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

The roll of the house was called and a quorum was announced present (Record 449).

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

Absent, Excused — Cary; Clark; Luna.

The invocation was offered by Ernest Weedon, pastor, First Baptist Church, Deer Park, Texas, as follows:

Good Morning, Lord,

We gratefully acknowledge that this is a day that you have made. Help us to rejoice and be glad in it; glad that we have health enough to be involved in productive work today; glad that we can have an influence for good upon the people in Texas as we all pursue life, liberty, and happiness.

In the name of Jesus who is our guarantee that you love all the people in this world. Amen.

LEAVES OF ABSENCE GRANTED

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

Clark on motion of Crockett.
Luna on motion of Hackney.
Cary on motion of Gavin.

HR 420 - ADOPTED

Representative T. Hall moved that all necessary rules be suspended to take up and consider at this time, HR 420.
The motion prevailed without objection.
The speaker laid before the house the following resolution:
By T. Hall:

HR 420, Commending Pat Neff Roberts.
The resolution was adopted without objection.

On motion of Representative Watson, the names of all the members of the house were added to HR 420 as signers thereof.

INTRODUCTION OF PAT NEFF ROBERTS
Speaker Lewis recognized Representative T. Hall who read from the House Journal of 1903 concerning the birth and naming of Pat Neff Roberts.

Representative T. Hall introduced members of Mr. Roberts' family. Speaker Lewis declared Mr. Roberts "Honorary Speaker for the Day" and presented him with a gavel.

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR
The chair laid before the house the following congratulatory and memorial resolutions:
By Polk, et al.:

HR 292, Inviting Robert A. Caro to address the members of the house.
The resolution was adopted without objection.

By Eckels:

HR 320, Congratulating Bonnie and Ken Cox.
The resolution was adopted without objection.

By B. Barton:

HR 325, Congratulating the First Baptist Church of Blanco.
The resolution was adopted without objection.

By Bush:

HR 329, Commending the Locust Community Volunteer Fire Department.
The resolution was adopted without objection.

By Denton:

HR 333, In memory of Louis Gonzales, Sr.
The resolution was unanimously adopted by a rising vote.

By Eckels:

HR 335, Congratulating Lauren Kate Howard.
The resolution was adopted without objection.

By Oliveira:

HR 337, Congratulating the Oliveira Intermediate School Symphonic Band.

Representative Oliveira offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend HR 337, page 1, line 16, by deleting the "S" in Slinchbaugh, and adding in its place an "F".
Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Jones, et al.:
HR 341, Commending the Country Club Optimist Club of El Paso.
The resolution was adopted without objection.

By Patronella:
HR 342, Commending Robert Pulido, Jr.
The resolution was adopted without objection.

By McWilliams:
HR 343, Congratulating the Overton High School Mustang Band.
The resolution was adopted without objection.

By Hammond:
HR 345, Commending the one-act play cast and its director, Karen McIntire, representing Port Aransas High School.
The resolution was adopted without objection.

By English:
HR 346, Congratulating Harold and Louise Patterson.
The resolution was adopted without objection.

By Arnold:
HR 350, Congratulating the Forney High School Band.
The resolution was adopted without objection.

By McWilliams:
HR 356, Congratulating Wiley College.
The resolution was adopted without objection.

By Jones:
HR 358, Commending Walter and Margaret Pugil.
The resolution was adopted without objection.

On motion of Representative Jones, the names of all the members of the house were added to HR 358 as signers thereof.

By Wright:
HR 363, Commending Miss Laura Savage.
The resolution was adopted without objection.

By McWilliams, et al.:
HR 364, Commending the East Texas Oil Museum and its director, Joe White.
The resolution was adopted without objection.

By McWilliams:
HR 365, Congratulating Inez Hatley Hughes.
The resolution was adopted without objection.

By McWilliams:
HR 366, Congratulating Milton S. McGee, Jr.
The resolution was adopted without objection.

By McWilliams:
HR 367, Congratulating the Hallsville High School Bobcat Belles.
The resolution was adopted without objection.
By Word:
HR 369, Recognizing a portion of the old Texas Highway Number 2 as the Willie Nelson Road.
The resolution was adopted without objection.

By B. Barton:
HR 372, Commending Jim Garner.
The resolution was adopted without objection.

By W. Martinez:
HR 374, In memory of Damaso Salinas Hernandez.
The resolution was unanimously adopted by a rising vote.

By Denton:
HR 381, Commending Bob M. Johnson.
The resolution was adopted without objection.

By Eckels:
HR 382, Commending A. J. "Mac" McKinney.
The resolution was adopted without objection.

By Eckels:
HR 383, Commending Milton Winebrenner.
The resolution was adopted without objection.

By S. Hudson:
HR 386, Congratulating Mary Cross Johnson.
The resolution was adopted without objection.

On motion of Representative S. Hudson, the names of all the members of the house were added to HR 386 as signers thereof.

By D. Lee:
HR 387, Congratulating Mr. and Mrs. J. L. Head.
The resolution was adopted without objection.

By D. Lee:
HR 388, Extending birthday wishes to Mr. J. L. Head.
The resolution was adopted without objection.

By T. Smith:
HR 389, Congratulating the Westlake High School Band.
The resolution was adopted without objection.

By T. Smith:
HR 390, Recognizing the month of May as "Arthritis Month" in Texas.
The resolution was adopted without objection.

By G. Hill:
HR 391, Congratulating the Westwood High School girls' soccer team.
The resolution was adopted without objection.

By Cary:
HR 394, Commending the Polytechnic High School girls' track team.
The resolution was adopted without objection.

By L. Hall:
HR 398, Congratulating Dr. J. Ardis Bell.
The resolution was adopted without objection.
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By A. Smith:
HR 400, Congratulating Patricia C. Taylor.
The resolution was adopted without objection.

By Saunders:
HR 401, Commending the Columbus High School girls' golf team.
The resolution was adopted without objection.

By Armbrister:
HR 403, Congratulating Sylvia and Kenneth Martin.
The resolution was adopted without objection.

By English:
HR 404, Congratulating the Honorable S. J. Stovall.
The resolution was adopted without objection.

By Fox:
HCR 220, Commending the Honorable John G. Morrison.
The resolution was adopted without objection.

By Kuempel:
HCR 224, Commending Mrs. Jane Weinert Blumberg.
The resolution was adopted without objection.

By D. Lee:
HCR 226, Congratulating Ned and Betty Lollar.
The resolution was adopted without objection.

By Crockett:
HCR 231, Commending the members of the 1982-83 Pearsall High School Maverick Band.
The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to HCR 231 as signers thereof.

By Arnold:
HCR 237, Congratulating the city of Midlothian.
The resolution was adopted without objection.

By G. Thompson:
HCR 244, In memory of A. B. Morris.
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 HCR 244 as signers thereof.

By Crockett:
HCR 249, Declaring George Washington Arnold a National Treasure of the Republic.
The resolution was adopted without objection.

On motion of Representative Crockett, the names of all the members of the house were added to HCR 249 as signers thereof.

By A. Smith:
HCR 252, Commending Clara W. Bewicke.
The resolution was adopted without objection.

On motion of Representative A. Smith, the names of all the members of the house were added to HCR 252 as signers thereof.
SCR 99, Congratulating the City of San Antonio.
The resolution was adopted without objection.

SCR 108, Commending Edwin H. Irons.
The resolution was adopted without objection.

The resolution was adopted without objection.

LOCAL BILLS CALENDAR ON SECOND READING

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

SB 1192 (Carriker - House Sponsor), A bill to be entitled An Act relating to establishment, membership, staff, powers and duties, and compensation of a juvenile board for the 132nd Judicial District.

CSSB 1261 (Rangel - House Sponsor), A bill to be entitled An Act relating to the election and terms of office of the members of the board of supervisors of the Willacy County Drainage District No. 1.

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

SECTION 1. Subsection (b), Section 5, Chapter 10, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(b) The next election for supervisors shall be held on the third Saturday in January, 1984 [second Tuesday in January, 1972]. At that election the two [four] persons receiving the largest number of votes shall serve for terms of three [two] years and the two persons receiving the next largest number of votes shall serve for terms of two years [three other persons elected to the board shall serve for a term of one year]. Thereafter, on the third Saturday in January [second Tuesday] in each year an election shall be held to elect the appropriate number of supervisors to the board, and these supervisors shall serve for three-year [two-year] terms. Except as provided in this subsection, elections for supervisors shall be held in the manner provided for election of supervisors of fresh water supply districts.

SECTION 2. Since the Willacy County Drainage District No. 1 is required to change the date of its annual election of supervisors by this Act, the provisions of Subsections (c) and (d), Section 9b, Texas Election Code (Article 2.01b, Vernon’s Texas Election Code), govern the adjustment of dates and events in connection with the election.

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.

SB 1292 (Finnell - House Sponsor), A bill to be entitled An Act relating to the creation, administration, directors, powers, duties, operation, and financing of the Foard County Hospital District.

SB 1381 (Stiles - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of the Broussard Sewage District.

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

Amend SB 1381 by adding the following at the end of Section 4 on page 3, line 20 after the word "benefit":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Section 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

Committee Amendment No. 1 was adopted without objection.

SB 1382 (Stiles - House Sponsor), A bill to be entitled An Act relating to the creation, directors, administration, powers, duties, and financing of the Fannett Sewage District.

Representative Craddick offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1382 by adding the following at the end of Section 4 on page 10, line 7 after the word "benefit":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

Committee Amendment No. 1 was adopted without objection.

SB 1385 (Stiles - House Sponsor), A bill to be entitled An Act relating to the creation, directors, administration, powers, duties, and financing of the South Creek Sewage District.

Representative Craddick offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1385 by adding the following at the end of Section 4 on page 3, line 15 after the word "benefit":

"Provided further, the district shall not exercise any of the powers authorized herein unless the district's establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act."

Committee Amendment No. 1 was adopted without objection.

HB 1183, A bill to be entitled An Act relating to the jurisdiction of the County Court of Cass County.
Representative Oliver moved that consideration of HB 1296 be postponed until Monday, May 23, at 2 p.m.

The motion prevailed without objection.

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

HB 2129, A bill to be entitled An Act relating to the authority of the District Judge of the 297th Judicial District of Texas.

HB 2294, A bill to be entitled An Act relating to the terms and jurisdiction of County Court at Law No. 1 of Lubbock County and County Court at Law No. 2 of Lubbock County.

CSHB 2295, A bill to be entitled An Act relating to the composition of the Henderson County juvenile board, the compensation of the members of that board, and prosecution of juvenile cases in Henderson County.

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

SECTION 1. Subsections (a) and (b), Section 2, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon’s Texas Civil Statutes), are amended to read as follows:

(a) The Juvenile Board of Henderson County is created. The board consists of the County Judge of Henderson County, the judges of the District Courts in Henderson County, the District Attorney for the 3rd Judicial District, the judge of the 173rd Judicial District, and the County Attorney of Henderson County. The judge of the 173rd Judicial District shall be chairman of the board and its chief administrative officer.

(b) As compensation for the added duties imposed on the judge of the juvenile court, the judge shall be paid by the county an amount not less than $750 a month, to be determined by the commissioners court. As compensation for the added duties imposed by service on the juvenile board, each other member shall be paid by the county an amount not less than $250 a month, to be determined by the commissioners court. The compensation shall be in addition to all other compensation provided or allowed by law for county and district judges and county attorneys and shall not be counted as fees of office.

