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

The roll of the house was called and a quorum was announced present (Record 311).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga (C); Blanton; Bomar; Buchanan; Burnett; Bush; Cain; Carrillo; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddock; Criss; Crockett; Danburg; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; English; Evans, L.; Fennell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurry; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Lane; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polumbo; Presnal; Price; Ragsdale; Rangel; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schluteter; Scholecraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uber; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Evans, C.

Absent — Emmett; Gibson, J.; Patrick.

The invocation was offered by Ronald D. Pogue, pastor, Bering Memorial United Methodist Church, Houston, Texas, as follows:

Almighty God, Ruler of Creation, we praise you for this day and for the opportunities and responsibilities which lie before us in it. As we begin this day's work we commend ourselves and those whom we serve to your care and guidance, especially the unemployed, the helpless, and all who are dependent upon the resources of the state.

Bless our governor and all those who hold office in the government of this state, that they may do their work in a spirit of wisdom, kindness and justice. May the conflicts resolved and decisions made within this body reflect an atmosphere of mutual respect and the highest regard for the general welfare of the people of the State of Texas.

And, as we pray for ourselves, we pray also for the leaders of this nation of which we are a part. May the dream of liberty and justice for all here and everywhere in the world be our common goal. And may we always conduct ourselves in a manner consistent with the ideals which have been a blessing to those who have gone before us.
LEAVE OF ABSENCE GRANTED

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

C. Evans on motion of Millsap.

(Emmett now present)

HR 265 - ADOPTED

Representative Glossbrenner moved that all necessary rules be suspended to take up and consider at this time, HR 265.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Glossbrenner:

HR 265, Commending Raul G. Salinas, Theodore M. Gardner, and the Honorable William H. Webster.

The resolution was adopted.

On motion of Representative Burnett, the names of all the members of the house were added to HR 265 as signers thereof.

HR 347 - ADOPTED

Representative Kemp moved that all necessary rules be suspended to take up and consider at this time, HR 347.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kemp:

HR 347, Commending Marguerite Croix.

The resolution was adopted.

HR 348 - ADOPTED

Representative Willis moved that all necessary rules be suspended to take up and consider at this time, HR 348.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Willis:

HR 348, Proclaiming May 6, 1983, to be Texas, Our Texas Day.

The resolution was adopted without objection.

(J. Gibson now present)

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR

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

By W. Hall:

HCR 178, Honoring Gaby Canizales.

The resolution was adopted without objection.
By Kuempel:
HCR 186, Congratulating Benno C. Heinemeyer.
The resolution was adopted without objection.

By Kuempel:
HCR 187, Congratulating Mr. and Mrs. Kermit Altwein.
The resolution was adopted without objection.

By Blanton, et al.:
HCR 188, Commending William Roy Samuels, Jr.
The resolution was adopted without objection.

By Hurly:
HCR 193, Commending Mrs. Rosalynn Carter.
The resolution was adopted without objection.

By W. Hall:
HCR 196, In memory of Samuel A. Yates.
The resolution was unanimously adopted by a rising vote.

By Stiles:
HR 273, In memory of Velma Ann Griffiths Griffin.
The resolution was unanimously adopted by a rising vote.

By DeLay:
HR 274, Congratulating the city of Rosenberg.
The resolution was adopted without objection.

By Wolens:
HR 281, In memory of Sylvan and Gloria Brustein.
The resolution was unanimously adopted by a rising vote.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 281 as signers thereof.

By G. Hill:
HR 283, Commending Bill Armentrout.
The resolution was adopted without objection.

By Denton:
HR 286, In memory of Ernest B. People.
The resolution was unanimously adopted by a rising vote.

By W. Martinez:
HR 297, Congratulating the fine musicians honored by the Tejano Music Awards.
The resolution was adopted without objection.

By Clark:
HR 298, Honoring M. N. "Cotton" Robinson.
The resolution was adopted without objection.

SCR 79 (Kuempel - House Sponsor), In memory of Arthur William Esser.
The resolution was unanimously adopted by a rising vote.

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 246, (Kubiak - House Sponsor), A bill to be entitled An Act relating to the establishment, personnel, compensation, powers and duties, and financing of a
juvenile board for Milam, Robertson, and Falls counties; providing for cooperation by political subdivisions and associations.

SB 644 (Buchanan - House Sponsor), A bill to be entitled An Act relating to establishment, operation, membership, powers and duties, and financing of a juvenile board for Dallam County.

SB 769 (Arnold - House Sponsor), A bill to be entitled An Act relating to authority of the Midlothian Trade Zone Corporation to establish, operate, and maintain a foreign trade zone and other subzones at Midlothian.

SB 778 (Buchanan - House Sponsor), A bill to be entitled An Act relating to establishment, membership, powers and duties, personnel, and financing of a juvenile board in Sherman County.

SB 1210 (Buchanan - House Sponsor), A bill to be entitled An Act relating to establishment, staff, membership, powers and duties, financing, and operations of a juvenile board for Hartley County.

SB 1224 (Shaw - House Sponsor), A bill to be entitled An Act relating to establishment, personnel, compensation, powers and duties, and financing of a juvenile board in Culberson and Hudspeth counties.

HB 726, A bill to be entitled An Act relating to the compensation of the judge of the 118th Judicial District. (Hollowell - no)

SB 1004 (Robinson - House Sponsor), in lieu of HB 1659, A bill to be entitled An Act, relating to the creation, jurisdiction, powers and duties, terms, judge, personnel, and practice and procedures of the County Court at Law of Caldwell County.

HB 1659 - LAID ON THE TABLE SUBJECT TO CALL

Representative Robinson moved that HB 1659 be laid on the table subject to call.

The motion prevailed without objection.

HB 1707, A bill to be entitled An Act relating to the terms of court in the 24th Judicial District.

Representative Parker offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1707 on page 1, line 15, by striking "second" and substituting "first".

Committee Amendment No. 1 was adopted without objection.

HB 1833, A bill to be entitled An Act relating to establishment of a juvenile board in Ellis County.

HB 2126, A bill to be entitled An Act relating to establishment of a juvenile board in Ward County.

HB 2307, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law No. 1 of Montgomery County and of the County Court at Law No. 2 of Montgomery County.

HB 2313, A bill to be entitled An Act relating to establishment of a juvenile board in Denton County.
HB 2314, A bill to be entitled An Act relating to the creation of a juvenile board in Lampasas County.

SB 1267 (Laney - House Sponsor), in lieu of HB 2318, A bill to be entitled An Act relating to establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board in Bailey and Farmerville counties.

HB 2318 - LAID ON THE TABLE SUBJECT TO CALL

Representative Laney moved that HB 2318 be laid on the table subject to call.

The motion prevailed without objection.

SB 1268 (Laney - House Sponsor), in lieu of HB 2319, A bill to be entitled An Act relating to establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board for Castro, Hale, and Swisher counties.

HB 2319 - LAID ON THE TABLE SUBJECT TO CALL

Representative Laney moved that HB 2319 be laid on the table subject to call.

The motion prevailed without objection.

HB 2324, A bill to be entitled An Act relating to establishment of a juvenile board in Parker County.

HB 2325, A bill to be entitled An Act relating to establishment of a juvenile board in Cooke County.

HB 2326, A bill to be entitled An Act relating to establishment of a juvenile board in Jack and Wise counties.

CSHB 2327, A bill to be entitled An Act relating to the creation of two county criminal courts in Tarrant County.

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

SECTION 1. CREATION. The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County are created on the dates determined as provided by Section 18 of this Act.

SECTION 2. JURISDICTION. A court created by this Act has concurrent jurisdiction within the county of all criminal matters and causes, original and appellate, that is vested in the county courts having jurisdiction in criminal cases under the constitution and laws of Texas. A court created by this Act has concurrent jurisdiction within the county of all appeals from criminal convictions under the laws of this state and the municipal ordinances of the municipalities located in Tarrant County that are appealed from the justice courts and municipal courts in the county. The county clerk of Tarrant County shall alternately file the appeals from the justice and municipal courts from convictions under the laws of this state and the ordinances of the municipalities in the County Criminal Court No. 3, County Criminal Court No. 4, and the courts created by this Act, regardless of the court or the judge to which a case is addressed.

SECTION 3. WRIT POWER. A court created by this Act or its judge, has the power to issue writs of injunction and all writs necessary for the enforcement of the jurisdiction of the court. It may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. The court and judge have the power to punish for contempt as prescribed by law for county courts. The judge of a court created by this Act has all other powers, duties, immunities, and privileges provided by law for county court judges.

SECTION 4. TERMS. The terms of the courts created by this Act and the practice in those courts and appeals from them are as prescribed by law relating to
the county courts. The courts created by this Act shall hold at least four terms each year, and the Commissioners Court of Tarrant County shall fix the time at which the courts shall hold terms until the terms are changed according to law.

SECTION 5. JUDGE. (a) Beginning at the first general election following creation of a court under this Act at which county court at law judges are regularly elected, and every four years thereafter, the qualified voters of the county shall elect a judge for the court. The judge serves until his successor is elected and has qualified.

(b) The commissioners court shall appoint a person to fill a vacancy in the office of the judge of a court created by this Act. The appointee holds office until the next succeeding general election and until his successor is elected and has qualified.

SECTION 6. JUDGE. A judge must be a citizen of the United States and of this state who has been a practicing lawyer of this state or a judge of a court in this state for four years next preceding his appointment or election, and must have resided in Tarrant County for two years next preceding his appointment or election.

SECTION 6. BOND. The judge of a court created by this Act shall execute a bond and take the oath of office as required by law relating to county judges.

SECTION 7. SPECIAL JUDGE. A special judge of a court created by this Act may be appointed or elected as provided by the laws relating to appointment of a special county judge.

SECTION 8. CLERK. The county clerk serves as the clerk of the courts created by this Act.

SECTION 9. SEAL. The seal of the courts created by this Act shall be the same as provided for county courts except that the seals shall contain the words “The County Criminal Court No. 5, Tarrant County, Texas,” and “The County Criminal Court No. 6, Tarrant County, Texas.”

SECTION 10. SHERIFF. The sheriff of Tarrant County shall in person or by deputy attend the courts if required by the judge of a court.

SECTION 11. FEES. The judges of the courts created by this Act shall collect the same fees provided by law for county judges in similar cases. The judges shall pay the fees monthly into the county treasury.

SECTION 12. COMPENSATION. The judges of the courts created by this Act are entitled to receive the same compensation as provided by law and fixed by the commissioners court for the other judges of the county criminal courts of Tarrant County. The commissioners court shall pay the salary monthly out of the county treasury.

SECTION 13. PRIVATE PRACTICE. The judges may not engage in the practice of law while in office.

SECTION 14. REMOVAL OF JUDGE. The judge of a court created by this Act may be removed from office in the same manner and for the same causes that a county judge may be removed under the laws of this state.

SECTION 15. SHORTHAND REPORTER. For the purpose of preserving a record in all cases for the information of the court, jury, and parties, the judges of the county criminal courts created by this Act shall each appoint an official shorthand reporter, who must be well skilled in his profession. The reporter is a sworn officer of the court who holds his office at the pleasure of the court. The general law relating to stenographers for district courts applies to the official shorthand reporter. A reporter is entitled to the same fees and salary and shall perform the same duties and shall take the same oath as provided for the stenographers of district courts.

SECTION 16. TRANSFER OF CASES. The judge of a county criminal court in Tarrant County may transfer any case that is pending in his court to another county criminal court by an order entered in the minutes of his court. However, a case may not be transferred from one court to another court without the consent
of the judge of the court to which it is transferred, and a case may not be transferred unless it is within the jurisdiction of the court to which it is transferred. The judge of the court to which a transfer is made shall dispose of the case in the same manner as if the case were originally instituted in that court. In cases transferred to a county criminal court in Tarrant County, as provided in this Act, all process extant at the time of the transfer shall be returned to and filed in the court to which the transfer is made, and shall be as valid and binding as though originally issued out of the court to which the transfer is made.

SECTION 17. EXCHANGE OF BENCHES. The judges of the county criminal courts of Tarrant County may exchange benches and sit and hear cases in the court in which the case or proceeding is pending and may try or otherwise dispose of the case or proceeding.

SECTION 18. DATE OF CREATION. (a) The County Criminal Court No. 5 of Tarrant County is created on January 1, 1984, or on an earlier date determined by the commissioners court by an order entered on its minutes.

(b) The County Criminal Court No. 6 of Tarrant County is created on January 1, 1986, or on an earlier date determined by the commissioners court by an order entered on its minutes.

SECTION 19. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge as provided by Section 5(b) of this Act.

SECTION 20. INITIAL TRANSFER OF CASES. After a court is created under this Act, the judges of the county criminal courts of Tarrant County shall make a fair division of the cases pending on the dockets of those courts. At the judges' direction the clerk shall transfer cases to the court created by this Act.

SECTION 21. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 22. 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.

HB 2342, A bill to be entitled An Act relating to the composition, compensation, and powers of the Taylor County Juvenile Board, and to the juvenile court of Taylor County.

HB 2343, A bill to be entitled An Act relating to the appointment of directors of the Galveston County Water Authority, and declaring an emergency.

CSHB 2345, A bill to be entitled An Act relating to the election and terms of office of directors of the Comanche Hills Utility District.

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

SECTION 1. Section 6, Chapter 624, Acts of the 60th Legislature, 1967, is amended to read as follows:

Sec. 6. All powers of the district shall be exercised by a board of five (5) directors. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be elected or appointed and qualified. No person shall be appointed a director unless such person is twenty-one (21) years of age or over and a resident of the State of Texas. Such director shall not be required to reside within the boundaries of the district. Each director shall subscribe to the oath of office and shall give bond in the amount of Five Thousand Dollars ($5,000) for the faithful performance of his duties, the cost of which shall be paid by the district. A majority of directors shall constitute a quorum. Members of the board of directors of the district serve for four-year terms. A directors' election shall be held on the first Saturday in April in each even-numbered year to elect the appropriate number of directors. Except as provided by this section, a directors' election is held as provided
by the Texas Election Code. [Immediately after this Act becomes effective, the 
following named persons, all of whom are twenty-one (21) years of age or over and 
residents of the State of Texas, shall be the directors of the district and shall 
constitute the board of directors of the district: V. E. Russell, Roland Fuller, 
P. R. Cox, Harry Jenkins and Barney Sisson. If any of the aforementioned persons 
shall fail or refuse to serve, die, become incapacitated or otherwise not be qualified 
to assume the duties of a director of the district under this Act, the remaining 
directors shall appoint a successor or successors. Succeeding directors shall be 
elected or appointed as provided for in this Act. The first two of the above-named 
directors shall serve until the second Tuesday in January 1968, and the following three of the above-named directors shall serve until the second Tuesday in January 1969, or as herein provided. An election for directors 
shall be held on the second Tuesday in January of each year beginning in 1968; and 
two directors shall be elected in that year and in each even-numbered year thereafter, and three in each odd-numbered year thereafter. The election (annual elections) shall be ordered by the board of directors. Any vacancy occurring in the 
board of directors shall be filled for the unexpired term by a majority of the 
remaining directors. The board of directors shall elect from its number a president, 
a vice-president and a secretary of the board of directors and of the district, and such 
other officers as in the judgment of the board are necessary. The president shall be 
the chief executive officer of the district and the presiding officer of the board, and 
shall have the same right to vote as any other director. The vice-president shall 
perform all duties and exercise all power conferred by this Act or the general law 
upon the president when the president is absent or fails or declines to act. The 
secretary shall keep and sign the minutes of the meetings of the board of directors; 
and in his absence at any board meeting, a secretary pro tem shall be named for that 
meeting who may exercise all the duties and powers of the secretary for such 
meeting, sign the minutes thereof, and attest all orders passed or other action taken 
at such meeting. The secretary shall be the custodian of all minutes and records of 
the district. The board shall appoint all necessary engineers, attorneys, auditors and 
other employees. The board shall adopt a seal for the district. 

