG cylinder" means a cylinder or other container designed for use or used as part of a CNG system.
(4) "CNG system" means a system of safety devices, cylinders, piping, fittings, valves, compressors, regulators, gauges, relief devices, vents, installation fixtures, and other compressed natural gas equipment intended for use or used in any building or public place by the general public or in conjunction with a motor vehicle fueled by compressed natural gas and any system of equipment
designed to be used or used in the compression, sale, storage, transportation for delivery, or distribution of compressed natural gas in portable CNG cylinders, but does not include a natural gas pipeline located upstream of the inlet of the compressor.

(5) "Motor vehicle" means a self-propelled vehicle licensed for highway use or used on a public highway.

(6) "Compressed natural gas cargo tank" means a container in accordance with A.S.M.E. or D.O.T. specifications and used to transport compressed natural gas for delivery.

Sec. 116.002. EXCEPTIONS. This chapter does not apply to:

(1) the production, transportation, storage, or distribution of natural gas that is not included in the definition of compressed natural gas; or

(2) pipelines, fixtures, and other equipment used in the natural gas industry that are not used or designed to be used as part of a CNG system.

[Sections 116.003-116.010 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 116.011. ADMINISTRATION. The commission shall administer and enforce this chapter and rules and standards adopted under this chapter relating to compressed natural gas.

Sec. 116.012. RULES AND STANDARDS. To protect the health, safety, and welfare of the general public, the commission shall adopt necessary rules and standards relating to compressed natural gas work and operations.

Sec. 116.013. NATIONAL CODES. The commission may adopt by reference in its rules all or part of the published codes of nationally recognized societies as standards to be met in the design, construction, fabrication, assembly, installation, use, and maintenance of compressed natural gas components and equipment.

Sec. 116.014. FEES. (a) Fees collected by the commission under Section 116.034 of this code for training, examinations, and seminars must be deposited in a special fund in the state treasury designated as the compressed natural gas examination fund. The commission shall use money in this fund to pay the cost of training, examinations, and seminars furnished or administered by the commission.

(b) Except as provided by Subsection (a) of this section, money collected by the commission as fees under this chapter shall be deposited in the general revenue fund.

Sec. 116.015. ENTRY ON PROPERTY; INSPECTION. An employee, agent, or inspector of the commission may enter property of a person licensed under this chapter at any reasonable time and may inspect any motor vehicle equipped with compressed natural gas equipment to determine if the licensee is complying with or if the motor vehicle is in compliance with this chapter and rules of the commission adopted under this chapter.

[Sections 116.016-116.030 reserved for expansion]

SUBCHAPTER C. LICENSING

Sec. 116.031. LICENSE REQUIREMENT. (a) Unless a person has obtained a license from the commission under this chapter, the person may not engage in the following work:

(1) cylinder work that includes the manufacture, assembly, repair, sale, installation, or subframing of CNG cylinders for use in this state;

(2) systems work that includes the sale, installation, service, or repair of CNG systems for use in this state; or

(3) product work that includes the sale, storage, transportation for delivery, or dispensing of compressed natural gas in this state.

(b) A license obtained by a partnership, corporation, or other legal entity extends to the entity’s employees who are performing compressed natural gas work.
provided that each employee is qualified as required by rules adopted by the commission.

Sec. 116.032. LICENSE CATEGORIES AND FEES. (a) The commission shall adopt rules establishing license categories and license fees to be charged for application for and issuance and renewal of licenses in each category.

(b) The commission may establish fees for each category of license. A fee may not exceed $1,000.

Sec. 116.033. APPLICATION AND RENEWAL PROCEDURES. The commission shall adopt rules establishing procedures for submitting and processing applications for issuance and renewal of licenses.

Sec. 116.034. EXAMINATION AND SEMINAR REQUIREMENTS. (a) The commission shall adopt rules providing the training, examination, and seminar attendance requirements for persons who wish to be licensed under this chapter.

(b) The commission may adopt a reasonable fee to cover the cost of any training, examination, or seminar required by and furnished or administered by the commission.

(c) Before a license may be issued, the person to be licensed must satisfactorily complete the training, examinations, and seminars required by the commission.

Sec. 116.035. DENIAL OF LICENSE. The commission may deny issuance or renewal of a license to any person who fails to qualify under the requirements of this chapter and rules adopted by the commission under this chapter. The commission shall give written notice to an applicant for the issuance or renewal of a license of the denial of the license and the reasons for denial.

Sec. 116.036. INSURANCE REQUIREMENT. (a) A person licensed under this chapter must acquire and maintain appropriate workers' compensation and other insurance coverage required by the commission in the amounts required by the commission.