SECTION 2. Subsection (f), Section 2, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon’s Texas Civil Statutes), is amended to read as follows:

(f) The County Attorney of Henderson County has the duty to file, prosecute, and try on behalf of the state all juvenile cases in the juvenile court of Henderson County. In the event the county attorney is ill or unable for any reason to perform that duty, the District Attorney for the 173rd Judicial District shall perform the duty when called on by the judge of the juvenile court of Henderson County.

SECTION 3. Section 2, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon’s Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

(g) The 173rd District Court is designated the juvenile court of Henderson County.

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

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.

CSHB 2299, A bill to be entitled An Act relating to legislative findings, boundaries, creation, administration, powers, duties, elections, issuance of bonds, levy and collection of taxes and finances for the Dickinson Bayou Watershed Drainage District; providing for the dissolution or realignment of boundaries of existing districts; and containing other provisions relating to the subject.

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

SECTION 1. Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, is amended by adding Section 1A to read as follows:

Sec. 1A. LEGISLATIVE FINDINGS. The legislature finds that the organization of the district is feasible and practicable and that the land to be included in and the residents of the proposed district will be benefited by the creation of the district. Further, the legislature finds that there is a public necessity for creation and operation of the district and that the creation of the district will further the public welfare and serve a public use and benefit.

SECTION 2. Section 2, Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, is amended to read as follows:

Sec. 2. CREATION OF DISTRICT AUTHORIZED. Under and pursuant to the provisions of Article XVI, Section 59, of the constitution of Texas, and for the purposes specified therein, a conservation and reclamation district to be known as [on approval at the election held under Section 4 of this Act,] "the Dickinson Bayou Watershed Drainage District," is hereby created. [pursuant to Article XVI, Section 59, of the Texas Constitution:] The creation and establishment of the District is hereby determined to be essential to the accomplishment of the purposes of Article XVI, Section 59, Constitution of Texas.

SECTION 3. Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, is amended by adding Section 2A to read as follows:

Sec. 2A. POWERS OF DISTRICT. (a) The District shall have the functions, powers, authority, rights and duties which will permit accomplishment of the purposes for which it was created.

(b) The District is authorized to purchase, construct, acquire, own, operate, maintain, repair, improve or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

SECTION 4. Sections 3, 4, 7, 8(b), 9(a), 22, 29(b), 33, 49, 50, 51, 52, and 53, Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, are amended to read as follows:

Sec. 3. BOUNDARIES OF DISTRICT. The boundaries of the district are as follows:

BEGINNING at the intersection of the East boundary line of the S.R. Tatman survey and the Galveston-Brazoria County line;

THENCE northeasterly along the East line of said S.R. Tatman Survey to the Northeast corner of said survey;

THENCE northeasterly across the W.C.M. Baker Survey to the Southeast corner of the Pallas Love Survey and the Northwest corner of the Woods Survey;

THENCE northeasterly along the Southeast line of the Pallas Love Survey to the East corner of said Pallas Love Survey;

THENCE northeasterly across the Lemuel Crawford Surveys No. 38 and No. 39 to the Southeast corner of the J.R. Pace Survey;

THENCE northerly along the East boundary line of said J.R. Pace Survey and along the West boundary line of the Philip Guvot Survey to the Northwest corner of said Guvot Survey;
THENCE Easterly along the North boundary line of said Philip Guyot Survey to one of the Southeast corners of the J.R. Pace Survey and one of the Southwest corners of the W.K. Wilson Survey;

THENCE Northerly along the dividing line between the J.R. Pace and W.K. Wilson Surveys to the Northeast corner of the J.R. Pace Survey;

THENCE West to the Southeast corner of the A. Farmer Survey;

THENCE Northerly along the East boundary of said A. Farmer Survey to the center line of the Brazos River Water Authority Canal;

THENCE in an Easterly direction along the center line of the Brazos River Water Authority's Canal to the West line of the Galveston County Water Authority's Water Reservoir Projected Southerly;

THENCE Northerly along said Southerly projection and the West line of Galveston County Water Authority's Water Reservoir to the Northwest corner of said Reservoir;

THENCE Easterly along the Northerly line of said Reservoir to the Northeast corner of said Reservoir;

THENCE in a Northeasterly direction along the center line of the Texas City Storm Protection Levee and its projection northeasterly to the Southerly shore line of Dickinson Bay;

THENCE along the Southerly and Northerly shore line of Dickinson Bay to April Fool Point;

THENCE in a Northeasterly direction along the shore line of Galveston Bay to Edward's Point;

THENCE in a Northwesterly direction along the shore line of Galveston Bay to the center line of Rice Street;

THENCE in a Southwesterly direction along the centerline of Rice Street to the centerline of State Highway No. 146;

THENCE in a Southeasterly direction along the centerline of State Highway No. 146 to the Northerly boundary of the Rafael Basquez Survey;

THENCE in a Southerly direction along the Northerly boundary of the Rafael Basquez Survey to the center line of Lawrence road;

THENCE in a Northerly direction along the center line of Lawrence road to the centerline of Woodcock;

THENCE in a Westerly direction along the centerline of Woodcock to the centerline of State FM No. 1266;

THENCE in a Northerly direction along the centerline of State FM No. 1266 to the South line of Lot 16, Block 4, Jarboe Addition, Muldoon 2 League Grant, projected Easterly;

THENCE in a Westerly direction along the South line of Lots 16 and 15, Block 4, Jarboe Addition, Muldoon 2 League Grant and the South line of Lots 50, 49, 48 and 67 to the East line of Lot 55 Division "F", League City, Muldoon 2 League Grant;

THENCE in a Southerly direction along the East line of Lots 55, 56 and 57 to the Southeast corner of Lot 57, Division "F", League City, Muldoon 2 League Grant;

THENCE Westerly along the South line of said Lot 57 Division "F" and the South line of Lots 82, 81 and 46 Division "D", League City, Muldoon 2 League Grant to the center line of Louisiana Street;

THENCE in a Southerly direction along the centerline of Louisiana to the centerline of Hewitt Street;

THENCE in a Westerly direction along the centerline of Hewitt Street to the centerline of the G.H. and H. Railroad;

THENCE in a Southeasterly direction along the centerline of the G.H. and H. Railroad to the centerline of First Street;
THENCE in a Southwesterly direction along the centerline of First Street to the centerline of State Highway No. 3;
THENCE in a Northwesterly direction along the center line of State Highway No. 3 to the centerline of First Street;
THENCE in a Southwesterly direction along the center line of First Street to the centerline of Link Road;
THENCE in a Westerly direction along the center line of Link Road to the center line of Calder Drive;
THENCE in a Southerly direction along the center of Calder Drive to the center line of Turner Street;
THENCE in a Westerly direction along the center line of Turner Street to the center line of Butler Street;
THENCE in a Southerly direction along the center line of Butler Street to the center line of Turner Street;
THENCE in a Westerly direction along the center line of Turner Street to the center line of Hobbs Street;
THENCE in a Southerly direction along the center line of Hobbs Street to the South boundary line of the S.F. Austin Survey and North boundary line of the Perry and Austin Survey;
THENCE in a Westerly direction along said South boundary line of the S.F. Austin Survey and North boundary line of the Perry and Austin Survey to the American Canal;
THENCE continuing in a Westerly direction following the American Canal to the intersection of the city limits of Friendswood;
THENCE North along the city limits of Friendswood to the center line of Lundy Lane;
THENCE Westerly along the center line of Lundy Lane to the center line of State FM No. 528;
THENCE in a Southwesterly direction along the centerline of State FM No. 528 to the center line of Moore Road;
THENCE in a westerly direction along the center line of Moore Road to the Galveston-Brazoria County line;
THENCE Southwesterly and Southeasterly along the Galveston-Brazoria County line to the East boundary of the S.R. Tatman Survey and place of beginning.

It is determined and found that the boundaries and field notes of the district form a closure; and if any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way or manner affect the organization, existence, and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created, or to pay the principal and interest thereon, or the right to assess, levy, and collect taxes, or the legality or the operation of the district or its board of directors, [includes the Galveston County Drainage District No. 4 and all of the territory wholly located within Galveston County that is within the boundaries designated on the official map and in the material relating to the district filed with the department].

Sec. 4. CONFIRMATION AND MAINTENANCE TAX ELECTION. (a)
On the effective date of this Act, the following persons shall constitute the temporary board of directors for the district:

1. Arthur Autry
2. Dean Britton
3. George Pearson
4. Bob Holly
5. Gwen Neugent
If a vacancy occurs on the temporary board of directors, such vacancy shall be filled by appointment of the remaining members of the board.

(b) The temporary board shall call an election to be held on November 8, 1983 (as 1981), within the boundaries of the proposed district. The temporary board shall call that election and any subsequent election under this section to determine:

1. If the proposed district will be established (created) and boundaries of existing drainage districts changed or existing drainage districts dissolved, and
2. If the proposed district will be authorized to levy a maintenance tax.

(c) Notice of an (the) election under this section must (shall) state the day and places for holding the election and the proposition or propositions to be voted on. The temporary board shall publish the notice at least once in a newspaper of general circulation in the proposed district. The notice must be published at least 30 days before the date set for the election.

(d) The ballots for an (the) election under this section shall be printed to provide for voting for or against the following propositions (propositions):

1. The creation and establishment of the Dickinson Bayou Watershed Drainage District and change of boundaries or dissolution of drainage districts within the boundaries of the proposed district.
2. The levy of a maintenance tax for the Dickinson Bayou Watershed Drainage District sufficient to maintain, repair, and preserve district improvements and to pay legal debts, demands, and obligations of the district.

The temporary board may combine the matters specified in (b)(1) and (2) of this Section 4 into a single proposition for submission to the voters, and, if so, the ballots shall be printed accordingly. If two propositions are submitted, the temporary board may specify in its order calling an election under this section that failure of either of the propositions submitted shall be deemed to be and shall constitute failure of both of such propositions.

(e) Immediately after an (the) election under this section, the presiding judge of each polling place shall make returns of the results to the temporary board, and the temporary board shall canvass the returns and declare the results.

(f) If a majority of the votes cast at the election favor the proposition for the creation and establishment of the district, the temporary board shall declare the district created and shall enter the result in its minutes. If a majority of the votes cast at the election are against the proposition for the creation and establishment of the district, the temporary board shall declare that the district was defeated and shall enter the result in its minutes. The temporary board shall also file a copy of the election results with the department.

(g) If a majority of the votes cast at the election favor the proposition for the levy of a maintenance tax and at the same election approve the proposition for the creation and establishment of the district, the temporary board shall declare that the district may levy a maintenance tax and shall enter the result in its minutes. If a majority of the votes cast at the election are against the proposition for the levy of a maintenance tax but do not approve the proposition for creation and establishment of the district, the temporary board shall declare that the maintenance tax was defeated and may not be levied and shall enter the result in its minutes.

(h) The temporary board shall file a copy of the election results with the department.

(i) If a majority of the voters at an (the) election under this section approve the creation and establishment of the district, the temporary board shall become the regular board of directors and shall serve until the first regular directors' election under this Act (in November, 1983).
If a majority of the voters at an election under this section vote against the creation and establishment of the district, subsequent elections to confirm creation and establishment of the district and to approve the levy of a maintenance tax may not be called and held by the temporary board; provided that each such subsequent election may not be held for at least 18 months following the most recent confirmation election under this section. If creation and establishment of the district is not confirmed before September 1, 1988 (within five years after adoption of this Act), this Act expires.

Sec. 7. TERM OF OFFICE. Except for the temporary directors under Section 4 of this Act and directors covered by Section 8 of this Act, a director shall hold office for a term of two years and until his successor is elected and has qualified.