SECTION 2. (a) The directors elected at the directors' election in April, 1984, 
shall serve for four-year terms. 
(b) The directors' election scheduled before the effective date of this Act to 
be held in 1985 must be held on the first Saturday in April, 1985, and directors 
elected at that election shall serve until the directors are elected in April, 1986. An 
election shall be held on the first Saturday in April, 1986, to elect directors, and the 
directors who are elected at that election shall serve for four-year terms. 

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

HB 2346, A bill to be entitled An Act relating to the election and terms of 
ofice of directors of the Bell County Water Control and Improvement District No.
3.

HB 2347, A bill to be entitled An Act relating to the election and terms of 
ofice of directors of the Bell County Water Control and Improvement District No.
1.

HB 2359, A bill to be entitled An Act relating to the election and terms of 
ofice of directors of the Bell County Water Control and Improvement District No.
6.
CSHB 2369, A bill to be entitled An Act relating to establishment of a juvenile board in Lamb County.

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

SECTION 1. ESTABLISHMENT. There is established a juvenile board in Lamb County. The official name of the board is the Lamb County Juvenile Board.

SECTION 2. COMPOSITION. The juvenile board consists of the judges of the county and district courts having jurisdiction in Lamb County, and the judge of any statutory court in the county designated as the juvenile court. The juvenile court judge may appoint three citizen members to serve on the board without compensation for a period determined by the juvenile court judge. At the beginning of each year the juvenile board shall elect one of its members as chairman.

SECTION 3. MEETINGS. The juvenile board shall hold regular quarterly meetings each year on dates set by the board and shall hold special meetings at the call of the chairman.

SECTION 4. COMPENSATION. In addition to the reimbursement prescribed by Section 9 of this Act, the judges on the juvenile board may receive an annual salary in an amount determined by the commissioners court payable in equal monthly installments out of the general fund or any other available fund of the county. The compensation authorized by this section is in addition to all other compensation provided or allowed by law for a judge.

SECTION 5. FISCAL OFFICER. The juvenile board shall designate a person as the board's fiscal officer. The fiscal officer shall deposit state aid received from the Texas Juvenile Probation Commission under Chapter 75, Human Resources Code, into a special fund to be used solely for juvenile probation services.

SECTION 6. POWERS. The juvenile board has all the powers conferred on juvenile boards created under Article 5139, Revised Statutes, or by other law.

SECTION 7. DUTIES. In addition to the duties imposed by general law, the juvenile board shall:

1. establish a juvenile probation department and employ personnel, including a chief probation officer and assistant officers if more than one officer is required, who meet the standards set by the Texas Juvenile Probation Commission to conduct probation services;
2. designate one or more courts as a juvenile court and appoint referees as prescribed by Sections 51.04 and 54.10, Family Code;
3. inspect the juvenile detention facilities of the county on at least an annual basis and certify in writing to the authorities responsible for operating and providing financial support to the facilities that the facilities are suitable or unsuitable for the detention of children as prescribed by Section 51.12, Family Code; and
4. report annually to the commissioners court on the suitability of the quarters and facilities of the juvenile court and make recommendations for improvements; and
5. operate or supervise juvenile services at the county level and make recommendations as to the need for and purchase of services.

SECTION 8. PERSONNEL. (a) The chief juvenile probation officer may appoint necessary personnel with the approval of the board.
(b) The board shall determine the salaries and allowances of juvenile probation personnel.
(c) Juvenile probation officers serve at the pleasure of the appointing authority.
(d) The commissioners court shall pay from the general fund of the county the salaries and other expenses certified as necessary by the chairman of the juvenile board.

SECTION 9. EXPENSES. The commissioners court shall reimburse a member for the member's reasonable and necessary job-related expenses.
Reimbursable expenses include travel, lodging, training, and educational activities. All expenses are paid from the general fund or any other available fund of Lamb County.

SECTION 10. 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 2377, A bill to be entitled An Act relating to the establishment of a juvenile board in the 118th Judicial District.

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 221 (Presnal - House Sponsor), A bill to be entitled An Act relating to the fee charged for an ad valorem tax certificate; amending Subsection (a), Section 31.08, Tax Code.

SB 392 (Wright - House Sponsor), A bill to be entitled An Act relating to an exemption of certain property from charges for services and support and maintenance of residents of residential care facilities operated by the Texas Department of Mental Health and Mental Retardation; amending Subsection (g), Section 61, Chapter 294, Acts of the 65th Legislature, Regular Session, 1977 (Article 5547-300 et seq., Vernon's Texas Civil Statutes). (Green - no)

SB 393 (Wright - House Sponsor), A bill to be entitled An Act relating to representation of the state in filing claims in court for support, maintenance, and treatment of patients in certain state hospitals or residential care facilities and procedure therefor; amending Sections 3, 4, and 5, Chapter 152, Acts of the 45th Legislature, Regular Session, 1937 (Article 3196a, Vernon's Texas Civil Statutes).

SB 394 (Wright - House Sponsor), A bill to be entitled An Act relating to the establishment and allocation of charges for support, maintenance, and treatment of patients of state mental hospitals and residential care facilities operated by the Texas Department of Mental Health and Mental Retardation and the utilization of court-ordered child support payments toward payment of charges; amending Sections 1 and 2, Chapter 152, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 3196a, Vernon's Texas Civil Statutes), and Subsections (a) and (f), Section 61, Chapter 294, Acts of the 65th Legislature, Regular Session, 1977 (Article 5547-300 et seq., Vernon's Texas Civil Statutes).

SB 420 (Jackson - House Sponsor), A bill to be entitled An Act relating to state regulation of corporations; requiring filing of certain notices and statements with the Secretary of State and placing certain duties on the Secretary of State; increasing certain fees; amending the Texas Business Corporation Act, as amended, by amending Section D, Article 2.10; Sections A and B, Article 2.10-1; Section D, Article 8.09; and Section A, Article 10.01.

SB 438 (Coody - House Sponsor), A bill to be entitled An Act relating to the authority of a state bank to invest in another bank or a bank holding company; amending Article 12, Chapter V, Texas Banking Code of 1943 (Article 342-512, Vernon's Texas Civil Statutes).
SB 501 (Madla - House Sponsor), A bill to be entitled An Act making an appropriation to the Texas Optometry Board to pay the per diem and travel expenses of board members and staff.

(Toomey, Eckels, and Stiles - no)

SB 510 (B. Gibson - House Sponsor), A bill to be entitled An Act relating to the requirement of an annual report by the secretary of state concerning the reporting of contributions and expenditures of political funds and activities in carrying out his duties; amending Subsection (G), Section 249, Texas Election Code (Article 14.13, Vernon's Texas Election Code), by adding Subdivision (5).

SB 517 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the board of regents of Texas Tech University and the Texas Tech University Health Sciences Center to accept donations, grants, endowments, and gifts and manage certain real property; providing for use of funds; amending Sections 109.48 and 110.11, Texas Education Code, as added by Sections 1 and 2, Chapter 471, Acts of the 64th Legislature, Regular Session, 1975; adding Section 109.52 to Subchapter C and Section 109.80 to Subchapter D of Chapter 109, Texas Education Code.

SB 558 (Patterson - House Sponsor), A bill to be entitled An Act relating to the acquisition, administration, and sale of materials and equipment by a soil and water conservation district and to certain powers and duties of the soil and water conservation districts; amending Section 201.105, Agriculture Code.

SB 612 (Wright - House Sponsor), A bill to be entitled An Act relating to the administration, powers, duties, and funding of higher education agencies and to the authority of the governing body of home-rule cities to allow a nonprofit corporation to act on its behalf in certain acquisitions or construction, and to the powers, duties, and procedures of such nonprofit corporations; amending Sections 53.14, 53.33, 53.34, 53.35, and 53.47; and Section 53.02 by amending Subdivision (5) and adding Subdivision (11); Subchapter B, Chapter 53, by adding Section 53.131; and Subchapter C, Chapter 53, by adding Section 53.331, Texas Education Code, as amended.

Representative Wright offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 612 in SECTION 9(c) of the bill, on page 8, line 5, by striking the word "shall" and adding the following language: "shall may".

Committee Amendment No. 1 was adopted without objection.

SB 619 (G. Hill - House Sponsor), A bill to be entitled An Act relating to the taxable business of a telegraph company; amending Subdivision (2), Section 182.001, Tax Code.

(Green - no)


(Green - no)

Representative Wright offered the following committee amendment to the bill:
COMMITTEE AMENDMENT NO. 1

Amend SB 623, Section 15, Chapter 340 (Article 912a15, V.T.C.S.) on page 7, line 11, by adding the following language after the words “September 1, 1975,”: “and until September 1, 1983.”

Committee Amendment No. 1 was adopted without objection.

SB 655 (Laney - House Sponsor). A bill to be entitled An Act relating to administration of, contributions to, and service and benefits under, the fire fighters’ relief and retirement fund; amending Subsection (c), Section 2; Subsection (b), Section 3; Subsections (b), (c), and (d), Section 4; Subsections (a) and (c), Section 5; Subsection (h), Section 11; Subsection (d), Section 20; and adding Section 11A, Chapter 269, Acts of the 65th Legislature, Regular Session, 1977 (Article 6243e.3, Vernon’s Texas Civil Statutes).

(S. Thompson, Fox, C. Smith, Schlueter, and Khoury - no)

SB 697 (Price - House Sponsor). A bill to be entitled An Act relating to the coordinating board approval of certain construction, repair, or rehabilitation projects at institutions of higher education; amending Section 61.058, Texas Education Code, as amended.

CSSB 737 (Schlueter - House Sponsor), A bill to be entitled An Act relating to the method by which the comptroller determines a tax liability.

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

SECTION 1. Subsection (a), Section 111.0042, Tax Code, is repealed.

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 - no)

SB 749 (Armbrister - House Sponsor). A bill to be entitled An Act relating to weight limitations for certain vehicles; authorizing the State Department of Highways and Public Transportation to make a contract as provided in Section 5-2/3 of this article; amending Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon’s Texas Civil Statutes), by adding Section 5-2/3 and amending Subdivision 6 of Section 6.

SB 761 (Laney - House Sponsor). A bill to be entitled An Act relating to conforming the Agriculture Code, Texas Education Code, Family Code, Human Resources Code, Natural Resources Code, Parks and Wildlife Code, Tax Code, Water Code, and related statutes to the laws from which those codes are derived, to laws enacted after the date of enactment of all or parts of those codes and laws, and to judicial opinion.

(Green - no)

Representative Horn offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 761 as follows:

1. On page 16, between lines 14 and 15, add Sections 8 and 9 to Article 1 of the bill to read as follows:

SECTION 8. Section 101.006(c), Agriculture Code, is amended to conform that section to the statute from which it is derived, to read as follows:
(c) A person who applies for a license as a commission merchant or retailer [dealer] under both this chapter and Chapter 102 of this code is entitled to pay a single license fee of $25. The person’s license shall reflect that the person is licensed to handle both citrus fruit and vegetables.

SECTION 9. Section 102.006(c), Agriculture Code, is amended to conform that section to the statute from which it is derived, to read as follows:

(c) A person who applies for a license as a commission merchant or retailer under both this chapter and Chapter 101 of this code is entitled to pay a single license fee of $25. The person’s license shall reflect that the person is licensed to handle both citrus fruit and vegetables.

(2) On page 33, between lines 19 and 20, insert the following:

(3) The department may contract with a political subdivision or a person for transporting persons to a facility.

(4) On page 58, line 24, strike “this Act” and substitute “this chapter”.

(4) On page 69, strike lines 10 through 17, and substitute the following:

SECTION 2. (a) Section 171.074, Tax Code, is amended to conform that section to Section 13, Chapter 792, Acts of the 67th Legislature, Regular Session, 1981, to read as follows:

Sec. 171.074. EXEMPTION—DEVELOPMENT CORPORATION. A nonprofit [development] corporation organized [incorporated] under the Development Corporation Act of 1979 (Article 5190.6, Vernon’s Texas Civil Statutes) is exempted from the franchise tax.

(5) On page 71, strike lines 19-26; on page 72, strike lines 1-7; and substitute the following:

SECTION 4. Section 151.314, Tax Code, is amended to conform that section to the statute from which it is derived, to read as follows:

Sec. 151.314. FOOD AND FOOD PRODUCTS [MEALS]. (a) Food products for human consumption are [is] exempted from the taxes imposed by this chapter [if:

(1) It is not served, prepared, or sold by or in a restaurant, drugstore, lunch counter, cafeteria, hotel, or like place of business or from a motor vehicle, pushcart, or other vehicle; and

(2) “Food products” shall include, except as otherwise provided herein, but shall not be limited to, cereals and cereal products, milk and milk products, including ice cream; oleomargarine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices, condiments and salt; sugar and sugar products; coffee and coffee substitutes; tea, cocoa products; or any combination of the above. [Carbonated and noncarbonated packaged soft drinks, diluted fruit juices sold in liquid or frozen form; ice and candy are not exempted by Subsection (a) of this section.]

(c) “Food products” shall not include:

(1) Medicines, tonics, vitamins, and medicinal preparations in any form.

(2) Carbonated and noncarbonated packaged soft drinks and diluted juices where sold in liquid or frozen form; and ice and candy.

(3) Foods and drinks which include meals, milk and milk products, fruit and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared, or sold ready for immediate consumption in or by restaurants, drug stores, lunch counters, cafeterias, hotels, or like places of business, or sold ready for immediate consumption from pushcarts, motor vehicles, or any other form of vehicle. [In this section, “food” includes cereal- and cereal products, milk and milk products, ice cream,
ulcon1a1ga1it1c, 111cat a11d 111cat p1odacts, poulhy and poult1y p1oducts, fish a11d fish p1oducts, eggs and egg p1oducts, vegetable p1oducts, fruit and fruit products, spices, condiments and salt, sugar and sugar products, coffee and coffee substitut1es, tea, cocoa products, and combinations of the listed items. *Food* does not include alcoholic beverages, medicines, tonics, vitamins, or medicinal preparations in any form.

(d) Food and drink purchased by a common carrier for the purpose of serving passengers traveling en route aboard the carrier are exempted from the taxes imposed by this chapter.

(e) Food products, meals, soft drinks, and candy for human consumption are exempted from the taxes imposed by this chapter if:

1. served by a public or private school, school district, student organization, or parent-teacher association under an agreement with the proper school authorities in an elementary or secondary school during the regular school day or by a parent-teacher association during a fund-raising sale the proceeds of which do not benefit an individual;
2. sold by a church or at a function of a church;
3. served to a patient or inmate of a hospital or other institution licensed by the state for the care of humans.

(f) Food products, candy, carbonated beverages, and diluted juices are exempted from the taxes imposed by this chapter if sold at an exempt sale qualifying under this subsection or if stored or used by the purchaser of the item at the exempt sale. A sale is exempted under this subsection if:

1. the sale is made by a person under 18 years old who is a member of a nonprofit organization devoted to the exclusive purpose of education or religious or physical training or by a group associated with a public or private elementary or secondary school;
2. the sale is made as a part of a fund-raising drive sponsored by the organization or group, and
3. all net proceeds from the sale go to the organization or group for its exclusive use.

(6) On page 74, line 9, insert "or" after "Section 59,.",

Committee Amendment No. 1 was adopted without objection.

SB 817 (Madia - House Sponsor), A bill to be entitled An Act making a supplemental appropriation to the Texas Board of Physical Therapy Examiners for necessary operating expenses.

(Green, Fox, C. Smith, Schlueter, Khoury, Toomey, Eckels, and Stiles - no)

SB 861 (Polk - House Sponsor), A bill to be entitled An Act relating to the responsibility of the Department of Human Resources to provide protective services to elderly and disabled persons; amending Chapter 48, Human Resources Code.