(b) The commission shall adopt rules establishing specific requirements for insurance coverage under this chapter. The types and amounts of insurance coverage required by the commission shall be based on the type and category of licensed activity.

(c) The commission may not issue or renew a license and a licensee may not perform any licensed activity unless the insurance coverage required by the commission's rules is in effect and evidence of that coverage is filed with the commission as required by commission rule.

Sec. 116.037. SUSPENSION AND REVOCATION OF LICENSE. (a) The commission shall notify a licensee in writing if it finds probable violation or noncompliance with this chapter or a rule adopted under this chapter.

(b) The notice shall specify the particular acts, omissions, or conduct comprising the alleged violation and shall designate a date by which the violation must be corrected or discontinued.

(c) The licensee shall report timely compliance or shall request extension of time for compliance if considered necessary.

(d) If a licensee objects to the complaint or requirements under this section, or if the commission determines that the licensee is not proceeding adequately to compliance, then, on written request of the licensee or order of the commission, a public hearing must be conducted.

(e) If the commission or division determines that the probable violation or noncompliance constitutes an immediate danger to the public health, safety, and welfare, it shall require the immediate cessation of the probable violation or noncompliance and proceed with a hearing.

(f) If the commission finds that the licensee has violated or failed to comply with or is violating or failing to comply with this chapter or a rule adopted under
this chapter, the commission may suspend the license for a definite period not to exceed 90 days or may revoke the license.

(g) Any party to a proceeding before the commission is entitled to judicial review under the substantial evidence rule.

[Sections 116.038-116.070 reserved for expansion]

SUBCHAPTER D. MOTOR VEHICLE REGULATION

Sec. 116.071. REGISTRATION RULES. The commission shall adopt rules relating to the registration of motor vehicles that are equipped with compressed natural gas cargo tanks and motor vehicles used principally to transport compressed natural gas in portable cylinders.

Sec. 116.072. REGISTRATION. Each motor vehicle that is equipped with a compressed natural gas cargo tank and each motor vehicle used principally to transport compressed natural gas in portable cylinders must be registered with the commission as provided by commission rules.

Sec. 116.073. SAFETY RULES. The commission shall adopt safety rules relating to the transportation of compressed natural gas in this state.

Sec. 116.074. COOPERATION OF THE DEPARTMENT OF PUBLIC SAFETY. The Department of Public Safety shall cooperate with the commission in administering and enforcing this chapter and rules of the commission relating to regulation of motor vehicles required to be registered under this subchapter.

Sec. 116.075. SUSPENSION AND REVOCATION OF REGISTRATION.

(a) The commission shall notify a registrant in writing if it finds probable violation or noncompliance with this chapter or the safety rules adopted under this chapter.

(b) The notice shall specify the particular acts, omissions, or conduct comprising the alleged violation and shall designate a date by which the violation must be corrected or discontinued.

(c) The registrant shall report timely compliance or shall request extension of time for compliance if considered necessary.

(d) If a registrant objects to the complaint or requirements under this section, or if the commission determines that the registrant is not proceeding adequately to compliance, then, on written request of the registrant or order of the commission, a public hearing must be conducted.

(e) If the commission or division determines that the probable violation or noncompliance constitutes an immediate danger to the public health, safety, and welfare, it shall require the immediate cessation of the probable violation or noncompliance and proceed with a hearing.

(f) If the commission finds that the registrant has violated or failed to comply with or is violating or failing to comply with this chapter or a rule adopted under this chapter, the commission may suspend the registration for a definite period not to exceed 90 days or may revoke the registration.

(g) Any party to a proceeding before the commission is entitled to judicial review under the substantial evidence rule.

Sec. 116.076. APPLICATION OF OTHER LAWS. This chapter and the rules adopted under this chapter do not modify, amend, or repeal any laws of this state relating to the regulation of motor carriers.

[Sections 116.077-116.100 reserved for expansion]

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

Sec. 116.101. MALODORANTS. Compressed natural gas must be odorized as provided by Section 2, Article 6053, Revised Statutes.

Sec. 116.102. TESTING LABORATORIES. The commission shall adopt rules relating to testing compressed natural gas equipment and to the qualifications required of the persons who are to perform those tests.

Sec. 116.103. WARNING TAGS. (a) An employee, agent, or inspector of the commission may declare unsafe or dangerous for service any motor vehicle required
to be registered under this chapter, compressed natural gas equipment, or CNG system that is defective or that does not otherwise conform to the safety requirements of this chapter and the rules adopted under this chapter and shall attach a warning tag to the motor vehicle, equipment, or system in a conspicuous location.