Sec. 8. (b) Within 90 days after the election approving creation of the district, the board shall adopt an order establishing the boundaries and numbers for single-member director districts for the district based on available population figures from the most recent decennial census. The single-member districts shall be compact, contiguous, and as nearly equal in population as is practicable. The board shall call and hold an election on the first Saturday in April following the election approving creation of the district [Tuesday after the first Monday in November, 1982] to elect five members to the board. The persons elected from districts one through three shall serve two-year terms, and the persons elected from districts four and five shall serve for one-year terms. Successors to these directors shall serve two-year terms.

Sec. 9. DIRECTOR'S ELECTION. (a) On the first Saturday in April of each year, an election shall be held in the district to elect the appropriate number of directors.

Sec. 22. CONTRACTS. The board may enter into contracts with any person in the performance of any purpose or function permitted by this Act, and those contracts shall be executed by the board in the name of the district.

Sec. 29. (b) In preparing the plan, the district engineer may exercise the powers and shall exercise the duties provided by Sections 56.022 and 56.023, Water Code, to the extent not inconsistent with the provisions of this Act.

Sec. 33. IMPROVEMENTS TO BE CONSTRUCTED. Improvements included in the plan and adopted by the board shall be constructed or acquired as same become necessary and as funds are available therefor.

Sec. 49. OTHER POWERS AND DUTIES. In addition to the powers and duties specifically granted or imposed by this Act, the board and the district may exercise the powers and shall perform the duties provided by Sections 56.111, 56.112(a) and (b), 56.113, 56.114, 56.115, 56.116(a), (b), and (c), 56.120, 56.121, 56.126, 56.128, 56.130, 56.133, 56.134, 56.135, 56.140, 56.141, 56.142, and 56.143, Water Code, to the extent not inconsistent with the provisions of this Act. Any actions assigned to the commissioners court or the county judge under those specific sections shall be performed by the board.

Sec. 50. GENERAL FISCAL PROVISIONS. Sections 54.301, 54.305, 54.307, 54.308, [54.309,] and 54.310, Water Code, apply to the district.

Sec. 51. ISSUANCE OF BONDS. The district may issue bonds to provide the improvements authorized under this Act as provided by Sections 54.501 through 54.518, 54.520, and 54.521, Water Code. In the event of a conflict between said provisions of the Water Code and the provisions of this Act, the provisions of this Act shall apply. Section 54.5161, Water Code, does not apply to issuance of bonds of the district.

Sec. 52. TAXES. On approval at an election under Section 53A of this Act, the district may assess, levy, and collect ad valorem taxes on all property in the district subject to district taxation to pay the principal of and interest on bonds.
issued by the district in the manner provided by the Property Tax Code and Chapter 56, Water Code.

Sec. 53. MAINTENANCE TAX. On approval at an election under Section 4 or Section 53A of this Act [At the same time that taxes are levied to pay bonded indebtedness], the district may [shall] assess, levy, and collect, as provided by the Property Tax Code ad valorem taxes on all property in the district sufficient to maintain, repair, and preserve district improvements and to pay legal debts, demands, and obligations of the district.

SECTION 5. Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, is amended by adding Section 53A to read as follows:

Sec. 53A. TAX ELECTION. (a) The district may not levy a tax provided by Section 52 or Section 53 of this Act until a majority of the voters of the district voting at an election called for such purpose approve levy of the tax.

(b) The board may call an election to be held in the district to determine if the district will be authorized to levy a tax under Section 52, Section 53, or both Sections 52 and 53 of this Act. The board may submit the tax questions in one or more propositions on the ballot.

(c) Notice of a tax election must state the day and places for holding the election and the proposition or propositions to be voted on. The board shall publish the notice at least once in a newspaper of general circulation in the district. The notice must be published at least 30 days before the date set for the election.

(d) Immediately after the election, the presiding judge of each polling place shall make returns of the results to the board, and the board shall canvass the returns and declare the results.

(e) If a majority of the votes cast at the election favor a proposition for the levy of a tax, the board shall declare that the district may levy the tax and shall enter the result in its minutes. If a majority of the votes cast at the election are against a proposition for the levy of a tax, the board shall declare that the tax was defeated and may not be levied by the district and shall enter the result in its minutes.

(f) The board shall file a copy of election results with the department.

SECTION 6. Section 55, Chapter 660, Acts of the 67th Legislature, Regular Session, 1981, is amended by adding Subsection (d) to read as follows:

(d) For purposes of this Section 55, the phrase “effective date of the creation of the district” shall mean the date on which the returns of the election required pursuant to Sec. 4 hereof are canvassed and the results thereof are declared to be in favor of the creation and establishment of the district.

SECTION 7. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least 30 days and not more than 90 days prior to the introduction of this Act in the legislature of Texas, in a newspaper having a general circulation in the county or counties in which this district or any part thereof is situated; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas, who has submitted such Notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation as to such act with the Governor, Lieutenant Governor and Speaker of the House of Representatives of Texas within 30 days from the date such Notice and Act were received by the Texas Water Commission; and that all the requirements and provisions of Article XVI, Section 59(d), Constitution of the State of Texas, have been fulfilled and accomplished as therein provided.

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.
Representative Armbrister offered the following amendment to CSHB 2299:

Amend page 7, lines 19 and 20 of HB 2299 to read as follows:
4. Lorn Westfall [Bob Holly]
5. Chet Magruder [Gwen Neugent]

The amendment was adopted without objection.

HB 2310, A bill to be entitled An Act relating to compensation of the district judges in Bexar County.
(Fox and Craddick - no)

Representative Tejeda offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2310 as follows:
(1) Insert a new Section 2 to read as follows:
SECTION 2. Any elected or appointed judge of a court of record who is receiving a full-time salary as a judge and who charges or accepts a fee or a donation for conducting a marriage ceremony that is held on any weekday, other than a state holiday, during the period beginning at 8 a.m. and ending at 5 p.m. and that is held in an office, courtroom, or building that is publicly owned or for which tax revenue is spent is prohibited from receiving all or any of the supplemental compensation provided for by this Act.
(2) Renumber the current Section 2 as Section 3.
(3) Renumber the current Section 3 as Section 4.

Committee Amendment No. 1 was adopted without objection.

HB 2337, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Mason County Hospital District.

HB 2338, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Sutton County Hospital District.

Representative Buchanan offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2338 by striking lines 25 through 27 on page 7 and lines 1 through 13 on page 8 and substituting the following:
SECTION 4.01. LIMITATION ON GOVERNMENTAL ENTITY. On or after creation of the district, Sutton County may not levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care for the residents of the district.

Committee Amendment No. 1 was adopted without objection.

SB 1312 (Vowell - House Sponsor), in lieu of HB 2341, A bill to be entitled An Act relating to municipal courts of record in the City of El Paso; prescribing the jurisdiction, organization, administration, procedures, and power of municipal courts; providing the practice in such courts and rules and procedures for appeals and the effect of rulings of the appellate court; creating the El Paso Municipal Court of Appeals; providing the qualifications, compensation, and selection of judges and providing for the necessary officers and employees of the courts; providing for appeals to the Court of Appeals in certain cases; providing transition procedures; repealing Chapter 410, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1200ee-1, Vernon's Texas Civil Statutes).
HB 2341 - LAID ON THE TABLE SUBJECT TO CALL

Representative Vowell moved that HB 2341 be laid on the table subject to call.

The motion prevailed without objection.

HB 2350, A bill to be entitled An Act relating to the election of directors of the Community Hospital District of Brazoria County.

Representative Eckels offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2350 as follows:
(1) On page 2, line 2, strike "voting in favor of the proposition to create the district".
(2) On page 2, line 3, strike "also".
(3) On page 2, strike lines 4 and 5.
(4) On page 2, line 6, strike "candidates for director shall be disregarded."

Committee Amendment No. 1 was adopted without objection.

HB 2354, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Teague Hospital District.

HB 2364, A bill to be entitled An Act relating to the creation of the County Court at Law of Williamson County.

Representative Gilley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2364 as follows:
(1) On page 7, line 6, strike "juries."
(2) On page 7, line 10, insert the following after the period: "Juries in the County Court at Law of Williamson County shall be composed of six persons."

Committee Amendment No. 1 was adopted without objection.

HB 2385, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Harrison County.

HB 2390, A bill to be entitled An Act relating to fees for child support collections in Collin County.

HB 2391, A bill to be entitled An Act relating to the reorganization, boundaries, administration, powers, duties, and financing of Irving Flood Control District Section III and validating certain actions of and matters relating to that district.

HB 2393, A bill to be entitled An Act relating to the abolition of the office of county auditor in Llano County.

HB 2401, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, to be known as "Harris County Municipal Utility District No. 233, of Harris County, Texas," and declaring the district a governmental agency, and a body corporate and politic; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; conferring on the district the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting
same by reference; providing for appointment of the first directors of the district, and for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d) and Section 59(e), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above-mentioned subjects; providing a severability clause; and declaring an emergency.

Representative Eckels offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2401 on page 2, line 7, by inserting after the period the following:
Before bonds or other obligations of the district may be issued, the creation of the district must be approved at a confirmation election called and held as provided by Chapter 54, Water Code, for confirmation elections.

Committee Amendment No. 1 was adopted without objection.

Representative Eckels offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 2

Amend HB 2401 on page 5, line 17, by striking the sentence beginning with the word “No” and ending with the period after the word “required” on line 18.

Committee Amendment No. 2 was adopted without objection.

HB 2404, A bill to be entitled An Act relating to establishment of a juvenile board in Shackelford County.

CSHB 2406, A bill to be entitled An Act relating to the establishment and powers of a juvenile board in the 46th Judicial District, composed of Wilbarger, Foard, and Hardeman counties.

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

SECTION 1. ESTABLISHMENT & COMPOSITION. There is established a juvenile board for the 46th Judicial District, Wilbarger, Foard, and Hardeman Counties which shall be composed of the county judges, the judge of the judicial district which is included in the counties, and two (2) citizen members who shall be appointed by the judicial member of the board. The citizen members shall serve annual terms. The official title of the board shall be the “46th Judicial District Juvenile Board.”

SECTION 2. CHAIRMAN. The judge of the judicial district shall serve as the board’s chairman.

SECTION 3. MEETINGS. The juvenile board of the 46th Judicial District shall hold regular quarterly meetings each year on dates fixed by the board and special meetings at the call of the chairman.

SECTION 4. COMPENSATION. A judge’s service on the juvenile board is an additional duty of office. As compensation for their service on the juvenile board and the additional duties imposed on them, the judges who are members of the board shall receive additional compensation of not more than $1,200.00 per year, payable in 12 equal monthly installments to be paid out of the general fund of the county. Such compensation shall be in addition to all other compensation provided or allowed by law for district, county court-at-law, or county judges.

SECTION 5. FISCAL OFFICER. The juvenile board shall designate a person as fiscal officer. The fiscal officer shall deposit all state aid received under Chapter 75 of the Human Resources Code into a special fund to be used solely by the juvenile board in the 46th Judicial District for the provision of juvenile probation services.
SECTION 6. RECORDS AND REPORTS. The juvenile board shall:

(1) keep the financial and statistical records that the Texas Juvenile Probation Commission deems necessary; and

(2) submit periodic financial and statistical reports to the Texas Juvenile Probation Commission.