SB 897 (Turner - House Sponsor), A bill to be entitled An Act relating to the authority of the comptroller to charge bingo licensees an audit or investigation fee; amending Subsection (b), Section 27, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes).

SB 1050 (Madia - House Sponsor), A bill to be entitled An Act making an appropriation to the Texas State Board of Examiners of Psychologists for certain operating expenses.

(Toomey, Eckels, and Stiles - no)

CSHB 1141, A bill to be entitled An Act relating to the holding of joint elections by certain political subdivisions on the first Saturday in April.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION I. Chapter Two, Texas Election Code, is amended by adding Section 9d to read as follows:

9d. JOINT ELECTIONS OF CERTAIN POLITICAL SUBDIVISIONS IN CERTAIN COUNTIES. (a) Political subdivisions with any territory in a county containing a city with a council-manager form of government, which city has a population of 900,000 or more, that hold the general election for their officers on the first Saturday in April in all or part of the same territory within the county shall hold their elections jointly in the election precincts that can be served by common polling places located within the county. Except as otherwise provided by this section, each joint election shall be held in accordance with Section 9c of this code (Article 2.01c, Vernon's Texas Election Code). Two or more political subdivisions required to hold joint elections under this section that are also holding the elections in all or part of the same territory outside the county may hold joint elections in that territory as provided by Section 9c.

(b) Each joint election shall be conducted by the county elections administrator or by the county clerk if the office of administrator does not exist unless the governing bodies of the political subdivisions participating in the election agree unanimously, not later than the 90th day before election day, to appoint an official of one of the subdivisions to conduct the election.

(c) One set of election officers shall conduct the election. The returns shall be made to and the canvass made by the appropriate authority of each participating political subdivision.

(d) The costs of the election shall be allocated among the participating political subdivisions on a percentage basis according to the number of voters who voted in the election of each participating subdivision.

(e) If the county elections administrator or county clerk conducts the election, the decisions regarding the conduct of the election required to be made under Section 9c of this code (Article 2.01c, Vernon's Texas Election Code) shall be made by that officer. If another official conducts the election, those decisions shall be made by agreement as provided by Section 9c.

SECTION 2. Section 130.082(i), Texas Education Code, is amended to read as follows:

(i) The election of trustees [governing-board] of a countywide junior or community college district that contains a city with a population of more than 800,000 residents shall be held on the first Saturday in April of each even-numbered year [may set the date for an election held under the provisions of this section on any day in April by a resolution adopted not less than 90 days before the date selected; provided, however, that such election may not be held on the same date as the election of the governing board of any independent school district in such county unless the election date of all independent school districts in such county is on such date. The elections in each trustee district may be conducted jointly with the elections held in April in a city or school district in the trustee district]. When a runoff election is necessary, the board may order the election for a date to coincide with the date of the runoff election for city officials, if the city is holding a runoff election; otherwise, the board shall set the date of the runoff election for not later than three weeks following the regular election. [When members of the board and municipal officers are to be elected on the same day, the governing bodies of the district and the city shall enter into an agreement governing the conduct of the joint election in accordance with the provisions of Article 978b, Revised Civil Statutes of Texas, 1923, as amended.]

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.

SB 1221 (G. Hill - House Sponsor), A bill to be entitled An Act relating to certain state purchase vouchers and invoices and to certain powers and duties of the State Purchasing and General Services Commission and of the comptroller; amending the State Purchasing and General Services Act, as amended (Article 601b, Vernon's Texas Civil Statutes), by amending Section 3.16 and Subsection (a) of Section 3.08 and by adding Subsections (c), (d), and (e) to Section 3.15.

SB 1227 (Armbrister - House Sponsor), A bill to be entitled An Act relating to the exclusion of serial and journal subscriptions for certain libraries from the requirements of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes); amending Subsection (a), Section 3.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

HB 450, A bill to be entitled An Act relating to the disposition of money, securities, negotiable instruments, stocks, or bonds forfeited to an agency of the state or an agency or office of a political subdivision of the state under the Texas Controlled Substances Act.

Representative Burnett offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 450 as follows:

(1) On page 1, line 18, strike "or office" and substitute "of the state".

(2) On page 1, line 21, after the period, insert the following: "The director of an agency or office of a political subdivision that has received funds under this section shall comply with the request of the governing body of the political subdivision to deposit not more than 10 percent of the amount credited to the fund into the treasury of the subdivision. The governing body of the subdivision shall use the funds received for the prevention of drug abuse and for treatment of persons with drug-related problems."

Committee Amendment No. 1 was adopted without objection.

HB 774, A bill to be entitled An Act relating to legislative approval for national guard armory construction and renovation projects.

HB 848 was withdrawn by the chair.

CSHB 862, A bill to be entitled An Act relating to materials on a motor vehicle that obstruct the driver's view of the road.

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

SECTION 1. Article XIV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 134D to read as follows:

Sec. 134D. WINDSHIELDS MUST BE [UNOBSTRUCTED—AND] EQUIPPED WITH WIPERS. (a) [No person shall drive a motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway.

(bb) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(b) [etc] Every windshield wiper upon a motor vehicle shall be maintained in good working order.
Sec. 134C. WINDSHIELD AND WINDOWS MUST BE UNOBSTRUCTED. (a) In this Section:

(1) "Glass coating material" means a material that is designed to be used in conjunction with safety glazing materials meeting standards adopted by the Department for reducing the effects of the sun.

(2) "Light transmission" means the ratio of the amount of total light to pass through a product or material, including any glazing material, to the amount of total light falling on the product or material and the glazing.

(3) "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a product or material to the amount of total light falling on the product or material.

(4) "Manufacturer" means a person who:

(A) engages in the manufacture or assembly of a glass coating material; or

(B) fabricates, laminates, or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(b) Except as provided by Subsection (d) of this Section, a person may not operate a motor vehicle with any object or material placed on or affixed to the windshield or to a side or rear window of the vehicle so as to obstruct or reduce the driver's clear view through the windshield or side or rear window.

(c) Except as provided by Subsection (d) of this Section, a person may not place on or affix to the windshield or to a side or rear window of a motor vehicle any transparent material if the material alters the color or reduces the light transmission of the windshield or side or rear window.

(d) This Section does not apply to:

(1) a front side wing vent or window that has a glass coating material, in conjunction with safety glazing material, that has a light transmission of thirty-five (35) percent plus or minus three (3) percent and a luminous reflectance of thirty-five (35) percent plus or minus three (3) percent;

(2) a side window to the rear of the driver, or a rear window, that has a glass coating material, in conjunction with safety glazing material, that has a luminous reflectance of thirty-five (35) percent plus or minus three (3) percent and a light transmission of thirty-five (35) percent plus or minus three (3) percent;

(3) a rear window if the motor vehicle is equipped with outside mirrors on both the left and right sides of the vehicle that are located so as to reflect to the driver a view of the highway through each mirror a distance of at least two hundred (200) feet to the rear of the vehicle;

(4) a rearview mirror;

(5) an adjustable nontransparent sun visor mounted forward of the side windows and not attached to the glass;

(6) a direction, destination, or termination sign on a passenger common carrier motor vehicle, if the sign does not interfere with the driver's clear view of approaching traffic;

(7) a rear window wiper motor; and

(8) a rear trunk lid handle or hinge.

(e) A manufacturer shall certify to the Department of Public Safety that the material he manufactures or assembles complies with the luminous reflectance and light transmission specifications excepted in Subsection (d) of this Section.

(f) The Department by rule may require that a glass coating material have a label, containing information that the Department requires, that is permanently installed between the material and the surface to which the material is applied or affixed and is legible.

(g) On application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of that fact from
a licensed physician, the Department of Public Safety may issue an exemption from
the requirements of this Section for a motor vehicle belonging to the person or in
which the person is an habitual passenger.

(b) This Section does not apply to the use or placement on any window of
a federal, state, or local certificate required by law.

SECTION 2. The importance of this legislation and the crowded condition
of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days
in each house be suspended, and this rule is hereby suspended.

(Green - no)

HB 1006, A bill to be entitled An Act relating to election contests for the offices
of state senator and state representative.

CSHB 1017 was withdrawn by the chair.

HB 1101, A bill to be entitled An Act relating to the qualification for a direct
payment permit under the Limited Sales, Excise, and Use Tax Act.

HB 1245, A bill to be entitled An Act relating to the purchase by The Texas
A&M University System of certain land in Harrison County for use by the Texas
Forest Service.

HB 1301, A bill to be entitled An Act relating to the membership of the Texas
Board of Private Investigators and Private Security Agencies.

CSHB 1304, A bill to be entitled An Act relating to the authority of certain
cities concerning port and harbor improvements and facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Sections 1-11, Chapter 341, Acts of the 57th Legislature,
Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes), are amended
to read as follows:

Sec. 1. This Act shall apply to every incorporated city or town (including
Home Rule Cities) located on the coast of the Gulf of Mexico, or any channel, canal,
bay or inlet connected therewith, having a population of more than five thousand
(5,000) inhabitants according to the Federal Census last preceding the taking of any
action by such city under the provisions of this Act. Every such city or town owning
and operating port facilities (referred to hereinafter as "city") is hereby empowered
and authorized to build, construct, purchase, acquire, lease as lessee, improve,
enlarge, extend, repair, maintain, replace, develop, operate, lease, or cause to be
built, constructed, purchased, acquired, leased, improved, enlarged, extended,
repaired, maintained, replaced, developed, or operated, any and all improvements
and facilities [which the governing body deems to be] necessary or
convenient for the proper operation of the ports or harbors of such city. These
powers are public and governmental functions, exercised for a public purpose, and
matters of public necessity. Without in any way limiting the generalization of the
foregoing, it is expressly provided that such improvements and facilities mentioned
above shall include lands, interests in lands, properties, wharves, piers, docks,
roadways, belt railways, warehouses, grain elevators, transport facilities, handling
facilities, storage facilities, ship repair facilities, dumping facilities, bunkering
facilities, floating plants and facilities, lightering facilities, towing facilities, any other
facilities which a navigation district is or may be authorized to provide by general
law or specific act, any and all equipment and supplies, and all other structures,
buildings, and facilities [which the governing body deems to be] necessary or
convenient for the proper operation of the ports or harbors of such city. The
improvements and facilities mentioned in this Section 1 are hereinafter referred to
as the "improvements and facilities." The [Any city may construct] improvements
and facilities may be constructed on land acquired by purchase, lease, or otherwise and [may convey] such land, or interest therein, or such improvements and facilities may be conveyed by lease [as lessor], sublease [as sublessee] or sale by installment or otherwise upon the terms and conditions as [the city] may be determined [determine] to be advantageous.

Sec. 2. For the purpose of providing funds for any of the improvements and facilities provided in Section 1 hereof, the governing body of the city shall have the power and authority to issue from time to time bonds or other obligations payable from taxes or revenues [tax bonds or revenue bonds of said city, either or both; provided, however, that no bonds or other obligations payable from ad valorem taxes, except for refunding [bonds], shall be issued unless and until they have been authorized at an election at which a majority of the persons qualified to vote and voting at said election have voted in favor thereof; said election to be called and held under the provisions of and in accordance with Chapter 1 of Title 22, Revised Civil Statutes of Texas, 1925, as the same is now or may hereafter be amended. Notwithstanding the provisions or restrictions of any general or special law or charter to the contrary, no election shall be required to authorize the issuance under this Act of bonds or other obligations payable solely from revenues if such bonds or other obligations do not constitute a debt of the city or a pledge of its faith and credit and if the owner or holder of any such bond or other obligation shall never have the right to demand payment out of any funds raised or to be raised by taxation.

Sec. 3. (a) While any revenue bonds or other obligations issued under the provisions of this Act or any interest thereon remain outstanding and unpaid, the management and control of such improvements and facilities (and the physical properties comprising the same) and of the income and revenue from them, including the authority to fix charges, prepare budgets, and authorize expenditures, by the terms of the ordinance authorizing the issuance of such bonds or other obligations may be placed in the hands of the governing body of the city or may be placed in the hands of a board of trustees to be named in such ordinance, consisting of not more than seven (7) members, one (1) of whom shall be a member of the governing body of such city; provided, if the city is operating under a Home Rule Charter and said Charter contains provisions requiring that the improvements and facilities be managed or controlled by a board of trustees, then the provisions of such Charter shall be followed. The compensation of the members of the board of trustees, the terms of office of such members, their powers and duties, the manner of exercising the same, the election or appointment of their successors, and all matters pertaining to their organization and duties shall be specified in said ordinance or Charter, as mentioned above and the Charter contains provisions relating to any of the foregoing matters mentioned in this sentence, it is expressly provided that the provisions of such ordinance relating to such matters shall be in accordance with and governed by the Charter provisions. In all matters where such ordinance or Charter are silent, the laws and rules governing the governing body of the city shall govern said board of trustees so far as applicable.

(b) If the management and control of the improvements and facilities is placed in the hands of a board of trustees by ordinance or Charter under Subsection (a) of this section, the board of trustees constitutes a body politic and corporate and shall have and exercise, in addition to the powers enumerated in the ordinance or Charter, the following powers and authority:

(1) to exercise full management, control, maintenance, and operation of the improvements and facilities constituting the ports and harbors of the city;

(2) to employ a general manager and other officers, employees, and representatives as the board may consider appropriate and to fix their duties and compensation.
(3) to prepare and adopt budgets, fix charges for services and facilities, authorize expenditures, and manage and control the income and revenue of the city's ports and harbors;

(4) to determine policies and establish rules and procedures for the operation of the ports and harbors of the city;

(5) to acquire property and interest in property for the purposes set forth in Section 1 of this Act in the manner provided by this Act and to construct improvements and facilities on the property;

(6) to contract in its own name, but not in the name of the city. Except as otherwise provided by this Act, all such contracts involving the expenditure of more than $5,000 shall be awarded only pursuant to competitive bids. However, competitive bids are not required for contracts for personal or professional services, real estate transactions, operation of port facilities or improvements under specific agreements for a limited term, or insurance, or if the board of trustees determines that the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of port operations;

(7) to issue in the name of the board, with the consent of the governing body of the city, revenue bonds or other obligations payable from revenues in the manner set out in this Act for the purpose of providing funds for any of the improvements and facilities provided by Section 1 of this Act or to refund any previously issued bonds or other obligations;

(8) to issue in the name of the board, with the consent of the governing body of the city, current expense warrants drawn against all or any part of the current revenues of the board to pay current expenses during the current fiscal year of the board or any part of the current fiscal year. However, in no event shall the aggregate amount of the warrants that are outstanding at any time during any fiscal year exceed 50 percent of the revenues budgeted for that fiscal year after subtracting from the budgeted revenues all principal and interest on bonds or obligations other than current expense warrants to be paid from the revenues during the fiscal year;

(9) to evidence contractual obligations to pay money by issuing in the name of the board, with the consent of the governing body of the city, certificates of participation in the contractual obligations;

(10) to sue and be sued in its own name;

(11) to adopt, use, and alter a corporate seal; and

(12) to establish a port security force and to commission one or more employees of the force as peace officers if they are certified as qualified to be peace officers by the Commission on Law Enforcement Officer Standards and Education, which peace officers commissioned under this Act are vested with all the rights, privileges, obligations, and duties of any other peace officer in this state while they are on the property under the control of the board of trustees, or in the actual cause and scope of their employment.