(b) A person may not sell, furnish, deliver, or supply compressed natural gas for use or consumption by or through a motor vehicle or system in a public place or operate a motor vehicle having compressed natural gas equipment to which a warning tag is attached.

(c) A warning tag may be removed on approval of the commission or by a person designated by the commission to remove the tag. A warning tag may not be removed by any person who is not authorized to remove the tag by the commission.

Sections 116.104-116.140 reserved for expansion

SUBCHAPTER F. ENFORCEMENT

Sec. 116.141. INJUNCTIVE RELIEF. (a) On request of the commission, the attorney general shall bring suit in the name of the state to enjoin a person from violating this chapter or a rule adopted under this chapter.

(b) A suit for injunction instituted under this section is in addition to other remedies available to the commission under this chapter.

(c) A suit seeking injunctive relief under this section shall be brought in a district court in Travis County.

(d) The commission is not required to provide a bond in a suit instituted under this section.

Sec. 116.142. CRIMINAL PENALTY. (a) A person who knowingly violates this chapter or rules adopted by the commission under this chapter commits an offense.

(b) An offense under this section is punishable by a fine of not less than $100 nor more than $5,000.

(c) Each day a violation continues constitutes a separate offense.

Sec. 116.143. ADMINISTRATIVE PENALTY. (a) If a person violates this chapter, a rule of the commission adopted under this chapter, or a term, condition, or provision of a license or registration issued by the commission under this chapter and the violation results in pollution of the air or water of this state or poses a threat to the public safety, the person may be assessed a civil penalty by the commission.

(b) The penalty may not exceed $10,000 a day for each violation. Each day a violation continues may be considered a separate violation for purposes of penalty assessments.

(c) In determining the amount of the penalty, the commission shall consider the person's history of previous violations of this chapter, the seriousness of the violation, any hazard to the health or safety of the public, and the demonstrated good faith of the person charged.

Sec. 116.144. PENALTY ASSESSMENT PROCEDURE. (a) A civil penalty under Section 116.145 of this code may be assessed only after the person charged with the violation has been given an opportunity for a public hearing.

(b) If a public hearing has been held, the commission shall make findings of fact, and it shall issue a written decision as to the occurrence of the violation and the amount of the penalty that is warranted, incorporating, when appropriate, an order requiring that the penalty be paid.

(c) If appropriate, the commission shall consolidate the hearings with other proceedings under this chapter.

(d) If the person charged with the violation fails to avail himself of the opportunity for a public hearing, a civil penalty may be assessed by the commission after it has determined that a violation did occur and the amount of the penalty that is warranted.
(e) The commission shall then issue an order requiring that the penalty be paid.

Sec. 116.145. PAYMENT OF PENALTY; REFUND. (a) On the issuance of notice or an order charging that a violation has occurred, the commission shall inform the person charged within 30 days of the proposed amount of the penalty.

(b) Within the 30-day period immediately following the day on which the notice or order is issued, the person charged with the penalty shall pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the commission for placement in an escrow account.

(c) If through administrative or judicial review of the proposed penalty it is determined that no violation occurred or that the amount of the penalty should be reduced, the commission shall, within the 30-day period immediately following that determination, remit the appropriate amount to the person, with interest at the prevailing United States Department of the Treasury rate.

(d) Failure to forward the money to the commission within the time provided by Subsection (b) of this section results in a waiver of all legal rights to contest the violation or the amount of the penalty.

Sec. 116.146. RECOVERY OF PENALTY. Civil penalties owed under Sections 116.143-116.145 of this code may be recovered in a civil action brought by the attorney general at the request of the commission.

SECTION 2. Subsection (c), Section 3, Public Utility Regulatory Act (Article 1446c, Vernon’s Texas Civil Statutes), is amended to read as follows:

(c) The term “public utility” or “utility,” when used in this Act, includes any person, corporation, river authority, cooperative corporation, or any combination thereof, other than a municipal corporation or a water supply or sewer service corporation, or their lessees, trustees, and receivers, now or hereafter owning or operating for compensation in this state equipment or facilities for:

(1) producing, generating, transmitting, distributing, selling, or furnishing electricity (“electric utilities” hereinafter) provided, however, that this definition shall not be construed to apply to or include a qualifying small power producer or qualifying cogenerator, as defined in Sections 3(17)(D) and 3(18)(C) of the Federal Power Act, as amended (16 U.S.C. Sections 796(17)(D) and 796(18)(C));