SECTION 7. PERSONNEL. The juvenile board may appoint a person eligible for such appointment under the standards provided for in Chapter 75, Human Resources Code, to serve as chief probation officer. The chief probation officer shall appoint qualified assistant probation officers and other assistants whose services are necessary in the performance of his official duties, subject to confirmation by the juvenile board. The number of such assistant probation officers and other assistants shall be determined by the juvenile board. The juvenile boards shall fix the salaries of and allowance for the chief probation officer, assistant probation officers, and other assistants, and the Commissioner's Court shall provide the necessary funds for the payment of the salaries and operating expenses in the amounts fixed by the juvenile board. All claims for expenses of the chief probation officer, the assistant probation officers and other assistants, shall be certified by the chairman of the juvenile board to the county Commissioner's Court as being necessary in the performance of the duties of such officers, and the Commissioner's Court shall, out of the general fund, provide funds for the payment of all expenses necessary to carry out the duties of the chief probation officer in the amounts fixed by the juvenile board and certified by the chairman of the juvenile board. The chief probation officer, assistant probation officers, and other assistants may be removed at any time by the authority appointing them.

SECTION 8. DUTIES. (a) The juvenile board has the powers and duties conferred by this Act and conferred by general law on juvenile boards.

(b) For the purpose of providing adequate probation services the juvenile board shall:

(1) establish a juvenile probation department and employ, in accordance with standards set by the Texas Juvenile Probation Commission, personnel necessary to conduct probation services to youth within the juvenile justice system under the Family Code;

(2) appoint a chief juvenile probation officer where more than one juvenile probation officer is required who, with the board's approval, may appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the juvenile board;

(3) designate one or more courts as the juvenile court and may appoint referees in accordance with Sections 51.04 and 51.10 of the Family Code;

(4) personally inspect the detention facilities of the county or counties on at least an annual basis and certify in writing to the authorities responsible for operating and giving financial support to the facilities that the facilities are suitable or unsuitable for the detention of children, as provided by Section 51.12 of the Family Code;

(5) report annually to the Commissioner's Court on the suitability of the quarters and facilities of the juvenile court and make recommendations for improvements; and

(6) operate or supervise juvenile services at the county level, including the making of recommendations as to the need for and purchase of such services.

SECTION 9. EXPENSES. (a) If approved by the juvenile board, the Commissioner's Court of each county shall reimburse the designated judge of the juvenile court for the actual and necessary expenses incurred in attending seminars and other educational or instructional meetings pertaining to juvenile problems. The expenses shall be paid out of the county's general fund or any other available fund of each county.
(b) The Commissioner's Court shall reimburse the members of the juvenile board of each county for the reasonable and necessary expenses that are incurred in discharging their duties. Such expenses will include but not be limited to monies expended for travel, lodging, training, and educational activities. All such expenses shall be paid out of the county's general fund or any other available fund of each county.

c) The expenses provided for in this section are in addition to the compensation provided for in Section 5 of this Act.

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.

CSHB 2407, A bill to be entitled An Act relating to the establishment and powers of a juvenile board in the 50th Judicial District, composed of Baylor, Cottle, King, and Knox counties.

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

SECTION 1. ESTABLISHMENT. The 50th Judicial District Juvenile Board is established.

SECTION 2. COMPOSITION. The juvenile board is composed of the judge of the district court having jurisdiction in the 50th Judicial District and the county judges of each county. The juvenile court judge in his sole discretion, may appoint and designate two citizen members to serve without compensation on the 50th Judicial District Juvenile Board, for a period of time to be set by the juvenile court judge.

SECTION 3. CHAIRMAN. At the beginning of each calendar year, the members of the 50th Judicial District Juvenile Board shall select one of its members as the board's chairman.

SECTION 4. MEETINGS. The 50th Judicial District Juvenile Board shall hold regular quarterly meetings each year on dates fixed by the board and special meetings at the call of the chairman.

SECTION 5. COMPENSATION. A judge's service on the juvenile board is an additional duty of office. As compensation for their service on the juvenile board and additional duties imposed on them, the judges who are members of the board shall receive additional compensation of not more than $1,200.00 per year, payable in 12 equal monthly installments to be paid out of the general fund of the county. Such compensation shall be in addition to all other compensation provided or allowed by law for district, county court-at-law, or county judges.

SECTION 6. FISCAL OFFICER. The juvenile board shall designate a person as fiscal officer. The fiscal officer shall deposit all state aid received under Chapter 75 of the Human Resources Code into a special fund to be used solely by the 50th Judicial District Juvenile Board for the provision of the juvenile probation services.

SECTION 7. RECORDS AND REPORTS. The 50th Judicial District Juvenile Board shall:

(1) keep the financial and statistical records that the Texas Juvenile Probation Commission deems necessary; and

(2) submit periodic financial and statistical reports to the Texas Juvenile Probation Commission.

SECTION 8. PERSONNEL. The juvenile board may appoint a person eligible for such appointment under the standards provided for in Chapter 75, Human Resources Code, to serve as chief probation officer. The chief probation
officer shall appoint qualified assistant probation officers and other assistants whose services are necessary in the performance of his official duties, subject to confirmation by the juvenile board. The number of such assistant probation officers and other assistants shall be determined by the juvenile board. The juvenile board shall fix the salaries of the allowance for the chief probation officer, and other assistants, and the Commissioners Court shall provide the necessary funds for the payment of the salaries and operating expenses in the amounts fixed by the juvenile board. All claims for expenses of the chief probation officer, the assistant probation officers, and other assistants, shall be certified by the chairman of the juvenile board to the county Commissioners Court as being necessary in the performance of the duties of such officers, and the Commissioner's Court shall, out of the general fund, provide funds for the payment of all expenses necessary to carry out the duties of the chief probation officer in the amounts fixed by the juvenile board and certified by the chairman of the juvenile board. The chief probation officer, assistant probation officers, and other assistants, may be removed at any time by the authority appointing them.

SECTION 9. DUTIES. (a) The 50th Judicial District Juvenile Board has the powers and duties conferred by this Act and conferred by general law on juvenile boards.

(b) For the purpose of providing adequate probation services, the 50th Judicial District Juvenile Board shall:

(1) establish a juvenile probation department and employ, in accordance with standards set by the Texas Juvenile Probation Commission, personnel necessary to conduct probation services to youth within the juvenile justice system under the Family Code;

(2) appoint a chief juvenile probation officer where more than one juvenile probation officer is required who, with the board's approval, may appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work on the juvenile boards;

(3) designate one or more courts as the juvenile court and may appoint referees in accordance with Sections 51.04 and 54.10 of the Family Code;

(4) personally inspect the detention facilities of the county or counties on at least an annual basis and certify in writing to the authorities responsible for operating and giving financial support to the facilities that the facilities are suitable or unsuitable for the detention of children, as provided by Section 51.12 of the Family Code;

(5) report annually to the Commissioners Court on the suitability of the quarters and facilities of the juvenile court and make recommendations for improvements; and

(6) operate or supervise juvenile services at the county level, including the making of recommendations as to the need for and purchase of such services.

SECTION 10. EXPENSES. (a) If approved by the juvenile board, the Commissioners Court of each county shall reimburse the designated judge of the juvenile court of the actual and necessary expenses incurred in attending seminars and other educational or instructional meetings pertaining to juvenile problems. The expenses shall be prorated and paid out of the county's general fund or any other available fund of each county.

(b) The Commissioners Court shall reimburse the members of the juvenile board of the 50th Judicial District for the reasonable and necessary expenses that are incurred in discharging their duties. Such expenses will include but not be limited to monies expended for travel, lodging, training, and educational activities. All such expenses shall be prorated and paid out of the county's general fund or any other available fund of each county.
The expenses provided for in this section are in addition to the compensation provided for in Section 5 of this Act.

SECTION 11. 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 2409, A bill to be entitled An Act relating to establishment of a juvenile board in Lynn County.

HB 2410, A bill to be entitled An Act relating to establishment of a juvenile board in Jones County.

HB 2411, A bill to be entitled An Act relating to establishment of a juvenile board in Garza County.

HB 2412, A bill to be entitled An Act relating to the juvenile boards in the 12th Judicial District.

SB 1383 (Stiles - House Sponsor), in lieu of HB 2418, A bill to be entitled An Act relating to the creation, directors, administration, powers, duties, and financing of the Hillebrandt Sewage District.

Representative Craddick offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1383 by adding the following at the end of Section 4 on page 5, line 20, after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized herein unless the district’s establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029). A district may not seek confirmation more than once every twelve months and shall be extinguished if it is not approved at a confirmation election within five years from the effective date of this Act.”

Committee Amendment No. 1 was adopted without objection.

HB 2418 - LAID ON THE TABLE SUBJECT TO CALL

Representative Stiles moved that HB 2418 be laid on the table subject to call. The motion prevailed without objection.

SB 1384 (Stiles - House Sponsor), in lieu of HB 2419, A bill to be entitled An Act relating to the creation, directors, administration, powers, duties, and financing of the North Cheek Sewage District.

Representative Craddick offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1384 by adding the following at the end of Section 4 on page 4, line 15, after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized herein unless the district’s establishment is approved at a confirmation election that has been held in accordance with the provisions pertaining to confirmation elections...
found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029).
A district may not seek confirmation more than once every twelve months and shall
be extinguished if it is not approved at a confirmation election within five years from
the effective date of this Act.”

Committee Amendment No. 1 was adopted without objection.

**HB 2419 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Stiles moved that HB 2419 be laid on the table subject to call.
The motion prevailed without objection.

SB 1386 (Stiles - House Sponsor), in lieu of HB 2421, A bill to be entitled An
Act relating to the creation, directors, administration, powers, duties, and financing
of the North LaBelle Sewage District.

Representative Craddick offered the following committee amendment to the
bill:

**COMMITTEE AMENDMENT NO. 1**

Amend SB 1386 by adding the following at the end of Section 4 on page 4,
line 14, after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized
herein unless the district’s establishment is approved at a confirmation election that
has been held in accordance with the provisions pertaining to confirmation elections
found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029).
A district may not seek confirmation more than once every twelve months and shall
be extinguished if it is not approved at a confirmation election within five years from
the effective date of this Act.”

Committee Amendment No. 1 was adopted without objection.

**HB 2421 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Stiles moved that HB 2421 be laid on the table subject to call.
The motion prevailed without objection.

SB 1387 (Stiles - House Sponsor), in lieu of HB 2422, A bill to be entitled An
Act relating to the creation, directors, administration, powers, duties, and financing
of the South LaBelle Sewage District.

Representative Craddick offered the following committee amendment to the
bill:

**COMMITTEE AMENDMENT NO. 1**

Amend SB 1387 by adding the following at the end of Section 4 on page 4,
line 6, after the word “benefit.”:

“Provided further, the district shall not exercise any of the powers authorized
herein unless the district’s establishment is approved at a confirmation election that
has been held in accordance with the provisions pertaining to confirmation elections
found in Chapter 54, Texas Water Code (Sections 54.026 through Section 54.029).
A district may not seek confirmation more than once every twelve months and shall
be extinguished if it is not approved at a confirmation election within five years from
the effective date of this Act.”

Committee Amendment No. 1 was adopted without objection.
HB 2422 - LAID ON THE TABLE SUBJECT TO CALL

Representative Stiles moved that HB 2422 be laid on the table subject to call. The motion prevailed without objection.

HB 2425, A bill to be entitled An Act relating to the reorganization, boundaries, administration, powers, duties, and financing of Dallas County Municipal Utility District No. 2, the change of name of that district to Dallas County Flood Control District No. 1, and the validation of certain actions of and matters relating to that district.

HB 2428 was withdrawn by the author.