Sec. 4 (3). (g) Revenue bonds and other obligations issued under this Act and payable from revenues may be paid from and secured solely by a pledge of the net revenues derived or to be derived from the operation of all or any designated part or parts of the improvements and facilities then in existence or to be improved, constructed, or otherwise acquired, with the duty of the issuer [city] to charge and collect fees, tolls, and charges, so long as such [any of the revenue] bonds or other obligations or interest thereon are outstanding and unpaid, sufficient to pay all maintenance and operation expenses of the improvements and facilities (the net revenues of which are pledged), the interest on such bonds or other obligations as it accrues, the principal of such bonds or other obligations as it matures, and to make any and all other payments as may be prescribed in the bond ordinance or resolution and other proceedings authorizing and relating to the issuance of such bonds or other obligations. [If a city ordinance]
ordinance or resolution and other proceedings may also prohibit the further covenants with respect to the bonds or obligations and the pledged revenues and sinking fund, reserve fund or funds, and any other funds provided for therein, and facilities at the termination of said lease and provisions relating to management and operation of the improvements and facilities by the lessee thereof) as the city or the board may determine to be advantageous to the city. The terms of said lease or contract of sale may provide that the lessee or purchaser of the improvements and facilities is contractually unconditionally obligated to make payments to the city in amounts adequate to timely pay principal, interest, and premium on the revenue bonds or other obligations of the city issued to finance the construction or acquisition of said facilities and improvements. In connection with the issuance of such revenue bonds or other obligations payable from revenues, the city or the board may lease as lessor, sublease as sublessor or sell to any person, firm, corporation, partnership, political subdivision of the State of Texas, or agency of the United States of America, all or any part of such improvements and facilities to be constructed or acquired with the proceeds of such revenue bonds or other obligations, said lease, sublease, sale or contract of sale to contain such terms and provisions (including in the case of a lease, but not by way of limitation, provisions to sell the improvements and facilities at the termination of said lease and provisions relating to management and operation of the improvements and facilities by the lessee thereof) as the city or the board may determine to be advantageous to the city. The terms of said lease or contract of sale may provide that the lessee or purchaser of the improvements and facilities is contractually unconditionally obligated to make payments to the city for use or purchase of the facilities or improvements in amounts adequate to timely pay principal, interest, and premium on the revenue bonds or other obligations of the city issued to finance the construction or acquisition of said facilities and improvements. Revenue bonds issued hereunder may be sold at public or private sale, notwithstanding the provisions or restrictions of any general or special law or Charter to the contrary.

(b) [Sec. 3–7] Revenue [Notwithstanding anything to the contrary in Section 3 or 7; revenue] bonds or other obligations payable from revenues may be issued secured solely by a pledge of all or any part of the revenue from any leases, subleases, sales or contracts of sale entered into by the city or the board with respect to the improvements and facilities to be financed with such revenue bonds or other obligations or [and such revenue bonds] may be additionally secured by a trust indenture and by a mortgage or deed of trust lien or security interest upon such improvements and facilities. In connection with the issuance of such revenue bonds or other obligations payable from revenues, the city or the board may lease as lessor, sublease as sublessor or sell to any person, firm, corporation, partnership, political subdivision of the State of Texas, or agency of the United States of America, all or any part of any improvements and facilities to be constructed or acquired with the proceeds of such revenue bonds or other obligations, said lease, sublease, sale or contract of sale to contain such terms and provisions (including in the case of a lease, but not by way of limitation, provisions to sell the improvements and facilities at the termination of said lease and provisions relating to management and operation of the improvements and facilities by the lessee thereof) as the city or the board may determine to be advantageous to the city. The terms of said lease or contract of sale may provide that the lessee or purchaser of the improvements and facilities is contractually unconditionally obligated to make payments to the city for use or purchase of the facilities or improvements in amounts adequate to timely pay principal, interest, and premium on the revenue bonds or other obligations of the city issued to finance the construction or acquisition of said facilities and improvements. Revenue bonds issued hereunder may be sold at public or private sale, notwithstanding the provisions or restrictions of any general or special law or Charter to the contrary.

Sec. 5 [4]. The ordinance of the governing body or the resolution of the board authorizing the issuance of bonds or other obligations payable from revenues [in the ordinance adopted by the governing body authorizing the issuance of any revenue bonds and in the proceedings relating thereto, the governing body] may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, reserve fund or funds, and any other funds provided for therein, and may provide where such funds shall be deposited, and may make such additional covenants with respect to the bonds or obligations and the pledged revenues and the operation, maintenance, and upkeep of those improvements and facilities (the net revenues of which are pledged), including provision for the leasing of all or any part or parts of said improvements and facilities and the use or pledge of moneys derived from leases thereof, as may be considered appropriate. Said ordinance or resolution and other proceedings may also prohibit the further
issuance of bonds or other obligations payable from the pledged revenues, or may reserve the right to issue additional bonds or obligations to be secured by a pledge of and payable from said net revenues on a parity with, or subordinate to, the lien and pledge in support of the bonds or obligations being issued, subject to such conditions as are set forth in said ordinance or resolution or other proceedings. Said ordinance or resolution and other proceedings may provide for an annual payment to the general fund of the city of such an amount as may be specified in said ordinance, resolution, or proceedings or as may be specified in the Home Rule Charter of the city if it is operating under such a Charter, said annual payment to be made from revenues received from the operation of the improvements and facilities (the net revenues of which are pledged to the payment of the bonds). Said ordinance or resolution and other proceedings may also provide that surplus net revenues received from the operation of the improvements and facilities (the net revenues of which are pledged) may be used for the payment of interest on and principal of any tax bonds or obligations issued by the city under this Act. Such ordinance or resolution and other proceedings may contain such other provisions and covenants as the governing body shall determine not prohibited by the Constitution of the State of Texas or by this Act (provided, however, that if the city is operating under a Home Rule Charter and said Charter contains provisions relating to the improvements and facilities, such ordinance or resolution and other proceedings shall be in keeping with such Charter provisions if such Charter provisions are not inconsistent with the provisions of this Act); and the governing body may adopt and cause to be executed any other proceedings or instruments necessary or convenient in the issuance of said revenue bonds.

Sec. 6 [5]. (a) Obligations payable from taxes and [All bonds of the city (tax bonds and revenue bonds)] issued pursuant to the provisions of this Act shall be authorized by ordinance of the governing body of the city, shall be issued in the name of the city, shall be signed by the mayor (or presiding officer) of the city and countersigned by the city secretary (or city clerk), and shall have the seal of the city impressed thereon; provided, that the obligations [authorizing the issuance of such bonds] may provide for the obligations [bonds] to be issued by the facsimile signatures of said officers, either or both, and for the seal of the city on the obligations [bonds] to be a printed facsimile seal; and provided further that any [the] interest coupons attached to said obligations [bonds] may also be executed by the facsimile signatures of said officers. Said obligations [bonds] shall mature serially or otherwise in not to exceed forty (40) years from their date or dates, and shall be sold at public or private sale at a price and under terms determined by the governing body to be the most advantageous and reasonably obtainable, provided that the obligations shall bear interest at a rate or rates not exceeding the maximum permitted by law [the interest cost to the city, calculated by the use of standard interest tables then currently in use by insurance companies and investment houses: does not exceed six percent (6%) per annum], and within the discretion of the governing body such obligations [bonds] may be callable prior to maturity at such time or times and at such price or prices as may be prescribed in the ordinance authorizing the obligations [bonds]. Such obligations [bonds] may be made registrable as to principal, or as to both principal and interest.

(b) Obligations that are payable from revenues and that are issued pursuant to this Act shall be authorized by ordinance of the governing body of the city, issued in the name of the city, and signed, countersigned, and sold and bear interest as provided by Subsection (a) of this section or, if management and control have been placed in the hands of a board of trustees pursuant to this Act, the obligations may be authorized by resolution of the board of trustees. If the obligations are authorized by resolution of the board of trustees, they shall be issued in the name of the board of trustees, shall be signed by the chairman (or presiding officer) of the board of
trustees and countersigned by the secretary or assistant secretary, and shall have the seal of the board of trustees impressed on them. The resolution may provide for facsimile signatures and seals on the obligations and on any interest coupons attached to the obligations. The obligations shall mature serially or otherwise in not to exceed forty (40) years from their date or dates, and shall be sold at public or private sale at a price and under terms determined by the board of trustees to be the most advantageous reasonably obtainable. The obligations shall bear interest at a rate or rates not exceeding the maximum permitted by law, and may be made callable prior to maturity at such times and prices as may be prescribed in the resolution. The obligations may be made registrable as to principal, or as to both principal and interest.

(c) All obligations authorized under this Act (other than current expense warrants) [After bonds have been authorized by the city such bonds] and the record relating to their issuance shall be submitted to the Attorney General of the State of Texas for his examination as to the validity thereof, and if such obligations [bonds] have been authorized in accordance with this Act, the said Attorney General shall approve the same. After such approval, such obligations [bonds] shall be registered by the Comptroller of Public Accounts of the State of Texas. When such obligations [bonds] have been approved by the Attorney General, registered by the Comptroller of Public Accounts, and delivered to the purchasers, they shall thereafter be incontestable except for forgery or fraud. When any revenue obligations [bonds] receive that they are secured partially or otherwise by a pledge of the proceeds of a contract or contracts (including lease contracts) [made between the city and another party or parties (public agencies or otherwise)], a copy of such contract or contracts and of the proceedings authorizing the same shall be submitted to the Attorney General along with the [bond] record, and the approval by the Attorney General of the obligations [bonds] shall constitute an approval of such contract or contracts, and thereafter the contract or contracts shall be incontestable except for forgery or fraud.

Sec. 7 (6). From the proceeds of sale of any obligations [bonds] issued under the provisions of this Act, there may be appropriated [the governing body may appropriate] or set aside out of such proceeds (i) an amount for the payment of interest expected to accrue during the period of construction, (ii) an amount necessary to pay all expenses incurred and to be incurred in the issuance, sale, and delivery of the obligations [bonds], and, (iii) [in the case of revenue bonds] such amount or amounts as may be prescribed by the [bond] ordinance or resolution authorizing their issuance to be deposited into the reserve fund or funds and into any other funds specified in the ordinance or resolution [as specified in said ordinance].

Sec. 7. While any revenue bonds issued under the provisions of this Act or any interest thereon remains outstanding and unpaid, the management and control of such improvements and facilities (and the physical properties comprising the same) and of the income and revenue from them, including the authority to fix charges, prepare budgets, and authorize expenditures, by the terms of the ordinance authorizing the issuance of such bonds may be placed in the hands of the governing body of the city or may be placed in the hands of a board of trustees to be named in such ordinance; consisting of not more than seven (7) members, one (1) of whom shall be a member of the governing body of such city, provided, if the city is operating under a Home Rule Charter and said Charter contains provisions requiring that the improvements and facilities be managed or controlled by a board of trustees, then the provisions of such Charter shall be followed. The compensation of the members of the board of trustees, the terms of office of such members, their powers and duties, the manner of exercising the same, the election or appointment of their successors, and all matters pertaining to their organization and duties shall
be specified in said ordinance; provided, if the city is operating under a Home Rule Charter as mentioned above and the Charter contains provisions relating to any of the foregoing matters mentioned in this sentence, it is expressly provided that the provisions of such ordinance relating to such matters shall be in accordance with and governed by the Charter provisions. In all matters where such ordinance or Charter are silent, the laws and rules governing the governing body of the city shall govern said board of trustees so far as applicable.

Sec. 8. (a) The governing body of the city shall have the power and authority to issue tax obligations [bonds] for the purpose of refunding any outstanding tax obligations [bonds] (original or refunding) issued by the city under the provisions of this Act under the procedures set out in this Act or in any other manner authorized by law (and accrued interest thereon). Such refunding bonds may be issued to refund bonds of more than one series or issue of outstanding tax bonds. Such refunding bonds shall bear interest at the same or lower rate than that of the bonds refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid.

(b) The governing body of the city or the board of trustees shall have the power and authority to issue obligations payable from revenues [revenue bonds] for the purpose of refunding any outstanding obligations payable from revenues [revenue bonds] (original or refunding) issued by the city under the provisions of this Act, or heretofore issued for any of the purposes covered by Section 1 of this Act or payable from the revenues of any of the improvements and facilities covered by said Section 1, under the procedures set out in this Act or in any other manner authorized by law (and accrued interest thereon). Revenue refunding obligations [bonds] (at the option of the governing body) may be combined with new or original revenue obligations [bonds] into one series or issue [of bonds]. Such revenue refunding obligations [bonds] may be issued to refund obligations [bonds] of more than one series or issue [of outstanding revenue bonds] and combine pledges for the outstanding obligations [bonds] for the security of the refunding obligations [bonds], and [such revenue refunding bonds] may be secured by pledges of other net revenues and additional net revenues; provided, that such refunding will not impair the contract rights of the holders of any of the outstanding revenue obligations [bonds] which are not to be refunded. Revenue refunding obligations [bonds] may bear interest at a rate higher than that borne by the obligations [bonds] refunded; provided, that such interest rate shall not exceed the rate specified in [Section 6 of] this Act.

(c) Refunding obligations [bonds] (both tax refunding bonds and revenue refunding bonds) shall be authorized [by ordinance of the governing body of the city] and shall be executed and mature as is provided in this Act for original obligations [bonds]. They shall be approved by the Attorney General of the State of Texas as in the case of original obligations [bonds], and shall be registered by the Comptroller of Public Accounts of the State of Texas upon surrender and cancellation of the obligations [bonds] to be refunded, but in lieu thereof, the ordinance or resolution authorizing their issuance may provide that they shall be sold at public [sale if they are tax refunding bonds and at public] or private [sale if they are revenue refunding bonds] and the proceeds thereof deposited in any [the] place or places where any of the underlying obligations [bonds] are payable, or with the State Treasurer, in which case the refunding obligations [bonds] may be issued in an amount sufficient, not only to pay the principal of the underlying obligations [bonds], but also to pay the interest on the underlying obligations [bonds] to their option or maturity dates, and the Comptroller of Public Accounts shall register them without the surrender and cancellation of the underlying obligations [bonds]. In those situations where the proceeds of revenue refunding obligations [bonds] are deposited in a [the] place or places where the underlying obligations [bonds] are
payable, or with the State Treasurer, they shall be so deposited under an escrow agreement so that such proceeds and interest earned from the investment of such proceeds as hereinafter provided, will be available for the payment of the interest on and principal of said underlying obligations [bonds] as such interest and principal respectively become due; and such escrow agreement may provide that such proceeds may, until such time as the same are needed to pay interest and principal as the same become due, be invested in direct obligations of the United States of America, in which instances the interest earned on such investments may be pledged to the payment of such underlying obligations [bonds], the refunding obligations [bonds] or shall be considered as revenues of the improvements and facilities.

(d) When any refunding obligations [bonds (both tax refunding bonds and revenue refunding bonds)] have been approved by the Attorney General and registered by the Comptroller of Public Accounts, they shall thereafter be incontestable except for forgery or fraud.

(e) All the provisions of this Act relating to original obligations [bonds], insofar as the same may be made applicable, shall also apply to refunding obligations [bonds] issued hereunder [both tax refunding bonds and revenue refunding bonds].

Sec. 9. Insofar as the same may be applicable, the provisions of Article 111 to 1118, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto, shall apply to revenue obligations [bonds] issued under the provisions of this Act, and any city covered by this Act shall have, with respect to revenue obligations [bonds] issued hereunder, all the powers granted by said Statutes. However, where the provisions of said Statutes are in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall govern and prevail. Further, it is expressly provided that the city shall have no power or authority to mortgage or encumber the physical properties of the improvements and facilities being financed in whole or in part by obligations [bonds] payable from ad valorem taxes, unless authorized at the election required by Section 2 of this Act.

Sec. 10. All obligations [bonds] issued under the provisions of this Act (tax bonds and revenue bonds, and original bonds and refunding bonds) shall be, and are hereby declared to be, investment securities under Chapter 8 of the Business & Commerce Code and (to have all the qualifications of) negotiable instruments under the Negotiable Instruments Law of the State of Texas, and all such bonds shall be, and are hereby declared to be, legal and authorized investments for banks, savings banks, trust companies, savings building and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such obligations [bonds] shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such obligations [bonds] shall be lawful and sufficient security for said deposits to the extent of their face value when accompanied by all unmatured interest coupons appurtenant thereto.