(2) the conveyance, transmission, or reception of communications over a telephone system; provided that no person or corporation not otherwise a public utility within the meaning of this Act shall be deemed such solely because of the furnishing or furnishing and maintenance of a private system; and provided further that nothing in this Act shall be construed to apply to telegraph services, services of specialized communications common carriers not providing local exchange telephone service, television stations, radio stations, community antenna television services, or radio-telephone services that may be authorized under the Domestic Public Land Mobile Radio Service or Rural Radio Service rules of the Federal Communications Commission, other than such radio-telephone services provided by wire-line telephone companies;

(3) transmitting or distributing combustible hydrocarbon natural or synthetic natural gas for sale or resale in a manner which is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C.A., Section 717, et seq.) (“gas utilities” hereinafter) provided that the production, gathering, transportation, or sale of natural gas or synthetic gas under Section 4, Article 6050, Revised Civil Statutes of Texas, 1925, as amended, the distribution or sale of liquefied petroleum or compressed natural gas, and the transportation, delivery, or sale of natural gas for fuel for irrigation wells or any other direct use in agricultural activities is not included;[2]
(4) the transmitting, storing, distributing, selling, or furnishing of potable water to the public or for resale to the public for any use, or the collection, transportation, treatment, or disposal of sewage, or other operation of a sewage disposal service for the public, other than equipment or facilities owned and operated for either purpose by a city, town or other political subdivision of this state or a water supply or sewer service corporation. The term "public utility" or "utility" shall not include any person or corporation not otherwise a public utility that furnishes the services or commodity described in any paragraph of this subsection only to itself, its employees, or tenants as an incident of such employee service or tenancy, when such service or commodity is not resold to or used by others. The term "electric utility" shall not include any person or corporation not otherwise a public utility that owns or operates in this state equipment or facilities for producing, generating, transmitting, distributing, selling, or furnishing electric energy to an electric utility, if the equipment or facilities are used primarily for the production and generation of electric energy for consumption by the person or corporation.

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

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

(Bush - no)

SB 658 (G. Thompson - House Sponsor), A bill to be entitled An Act relating to withholding of amounts due for hotel occupancy tax, to successor liability for hotel occupancy tax, and to certain powers and duties of the state comptroller; adding Section 156.204 to Chapter 156, Tax Code.

(Bush - no)

SB 664 (G. Hill - House Sponsor), A bill to be entitled An Act relating to the composition of a committee conducting a recount of paper ballots; amending Subsection (b), Subdivision 7, Section 166a, Texas Election Code (Article 9.38a, Vernon's Texas Election Code).

SB 989 (G. Hill - House Sponsor), A bill to be entitled An Act relating to certain fees charged by the secretary of state; amending the Business & Commerce Code, as amended, by amending Subsection (c), Section 9.403; Subsection (c), Section 9.404; Subsections (b) and (d), Section 9.405; Sections 9.406 and 36.15; Subsection (a), Section 9.409; Subsection (c), Section 16.10; Subsection (a), Section 16.14; and Subsection (a), Section 16.18; amending Section A, Article 10.01, Texas Business Corporation Act; Article 3914, Revised Statutes; Section 6, Automobile Club Services Act; Section 5, The Texas Professional Corporation Act; and Section 22, Texas Professional Association Act (Articles 1528d, 1528e, and 1528f, Vernon's Texas Civil Statutes).

(Fox, Green, and Staniswalis - no)

SB 1095 (Hackney - House Sponsor), A bill to be entitled An Act relating to equipping motor vehicles with television-type receiving equipment used exclusively for the purpose of receiving digital information; amending Section 139D, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes).

HB 385, A bill to be entitled An Act relating to the compensation of presiding judges of certain administrative judicial districts.

(Fox, Toomey, and Eckels - no)

Representative Armbrister offered the following amendment to the bill:
Amend HB 385, page 1, lines 10 and 11, by striking the following: "at least $5,000 but not more than $7,500 a year," and inserting in lieu thereof the following: "not to exceed $5,000 per annum".

The amendment was adopted without objection.

HB 525, A bill to be entitled An Act relating to the control and eradication of anthrax.

HB 532, A bill to be entitled An Act relating to the time at which the board of directors of an appraisal district receives the proposed budget for the district.

(Bush - no)

HB 533, A bill to be entitled An Act relating to alternate jurors.

HB 624, A bill to be entitled An Act relating to the authority of certain counties concerning cemeteries.

(Pennington and Rudd - no)

HB 713, A bill to be entitled An Act relating to the authority of a county to pay certain expenses incurred by another county for the extension of a farm-to-market road.