HB 2432, A bill to be entitled An Act relating to establishment of a juvenile board in Camp, Marion, Morris, and Titus counties.

HB 2433, A bill to be entitled An Act relating to the civil jurisdiction of the County Court at Law of Hidalgo County and the County Court at Law No. 2 of Hidalgo County.

HB 2435, A bill to be entitled An Act relating to the composition and compensation of the Randall County Juvenile Board.

HB 2439, A bill to be entitled An Act relating to certain contracts executed by and the qualifications for membership on the board of directors of Val Verde County Hospital District.

HB 2440, A bill to be entitled An Act relating to the creation of a juvenile board in Starr County.

Representative Wieting offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2440 on page 1, line 23 by inserting a new Section 5 to read as follows and renumbering current sections accordingly:

"Section 5. Advisory Council. The juvenile board may appoint an advisory council of not more than five members. Advisory council members serve a two-year term."

Committee Amendment No. 1 was adopted without objection.

HB 2441, A bill to be entitled An Act relating to establishment of a juvenile board in Throckmorton County.

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 82 (G. Hill - House Sponsor), A bill to be entitled An Act relating to a requirement that a dental hygienist receive training in cardiopulmonary resuscitation except under certain circumstances; absolving a dental hygienist from liability except in certain situations; amending Section 1, Article 4550a, Revised Statutes, as amended, and Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4551c, Vernon's Texas Civil Statutes), by amending Section 5 and adding Section 6.

SB 133 (Presnal - House Sponsor), A bill to be entitled An Act relating to membership of legislators on certain legislative committees, boards, or councils;
amending Section 1, Chapter 377, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5429c, Vernon's Texas Civil Statutes).

SB 148 (Turner - House Sponsor), A bill to be entitled An Act relating to a revision of the laws concerning county roads and bridges; providing penalties. 
(Fox, Craddick, Green, and Willis - no)

SB 156 (Horn - House Sponsor), A bill to be entitled An Act relating to certain powers and duties of the board of regents of North Texas State University; amending Subchapter C, Chapter 105, Texas Education Code, by adding Section 105.45 and by amending Section 105.77.

SB 242 (G. Hill - House Sponsor), A bill to be entitled An Act relating to the conveyance to the City of Austin of the state's right of reverter or reversion in certain real property. 
(Willis - no)

SB 311 (Cain - House Sponsor), A bill to be entitled An Act relating to benefits under a compromise settlement agreement or provided in an agreed judgment approved by the court; providing procedures for handling a dispute and a limitation period for payment of benefits; amending Article 8307, Revised Statutes, amended, by adding Section I 2b.

SB 318 (Messer - House Sponsor), A bill to be entitled An Act relating to the correction of errors in the Business & Commerce Code, to the filing of certain financial statements, and to certain final settlements; amending Subsection (d), Section 2.503; Subsection (b), Section 2.509; Subdivision (4), Subsection (a), Section 3.102; Subsection (c), Section 4.211; Subsection (a), Section 7.308; Subsection (c), Section 7.503; Subdivision (3), Subsection (b), Section 9.103; Subsection (c), Section 9.302; Subsection (c), Section 9.314; Subsection (e), Section 9.501; and Section 9.408, Business & Commerce Code, as amended. 
(Green and Willis - no)

Representative Messer offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 318 by adding the following section preceding the emergency clause and renumbering the emergency clause: Section 12. Section 1.201(4), Business and Commerce Code, is amended to read as follows:

(4) "Bank" means any person engaged in the business of banking and solely for the purposes of Sections 3 and 4 of this Act includes any depository institution as defined by federal law.

Committee Amendment No. 1 was adopted without objection.

SB 331 was withdrawn by the sponsor.

SB 336 (Hinojosa - House Sponsor), A bill to be entitled An Act relating to the students served, the taxes allocated and levied, and the educational and training programs conducted by a rehabilitation school district; amending the Texas Education Code, as amended, by amending Subdivision (8) of Section 26.01, amending Section 26.69, and adding Section 26.73 to Subchapter D, Chapter 26.

Representative Shaw offered the following amendment to the bill:

Amend SB 336 on page 3, between lines 18 and 19, by inserting the following:

(c) In providing for, establishing, or operating a vocational training school in the district, the board of directors may not take any action that will adversely affect services provided by the district to handicapped students.
The amendment was adopted without objection.

CSSB 350 (Green - House Sponsor), A bill to be entitled An Act relating to the method of payment of benefits under certain insurance coverage.

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

SECTION 1. Chapter 3, Insurance Code, is amended by adding Article 3.42A to read as follows:

Art. 3.42A. PAYMENT OF BENEFITS IN CURRENCY. (a) All benefits payable under any policy, contract, or certificate of life, term or endowment insurance, group life or term insurance, industrial life insurance, accident or health insurance, group accident or health insurance, hospitalization insurance, group hospitalization insurance, medical or surgical insurance, group medical or surgical insurance, fraternal benefit insurance, annuity or pure endowment contract, or group annuity contract delivered, issued, or used in this state by a life, accident, health, or casualty insurance company, a mutual life insurance company, mutual insurance company other than life, mutual, or natural premium life insurance company, general casualty company, Lloyd's, reciprocal or interinsurance exchange, fraternal benefit society, group hospitalization service, or any other insurer, shall be payable in currency.

(b) In addition to any other ground authorized by this Code for disapproval or withdrawal of a previously approved policy form, the Board shall have the authority to disapprove or withdraw approval of any such policy, contract, or certificate of insurance, the benefits of which are payable in foreign currency, if the Board determines such foreign currency to have been less stable than the currency of the United States over the preceding 20-year period. This article shall not be construed to require the resubmission for re-approval of any heretofore approved policy, contract or certificate of insurance form, unless withdrawal of such previous approval is authorized under Article 3.42, this article or unless it is determined, after notice and hearing, that such approval was obtained by misrepresentation, fraud, misleading statements or documentation, or other improper means.

(c) Any such policy, contract, or certificate of insurance providing that benefits are payable in foreign currency must conspicuously state that the currency in which the policy is denominated can fluctuate in value as compared to the currency of the United States of America or a statement to such effect shall be attached to any such policy upon issue.

(d) The State Board of Insurance may adopt reasonable rules to carry out the purposes of this article including, but not limited to, requiring appropriate reserves for such policies, and requiring prudent investment of premiums collected from such insurance without regard to any other provision of this Code relating to the investment of funds by insurance companies.

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 377 (Oliver - House Sponsor), A bill to be entitled An Act relating to the personnel and administrative staff of the Texas Department of Mental Health and Mental Retardation and to the designation of facilities operated by the Texas Department of Mental Health and Mental Retardation; amending Section 2.01, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202, et seq., Vernon’s Texas Civil Statutes).

SB 407 (D. Lee - House Sponsor), A bill to be entitled An Act relating to the retention of certain sheltered workshop operating funds by the Texas Department
of Mental Health and Mental Retardation in trust for the benefit of the participants in such workshops; amending Subdivision (3), Subsection (b), Section 2.17, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes).

SB 428 (Delco - House Sponsor), A bill to be entitled An Act relating to the rights, powers and duties of the board of the Texas State University System; providing for disposition and use of funds; amending Subdivision (6), Section 61.003 and Sections 95.03, 95.04, 95.21, 95.22, 95.31, 95.33, and 95.34 and adding Section 95.05 and 95.36, Texas Education Code, as amended, and repealing Sections 96.22 and 96.23, Texas Education Code.

(Eckels, Fox, Craddick, Schlueter, Toomey, and Pennington - no)

Representative Shaw offered the following amendment to the bill:

Amend SB 428 by striking Section 95.33 of SECTION 1 in its entirety and substituting the following in lieu thereof:

Section 95.33. Management of Property

The board of regents of the Texas State University System [shall have] has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by [universities under its authority] the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under [the] terms and conditions the board deems best for the interest of the [university that has acquired the land] Texas State University System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

The amendment was adopted without objection.

SB 512 (B. Gibson - House Sponsor), A bill to be entitled An Act relating to the designation of campaign treasurers and assistant campaign treasurers and to the activities, powers, duties, and liability of assistant campaign treasurers; providing penalties; amending Subsections (B) and (J), Section 238; Subsections (l), (J), and (K) and adding Subsection (P), Section 243, Texas Election Code, as amended (Articles 14.02 and 14.07, Vernon’s Texas Election Code).

SB 547 (Patronella - House Sponsor), A bill to be entitled An Act relating to the administration of oaths and taking of acknowledgments by the county assessor-collector or employees of that office relating to certain documents; adding Article 1610-1 to Title 34, Revised Statutes, as amended.

SB 563 (L. Evans - House Sponsor), A bill to be entitled An Act relating to the authority of courts in certain counties to participate in the supervision and administration of probation offices; amending Section 10, Article 42.12, Code of Criminal Procedure, 1965, as amended, by adding Subsection (j).

(Khoury - no)

SB 653 (Cain - House Sponsor), A bill to be entitled An Act relating to the licensing and regulation of chiropractors and their employees; amending Sections 14a and 14b, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes).

CSSB 669 (Keller - House Sponsor), A bill to be entitled An Act relating to juvenile court orders affecting parents and others, including restitution by the parent or child to the victim of an offense or voluntary community service restitution by the child, and to liability of cities, towns, and counties for certain causes of action
that arise from juvenile restitution programs; authorizing insurance protection and inclusion of the child in workers’ compensation benefits; amending the Family Code, as amended, by amending Subsection (d), Section 54.04; Subsections (a) and (b), Section 54.041; and adding Subsection (d) to Section 53.03; and amending Subdivision (2), Section 1, Article 8309h, Revised Statutes, as amended.

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

SECTION 1. Section 53.03 of the Family Code, as amended, by adding Subsection (d) to read as follows:

“(d) An informal adjustment authorized by this section may involve:

“(1) voluntary restitution by the child or his parent to the victim of an offense; or

“(2) voluntary community service restitution by the child.”

SECTION 2. Subsection (d), Section 54.04, Family Code, as amended, is amended to read as follows:

“(d) If the court makes the finding specified in Subsection (c) of this section, it may:

“(1) place the child on probation on such reasonable and lawful terms as the court may determine for a period not to exceed one year, subject to extensions not to exceed one year each:

“(A) in his own home or in the custody of a relative or other fit person; 

“(B) in a suitable foster home; or

“(C) in a suitable public or private institution or agency, except the Texas Youth Council; and

“(D) the juvenile court, on notice to the child and on hearing, may order the child to make full or partial restitution to the victim of the offense according to the provisions of Subsection (b), Section 54.041, Family Code. [An order under this subsection may provide for periodic payments by the child for the period specified in the order not to exceed five years after the 18th birthday of the child. If the child is unable to make full or partial restitution or if a restitution order is not appropriate under the circumstances, the court may order the child to render personal services to a charitable or educational institution in the manner prescribed in the court order in lieu of restitution. The victim of an offense is not entitled to receive more than actual damages under a juvenile court order.]

“(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct, the court may commit the child to the Texas Youth Council.”

SECTION 3. Subsections (a) and (b), Section 54.041, Family Code, as amended, are amended as follows:

“(a) When a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision and the juvenile court has made a finding that the child is in need of rehabilitation or that the protection of the public or the child requires that disposition be made, the juvenile court, on notice by any reasonable method to all persons affected, may:

“(1) order any person found by the juvenile court to have, by a wilful act or omission, contributed to, caused, or encouraged the child’s delinquent conduct or conduct indicating a need for supervision to do any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the child; or

“(2) enjoin all contact between the child and a person who is found to be a contributing cause of the child’s delinquent conduct or conduct indicating a need for supervision.