Sec. 11. This Act is cumulative of all existing laws of the State of Texas that are applicable, but when any action is taken [a city acts] under the provisions of this Act, to the extent that such existing laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall govern and prevail.

SECTION 2. Article 2.12, Code of Criminal Procedure, 1965, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs and their deputies;
(2) constables and deputy constables;
(3) marshals or police officers of an incorporated city, town, or village;
(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
(6) law enforcement agents of the Alcoholic Beverage Commission;
(7) each member of an arson investigating unit of a city, county or the state;
(8) any private person specially appointed to execute criminal process;
(9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;
(10) officers commissioned by the State Purchasing and General Services Commission [Board of Control];
(11) law enforcement officers commissioned by the Parks and Wildlife Commission;
(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier;
(13) municipal park and recreational patrolmen and security officers; [and]
(14) security officers commissioned as peace officers by the State Treasurer; and
(15) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes).

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

(Fox, C. Smith, Schlueter, and Khoury - no)

HB 1460, A bill to be entitled An Act relating to the authority of the commissioners court to set court costs in certain misdemeanor cases in certain counties.

CSHB 1554, A bill to be entitled An Act relating to the times for collection of certain insurance maintenance taxes.

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

SECTION 1. Articles 5.12, 5.24, 5.49, 5.68, 5.91, 9.46, and 23.08, Insurance Code, are amended to read as follows:

"Article 5.12. MAINTENANCE TAX ON GROSS [MOTOR-VEHICLE INSURANCE] PREMIUMS. The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment and collect on an annual or semiannual basis, as determined by the Board, a maintenance tax in an amount not to exceed one-fifth of one percent of the correctly reported gross motor vehicle insurance premiums of all authorized insurers writing motor vehicle insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating motor vehicle insurance during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts.
pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. The State of Texas shall assess and collect an additional one-fifth \((1/5)\) of one \((1\%)\) per cent of the gross motor vehicle insurance premiums of all insurers writing motor vehicle insurance in this State, according to the reports made to the Board of Insurance Commissioners as required by law. The tax herein required shall supersede the tax heretofore collected upon fire premiums of automobile insurance for the support of the Board of Insurance Commissioners. Said taxes when collected shall be deposited with the State Treasurer to the credit of a special fund to be designated as the Motor Vehicle Insurance Division Fund; to be used for the sole purpose of administering this subchapter, and to be expended only on warrants issued by the Comptroller upon vouchers drawn by the Board of Insurance Commissioners; such vouchers to be accompanied by itemized sworn statements of the expenditures; and to be in addition to all taxes now imposed, or which may hereafter be imposed, not in conflict with this section of this subchapter.

Should there be an unexpended balance at the end of any year in said fund; the Board of Insurance Commissioners shall reduce the assessment for the succeeding year so that the amount produced and paid into the State Treasury together with said unexpended balance in the Treasury will not exceed the amount necessary for the current year to pay all expenses of maintaining the motor vehicle division of the Board of Insurance Commissioners.

"Article 5.24. MAINTENANCE TAX ON GROSS PREMIUMS. The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment and collect on an annual or semiannual basis, as determined by the Board, a maintenance tax in an amount not to exceed two-fifths of one percent of the correctly reported gross premiums of all classes of insurance covered by this subchapter, of all authorized insurers writing those classes of insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating all classes of insurance covered by this subchapter during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. [MAINTENANCE TAX. The State of Texas shall assess and collect not exceeding an additional two-fifths \((2/5)\) of one \((1\%)\) per cent of the gross premiums on all classes of insurance covered by this subchapter, of all insurers writing such insurance in this state, according to the reports made to the Board of Insurance Commissioners as required by law. Said taxes when collected shall be deposited with the State Treasurer to the credit of a special fund to be designated as the Casualty Insurance Fund; which fund shall be kept separate and apart from all other funds and money in his hands, to be used for the sole purpose of administering this subchapter, and to be expended only on warrants issued by the Comptroller upon vouchers drawn by the Board of Insurance Commissioners;
such vouchers to be accompanied by itemized sworn statements of the expenditures, and to be in addition to all taxes now imposed; or which may hereafter be imposed: not in conflict with this article of this subchapter. Should there be an unexpended balance at the end of any year in said fund, the Board shall reduce the assessment for the succeeding year so that the amount produced and paid into the Treasury will not exceed the amount necessary for the current year to pay all expenses of maintaining the division of the Board of Insurance Commissioners administering this subchapter.

"Article 5.49. MAINTENANCE TAX ON GROSS PREMIUMS [AS ADDITIONAL TAX]. The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment on an annual or semiannual basis, as determined by the Board, and collect a maintenance tax in an amount not to exceed one and one-fourth percent of the correctly reported gross premiums of fire, lightning, tornado, windstorm, hail, smoke or smudge, cyclone, earthquake, volcanic eruption, rain, frost and freeze, weather or climatic conditions, excess or deficiency of moisture, flood, the rising of the waters of the ocean or its tributaries, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic, or catastrophe, vandalism or malicious mischief; strike or lockout, explosion as defined in Article 5.52 of this code, water or other fluid or substance resulting from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, water pipes, or other conduits or containers insurance coverage collected by all authorized insurers writing those types of insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating all classes of insurance specified by this subchapter during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. The State of Texas shall assess and collect not exceeding an additional one and one-fourth (1 and 1/4%) per cent of the gross fire, lightning, tornado, windstorm, hail, smoke or smudge, cyclone, earthquake, volcanic eruption, rain, frost and freeze, weather or climatic conditions, excess or deficiency of moisture, flood, the rising of the waters of the ocean or its tributaries, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic or catastrophe, vandalism or malicious mischief; strike or lockout, explosion as defined in Article 5.52 of this code, water or other fluid or substance, resulting from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, water pipes, or other conduits or containers, insurance premiums of all companies doing such character of insurance business in this State according to reports made to the Board of Insurance Commissioners as required by law, and said taxes, when collected, shall be placed with the State Treasury, in a separate fund, which shall be known as the Fire Insurance Division Fund, which fund shall be kept separate and apart from other funds and moneys in its hands, and said special fund, or so much thereof as
may be necessary, shall be held and expended for the purpose of carrying out the provisions of this subchapter, and should there be any unexpended balance at the end of any year, said balance shall remain in said fund and the Board of Insurance Commissioners shall reduce the assessment for the succeeding year so that the amount produced and paid into the State Treasury, together with said unexpended balance in said fund in the Treasury, will be sufficient to pay all expenses for the current year and not exceed the amount necessary to pay all necessary expenses of maintaining the Fire Insurance Division of said Board; so that no deficit shall occur in said fund; which fund shall be paid out upon requisition made out and filed by a majority of the Board, when the Comptroller shall issue warrants therefor. The taxes levied and assessed by this article shall be independent of and in addition to all other taxes now imposed, or which may hereafter be imposed by law, against any company mentioned herein:

"Article 5.68. MAINTENANCE TAX ON GROSS PREMIUMS. The State of Texas by and through the State Board of Insurance shall, as determined by the Board, annually determine the rate of assessment and collect on an annual or semiannual basis, from each stock company, mutual company, reciprocal or interinsurance exchange, and Lloyd's association a maintenance tax in an amount not to exceed three-fifths (3/5) of one percent of the correctly reported gross workers' compensation insurance premiums of all authorized insurers writing workers' compensation insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating workers' compensation insurance during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. To defray the expense of carrying out the provisions of this subchapter, there shall be annually assessed and collected by the State of Texas from each stock company, mutual company, reciprocal or interinsurance exchange, or Lloyd's association writing Workmen's Compensation Insurance in this State, in addition to all other taxes now imposed, or which may hereafter be imposed by law, a tax of three-fifths (3/5) of one (1%) per cent of gross premiums collected by such company or association during the preceding year, under Workmen's Compensation policies written by said companies or associations covering risks in this State, according to the reports made to the Board as required by law. Said taxes when collected shall be placed in a separate fund with the State Treasurer which shall be kept separate and apart from other funds and moneys in his hands; and shall be known as the Compensation Insurance Division Fund; said Fund to be expended during the current and succeeding years, or so much thereof as may be necessary, in carrying out such provisions. Such expenditures hereunder shall not exceed in the aggregate the sum assessed and collected from said companies and associations, and should there be an unexpended balance at the end of any year, the Board of Insurance Commissioners shall reduce the assessment for the succeeding year so that the amount produced and paid into the State Treasury together with said unexpended balance in the Treasury will be sufficient to pay all expenses of carrying out the
provisions of this subchapter, which funds shall be paid out upon requisition made out and filed by a majority of the Board of Insurance Commissioners when the Comptroller shall issue warrants therefor. Any amount remaining in said Fund at the end of any year shall be carried over and expended in accordance with the provisions of this subchapter during the subsequent year or years.)"

"Article 5.91. MAINTENANCE TAX ON GROSS PREMIUMS. The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment on an annual or semiannual basis, as determined by the Board, and collect a maintenance tax in an amount not to exceed two-fifths of one percent of the correctly reported gross premiums on all classes of insurance covered by this subchapter of all authorized insurers writing those classes of insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating title insurance during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. [The State of Texas shall assess and collect not exceeding an additional two-fifths of one percent of the gross premiums on all classes of insurance covered by this subchapter, of all insurers writing such insurance in this state, according to the reports made to the State Board of Insurance as required by law. Said taxes when collected shall be deposited with the state treasurer to the credit of a special fund to be designated as the aircraft insurance fund, which fund shall be kept separate and apart from all other funds and money in his or her hands, to be used for the sole purpose of administering this subchapter; and to be expended only on warrants issued by the comptroller upon vouchers drawn by the State Board of Insurance, such vouchers to be accompanied by itemized sworn statements of the expenditures, and to be in addition to all taxes now imposed, or which may hereafter be imposed, not in conflict with this article of this subchapter. Should there be an unexpended balance at the end of any year in said fund, the Board shall reduce the assessment for the succeeding year so that the amount produced and paid into the treasury will not exceed the amount necessary for the current year to pay all expenses of maintaining the division of the State Board of Insurance administering this subchapter.]"

"Article 9.46. MAINTENANCE TAX ON GROSS PREMIUMS. The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment on an annual or semiannual basis, as determined by the Board, and collect a maintenance tax in an amount not to exceed one percent of the correctly reported gross title insurance premiums of all authorized insurers writing title insurance in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and that are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating title insurance during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of
Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. ["DISPOSITION OF UNEXPENDED BALANCE:"
To defray the expense of carrying out the provisions of this Act the State of Texas shall assess and collect not exceeding an additional one (1%) percent of the gross premiums collected by every insurer on all title insurance premiums according to the reports made to the Board as required by law. Said taxes when collected shall be deposited with the State Treasurer to the credit of a special fund to be designated as the Title Insurance Fund, which fund shall be kept separate and apart from all other funds and moneys in his hands, to be used for the sole purpose of administering the provisions of this chapter, and to be expended only on warrants issued by the Comptroller upon vouchers drawn by the Board, such vouchers to be accompanied by itemized sworn statements of the expenditures; and to be in addition to all taxes now imposed, or which may hereafter be imposed, not in conflict with this Article. Should there be an unexpended balance at the end of any year in said fund, the Board shall reduce the assessment for the succeeding year so that the amount produced and paid into the Treasury will not exceed the amount necessary for the current year to pay all expenses of maintaining the division of the Board administering the provisions of this Act."
"Article 23.08. FEES AND TAXES."
(a) The State Board of Insurance shall charge a fee of $50 for filing the annual statement of each corporation operating under this chapter; an application fee of $100 for each corporation applying under this chapter; and a fee of $25 for the issuance of each certificate of authority to the corporation. The fees collected by the Board under this subsection shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund, and Article 1.31A of this code applies to fees collected under this subsection.

"(b) The State of Texas by and through the State Board of Insurance shall annually determine the rate of assessment and collect as determined by the Board, on an annual or semiannual basis, a maintenance tax in an amount not to exceed one percent of the correctly reported gross revenues received by all corporations issuing prepaid legal services contracts in this state. The tax required by this article is in addition to all other taxes now imposed or that may be subsequently imposed and are not in conflict with this article. The State Board of Insurance, after taking into account the unexpended funds produced by this tax, if any, shall adjust the rate of assessment each year to produce the amount of funds that it estimates will be necessary to pay all the expenses of regulating nonprofit legal services corporations during the succeeding year. The taxes collected shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund and shall be spent as authorized by legislative appropriation only on warrants issued by the comptroller of public accounts pursuant to duly certified requisitions of the State Board of Insurance. Article 1.31A of this code applies to taxes collected under this section. The State Board of Insurance may elect to collect on a semiannual basis the tax assessed under this article only from insurers whose tax liability under this article for the previous tax year was $2,000 or more. The State Board of Insurance may prescribe and adopt reasonable rules to implement such payments as it deems advisable, not inconsistent with this article. [To defray the expense of carrying out the provisions of this chapter, there shall be annually assessed and collected by the State of Texas, through the State Board of Insurance, from each corporation

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operating under this chapter, in addition to all other taxes now imposed, or which may hereafter be imposed by law, a tax of one percent of all receipts received by such corporation in return for issuance of prepaid legal services contracts in this state; according to the reports made to the State Board of Insurance as required by law. Said taxes, when collected, shall be placed in a separate fund with the State Treasurer which shall be kept separate and apart from other funds and money in his hands; and shall be known as the Prepaid Legal Services Fund; said fund to be expended during the current and succeeding years, or so much thereof as may be necessary, in carrying out such provisions. Such expenditures shall not exceed in the aggregate the sum assessed and collected from such corporations, and should there be an unexpended balance at the end of any year, the State Board of Insurance shall reduce the assessment for the succeeding year so that the amount produced and paid into the State Treasury together with said unexpended balance in the treasury will be sufficient to pay all expenses of carrying out the provisions of this chapter, which funds shall be paid out and filed by a majority of the State Board of Insurance where the comptroller shall issue warrants therefor. Any amount remaining in said fund at the end of any year shall be carried over and expended in accordance with the provisions of this article during the subsequent year or years. Provided, that no expenditures shall be made from said fund except under authority of the legislature as set forth in the general appropriations bill:

(c) The payment of the maximum tax of one percent, provided by the preceding section of this article by any corporation complying with this chapter in any year either as a maintenance tax or as a voluntary elected payment into the General Revenue Fund of the State of Texas or a combination of such payments equaling such one percent shall be deemed to be a payment in lieu of any franchise or other gross receipts tax by or under the laws of this state and such corporation shall be exempt from such franchise and other gross revenue taxes as would apply to such corporation during the period for which the one percent tax or voluntary payment or combination thereof is made."

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

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

C6SHB 1601, A bill to be entitled An Act relating to length limitations on certain motor vehicles and combinations of vehicles.

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

SECTION 1. Section I, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this section, as follows:

(1) "Vehicle." Every mechanical device, in, upon or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as hereinafter defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(2) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(3) "Commercial Motor Vehicle." Any motor vehicle other than a motorcycle, designed or used for the transportation of property, including every vehicle used for delivery purposes.

(4) "Truck-tractors." Every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part
of the weight of the vehicle and load so drawn, except that the term includes a motor vehicle that is otherwise a truck-tractor, that is engaged in the transportation of automobiles, and that transports motor vehicles on part of the truck-tractor.

(5) "Trailer." Every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(6) "Semi-trailer." Every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

(7) "Department." The State Highway Department of Highways and Public Transportation of this State acting directly or through its duly authorized officers and agents.