HB 722, A bill to be entitled An Act relating to the limitation on the amount of funding for community education services.

(Green and Toomey - no)

HB 747, A bill to be entitled An Act relating to application of the offense of disorderly conduct to looking into a room in a hotel or similar establishment for a lewd or unlawful purpose.

(Fox - no)

HB 777, A bill to be entitled An Act relating to the composition of a county hospital's board of managers.

SB 316 (Wieting - House Sponsor), in lieu of HB 898, A bill to be entitled an Act repealing the Texas Equal Health Standard Milk Sanitation Act of 1961, Article 165-3a, V.T.C.S.; repealing Article 4474a, V.T.C.S., relating to the manufacture and sale of filled milk; and declaring an emergency.

(Bush - no; Fox - present-not voting)

HB 898 - LAID ON THE TABLE SUBJECT TO CALL

Representative Wieting moved that HB 898 be laid on the table subject to call.

The motion prevailed without objection.

HB 930, A bill to be entitled An Act relating to predator control from aircraft in Jackson and Matagorda counties.

HB 936, A bill to be entitled An Act relating to annexation of city, town, or village territory by certain junior college districts.

(Fox, Bush, Green, and McWilliams - no)

CSHB 962, A bill to be entitled An Act relating to taxation of sample packages of cigarettes.

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

SECTION 1. Sec. 154.041(e), Tax Code, is amended to read as follows:

(e) A stamp is not required on a sample package of cigarettes [that contains 5 or fewer cigarettes] if the manufacturer reports the tax and pays it directly to the state; and further provided that the package, excluding cellophane or other clear...
wrapping. has printed on it a notice stating that it is a complimentary package, not for sale, and that all applicable state taxes have been paid by the manufacturer.

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.

CSHB 1122, A bill to be entitled An Act relating to the definition of "newspaper" in Chapter 151 of the Tax Code and to the repeal of certain other taxes and fees.

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

SECTION 1. The following are repealed: Chapter 192, Tax Code; Subchapters A, B, C, and D, Chapter 191, Tax Code; and Section 182.087(e), Tax Code.

SECTION 2. Section 191.102, Tax Code, is amended to read as follows:

Sec. 191.102. DISPLAY OF PERMIT: PENALTY. (a) A person commits an offense if the person, without displaying the receipt for the tax imposed by this chapter:

(1) engages in a business taxed under this chapter;

(2) exhibits a machine or instrument taxed under this chapter.

(b) An offense under this section is a misdemeanor punishable by a fine of not more than $50.

SECTION 3. A tax paid before the effective date of this Act in compliance with a law repealed by this Act is not refundable. The repeal of a tax by this Act does not affect the collection or enforcement of, or application of penalties for, taxes due before the effective date of this Act in effect for the collection and enforcement of those taxes only.

SECTION 4. Section 151.319(f), Tax Code, is amended to read as follows:

Sec. 151.319(f). In this section, "newspaper" means a publication that is printed on newsprint, the average sales price of which for each copy over a 30-day period does not exceed 75 cents, and that is printed and distributed at a daily, weekly, or other short interval for the dissemination of news of a general character and of a general interest. "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or similar printed item unless the printed item is printed for distribution as a part of a newspaper and is actually distributed as a part of a newspaper. For the purposes of this section, an advertisement is a news of a general character and of a general interest. Notwithstanding any of the above, the word "newspaper" includes a publication containing articles and essays of general interest by various writers and advertisements which is (1) produced for the operator of a licensed and certified carrier of persons and (2) distributed by the operator to its customers during their travel on the carrier.

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

(Bush and Green - no)

CSHB 1145, A bill to entitled An Act relating to the authority of water control and improvement districts to enter into certain contracts.

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

SECTION 1. Section 51.149, Water Code, is amended to read as follows:

Sec. 51.149. CONTRACTS. (a) On approval by a majority of the members of the board, a district may enter into a contract with any person for the joint
construction, ownership, or operation of any property, works, improvements, facilities, plants, equipment, or appliances used to accomplish any purpose or function of the district and may purchase an interest in any project used for any purpose or function of the district.

(b) On approval by a majority of the members of the board, a district may enter into a contract with any person in the performance of any purpose or function of the district.

(c) A joint contract entered into by a district under this section and amendments to that contract must be in writing and signed by each party or by an authorized representative of each party.