“(b) If a child is found to have engaged in delinquent conduct arising from the commission of an offense in which property damage or loss or personal injury
occurred, the juvenile court, on notice to all persons affected and on hearing, may order the child or a parent to make full or partial restitution to the victim of the offense. The program of restitution must promote the rehabilitation of the child, be appropriate to the age and physical, emotional, and mental abilities of the child, and not conflict with the child's schooling. When practicable and subject to court supervision, the court may approve a restitution program based on a settlement between the child and the victim of the offense. An order under this subsection may provide for periodic payments by the child or a parent of the child for the period specified in the order but that period may not extend past five years after the 18th birthday of the child. If the child or parent is unable to make full or partial restitution or if a restitution order is not appropriate under the circumstances, the court may order the child to render personal services to a charitable or educational institution in the manner prescribed in the court order in lieu of restitution. Restitution under this section is cumulative of any other remedy allowed by law and may be used in addition to other remedies, except that a victim of an offense is not entitled to receive more than actual damages under a juvenile court order. A city, town, or county that establishes a program to assist children in rendering personal services to a charitable or educational institution as authorized by this subsection may purchase insurance policies protecting the city, town, or county against claims brought by a person other than the child for a cause of action that arises from an act of the child while rendering those services. The city, town, or county is not liable under this Act to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute. The liability of the city, town, or county for a cause of action that arises from an act of the child while rendering those services may not exceed $100,000 to a single person and $300,000 for a single occurrence in the case of personal injury or death, and $10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages. This subsection does not waive a defense, immunity, or jurisdictional bar available to the city, town, or county or its officers or employees, nor shall this Act be construed to waive, repeal, or modify any provision of the Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes)."

SECTION 4. Subdivision (2), Section 1, Article 8309h, Revised Statutes, as amended, is amended to read as follows:

“(2) 'Employee' means every person in the service of a political subdivision who has been appointed in accordance with the provisions of the article. No person in the service of a political subdivision who is paid on a piecework basis or on a basis other than by the hour, day, week, month, or year shall be considered an employee and entitled to compensation under the terms of the provisions of this article. Provided, however, a political subdivision may cover volunteer firefighters, policemen, emergency medical personnel, and other volunteers that are specifically named who shall be entitled to full medical benefits and the minimum compensation payments provided under the law. A political subdivision may cover an elected official as an employee by a majority vote of the members of the governing body of the political subdivision. A political subdivision may cover children who are in a program established by the political subdivision to assist children in rendering personal services to a charitable or educational institution as authorized by Subsection (b), Section 54.041, Family Code. Members of a self-insurance fund created hereunder may provide coverage for themselves as well as their staff by a majority vote of such members of the fund. No class of persons who are paid as a result of jury service or an appointment to serve in the conduct of elections may be considered employees under this article unless declared to be employees by a majority vote of the members of the governing body of a political subdivision."
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SECTION 5. This Act applies only to a child's conduct that occurs and civil liability for a cause of action that arises on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 1983.

SECTION 7. 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.

(Willis - no)

SB 718 (G. Hill - House Sponsor), A bill to be entitled An Act relating to the regulation of real estate brokers and salesmen, to source of funds for administration of the Residential Service Company Act, to payments from the Real Estate Recovery Fund, and to fees to be charged and collected by the Texas Real Estate Commission; amending Sections 5, 7, 8, 11, and 15; Subdivision (7), Section 2; Subsection (a), Section 9; Subsection (a), Section 12; and Subsection (b), Section 13, The Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes).

(Green - no)

Representative W. Harrison offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 718 by striking lines 7 and 8 on page 18 and substitute in lieu thereof the following:

"representative of the spouse; and he is not a real estate broker or salesman, as defined by this Act, who is seeking to recover a real estate commission in the transaction or"

Committee Amendment No. 1 was adopted without objection.

SB 728 (Presnal - House Sponsor), A bill to be entitled An Act relating to authority of the Board of Regents of The Texas A&M University System to accept and administer donations of property for the use of The Texas A&M University System or any of its component parts; amending Section 85.21 and adding Sections 85.30 and 85.31 to Title 3, Chapter 85, Texas Education Code.

SB 738 (A. Moreno - House Sponsor), A bill to be entitled An Act relating to the application requirement for property tax exemptions for disabled veterans and the survivors of certain veterans; amending Subsection (c), Section 11.43, Tax Code, as amended.

SB 742 - POSTPONED

Representative L. Evans moved that consideration of SB 742 be postponed until 2 p.m. today.

The motion prevailed without objection.

SB 765 (Cain - House Sponsor), A bill to be entitled An Act relating to the regulation of motor vehicle equipment by the Department of Public Safety, to certain powers and duties of the Department of Public Safety and to procedures for hearings and injunctions; providing penalties; amending Article XIV, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by amending Sections 108 and 108A and by adding Sections 108C, 108D, 108E, and 108F.

SB 835 (Staniswalis - House Sponsor), A bill to be entitled An Act relating to the regulation of circuses, carnivals, and zoos; amending Section 3, Chapter 396,
Representative Messer offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. I**

Amend **SB 835** by deleting all of Section 1, and adding in lieu thereof the following:

**SECTION 1.** Section 3, Chapter 396, Acts of the 67th Legislature, Regular Session, 1981 (Article 4447v, Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 3. EXEMPTIONS. This Act does not apply to:

1. a circus, carnival, or zoo [required to be] licensed under the federal Animal Welfare Act, as amended (7 U.S.C. 2131 et seq.) which furnishes proof to the commissioner that it is inspected by the federal agency administering that Act at least once each calendar year;

2. a zoo operated by a political subdivision of the state, a childcare institution, or accredited by the American Association of Zoological Parks and Aquariums; or

3. premises where nonindigenous ruminants are bred and raised; or

4. organizations sponsoring and all persons participating in exhibitions of domestic livestock shows and rodeos.”

Committee Amendment No. I was adopted without objection.

**SB 843** (W. Martinez - House Sponsor), A bill to be entitled An Act relating to the application of certain vehicle and traffic laws to bicycles and bicyclists; amending Subsection (a), Section 1, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1, Vernon’s Texas Civil Statutes); Subsection (a), Section 1, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes); Sections 95, 179, 180, 182, and 187 and Subsection (a) of Section 2 and adding Subsection (c-1) to Section 108, Uniform Act Regulating Traffic of Highways (Article 6701d, Vernon’s Texas Civil Statutes).

(Green and Willis - no)

**SB 856** (Cain - House Sponsor), A bill to be entitled An Act relating to the maximum punishment for violation of municipal ordinances or rules or police regulations and to criminal jurisdiction of municipal courts; amending Articles 1011 and 1195, Revised Statutes, as amended, and amending Article 4.14, Code of Criminal Procedure, 1965.

(Green - no)

**SB 872** (Bush - House Sponsor), A bill to be entitled An Act relating to the authorization under the Uniform Reciprocal Enforcement of Support Act for a court to order a deduction from certain child support payments for the payment of certain court costs; amending Section 21.29, Family Code.

(Green - no)

**SB 878** (Danburg - House Sponsor), A bill to be entitled An Act relating to protective orders under Title 4, Family Code; amending Subdivision (1), Subsection (b), Section 71.01; Subsections (b) and (d), Section 71.04; Subsection (a), Section 71.05; Section 71.06; and Subsection (b), Section 71.13, Family Code.

(Green - no)

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

Amend SB 878 as follows:

(1) On page 1, strike lines 15 and 16 and substitute the following:
“SECTION 2. Section 71.04, Family Code, is amended by amending Subsections (b) and (d) and by adding Subsection (e) to read as follows:”.

(2) On page 1, line 20, strike “or” and substitute “[or]”.

(3) On page 1, strike lines 23 and 24 and substitute the following:
“(3) any prosecuting attorney who serves the county in which the application is to be filed and who represents the state in a district or statutory county court, for the protection of any person alleged to be a victim of family violence.”

(4) On page 2, add the following between lines 8 and 9:
“(e) If the application is filed by a prosecuting attorney under Subsection (b)(3) of this section, the court may assess a reasonable attorney’s fee as compensation for the services of the prosecuting attorney. The attorney’s fee may be assessed against the party represented by the attorney or against any other party who is found to have committed family violence. In setting the amount of the fee, the court shall consider the income and ability to pay of the person against whom the fee is assessed. The amount of fees collected under this section shall be paid to the credit of the county fund from which the salaries of employees of the prosecuting attorney are paid or supplemented.”

Committee Amendment No. 1 was adopted without objection.

SB 892 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to security personnel of the Texas Tech University Health Sciences Center and to their jurisdiction and compensation; adding Section 110.13 to Chapter 110, Texas Education Code.

SB 901 (D. Lee - House Sponsor), A bill to be entitled An Act relating to regulation of the fitting and dispensing of hearing aids; amending Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.04, Vernon's Texas Civil Statutes), by adding Subsection (i) to Section 4 and by amending Section 13. (Fox and Craddick - no)

SB 906 (Rangel - House Sponsor), A bill to be entitled An Act relating to mutual assistance among cities and counties in the provision of emergency medical services. (Eckels, Toomey, and Pennington - no)

SB 963 (Blanton - House Sponsor), A bill to be entitled An Act relating to the reorganization of Dallas County Municipal Utility District No. 1 and its continuation as a district; to a change of name of the district to “Dallas County Utility and Reclamation District”; to the rights, powers, duties, and functions of the district, including the continued power to issue bonds and levy taxes; to the prescription and validation of the boundaries of the district; to the continuation of outstanding obligations; to certain additional intradistrict transportation powers; to certain required and specific approvals of the City of Irving; to the issuance of previously voted bonds and the levy of previously voted taxes without further elections; to the power of the City of Irving to dissolve the district under applicable laws; to validating prior elections, other actions, and contracts of the district; and to compliance with requirements of Article XVI, Section 59(d), Texas Constitution.
SB 975 (Peveto - House Sponsor), A bill to be entitled An Act relating to the exemption of implements of husbandry from ad valorem taxation; amending Section 11.161 and Subsection (a), Section 11.43, Tax Code, as amended.
(Carricker, Ceverha, DeLay, and Willis - no)

CSSB 1006 (Watson - House Sponsor), A bill to be entitled An Act relating to coverage of state employees working outside of the state and declaring an emergency.

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

SECTION 1. Subsections (b) and (c), Section 17, Article 8309g, Revised Civil Statutes of Texas, 1925, are repealed.

SECTION 2. Subsection (a), Section 17, Article 8309g, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

[al] Notwithstanding Section 19, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, an employee who performs services outside this state is entitled to benefits under this article even if the person is hired or not hired in this state, does not work in this state, works both in this state and out of state, is injured outside this state, or has been outside this state for more than one year. An employee who elects to pursue remedies provided by the state or the District of Columbia in which an injury occurs is not entitled to benefits under this article.

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

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

SB 1025 (G. Hill - House Sponsor), A bill to be entitled An Act relating to abandoned motor vehicles, including certain motorboats, outboard motors, or vessels; amending the Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes), by amending Sections 5.01 and 5.03.

SB 1033 (W. Harrison - House Sponsor), A bill to be entitled An Act relating to the authority of a county commissioners court to regulate the keeping of certain wild animals; providing a penalty; amending Sections 1 and 2 and repealing Section 3, Chapter 252, Acts of 67th Legislature, Regular Session, 1981 (Article 2372y, Vernon's Texas Civil Statutes).
(Eckels, Toomey, and Penninger - no)

SB 1047 (Keller - House Sponsor), A bill to be entitled An Act relating to the collection of fees by the Texas Department of Health for public health services, to creation of a special fee fund in the State Treasury, to certain powers and duties of the Texas Department of Health and the Texas Board of Health, and to subrogation rights of the Texas Department of Health.