SECTION 2. Subsection (c), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-1, Vernon’s Texas Civil Statutes), is amended to read as follows:

(c-1) No motor vehicle, other than a truck-tractor, shall exceed a length of forty-five (45) feet. Except as provided in Subsection (c-1) of this section, it shall be lawful for any combination of not more than three (3) vehicles to be coupled together including, but not limited to, a truck and semi-trailer, truck and trailer, truck-tractor and semi-trailer and trailer, or a truck-tractor and two trailers, provided such combination of vehicles, other than a truck-tractor combination, shall not exceed a length of sixty-five (65) feet, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town; and unless, in the case of any combination of such vehicles, same be operated by municipal corporations in adjoining suburbs wherein said municipal corporation has heretofore been using such or like equipment in connection with an established service to such suburbs of the municipality; provided further, that motor buses as defined in Acts of the 41st Legislature, 2nd Called Session, 1929, Chapter 88, as amended, exceeding thirty-five (35) feet in length, but not exceeding forty (40) feet in length, may be lawfully operated over the highways of this state if such motor buses are equipped with air brakes and have a minimum of four (4) tires on the rear axle; and provided further, that the above limitations shall not apply to any mobile home or to any combination of a mobile home and a motor vehicle, but no mobile home and motor vehicle combination shall exceed a total length of fifty-five (55) feet. "Mobile home" as used herein means a living quarters equipped and used for sleeping and eating and which may be moved from one location to another over a public highway by being pulled behind a motor vehicle. No mobile home, as the same is defined herein, shall be entitled to the exemption contained in this subsection unless the owner thereof shall have paid all taxes, including ad valorem taxes, and fees due and payable under the laws of this state, levied on said mobile home.

(2) A semi-trailer may not exceed a length of fifty-seven (57) feet when operated in a truck-tractor and semi-trailer combination. A semi-trailer or trailer may not exceed a length of twenty-eight and one-half (28-1/2) feet when operated in a truck-tractor, semi-trailer, and trailer combination.

(3) The length limitations in this subsection do not include any safety device determined by regulation of the Department of Transportation or by rule of the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles.

(4) The length limitations in this subsection for semi-trailers and trailers do not apply to semi-trailers or trailers that were being actually and lawfully operated in this state on December 1, 1982.
SECTION 3. Section 1, Chapter 73, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d-13, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations not to exceed ninety (90) feet in length including the load where such vehicles and combinations are used exclusively for transporting poles, piling or unrefined timber from the point of origin of such timber (the forest where such timber is felled) to a wood processing mill. No such vehicles and combinations as covered by the provisions of this Act shall be permitted to travel in excess of one hundred and twenty-five (125) miles from their point of origin to destination or delivery point.

(b) The length limitation in Subsection (a) of this section does not apply to a truck-tractor or truck-tractor combination transporting poles, piling, or unrefined timber.

SECTION 4. Section 1, Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) Notwithstanding other provisions of the Statutes governing the length of motor vehicles and combinations thereof and the provisions of the Statutes controlling the distance which a load may extend beyond the front or rear of a vehicle or combination of vehicles which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations thereof where the combined length of the vehicle or combination of vehicles and its load does not exceed seventy-five (75) feet in length and where such vehicles or combinations thereof are used exclusively for the transport of poles required for the maintenance of electric power transmission and distribution lines; provided, however, the operator of any such vehicle or combination of vehicles must pay to the State Highway Department of Highways and Public Transportation the sum of One Hundred and Twenty Dollars ($120) per calendar year.

(b) The length limitation in Subsection (a) of this section does not apply to a truck-tractor or truck-tractor combination transporting poles for the maintenance of electric power transmission and distribution lines.

SECTION 5. Section 1, Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof and the provisions of the statutes controlling the distance which a load may extend beyond the front or rear of a vehicle or combination of vehicles which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations thereof where the combined length of the vehicle or vehicles and its load does not exceed sixty-five (65) feet in length and where such vehicles or combinations thereof are used exclusively for the transportation of poles or pipe.

(b) The length limitation in Subsection (a) of this section does not apply to a truck-tractor or truck-tractor combination transporting poles or pipe.

SECTION 6. Section A, Article 6701a-2, Revised Statutes, is amended to read as follows:

A. When any person, firm, or corporation shall desire to move over a state highway one or more portable building units which in combination with the towing vehicle are in excess of the legal length or width provided by law, the State
Department of Highways and Public Transportation may, upon application, issue a permit for the movement of said equipment; provided, however, that the combined length of such portable building unit or units and the towing vehicle shall not exceed 80 feet. The length limitation in this section does not apply to a truck-tractor or truck-tractor combination towing or carrying the portable building units. Provided further that all cities and towns having a state highway within their limits shall designate to the State Department of Highways and Public Transportation the route within the city or town to be used by said equipment moving over the state highways. When so designated, the route shall be shown on said maps routing said equipment by the state highway department. In the event a route is not so designated by a city or town, the state highway department shall determine the route on the state highway for equipment within such cities or towns. No fee or license shall be required by any city or town for movement of said portable building units on the route of a state highway designated by the state highway department or on said special route designated by a city or town.

SECTION 7. A person who violated a length limitation for a motor vehicle before the effective date of this Act is subject to the law in effect when the violation occurred, and the former law is continued in effect for that purpose.

SECTION 8. 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 1602, A bill to be entitled An Act relating to width limitations on motor vehicles on certain highways.

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

SECTION 1. Subsection (a), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) (1) Except as provided by Subdivision (2) of this subsection, it shall be unlawful to operate a vehicle on a public highway if the total outside width of the vehicle exceeds one hundred and two (102) inches, including any load on the vehicle, but excluding any safety device determined by the Federal Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type.

(2) The width limitations in this subdivision apply only on highways designated under Section 3-1/2 of this Act. No vehicle shall exceed a total outside width, including any load thereon, of ninety-six (96) inches, except that the width of a farm tractor shall not exceed nine (9) feet, excepting further that the limitations as to size of vehicle stated in this subdivision [Section] shall not apply to implements of husbandry, machinery used solely for the purpose of drilling water wells regardless of whether it is a unit in itself or is a unit mounted on a conventional vehicle or chassis, and highway building and maintenance machinery temporarily propelled or moved upon the public highways, excepting further, that the limitations as to size of vehicles stated in this subdivision [Section] shall not apply to implements of husbandry are being carried or moved provided such vehicles are being moved by the owner thereof or his agent or employee for the purpose of delivering implements to their owner, delivering the implements to a mechanic for maintenance or repair, or carrying on agricultural operations, and provided further that such implements are being moved or carried a distance of not more than fifty (50) miles, and excepting further, that the width of a motor bus or trolley bus operated exclusively within the limits of an incorporated city or town.
in this State and suburbs contiguous thereto and the county in which said incorporated city is located shall not exceed one hundred and two (102) inches.

(3) A [However, a] vehicle used to carry cylindrically shaped bales of hay may exceed ninety-six (96) inches in width but its width may not exceed one hundred and twenty (120) inches when operated on a highway designated under Section 3-1/2 of this Act. When a vehicle used to carry cylindrically shaped bales of hay is [except when] operated on a highway not designated under Section 3-1/2 of this act, its maximum width shall not exceed one hundred and two (102) inches.

[on the National System of Interstate and Defense Highways where its width may not exceed the maximum width authorized by 23 U.S.C. 127.]

SECTION 2. Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 670la-11, Vernon's Texas Civil Statutes), is amended by adding Section 3-1/2 to read as follows:

Sec. 3-1/2(a). The State Highway and Public Transportation Commission may, on the basis of an engineering and traffic study, fix a maximum vehicle width of ninety-six (96) inches, including any load thereon, in excess of the applicable width [herein] stated in this subsection for a particular highway shall be permitted to operate on a [the] public highway [highways] except under a special permit issued for such movement as prescribed in Section 2 of this Act or in Chapter 41, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (Article 670la of Vernon's Texas Civil Statutes) or except as authorized in some other Statute permitting or regulating such movement.

SECTION 3. Subsection (a), Section 3B, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 670la-11, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 3B (a) Except as provided by Subdivision (4) of Subsection (d) of this Act [Section], a single motor vehicle used exclusively to transport seed cotton modules may exceed the limitation of width provided for a single vehicle by Subsection (a) of Section 3 of this Act but shall [may] not exceed a width of one hundred and eight (108) inches when operated on any highway designated by the State Highway and Public Transportation Commission pursuant to Section 3-1/2 of this Act, and shall not exceed a width of one hundred and two (102) inches when operated on any highway not so designated."

SECTION 4. Section 3, Chapter 184, General Laws, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-11a, Vernon's Texas Civil Statutes) is amended to read as follows:

"Sec. 3. The width requirements in Subdivision (2), Subsection (a), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), do not apply to a vehicle registered under Section 2 of this Act which has a width of 136 inches or less at its widest point."
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 is so enacted.

(Green - no)

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

CSHB 1650, A bill to be entitled An Act relating to transactions involving crafted precious metal.

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

SECTION 1. Sections 3, 4, 5, 6, and 10, Chapter 500, Acts of the 67th Legislature, Regular Session, 1981 (Article 9009a, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 3. REPORT OF PURCHASING [RETENTION OF ITEM]. (a) Not later than 48 hours after the time it is received, each dealer shall report in accordance with Section 4 of this Act all identifiable crafted precious metal that the dealer purchases, takes in trade, accepts for sale on consignment, or accepts for auction.

(b) Each dealer, before the time any crafted precious metal is offered for sale or exchange, shall notify each person intending to sell or exchange the crafted precious metal that the person must file with the dealer, before the dealer may accept any of the person’s property, a list describing all of the person’s crafted precious metal to be accepted by the dealer. The list must set forth:

1. the name and address of the proposed seller;
2. a complete and accurate description of the crafted precious metal;
3. a certification by the proposed seller that the information is true and complete; and
4. the dealer’s license number or DPS identification card number of the seller, as recorded by the dealer upon being physically presented the dealer’s license or DPS identification card by the seller.

(c) On demand the dealer shall provide the list required by Subsection (b) of this section to any peace officer and shall mail or deliver a complete copy of each list to the chief of police or to the sheriff in accordance with Section 4 of this Act not later than 48 hours after it is filed with the dealer.

(d) A dealer who fails to make or permit inspection of a report as required by this section commits a Class B misdemeanor. [(a) A dealer may not melt, alter, deface, or dispose of an item before the fourth day after the day on which the item was purchased if the item:]

1. is a crafted precious metal; and
2. was purchased by the dealer in the course of business, and if purchased from other than a manufacturer of or a regular dealer in crafted precious metals;

(b) A dealer shall hold an item that is subject to Subsection (a) of this section for the period prescribed by that subsection:

1. in the municipality in which the item was purchased; or
2. in the county in which the item was purchased if it was not purchased inside the boundaries of a municipality.

(c) A person who melts, alters, defaces, or disposes of a crafted precious metal in violation of this section or who fails to hold an item as required by this section commits a Class B misdemeanor.]

Sec. 4. FORM OF REPORT; FILING [RECORDS]. (a) Each report required by this Act must be filed in accordance with this section unless a similar report is required by other state law or by a city ordinance. If such a report is
required, the report must comply with and be submitted in accordance with the applicable law or ordinance.

(b) If a transaction regulated by this Act takes place inside an incorporated municipality, any report required by this Act shall be submitted to the chief of police of the municipality. If the transaction takes place outside an incorporated city or inside an incorporated city that does not maintain a police department, the report shall be submitted to the sheriff of the county where the transaction takes place.

(c) In the absence of other state law, or a city ordinance, that requires reporting of property acquired by a dealer in a transaction enumerated by Section 3(a) of this Act, the report shall be submitted on forms prescribed by the district attorney or person performing the duties of district attorney of the county where the transaction occurs.

(d) The original report and a copy shall be submitted by the dealer in accordance with Subsection (b) of this section. The dealer shall retain a copy of the report until the third anniversary of the date on which the report is filed.

(e) A dealer who fails to make or permit inspection of a report as required by this section commits a Class B misdemeanor.

Sec. 5. INSPECTION OF PROPERTY. (a) The purchased property must be made available by the dealer for inspection by any police officer during regular business hours while the property is in the dealer's possession. [The investigating officer may inspect and copy any records required to be kept by this Act without obtaining a court order.] (b) Information obtained under this section is confidential except for use in a criminal investigation or prosecution or a civil court proceeding.

Sec. 6. PURCHASES AT TEMPORARY LOCATIONS. (a) A dealer who conducts business from a temporary location may not engage in business of buying precious metal or used items made of precious metal unless the person has filed a registration statement with the department within a 12-month period at least 30 days preceding the date on which each purchase is made and the person has filed, within the same period, a copy of the registration statement with the local law enforcement agency of the municipality in which the temporary location is situated or, if the temporary location is not situated in a municipality, with the local law enforcement agency of the county in which the temporary location is situated. A registration statement must set forth:

(1) the name and address of the person;
(2) the location where business is to be conducted; and
(3) other relevant information required by the department.

(b) If the dealer is an association or corporation, the statement must set forth the name and address of each member of the association or each officer and director of the corporation, respectively.
(c) A dealer who conducts business from a temporary location and who does not maintain a permanent location in the municipality in which the temporary location is located or, if the temporary location is not in a municipality, in the county in which the temporary location is located, shall be required to have delivered by person or by receipted United States mail within 48 hours after terminating business at the temporary location:

(1) the records of purchases made at the temporary location to the department; and

(2) a copy of those records to the law enforcement agency of the municipality or county, as the case may be.

(d) A dealer who fails to file a registration statement in violation of this section and who fails to deliver the records as required by Section 4 of this Act commits a Class B misdemeanor.

Sec. 10. APPLICATION OF ACT. (a) This Act applies only to the crafted precious metals that have been sold or used primarily for personal, family, or household purposes. This Act does not apply to any person whose purchases and sales of precious metals and products made thereof are merely incidental to its business of extracting, recovering, or salvaging precious metals from industrial by-products and industrial waste products nor does this Act apply to dental, pharmaceutical, or medical applications of crafted precious metals.

(b) This Act does not apply to crafted precious metal that has been:

(1) acquired in good faith in a transaction involving the stock in trade of another dealer who previously made the reports required by this Act concerning the crafted precious metal included in the transaction if:
   (A) the selling dealer delivers to the acquiring dealer a written document that states that the reports have been made;
   (B) the acquiring dealer submits a copy of the statement to the chief of police of the city or the sheriff of the county where the selling dealer is located; and
   (C) each dealer involved in the transaction retains a copy of the statement required by this subdivision until the third anniversary of the date of the transaction;

(2) acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock in trade, in bulk, or a substantial part of those assets, of an industrial or commercial enterprise, other than a dealer, for the voluntary dissolution or liquidation of the seller's business, or for disposing of an excessive quantity of personal property, or property that has been acquired in a nonjudicial sale or transfer from an owner other than a dealer, his entire household of personal property, or a substantial part of that property, if:
   (A) the dealer gives written notice to the chief of police of the city or the sheriff of the county where the dealer's business is located that exemption from reporting is being claimed under this subdivision; and
   (B) the dealer retains in his place of business, until the third anniversary of the date of the transaction, a copy of the bill of sale, receipt, inventory list, or other transfer document as a record which shall be made available for inspection by any peace officer;

(3) acquired in a sale made by any public officer in his official capacity as a trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority, or acquired in a sale made on the execution of, or by virtue of, any process issued by a court;

(4) acquired in good faith as part or complete payment for other crafted precious metal by a person, partnership, firm, or corporation whose principal business is primarily that of selling directly to the consumer crafted precious metal that has not been subject to a prior sale;

(5) acquired as surplus property from the United States or a state, subdivision of a state, or municipal corporation; or
reported by a dealer as an acquisition or a purchase, or reported as destroyed or otherwise disposed of, to:
(A) a state agency in accordance with another law of this state; or
(B) a city or county officer or agency in accordance with another law of this state or a city ordinance.
(7) acquired by a person licensed and regulated under Article 5069-51, Vernon's Texas Civil Statutes.