(d) If a joint contract entered into by a district under this section contemplates the construction of property, works, improvements, facilities, plants, equipment, or appliances, the contract may be awarded only after the districts have sought competitive bids and have complied with other procedures as provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon’s Texas Civil Statutes), and Sections 51.139-51.146 of this code to the extent that those sections do not conflict with Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon’s Texas Civil Statutes). [CONTRIBUTION TO CONSTRUCTION BY ANOTHER DISTRICT: If it serves its best interest, a district may contribute to the construction of any improvement by another similar district which benefits the contributing district. The board may contract with the other district and determine the contribution in proportion to the cost of the construction.]

SECTION 2. Sections 51.150-51.155, Water Code, are repealed.

SECTION 3. This Act applies to contracts entered into by a water control and improvement district on or after the effective date of this Act. Contracts entered into by a water control and improvement district under Sections 51.149-51.155, Water Code, before the effective date of this Act are governed by those sections as they existed at the time the contract was entered into, and those laws are continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(HB 1187, A bill to be entitled An Act relating to validation of certain municipal annexations and other governmental acts and proceedings. (Fox, Pennington, and Rudd - no)

Representative Pennington offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1187 as follows:

On page 1, line 6; page 1, line 11; page 1, line 12; page 1, lines 16 and 17; and page 1, line 23: strike "city or town" and insert "city, town or village".

On page 1, line 20: strike "city’s or town’s" and insert "city’s, town’s or village’s".

Committee Amendment No. 1 was adopted without objection.
HB 1189, A bill to be entitled An Act relating to the validation of bonds, certificates of obligation, warrants, notes, or other evidences of debt issued by an incorporated city in connection with the acquisition of a waterworks system.
(Fox, Bush, McWilliams, Pennington, Rudd, Danburg, Watson, Gandy, B. Barton, Oliver, S. Hudson, and Kemp - no)

CSHB 1213 was withdrawn by the author.

HB 1261 was withdrawn by the author.

HB 1293, A bill to be entitled An Act relating to the amount charged by the county for the use of electronic voting equipment in a primary election.
(Fox - no)

HB 1422, A bill to be entitled An Act relating to approval of certain insurance policy forms and documents.
(Bush - no)

HB 1427, A bill to be entitled An Act relating to the manner in which a domestic insurance company may evidence its ownership of securities.
(Bush - no)

HB 1475, A bill to be entitled An Act relating to the authority of a county to issue bonds for a public library.

HB 1510, A bill to be entitled An Act relating to commercial feed and fertilizer; providing penalties.
(Green - no)

HB 1618, A bill to be entitled An Act relating to the exemption from the bond requirements for an alcoholic beverage permittee subject to the gross receipts tax on mixed beverages.
(Bush, Green, Hollowell, and Finnell - no)

HB 1678, A bill to be entitled An Act relating to the hours of sale and consumption of alcoholic beverages.
(Fox, Bush, Green, Hollowell, McWilliams, and Finnell - no)

HB 1741, A bill to be entitled An Act relating to advertising regulations under the Private Investigators and Private Security Agencies Act.

Representative Schoolcraft offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1741 by striking lines 8 through 11, substitute the following: (a) An advertisement by a licensee soliciting or advertising business shall contain the company name and address as they appear in the records of the board.

Committee Amendment No. 1 was adopted without objection.

HB 1818, A bill to be entitled An Act relating to the service of process in an election contest.

HB 1925, A bill to be entitled An Act relating to the authority of certain cities to provide automobile liability insurance for peace officers and fire fighters.

HB 1936, A bill to be entitled An Act relating to the licensing of veterinarians in Texas.
HB 1953, A bill to be entitled An Act relating to conforming the Texas Litter Abatement Act and related statutes to legislation passed by the 67th Legislature.

HB 1958, A bill to be entitled An Act relating to certain powers and duties of the board of regents of the Texas Woman’s University.

HB 2009, A bill to be entitled An Act amending Article 46d-14, Vernon’s Texas Civil Statutes, as amended (being Section 14 of the Municipal Airports Act, Acts 1947, 50th Leg., Ch. 114), relating to contracts, leases and other arrangements for the use and occupancy of airport property.

(McWilliams - no)

Representative Toomey offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2009 by deleting the caption and substituting the following caption:
relating to contracts, leases and other arrangements for the use and occupancy of airport property entered into by joint boards under the Municipal Airports Act.

Committee Amendment No. 1 was adopted without objection.

HB 2119, A bill to be entitled An Act relating to the marking of roads that follow historical routes.