SB 1102 was withdrawn by the sponsor.

SB 1137 (Hury - House Sponsor), A bill to be entitled An Act relating to certain admissions of unadjudicated offenses during sentencing for a criminal conviction; amending Subsection (a), Section 12.45, Penal Code.

SB 1143 (Schlueter - House Sponsor), A bill to be entitled An Act relating to the inclusion of land previously appraised as agricultural or open-space land as part of a residence homestead for property tax purposes; adding Subsection (c) to Section 23.46 and Subsection (i) to Section 23.55, Tax Code, as amended.

CSSB 1190 (Jackson - House Sponsor), A bill to be entitled An Act relating to notice of lawsuit in which the State of Texas or any State agency is a party and
notice of intent to take default judgments against the State of Texas or any State agency.

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

SECTION 1. SERVICE OF PLEADINGS IN WHICH STATE IS PARTY. The Attorney General of Texas shall be provided with a true and correct copy of any original petition in which the State of Texas or any State agency is named as a party promptly upon filing of the petition. All such petitions shall be delivered to the Attorney General at his office in Austin, Texas, by U.S. Postal Service, certified or registered mail, return receipt requested.

SECTION 2. DEFAULT JUDGMENTS AGAINST THE STATE OF TEXAS. Notice of intent to take a default judgment against the State of Texas or any State agency shall be served upon the Attorney General at his office in Austin, Texas, by U.S. Postal Service, certified or registered mail, return receipt requested at least 10 days prior to the date of the proposed default judgment, otherwise such default judgment shall be void.

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.

SB 1194 (Carriker - House Sponsor), A bill to be entitled An Act relating to establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board in Jones County.

SB 1217 (T. Hall - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, personnel, powers and duties, and administration of a juvenile board in Denton County.

SB 1245 (C. Evans - House Sponsor), A bill to be entitled An Act relating to the conduct and financing of governor for a day and speaker's day ceremonies.

SB 1274 - LAID ON THE TABLE SUBJECT TO CALL

Representative Messer moved that SB 1274 be laid on the table subject to call.

The motion prevailed without objection.

SB 1278 (Hury - House Sponsor), A bill to be entitled An Act relating to the establishment and operation of a Texas Mental Health Code Public Information Program and to certain powers and duties of the Texas Department of Mental Health and Mental Retardation.

(Eckels, Fox, Craddick, Toomey, and Pennington - no)

SB 1282 (L. Evans - House Sponsor), A bill to be entitled An Act providing for a co-presiding judge for courts having jurisdiction over criminal matters in certain counties to act in the absence or disability of the regular presiding judge; amending Subsection (a), Section 1, Chapter 753, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 1934d, Vernon's Texas Civil Statutes).

SB 1291 (T. Smith - House Sponsor), A bill to be entitled An Act relating to appointment, qualifications, compensation, termination, powers, duties, and immunity of masters for certain courts in Travis County and to de novo hearings before the judge of the referring court.

SB 1345 (Leonard - House Sponsor), A bill to be entitled An Act relating to calculation of an ad valorem tax rate when an error in the preceding year caused the loss of a substantial amount of tax revenue; amending Subsections (c) and (d), Section 26.04, Tax Code.
SB 1358 (Hackney - House Sponsor), A bill to be entitled An Act relating to the financing of and the creation, governing body, operation, rights, powers, authority, and financing of subdistricts within certain metropolitan water control and improvement districts.
(Green - no)

SB 1359 (Toomey - House Sponsor), A bill to be entitled An Act relating to the creation and functioning of domestic relations offices in counties having a population in excess of 2,000,000, to powers and duties of the county commissioners court and of the chief administrative officer, and to fees.
(Green - no)

SB 1402 (Hightower - House Sponsor), A bill to be entitled An Act relating to the boundaries of the Livingston Hospital District of Polk County, Texas, and validating the district and certain actions, proceedings, and elections of that district; amending Section 1, Chapter 397, Acts of the 62nd Legislature, Regular Session, 1971.

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

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

SECTION 1. Article 4399, Revised Statutes, is amended to read as follows:

Art. 4399. [WHOM TO ADVISE.] WRITTEN OPINIONS AND ADVICE. (a) Upon receipt of a written request from any of the officials named in Subsection (b) of this article, the Attorney General shall give a written opinion on any question affecting the public interest or concerning the official duties of the particular office. The request for opinion must be made by certified or registered mail, return receipt requested, properly addressed to the Office of the Attorney General in Austin, Texas. The Attorney General shall acknowledge receipt of the request on or before the seventh day after it is received, and shall issue the opinion no later than 180 days thereafter. The provisions of this subsection may be waived by written agreement of the Attorney General and the official requesting the opinion when no person's legal rights will be substantially prejudiced. [at the request of the Governor, or the head of any department of the State government, including the heads and boards of penal and eleemosynary institutions, and all other State boards; regents, trustees of the State educational institutions; committees of either branch of the Legislature; county auditors authorized by law; and, the chairman of the governing board of any river authority, shall give them written advice upon any question touching the public interest, or concerning their official duties.]

(b) Persons who may request written opinions include:

(1) the Governor;
(2) the head of any department of the State government;
(3) the heads and boards of penal institutions;
(4) the heads and boards of eleemosynary institutions;
(5) the heads of all other State boards;
(6) regents and trustees of State educational institutions;
(7) committees of either branch of the Legislature;
(8) county auditors authorized by law; and,
(9) the chairman of the governing board of any river authority.

(c) The Attorney General, in addition to any other duties imposed by this article, shall advise:

(1) the several district and county attorneys of the State, in the prosecution and defense of all actions in the district or inferior courts, wherein the State is interested, whenever requested by them, after said attorney shall have
investigated the question, and shall with such question, also submit his brief and: He shall advise:

(2) the proper legal authorities in regard to the issuance of all bonds that the law requires to be approved by him.

(d) The Attorney General [He] is hereby prohibited from giving legal advice or written opinions to any other than the officers or persons named herein.

(e) As used in this article, "opinion" means judgment, advice, or decision and the legal reasons and principles upon which it is based.

SECTION 2. The provisions of Chapter 309, Acts of the 64th Legislature, Regular Session, 1975 (Article 6252-26, Vernon's Texas Civil Statutes), do not apply to Article 4399, Revised 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.

Representative Shaw offered the following amendment to CSHB 52:

Amend CSHB 52, on page 1, line 15 by striking the word "seventh" and substituting the word "fifteenth".

The amendment was adopted without objection.

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

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

COMMITTEE AMENDMENT NO. 1

Amend HB 337 in the following manner:

(1) Insert "and" after the semicolon on page 2, line 1.

(2) Delete line 2 on page 2 in its entirety.

(3) Relerate subsection (E) on page 2, line 3 as (D).

Committee Amendment No. 1 was adopted without objection.

HB 358, A bill to be entitled An Act relating to child abuse investigations.

CSHB 812, A bill to be entitled An Act relating to credit in the Employees Retirement System of Texas for certain service as an employee of a judicial district.

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

SECTION 1. Subchapter F, Chapter 23, Title 110B, Revised Statutes, is amended by adding Section 23.506 to read as follows:

Sec. 23.506. JUDICIAL DISTRICT SERVICE. (a) An eligible member may establish service credit in the employee class for a continuous period of service that was performed before June 1, 1971, as an employee of the 93rd Judicial District of Texas.

(b) A member eligible to establish credit under this section is one who was an employee of the 93rd Judicial District of Texas on May 31, 1971, and was an employee of the Texas Water Rights Commission on June 1, 1971.

(c) A member may establish credit under this section by depositing with the retirement system in a lump sum:

(1) a contribution for each month of service for which credit is sought in an amount equal to the greater of:
(A) six percent of the member's actual salary from the 93rd Judicial District of Texas for the month of service; or
(B) $18, plus
(2) interest computed on the required contribution on the basis of the state fiscal year at an annual rate of 10 percent from the date the service was performed to the date of deposit.

(d) The state shall contribute for service established under this section an amount from the general revenue fund in the same ratio to the member's contribution for the service as the state's contribution bears to the contribution for current service required of a member of the employee class at the time the credit is established under this section.

(e) The retirement system may require a member applying for credit under this section to submit any information the retirement system considers necessary to enable it to determine eligibility for or amount of service credit under this section, the amount of a required deposit, or the amount of benefits based on credit established under this section.

(f) The retirement system shall use a person's actual salary for service for which credit is established under this section in determining compensation periods to be used in computing benefits to or on behalf of the person who established the credit.

SECTION 2. If a person establishes service credit under Section 23.506, Title 110B, Revised Statutes, as added by this Act, any credit that is in another public retirement system and that is based on the same service is void, and the person is entitled, on application to the other retirement system, to a refund of any contributions the person made for the service in the other retirement system, plus any interest provided by law on refunds of contributions from that system.

SECTION 3. This Act takes effect September 1, 1983, if an appropriation of $23,797 to finance benefits based on this Act is made to the Employees Retirement System of Texas by the 68th Legislature and takes effect on or before that date. If an appropriation is not made as provided by this section, this Act has no effect.

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

(Green - no)

HB 1080, A bill to be entitled An Act relating to the transfer of records in connection with a change of venue of certain probate proceedings.

HB 1119, A bill to be entitled An Act relating to the jurisdiction of the supreme court and the courts of appeals and the issuance of the writ of mandamus by the courts of appeals or the justices.

Representative Shaw offered the following amendment to the bill:

Amend HB 1119 as follows:
(1) Strike Section 1 of the bill.
(2) Insert “in civil cases” at the end of line 7 on page 2.
(3) Insert “civil” at the end of line 5 on page 3.

The amendment was adopted without objection.

HB 1142, A bill to be entitled An Act relating to the regulation and licensing of persons engaged in the business of structural pest control.

(Eikenburg, Craddick, Ceverha, and DeLay - no)
HB 1241, A bill to be entitled An Act relating to parking privileges for disabled persons in vehicles registered in other states.

CSHB 1273, A bill to be entitled An Act relating to substantive revision of the law governing licensing of drivers.

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

SECTION 1. Section 1, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 1. DEFINITION OF WORDS AND PHRASES. 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 title. Words and phrases not defined in this Act but which are defined in the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes) shall have the meanings respectively ascribed to them in that Act. Words and phrases which are defined neither in this Act nor in the Uniform Act Regulating Traffic on Highways shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(1) “Department” means the Department of Public Safety.

(2) “Driver’s license” means a license or permit issued by the Department that authorizes the operation of a motor vehicle.

(3) “License or license to operate a motor vehicle” means a driver’s license or other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State including:

(A) a temporary license or instruction permit;

(B) the privilege of a person to drive a motor vehicle whether or not the person holds a valid license;

(C) a nonresident’s operating privilege; and

(D) an occupational license.

(4) “Certificate” means a personal identification certificate, handicap certificate, or health condition certificate issued by the Department.

(5) “Revocation of driver’s license” means the termination by formal action of the Department of a person’s license or privilege to operate a motor vehicle on a public highway which may not be restored except by applying to the Department for a new license after the expiration date of the revocation.

(6) “Suspension of driver’s license” means the temporary withdrawal of a person’s license or privilege to operate a motor vehicle on a public highway.

(7) “State” means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.

(a) “Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks:

(b) “Motor Vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) “Motorcycle” means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor, machinery for maintaining or cleaning streets, or a motor-assisted bicycle.