SECTION 2. Chapter 500, Acts of the 67th Legislature, Regular Session, 1981 (Article 5009a, Vernon's Texas Civil Statutes), is amended by adding Section 4A to read as follows:

Sec. 4A. RETENTION OF PROPERTY. (a) A dealer may not melt, deface, alter or dispose of crafted precious metal for which a report is required under this Act before the 11th day after the day on which the report is filed unless:
(1) the peace officer to whom the report is submitted, for some good cause, authorizes disposition of that crafted precious metal;
(2) the dealer obtains the name, address, and description of the buyer and retains this information record, which shall be made available for inspection by any peace officer; or
(3) the dealer is a pawnbroker and the disposition is the redemption of pledged property by the pledgor.

(b) A person who disposes of property or who fails to make a record available for inspection by a peace officer as required by this section commits a Class B misdemeanor.

SECTION 3. This Act applies only to a transaction occurring on or after the effective date of this Act. A transaction occurring before the effective date of this Act is governed by the law in effect when the transaction occurred, and that law is continued in effect for that purpose.

SECTION 4. The District Attorney shall prescribe the form required by the amendment made by this Act to Section 4(c), Chapter 500, Acts of the 67th Legislature, before September 1, 1983.

SECTION 5. (a) Except as provided in Subsection (b) of this Section, this Act takes effect on September 1, 1983.

(b) Section 4 of this Act takes effect immediately.

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

HB 1679, A bill to be entitled An Act relating to contributions to and disbursements from firemen's relief and retirement funds in certain cities.

HB 1686, A bill to be entitled An Act relating to the punishment for the offense of indecent exposure.

CSHB 1708, A bill to be entitled An Act relating to the carrying of nightsticks by certain campus security personnel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 46.03, Penal Code, is amended to read as follows: Sec. 46.03. NON-APPLICABLE. (a) The provisions of Section 46.02 of this code do not apply to a person:
(1) in the actual discharge of his official duties as a member of the armed forces or national guard or a guard employed by a penal institution;
(2) on his own premises or premises under his control unless he is an employee or agent of the owner of the premises and his primary responsibility
is to act in the capacity of a private security guard to protect persons or property, in which event he must comply with Subdivision (5) of this section:

(3) traveling;
(4) engaging in lawful hunting, fishing, or other sporting activity if the weapon is a type commonly used in the activity;
(5) who holds a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies, if:
   (A) he is engaged in the performance of his duties as a security officer or traveling to and from his place of assignment;
   (B) he is wearing a distinctive uniform; and
   (C) the weapon is in plain view; or
(6) who is a peace officer.

(b) The provision of Section 46.02 of this code prohibiting the carrying of a club does not apply to a noncommissioned security guard at an institution of higher education who carries a nightstick or similar club, and who has undergone 10 hours of training in the proper use of the club.

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.

SB 1110 (Messer - House Sponsor) in lieu of HB 1722, A bill to be entitled An Act relating to the membership, powers, duties, functions, and operations of the legislative council; amending Sections 1, 1a, 2, and 3, and adding Section 3a, Chapter 324, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429b, Vernon's Texas Civil Statutes); repealing Chapter 334, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5429c-2, Vernon's Texas Civil Statutes).

HB 1722 - LAID ON THE TABLE SUBJECT TO CALL
Chairman Oliver moved that HB 1722 be laid on the table subject to call.

The motion prevailed without objection.

HB 1766, A bill to be entitled An Act relating to the protection by easement of certain real property having natural or historic value.

(Patterson and D. Harrison - no)

Representative Oliveira offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 1766 by adding a new subparagraph designated (4) at the end of Sec. 183.001, after line 15, on page 2 of HB 1766, reading as follows:

"(4) 'Servient estate' means the real property burdened by the conservation easement;"

and by adding a new subparagraph designated (e) at the end of Sec. 183.002, after line 4 on page 3 of HB 1766, reading as follows:

"(e) A conservation easement must be created in writing, acknowledged and recorded in the Deed Records of the County in which the servient estate is located, and must include a legal description of the real property which constitute the servient estate;"

and on page 3, line 21 by striking the word "property" and substituting in lieu thereof the word "holder".

Committee Amendment No. 1 was adopted without objection.
HB 1838, A bill to be entitled An Act relating to the validation of the incorporation of certain municipalities.

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

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

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

"Section 6. (a) Notwithstanding the provisions of Section 12(g) of Article 8306, a subcontractor and prime contractor may make a written contract whereby the prime contractor will provide workers' compensation benefits to the subcontractor and to employees of the subcontractor. The contract may provide that the actual premiums paid or incurred by the prime contractor for workers' compensation insurance coverage for the subcontractor and employees of the subcontractor may be deducted from the contract price or any other monies owed to the subcontractor by the prime contractor. If a contract pursuant to this section results in the subcontractor and employees of the subcontractor being deemed employees of the prime contractor, they are to be considered employees of the prime contractor only for purposes of the workers' compensation laws of this state (Article 8306, Revised Statutes, et seq.) and for no other purpose.

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

(c) The term "prime contractor" includes "principal contractor" or "original contractor" and means the person who has undertaken to procure the performance of work or services and in connection therewith retains control of the means, method and manner of accomplishing the desired result. The prime contractor may engage subcontractors to perform all or any part of the work or services.

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

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and this rule is hereby suspended.

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

(Green, Hollowell, Clark, and Denton - no)

CSHB 1971, A bill to be entitled An Act relating to the disposition of certain hospital authority records.

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

SECTION 1. Chapter 472, Acts of the 55th Legislature, Regular Session, 1957 (Vernon's Texas Civil Statutes), is amended by adding Section 5A to read as follows:

Sec. 5A. (a) Except as provided in Subsection (b) of this section, the City Governing Body may authorize the Board of Directors of a Hospital Authority governed by this Act to transfer, destroy, or otherwise dispose of Hospital Authority records that are:
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(1) more than five (5) years old; and  
(2) determined by the Board of Directors to be of no further use to the Hospital Authority as official records.

(b) The City Governing Body may not authorize the disposal of any medical record. All medical records and any other records considered by the Board of Directors as necessary to preserve, may be microfilmed and retained by a Hospital Authority as provided by Chapter 158, Acts of the 64th Legislature, 1975 (Article 6547c, Vernon's Texas Civil Statutes).

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

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

HB 1987, A bill to be entitled An Act relating to the designation of issuer-registrar of certain cities.

HB 2106, A bill to be entitled An Act relating to the Second Injury Fund.

HB 2107, A bill to be entitled An Act relating to lump sum settlements in the case of death.

Representative Denton offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2107 as follows:
Insert before "Notwithstanding" on line 17 "(b)".

Committee Amendment No. 1 was adopted without objection.

HB 2116, A bill to be entitled An Act relating to authorizing a school district board of trustees to adopt rules concerning a determination of residency for school admissions purposes.

Representative Glossbrenner offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2116 Section 1, Section 21.031(d) by striking the underlined language and substituting the following "and may adopt reasonable guidelines for making a determination as necessary to protect the best interest of students."

Committee Amendment No. 1 was adopted without objection.

CSHB 2159, A bill to be entitled An Act relating to loans, grants, or scholarships granted by the State Rural Medical Education Board.

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

SECTION 1. Section 6, Chapter 328, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended to read as follows:

It shall be the duty of the Board to receive and pass upon, allow or disallow all applications for loans, grants or scholarships made by students who are bona fide citizens and residents of the State of Texas and who have a desire to become physicians, and who are acceptable for enrollment in a qualified medical school. The purpose of such loans, grants or scholarships shall be to enable such applicants to obtain a standard medical education which will qualify them to become licensed, practicing physicians and surgeons within the State of Texas. It shall be the duty of the Board to make a careful and full investigation of the ability, character and
qualifications of each applicant and to determine his fitness to become a recipient of such loan or scholarship, and for that purpose the Board may propound such examination to each application which it deems proper, and said Board may prescribe such rules and regulations as it deems necessary and proper to carry out the purposes and intentions of this Act. The investigation of the applicant shall include an investigation of the ability of the applicant, who is unable to pay, or of the parents of such applicant, to pay his own tuition at such a medical school and the Board in granting such loans and scholarships shall give preference to qualified applicants, or whose parents are unable to pay the applicant's tuition at such a medical school. The said Board shall have authority to grant to each applicant deemed by the Board to be qualified to receive the same, a loan, grant or scholarship for the purpose of acquiring a medical education as herein provided for, upon such terms and conditions to be imposed by the Board as provided for in this Act. The Board shall, except in those cases which it deems proper, make every effort to grant loans to applicants rather than grants or scholarships. Before awarding funds, the Board may review candidates for loans, grants, or scholarships to determine their intent concerning the location of future practice.

SECTION 2. Section 7, Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. Applicants who are granted loans, grants or scholarships by the Board shall receive an amount which may defray his or her tuition and other expenses in any reputable, accepted and accredited medical school or medical college or school listed by the World Health Organization, or a scholarship to any such medical college or school for a term not exceeding four (4) years, same to be paid at such time and in such manner as may be determined by the Board. The loans, grants and scholarships herein provided may be proportioned in any such manner as to pay the medical school to which any applicant is admitted such funds as are required by that school, and the balance to be paid directly to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the Board. The said loans, grants, or scholarships shall be based upon the condition that the full amount thereof shall be repaid to the State of Texas in cash in full with ten (10) percent interest from the date of each payment by the State on such loan, grant or scholarship or by satisfaction of other conditions of the Board or this Act. If the applicant practices his profession in a rural area as defined by this Act the Board is authorized and shall credit one-fifth of the loan, grant or scholarship together with interest thereon to the applicant for each year of such practice as certified by the Board. At the end of the second full year of practice in a rural area as provided for herein, the applicant shall be privileged to pay off the balance of the loan, grant or scholarship as the case may be with accrued interest thereon, and upon such payment shall be relieved from further obligation under his contract. Should the applicant default under his contract at any time the full principal and accrued interest, plus a penalty of 100 percent of the outstanding balance plus attorney's fees as defined by said contract shall be due and owing to the State.

SECTION 3. Section 20, Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended to read as follows:

"SECTION 20. Rural areas as defined in this Act shall mean residence in or intention to practice in a county of the State of Texas which according to the last preceding Federal Census had a population of less than 30,000."
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.

CSHB 2183, A bill to be entitled An Act relating to the use of odometer readings on certificates of title and assignments of title to motor vehicles.

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

SECTION 1. Section 24, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. The term “Certificate of Title” means a written instrument which may be issued solely by and under the authority of the department, and which must give the following data together with such other data as the department may require from time to time:

(a) The name and address of the purchaser and seller at first sale or transferee and transferee at any subsequent sale.
(b) The make.
(c) The body type.
(d) The motor number.

At such time as the stamping of permanent identification numbers on motor vehicles in a manner and place easily accessible for physical examination is universally adopted by motor vehicle manufacturers as the permanent vehicle identification, the department is authorized to use such permanent identification number as the major identification of motor vehicles subsequently manufactured. The motor number will continue to be the major identification of vehicles manufactured before such change is adopted.

(e) The serial number.
(f) The license number of the current Texas plates.
(g) The names and addresses and dates of any liens on the motor vehicle, in chronological order of recordation.
(h) If no liens are registered on the motor vehicle, a statement of such fact.
(i) A space for the signature of the owner and the owner shall write his name with pen and ink in such space upon receipt of the certificate.
(j) A statement indicating “rights of survivorship” when an agreement providing that the motor vehicle is to be held between a husband and his wife jointly with the interest of either spouse who dies to survive the surviving spouse is surrendered with the application for certificate of title. This agreement is valid only if signed by both husband and wife and, if signed, the certificate shall be issued in the name of both.

(k) If the motor vehicle is equipped with an odometer, the cumulative number of miles or kilometers the motor vehicle has travelled as reflected by the application.

SECTION 2. Section 27, Certificate of Title Act (Article 6687-1, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 27. Before selling or disposing of any motor vehicle required to be registered or licensed in this State on any highway or public place within this State, except with dealer’s metal or cardboard license number thereto attached as now provided by law, the owner shall make application to the designated agent in the county of his domicile upon form to be prescribed by the Department for a certificate of title for such motor vehicle. With the application, the owner shall submit an affidavit stating the cumulative number of miles or kilometers travelled by the motor vehicle to the best of the knowledge of the transferor.

SECTION 3. Subsection (b), Section 30, Certificate of Title Act (Article 6687-1, Vernon’s Texas Civil Statutes), is amended to read as follows:
(b) Before any motor vehicle brought into this State by any person, other than a manufacturer or importer, and which is required to be registered or licensed within this State, can be bargained, sold, transferred, or delivered with intent to pass any interest therein or encumber by any lien, application on form to be prescribed by the Department must be made to the designated agent of the county wherein the transaction is to take place for a certificate of title, and no such designated agent shall issue a receipt until and unless the applicant shall deliver to him, on an affidavit in a form to be prescribed by the Department, evidence of the cumulative number of miles or kilometers travelled by the motor vehicle to the best of the knowledge of the transferor, and such evidence of title as shall satisfy the designated agent that the applicant is the owner of such motor vehicle, and that the same is free of liens except such as may be disclosed [on an affidavit in form to be prescribed by the Department].

No designated agent of the department shall be liable for civil damages arising out of his failure to reflect liens or encumbrances on such motor vehicle unless such failure constitutes willful or wanton negligence.

SECTION 4. Section 33, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 33. No motor vehicle may be disposed of at a subsequent sale unless the owner designated in the certificate of title transfers the certificate of title on a form prescribed by the Department before a Notary Public. This form shall include, among such other matters as the Department may determine, an affidavit to the effect that the signer is the owner of the motor vehicle, and that there are no liens on the motor vehicle, except such as are shown on the certificate of title or are fully described in the affidavit, and stating the cumulative number of miles or kilometers travelled by the motor vehicle to the best of the knowledge of the transferor. No title to any motor vehicle shall pass or vest until the transfer is so executed.

SECTION 5. Subsection (a), Section 142A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Before a vehicle may be registered and titled under Subsection (a), Section 30, Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), the owner must have the vehicle inspected as required under Section 140 of this Act and in addition must have the state-appointed inspection station record the permanent identification number, the number appearing on the odometer of the motor vehicle at the time of the inspection, if the motor vehicle has an odometer, and such other information as the Department may require on a verification form prescribed and furnished by the Department.

SECTION 7. This Act takes effect January 1, 1984 and applies to the issuance or transfer of certificates of title on or after that date.

HB 2196, A bill to be entitled An Act relating to state employees health fitness programs.

HB 2226, A bill to be entitled An Act relating to the power of general law municipalities to annex navigable streams.

Representative Kemp offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2226 on page 1 on the 7th line from the bottom of the page by striking the phrase "or where such annexation has been attempted.".
Committee Amendment No. I was adopted without objection.

HB 2228, A bill to be entitled An Act relating to the power of the board of aldermen of a town or village to codify its ordinances.

(G. Hill in the chair)

HB 2245, A bill to be entitled An Act relating to entry of certain orders and reports in the minutes of the courts of appeals.

HB 2353, A bill to be entitled An Act relating to funding family practice-related support programs.

Representative Delco offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. I

Amend Section 1(f), line 9 by the following: to the standards and criteria for approval of residency training and related support programs.

Committee Amendment No. I was adopted without objection.

RESOLUTIONS CALENDAR

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

SCR 32 (Heflin - House Sponsor)

WHEREAS, Sharon L. Kinzel alleges that:

(1) she enrolled in the master of science in nursing program at The University of Texas School of Nursing at Houston;

(2) the administrators and instructors at the school have harassed and intimidated her and have acted in an arbitrary and capricious manner regarding her completion of the program and their review of her course work; and

(3) because of the arbitrary and capricious review of her work, the school has refused to grant her a degree, and she has incurred damages including the loss of employment in a nursing management position and considerable attorney’s fees; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Sharon L. Kinzel 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.
SCR 33 (W. Martinez - House Sponsor)

WHEREAS, Clyde Jenkins alleges that the State of Texas acting through the State Department of Highways and Public Transportation blocked all ingress and egress to his Exxon Service Station in San Antonio, Bexar County, Texas; and

WHEREAS, Clyde Jenkins alleges that the State of Texas by and through its State Department of Highways and Public Transportation unlawfully took his property during a period of several months as a result of construction by the said highway department; and

WHEREAS, Clyde Jenkins alleges that the State of Texas by and through its State Department of Highways and Public Transportation has damaged him monetarily and unlawfully taken property as a result of blocking all ingress and egress to his place of business; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring. That Clyde Jenkins be and is hereby 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 his 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 procedurally 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, the State Department of Highways and Public Transportation, 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 83 was withdrawn by the author.