HB 2143, A bill to be entitled An Act to amend Article 5069-3.18, Article 5069-4.02, Article 5069-5.03, Article 5069-6.04 and Article 5069-7.06, Revised Civil Statutes of Texas, to permit more than one policy of credit life or credit health and accident insurance, provided the aggregate insurance does not exceed the statutory limits imposed by Article 3.53, Texas Insurance Code; repealing laws in conflict; and declaring an emergency.

(Bush - no)

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

COMMITTEE AMENDMENT NO. 1

Amend Sections 1, 2, 3, 4, and 5 of HB 2143 by deleting the underlined words “the total amount of such insurance as is authorized by Article 3.53 of the Texas Insurance Code, as amended” therefrom, and inserting in lieu thereof in each of such Sections the following:

“(i) as to credit life insurance, the total amount repayable under the contract of indebtedness and, where an indebtedness is repayable in substantial equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater, or

(ii) as to credit accident and health insurance, the total amount repayable under the contract of indebtedness and the amount of each periodic indemnity payment shall not exceed the scheduled periodic installment payment on the indebtedness.”

Committee Amendment No. 1 was adopted without objection.

HB 2292, A bill to be entitled An Act, relating to the terms of office of directors of the Panhandle Ground Water Conservation District Number Three, South of the Canadian River, in Texas.
The speaker laid before the house the following resolutions on committee report:

SCR 20 (Hackney - House Sponsor)

WHEREAS, Diabetes is a major health problem in Texas, and studies have demonstrated the effectiveness of education and training programs in reducing the costs of diabetes-related care and in aiding in the prevention of diabetes and of medical complications relating to diabetes; and
WHEREAS, The Special Committee on Diabetes Services in Texas has recommended that the state legislature institute pilot programs in the area of diabetes prevention, education, and training; and
WHEREAS, Federal funds for such programs could be made available under P.L. 92-603, which grants the Department of Health and Human Services authority to fund research and demonstration projects on a selective basis under the Social Security Act; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby request the Texas Department of Human Resources to apply for a medicare/medicaid waiver under P.L. 92-603 to permit the reimbursement from medicare/medicaid funds at the four pilot diabetes prevention and education programs to be established by the Texas Diabetes Council; and, be it further
RESOLVED, That the department be encouraged to refer clients of the Recipient Health Care Program who have diabetes to the pilot diabetes education programs; and, be it further
RESOLVED, That the Texas Department of Human Resources be encouraged to collaborate with the Texas Diabetes Council and the Texas Department of Health to determine ways to provide diabetes education to medicare/medicaid clients in order to save state and federal tax money and to provide these clients with better health care; and, be it further
RESOLVED, That the Texas Department of Human Resources make a complete report of its findings, including recommendations and drafts of any legislation deemed necessary, to the Texas Diabetes Council by January, 1985; and, be it further
RESOLVED, That official copies of this resolution be prepared and forwarded to the commissioner of the Texas Department of Human Resources and to the commissioner of the Texas Department of Health as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection. (Bush - no)

SCR 44 (Criss - House Sponsor)

WHEREAS, Joy Ann Babb alleges that:
(1) she enrolled in The University of Texas at Houston School of Nursing in January, 1979, under provisions of the 1978-79 catalogue;
(2) she was expelled in 1981 due to the school attempting to change the rules in the middle of her degree program; and
(3) because of the arbitrary and capricious handling and review of her situation, she has incurred damages including the loss of employment and considerable attorney's fees; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Joy Ann Babb be and is hereby granted permission to sue the State of Texas and the board of regents of The University of Texas System for any relief to which she may be entitled as a result of this claim; and, be it further
RESOLVED, That in the event suit is filed, service of citation and other required process be made on the 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 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 C. Evans:

HCR 72

WHEREAS, Ron Stanley and Loretha Stanley allege that:

(1) they are the parents and next friends of Lou Jean Stanley;
(2) on or about September 13, 1982, Lou Jean Stanley entered the property of the Nola Dunn Elementary School in the Burleson Independent School District to participate in a school function;
(3) at that time, Lou Jean Stanley was raped and threatened by an employee of the Burleson Independent School District; and
(4) as a result of that rape and threat, Lou Jean Stanley endured conscious pain and suffering and psychological damage, and she continues to suffer psychological damage and will continue to do so in the future; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Ron Stanley and Loretha Stanley are granted permission to sue the Burleson Independent School District 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 president of the board of trustees of the Burleson Independent School District 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. (Fox and B. Gibson - no)

By Russell:

HCR 97

WHEREAS, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and
WHEREAS, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

WHEREAS, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

WHEREAS, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

WHEREAS, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion with federal legislation; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products by empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982 steel pipe and tube arrangement between the United States and the European Community, and, be it further

RESOLVED, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.