By Clark:

HCR 113

WHEREAS, Citizens of Texas expect and deserve to have a high-quality public education system designed to meet the needs both of the students and of the community as a whole; and

WHEREAS, It is anticipated that approximately 80 percent of all jobs in the 1980's will not require a baccalaureate degree, but many jobs will require extensive vocational-occupational training; and

WHEREAS, Secondary schools, community and junior colleges, the Texas State Technical Institute, some colleges and universities, and municipal governments are currently providing public vocational-occupational training, but because the focus and jurisdiction of these entities differ, a fragmented structure of vocational-occupational education has been the result; and

WHEREAS, Previous studies have not critically addressed basic issues in the development of a coordinated and efficient state vocational-occupational education system perhaps, at least in part, because these studies have been conducted by entities not completely disaffiliated with vocational-occupational education or the state educational enterprise; and
WHEREAS, An objective and comprehensive study to formulate a systematic
design for vocational-occupational education is a necessary prerequisite for offering
students a sound public vocational-occupational education program; and
WHEREAS, House Concurrent Resolution 23, 67th Legislature, Regular
Session, requested the State Board of Education to select an entity not affiliated with
the state vocational-occupational enterprise system for a study to make
recommendations to the 68th Legislature regarding a comprehensive state
occupational education program; and
WHEREAS, A special legislative committee was also created by H.C.R. 23 for
the purpose of receiving and reviewing the completed study and transmitting the
study to the legislature with any additional recommendations and with drafts of
legislation considered necessary by the committee; and
WHEREAS, As requested by the resolution, a study was commissioned to
address the following issues:
(1) the development of a single nonduplicative and articulated state
system for all public vocational-occupational training;
(2) the determination of the most appropriate age levels for the
various kinds of vocational-occupational skill training;
(3) the development of a state system based upon actual and
projected needs of a statewide job market; and
(4) the implementation of a state system that makes an appropriate
range of vocational-occupational training opportunities readily
available to every
student in the state; and
WHEREAS, The study was completed too late in the interim for the special
legislative committee to fulfill its responsibility of review; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate
concurring, That the 68th Legislature create a special committee, effective
immediately, to review the study, make additional recommendations, prepare drafts
of legislation considered necessary by the committee, and make a report to the 69th
Legislature; and, be it further
RESOLVED, That the committee be composed of six members of the house
of representatives, to be appointed by the speaker of the house, and three members
of the senate, to be appointed by the lieutenant governor. The speaker of the house
shall designate the chair and the lieutenant governor shall designate the vice-chair
of the committee. The committee shall hold meetings and public hearings at the call
of the chair; and, be it further
RESOLVED, That the House Committee on Public Education provide staff
assistance to the special committee; and, be it further
RESOLVED, That from the contingent expense fund of their respective
houses, the members of the committee shall be reimbursed for expenses incurred
in carrying out the provisions of this resolution, as provided under policies of the
Committee on House Administration and the Senate Administration Committee;
and, be it further
RESOLVED, 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, but that the total expenditure by the committee not be in excess of the sums
listed in an itemized budget submitted to and approved by the Committee on House
Administration and the Senate Administration Committee; 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 Education and the
Central Education Agency, the Texas Legislative Council, and all other state
departments, agencies, and offices, and that it be the duty of such departments,
agencies, 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 the committee make a complete report, including findings, recommendations concerning methods to meet identified needs, and drafts of any legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985. Five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed with the Texas Legislative Council; two copies shall be filed with the secretary of the senate and two copies with the chief clerk of the house. Following official distribution of the committee report, all remaining copies shall be deposited with the legislative reference librarian.

The resolution was adopted without objection.

By Kemp:

HCR 121

WHEREAS, Cram Construction, Inc., alleges that:
(1) it entered into a contract with the Parks and Wildlife Department to perform certain construction on project 521-038;
(2) its performance of that contract has been hindered by the department through delays, disruptions, and interruptions due to erroneous drawings and unreasonable inspections;
(3) it has suffered substantial damages and hardships in its performance of its obligations under the contract as a result of the department's allowing certain conditions to exist; and
(4) it has suffered further hardship and damages as a result of those conditions necessitating a departure from the original contract; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Cram Construction, Inc., is granted permission to sue the State of Texas and the Parks and Wildlife Department 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 executive director of the Parks and Wildlife Department 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 Kemp:

HCR 134

WHEREAS, South Texas Property Associates, doing business as Meadowcreek Village Apartments, alleges that:
(1) it owns an apartment complex near Farm-to-Market Road 518 in Brazoria County, Texas;
(2) the State Department of Highways and Public Transportation is responsible for the design, construction, and maintenance of that road, and the
department performed certain construction and maintenance along the road including the elevation of the roadbed and the construction and alteration of culverts and drainage ditches adjacent to the road;

(3) the Brazoria County Drainage District No. 4 is responsible for adequate drainage facilities in the area; and

(4) the construction and maintenance performed by the department and the construction and maintenance performed by the drainage district resulted in substantial flooding in the area and serious damage to the apartment complex on or about May 3, 1981, and continuing after that date; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That South Texas Property Associates is granted permission to sue the State of Texas, the State Department of Highways and Public Transportation, and the Brazoria County Drainage District No. 4 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, on the state engineer-director of the State Department of Highways and Public Transportation, and on the commissioners of the Brazoria County Drainage District No. 4, that venue for the suit be in Brazoria County or Harris County, and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the 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 Tejeda:

HCR 139

WHEREAS, The Guadalupe Cultural Arts Center/Xicano Music Program, the City of San Antonio, Budweiser, the Texas Commission on the Arts, and the Meadows Foundation will sponsor the second annual Tejano Conjunto Festival in San Antonio, from Wednesday, May 18, through Sunday, May 22, 1983; and

WHEREAS, This festival honors the style of music known as conjunto music, which for several generations has occupied an important place in Chicano and Mexican cultural life; and

WHEREAS, Having the accordion and bajo sexto as its primary instruments, conjunto music originated along the border in the mid-1930's, reached stylistic maturation in the late 1940's and early 1950's, and has been revitalized and refined instrumentally from the mid-1970's to the present; and

WHEREAS, Numerous musicians have contributed their influence to the shaping of conjunto music, including its "father" Narciso Martinez and other notables such as Santiago Jimenez, Pedro Ayala, Lolo Cavazos, Tony de la Rosa, Valero Longoria, Daniel Garcez, Paulino Bernal, Oscar Hernandez, Esteban Jordan, and Roberto Pulido; and

WHEREAS, The sponsors of the festival have assembled the best in conjunto music that Texas has to offer, and have scheduled for induction into a Conjunto Music Hall of Fame several of its all-time great performers; and
WHEREAS, Governor Mark White and other dignitaries have been invited to attend and participate in the festival's opening night ceremonies; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby recognize the week of May 15 through May 22, 1983, as Tejano Conjunto Music Week in Texas; and urge San Antonians and Texans to participate in the week's unique cultural and musical events.

The resolution was adopted without objection.

By A. Smith:

HCR 146

WHEREAS, Marathon Oil Company alleges that:

(1) in 1941, in connection with the suit finally decided by the Supreme Court of Texas styled State v. Balli (190 S.W. 2d 71 (Tex. 1944), reh. den. 1945, cert. den. 328 U.S. 852, 66 S. Ct. 1341 (1946), reh. den. 328 U.S. 880, 66 S. Ct. 1363 (1946)), J. Stuart Boyles made a survey of Padre Island for the attorney general of Texas;

(2) certain persons, firms, and corporations who own littoral lands on Padre Island in Kenedy County, Texas, including the underlying oil, gas, and minerals, claim that the western line of J. Stuart Boyles's survey is not now the west boundary line of their lands on Padre Island and that the west boundary line of their land is the mean higher high tide line of the Laguna Madre;

(3) the State of Texas claims that the boundary line between lands in Kenedy County, Texas, located on Padre Island and the bed of Laguna Madre is as surveyed and located by J. Stuart Boyles in 1941;

(4) The State of Texas, by and through the commissioner of the General Land Office of the State of Texas, has executed and delivered oil and gas leases to Marathon Oil Company, covering state tracts or blocks numbered 389, 394, 404, and 411, Laguna Madre, Kenedy County, Texas, as follows:

(A) State Lease No. 85080, dated April 7, 1981, covering Block 389, Laguna Madre, Kenedy County, Texas;

(B) State Lease No. 85083, dated April 7, 1981, covering Block 394, Laguna Madre, Kenedy County, Texas;

(C) State Lease No. 86619, dated October 6, 1981, covering Block 404, Laguna Madre, Kenedy County, Texas; and

(D) State Lease No. 86624, dated October 6, 1981, covering Block 411, Laguna Madre, Kenedy County, Texas;

(5) certain persons, firms, and corporations who own littoral lands on Padre Island claim that all or parts of those tracts or blocks, as a result of accretion or reliction, have become part of Padre Island; and the State of Texas denies this claim;

(6) this conflict over ownership of lands inhibits a lessee, such as Marathon Oil Company, to its detriment, in exploring and developing its state leases, and hinders the State of Texas in collection of adequate bonuses and royalty revenues from its lands;

(7) it has been determined that the only way the controversy can be resolved is by the judgment of a district court with jurisdiction over the property in controversy;

(8) Marathon Oil Company, in preparing to drill wells in search of oil and gas on its state leases, has gone to considerable expense in causing surveys and studies to be made of the land in an effort to delineate the portion of the leases that are in controversy, all of which information has been or will be made available to the commissioner of the General Land Office of the State of Texas, and to the attorney general of the State of Texas;
(9) this boundary conflict affects both the surface area and the minerals under submerged lands of Laguna Madre where the tracts or blocks are located;

(10) in the event Marathon Oil Company successfully drills and completes an oil or gas well on its state leases, it will be obligated to pay royalties to the State of Texas on the oil or gas produced, and if it is determined that the persons, firms, and corporations who own littoral lands on Padre Island, are the owners of the lands from which the oil or gas is produced, Marathon Oil Company will also be liable for payment of royalties to those persons, firms, or corporations;

(11) under the laws of the State of Texas and the terms of the state leases, the leases are subject to forfeiture by the commissioner of the General Land Office for nonpayment of the royalties; and

(12) Marathon Oil Company must know the true boundaries of the tracts covered by its state leases in order to explore, develop, and conduct operations on those leases and to make payment of royalties to the proper party on any production of oil or gas, and if not permitted to institute and maintain suit making the State of Texas a party, Marathon Oil Company may be liable for double payment of royalties if it is determined that the State of Texas is not the owner of the lands from which the oil or gas is produced, or risk forfeiture of its leases by the commissioner of the General Land Office; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Marathon Oil Company is granted permission to sue the State of Texas and the General Land Office in any court of competent jurisdiction in Kenedy County 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 the General Land Office and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the 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 Barrientos:

HCR 149

WHEREAS, Mabel Ann Brownlow alleges that:

(1) she was employed at The University of Texas at Austin, an institution of The University of Texas System;

(2) during her employment at the university, she paid the employee's portion of insurance premiums for coverage under a group insurance policy, which included a benefit for permanent total disability before the age of 60;

(3) while the insurance company and the university agreed in May of 1980 to delete that benefit from the group coverage, the university not only failed to inform her of the deletion, but it reassured her of her continued coverage under that disability provision in May of 1981;

(4) she became totally and permanently disabled in May of 1981 and was unable to continue either her employment at the university or any other employment;
(5) it was only upon submission of a claim of disability that she was informed by the insurance company that the disability coverage had been deleted; and
(6) it was the responsibility of the university to give her timely notice of the change in insurance coverage; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Mabel Ann Brownlow is granted permission to sue the State of Texas and 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 D. Lee:

HCR 154

WHEREAS, Frank Joseph was an outstanding member and hard-working leader of the Texas Cosmetology Commission from 1971 through 1977; and
WHEREAS, First appointed by Governor Preston Smith, then reappointed by Governor Dolph Briscoe, Mr. Joseph served as chairman of the examination committee of the commission throughout his terms as board member, and he was chosen as vice-chairman of the commission in 1974 and served in that position until his resignation; and
WHEREAS, His untiring efforts to upgrade cosmetology laws were of tremendous value to the entire industry, and his leadership in formulating testing procedures that continue in use has resulted in a more effective and successful system for conducting and evaluating cosmetology examinations; and
WHEREAS, This noteworthy citizen was a licensed cosmetologist for 35 years; he served as director of the Texas Hairdressers and Cosmetology Association; and he was elected honorary life member of the National Interstate Council of State Boards of Cosmetology; and
WHEREAS, A resident of Harlingen, Mr. Joseph died on October 19, 1982, and it would be appropriate to recognize his important contributions to the profession of cosmetology and his commitment to protecting the interests and health of the citizens of this state; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby name the building located at 1111 Rio Grande, Austin, Texas, which is the headquarters of the Texas Cosmetology Commission, the Frank Joseph Cosmetology Building in honor of this distinguished former member of the commission; and, be it further
RESOLVED, That an official copy of this resolution be prepared and forwarded to the executive director of the Texas Cosmetology Commission as an expression of the action of the Texas Legislature.
The resolution was adopted without objection.

By Oliveira:

HCR 156

WHEREAS, The issue of child support enforcement is a concern to many Texans, and the Texas Legislature is currently giving it special consideration; and

WHEREAS, The long-range goal of child support enforcement is to reduce financial deprivation among the children of Texas by emphasizing that the responsibility for support belongs to both parents; and

WHEREAS, The success of child support enforcement programs depends on the interest of all citizens in addition to increased cooperation among the participating agencies; and

WHEREAS, Legislation has been introduced in the United States Congress designating August, 1983, as “National Child Support Enforcement Month”; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature declare the month of August, 1983, to be “Texas Child Support Enforcement Month”; and, be it further

RESOLVED, That the 68th Legislature urge all citizens of Texas and all government agencies to observe this month with proper programs, activities, and ceremonies.

The resolution was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, Subcommittee on Rates and Regulations, on first adjournment today, Desk 22, to consider SB 331.

Urban Affairs, Subcommittee on SB 643, on first adjournment today, Desk 29, to consider SB 643.

Human Services, on first adjournment today, Desk 50, to consider HB 1274.

State Affairs, Subcommittee on HJR 93 and HB 1744, on first adjournment today, back hall.

State Affairs, Subcommittees on HB 1312 and HB 1313, on first adjournment today, back hall, to consider HB 1312 and HB 1313.

State Affairs, Subcommittee on HB 830, on first adjournment today, Desk 59, to consider HB 830.

Energy, Subcommittee on SB 360, on first adjournment today, Desk 109, to consider SB 360.

Appropriations, on first adjournment today, speakers committee room, to consider HB 2062 and HB 1298.

Calendars, on first adjournment today, Room G-14, to set calendar.

State Affairs, Subcommittee on SB 711, on first adjournment today, back hall, to consider SB 711.

Liquor Regulation, Subcommittee on HR 111, on first adjournment today, back hall, to consider HR 111.

Appropriations, Subcommittee on HB 875, on first adjournment today, Desk 75, to consider HB 875.
Natural Resources, on first adjournment today, Desk 70, to consider HB 2427.

State Affairs, Subcommittee on HB 458, on first adjournment today, Desk 32, to consider HB 458.

ADJOURNMENT

Representative B. Barton moved that the house adjourn until 11:30 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:15 a.m., adjourned until 11:30 a.m. today.