Representative Leonard offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend HCR 97 to correct the spelling of "prodcuts" to read "products" on line 3 of paragraph 5 on page 1.

Committee Amendment No. 1 was adopted without objection.

By C. Evans:

HCR 108

WHEREAS, Motor Express, Inc., of Pearland alleges that:

(1) it is engaged in the business of transportation, which consists in part of shipping imported goods from the Port of Galveston to other points in Texas;

(2) the shipment of those goods from the port to other points in Texas is only a continuation of their movement in foreign commerce;

(3) Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon’s Texas Civil Statutes), does not grant the Railroad Commission of Texas jurisdiction over foreign commerce and the tariffs of the railroad commission do not apply to foreign commerce;

(4) the Railroad Commission of Texas has no jurisdiction over the movement of goods in foreign commerce because the United States government has preempted the field of foreign commerce by enacting the Interstate Commerce Act;

(5) regulation of the shipment of goods in foreign commerce by the Railroad Commission of Texas would be an unconstitutional burden on foreign trade; and

(6) the Railroad Commission of Texas has agreed that Motor Express, Inc., of Pearland may bring suit to settle the dispute; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Motor Express, Inc., of Pearland is granted permission to sue the State of Texas and the Railroad Commission 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 attorney general of the State of Texas and on the chairman of the Railroad Commission of Texas 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 Luna:

HCR 123

WHEREAS, Congress adopted the Tax Equity and Fiscal Responsibility Act of 1982 to reduce certain federal expenditures and increase revenues through a variety of measures, including provisions designed to improve compliance with existing requirements for reporting taxable income; and

WHEREAS, Section 314 of the Act requires each restaurant with 10 or more employees who receive tips to file a report listing gross receipts from the sale of food and beverages and listing the aggregate amount of charge receipts and the total tips reflected on the charge receipts; and

WHEREAS, These establishments are also required to withhold from paychecks estimated tip income based on eight percent of gross receipts; and

WHEREAS, The need to collect taxes on this income is widely recognized; however, these new reporting requirements have created unreasonable hardships for the restaurant industry and its employees; and

WHEREAS, The expense and complication of this effort to collect withholding on tips has unjustly burdened restaurant employees, who must work additional hours determining total sales and tips, and who may possibly receive a paycheck of zero or a negative amount of dollars under the procedure to determine presumed tip income; and

WHEREAS, Restaurant operators must bear the expense and additional time reprogramming restaurant computers and separating credit transactions, and purchase additional accounting services and equipment to process cumbersome paperwork; and

WHEREAS, The anticipated increased compliance of restaurant employees in reporting tip income does not justify the arduous reporting requirements and unfair withholding procedures imposed by the Act and subsequent Internal Revenue Service regulations; 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 United States Congress to repeal Section 314 of the Tax Equity and Fiscal Responsibility Act of 1982, eliminating the requirement of restaurateurs to withhold a percentage of estimated tip income of employees; and, be it further
RESOLVED, That the Texas Secretary of State prepare and forward copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and members of the Texas delegation to 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. (Fox and Toomey - no)

By C. Evans:

HCR 137

WHEREAS, The Prudential Insurance Company of America, a corporation authorized to do business in the State of Texas alleges that:

(1) It has paid, under protest, its state gross premiums tax for the tax year ending December 31, 1980;
(2) the tax or part of the tax was certified and collected in error;
(3) it is entitled to a refund of all of the tax that was certified and collected in error; and
(4) it has applied for and been denied administrative relief on this claim by the State Board of Insurance, and it has exhausted its administrative remedies; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the Prudential Insurance Company of America is granted permission to sue the State of Texas and the State Board of Insurance for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the commissioner of insurance 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 C. Evans:

HCR 138

WHEREAS, John Ferrell, doing business as Dalworth Company, alleges that:

(1) he entered into a written contract to perform construction on real property located at 5205 West Freeway at Merrick, Fort Worth, Texas;
(2) he supplied labor and materials in performance of the contract;
(3) he suffered damages as the result of the owner's failure to pay the balance due on the contract;
(4) the State Department of Highways and Public Transportation subsequently purchased the property subject to the mechanic's and materialman's lien for the improvements he performed; and
(5) he has demanded payment from the State Department of Highways and Public Transportation, and the department has refused to pay; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That John Ferrell, doing business as Dalworth Company, 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.

The resolution was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, Subcommittee on HB 1180 and HB 1885, on adjournment, Desk 119, to consider HB 1180 and HB 1885.

ADJOURNMENT

Representative Staniswalis 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.