(d) “School Bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
(c) "Motor Bus" means every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two (2) or more incorporated cities and towns for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and towns and suburban additions thereto.

[(f) "Farm-Tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(g) " Implements of Husbandry" include farm implements, machinery and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, combines, or mowing machinery, but shall not include any automobile or truck.

(h) "Director" means the Director of the Department of Public Safety of the State of Texas.

(i) "Department" means the Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such Sections of this Act in which some other State Department is specifically named.

(j) "Person" includes every natural person; firm; copartnership; association; or corporation.

(k) "Pedestrian" means any person afoot.

(l) "Driver" means a person who drives or is in actual physical control of a vehicle.

(m) "Operator" means every person, other than a chauffeur or commercial operator, who is in actual physical control of a motor vehicle upon a highway.

(n) "Commercial Operator" means every person who is the driver of a motor vehicle designed or used for the transportation of property, including all vehicles used for delivery purposes, while said vehicle is being used for commercial or delivery purposes.

(o) "Chauffeur" means every person who is the driver for wages, compensation, or hire, or for hire, of a motor vehicle transporting passengers.

(p) "Nonresident" means a person who is not a resident of this state.

(q) "Gross weight" and "seating capacity" have the meanings assigned to those terms by Section 6, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-6, Vernon's Texas Civil Statutes).

(r) "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in this state not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.

(t) "The suspension or revocation of a license" shall be considered as a penalty and subject to executive clemency as any other fine or punishment.

(u) "Motor-assisted bicycle" has the meaning attributed to it in the Uniform Act Regulating Traffic on Highways, as amended (Article 6687h, Vernon's Texas Civil Statutes).

SECTION 2. Article II, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by amending Sections 2, 3, 3A, 4, 5, 5A, 6, 7, 10, 11, 11A, 11B, and 11C and by adding Sections 1A and 4A to read as follows:

Sec. 1A. RULES. The Department may adopt rules that it determines are necessary to effectively administer this Act.

Sec. 2. DRIVERS MUST HAVE LICENSE. (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid driver's license issued (as an operator, a commercial operator, or a chauffeur) under the provisions of this Act.
(b) A person may not receive a driver's license until he surrenders to the Department all valid driver's licenses in his possession issued to him in this or any other state. A surrendered license issued by another state shall be returned to the state accompanied by a statement that the person is licensed in this State. [Any person holding a valid chauffeur's or commercial operator's license hereunder need not procure an operator's license.]

(c) No person holding a driver's [an operator's, commercial operator's, or chauffeur's] license duly issued under the provisions of this Act shall be required to obtain any license for the operation of a motor vehicle from any other State authority or department. Subsection (c) of Section 4 of Article 911A and Subsection (b) of Section 4 of Article 911B, Revised Civil Statutes, is hereby repealed.

Sec. 3. [WHAT][F] PERSONS [ARE] EXEMPT FROM LICENSE. (a) The following persons described in the following subsections of this section are exempt from licensure [license] hereunder.

(b) [1.] Every person in the service of the United States when operating an official motor vehicle in such service is exempt from licensure.

(c) [2.] Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway is exempt from licensure, and while driving or operating any commercial motor vehicle temporarily on the highway in an emergency.

(d) [3.] A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid driver's [operator's] license issued to him in his home state may operate a motor vehicle with its permit to be operated with a Class C driver's license in this State, only as an operator.

(e) [4.] Any nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid Class A or Class B driver's [operator's] license or similar license issued to him by his home state shall not be required to secure such license under this Act, provided the state or country of his residence likewise recognizes such licenses issued by the State of Texas and exempts the holders thereof from securing such licenses from such foreign state or country. The purpose of this section is to extend full reciprocity to citizens of other states and foreign countries which extend like privileges to citizens of the State of Texas.

It shall not be necessary for an employee of any incorporated city, town, or village of this State or county of this State when holding an operator's permit to obtain a chauffeur's license in order to operate an official motor vehicle in the service of such incorporated city, town, village, or county.

A person operating a commercial motor vehicle, the gross weight of which does not exceed six thousand (6,000) pounds as that term is defined in Article 6675a-6 of the Revised Civil Statutes of Texas, operated in the manner and bearing current farm registration plates as provided in Article 6675a-6a of the Revised Civil Statutes, who holds an operator's license, shall not be required to obtain a commercial operator's license.

A person with an operator's license may operate a motor vehicle with a manufacturer's rated carrying capacity not to exceed four thousand (4,000) pounds rented by him for ten (10) days or less for the purpose of transporting household goods or office furniture or equipment owned by such person.

Any person operating a truck with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds, which is intended to include trucks commonly known as pickup trucks, panel delivery trucks, station wagons; and carryall trucks, who holds an operator's license shall not be required to obtain a commercial operator's license.

Any nonresident who is at least eighteen (18) years of age, whose home state does not require the licensing of operators, may operate a motor vehicle as an
operator only, for a period of not more than ninety (90) days in any calendar year; if the motor vehicle so operated is duly registered in the home state of such nonresident;

[7.] A person who raises agricultural commodities, his spouse, and his children, may transport commodities they have raised; by the most direct practical route to the nearest market, without possessing a commercial operator’s license if the driver has in his possession a valid operator’s license.

(f) [7.] A nonresident on active duty in the armed forces of the United States who has a valid license issued by his home state and such nonresident’s spouse or dependent son or daughter who has a valid license issued by such person’s home state is exempt from licensure.[1]

[g] [8.] The validity of any Texas driver’s license held by any person who enters or is in the United States armed forces shall continue in full force and effect to long as the service continues and the person remains absent from this State, and for not to exceed ninety (90) days following the date on which the licensee is honorably separated from such service or returns to this State, unless the license is sooner suspended, canceled, or revoked for cause as provided by law.[2]

(h) [9.] Any person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States may operate a motor vehicle in this State for a period of not more than ninety (90) days from the date of his return to the United States.

[10.] A person with an operator’s license may operate a motor vehicle with a manufacturer’s rated carrying capacity not to exceed four thousand (4,000) pounds rented by him for ten (10) days or less for the purpose of transporting household goods or office furniture or equipment owned by that person.

Sec. 3A. NEW STATE RESIDENTS; TIME TO OBTAIN LICENSE. A person who enters this State as a new resident may operate a motor vehicle in this State only as a Class C driver [an operator] for thirty (30) days after entering the State if he is at least sixteen (16) years of age and has in his immediate possession a valid driver’s [operator’s]; chauffeur’s; or commercial operator’s] license issued to him by his state or country of previous residence. If a person claiming to be covered by this section is prosecuted for driving without a valid driver’s license and the prosecution alleges that he has resided in this State for more than thirty (30) days, he must prove by a preponderance of the evidence that he has not resided in the State for more than thirty (30) days.

Sec. 4. WHO MAY NOT BE LICENSED. The Department shall not issue any license under this Act to [hereunder]:

(1) [4—To] any person who is under the age of fifteen (15) years;

(2) [2—To] any person, as a Class A or Class B driver [commercial operator], who is under eighteen (18) years of age, unless he has completed the approved driver training course referred to in Section 7 of this Act; and in no case shall a Class A or Class B driver’s [commercial operator’s] license be issued to one under seventeen (17) years of age;

(3) [To] any person, as a chauffeur, who is under eighteen (18) years of age; unless he has completed the approved driver training course referred to in Section 7; and in no case shall a chauffeur’s license be issued to one under seventeen (17) years of age;

(4) [4—To] any person[as an operator, a commercial operator, or a chauffeur] whose driver’s license issued by this State or another state or country has been suspended, revoked, or canceled, during the [such] suspension, revocation, or cancellation;

(4) [5—To] any person[as an operator, commercial operator, or chauffeur] who is shown to be [an habitual drunkard or] addicted to the use of alcohol or a
controlled substance [narcotic drugs] or other drugs that render a person incapable of driving;

(5) [6—To] any person[, as an operator; commercial operator, or chauffeur,] who has previously, by a court of competent jurisdiction, been adjudged mentally incompetent [insane or an idiot, imbecile, or feebleminded] and who has not, at the time of such application, been restored to competency by judicial decree or released from a hospital for the mentally incompetent [insane or feebleminded] upon a certificate of the superintendent that such person is competent;

(6) [7—To] any person[, as an operator; commercial operator, or chauffeur;] who is required by this Act to take an examination, unless such person shall have successfully passed such examination;

(7) [8—To] any person when the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to identify and understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle;

(8) [9—To] any person when the Department has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

Sec. 4A. CLASSIFIED DRIVER'S LICENSE. (a) The Department, when issuing a driver's license, shall indicate on the license the type or general class of vehicle the licensee may drive.

(b) A Class A driver's license permits a person to drive any vehicle or combination of vehicles, including a vehicle included in Class B or Class C, except a motorcycle or moped.

(c) A Class B driver’s license permits a person to drive the following vehicles, except a motorcycle or moped:

1. A single vehicle with a gross vehicle weight exceeding 24,000 pounds, alone or towing either a vehicle with a gross vehicle weight that does not exceed 10,000 pounds or a farm trailer with a gross vehicle weight that does not exceed 20,000 pounds;

2. A bus;

3. A vehicle included in Class C.

(d) A Class C driver’s license permits a person to drive the following vehicles, except a motorcycle or moped:

1. A single two-axle vehicle with a gross vehicle weight that does not exceed 24,000 pounds, alone or towing either a vehicle with a gross vehicle weight that does not exceed 10,000 pounds or a farm trailer with a gross vehicle weight that does not exceed 20,000 pounds; and

2. A bus with a seating capacity of less than 24 passengers.

(e) A Class M driver’s license permits a person to drive a motorcycle or moped.

(f) A Class P permit is an instruction permit for any class.

Sec. 5. SPECIAL RESTRICTIONS ON DRIVERS OF SCHOOL BUSES AND PUBLIC OR COMMON CARRIER MOTOR VEHICLES.TEMPORARY TAXICAB PERMITS IN HOME-RULE CITIES OVER 50,000. (a) No person who is under the age of eighteen (18) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school. A person who
is eighteen (18) years of age or older may not operate a vehicle as a school bus [nor] until he has been properly licensed to operate a school bus [as a chauffeur]. It shall be unlawful for any person to be employed to drive a motor vehicle while in use as a school bus for the transportation of pupils who has not undergone a physical examination which reveals his physical and mental capabilities to safely operate a school bus. Such physical examinations shall be conducted annually for each driver [thereafter]. A pre-employment driver's [driver] license check shall have been made with the Texas Department of Public Safety prior to the employment and the person's driving record must be acceptable according to standards developed jointly by the Central Education Agency and the Texas Department of Public Safety. Effective at such date and under provisions as may be determined by the Central Education Agency, the driver of a school bus shall have in his possession a certificate stating he is enrolled in, or has completed, a driver training course in school bus safety education that [which course] has been approved jointly by the Central Education Agency and the Texas Department of Public Safety. The bus driving certificate shall remain valid for a period of three years. [It shall be unlawful for any person presently employed as a school bus driver to continue to drive a school bus who does not obtain a physical examination prior to the beginning of the 1973-74 school year and whose driver's license check has not been made by his employer prior to the 1973-74 school year. Such physical and driver's license examinations shall meet the criteria set forth in this Act.]

(b) Except as provided by Subsection (c) of this section, no [No] person who is under the age of eighteen (18) [twenty-one (21)] years shall drive a [any] motor vehicle [except a taxicab] while in use as a public or common carrier of persons; [nor] until he has been properly licensed to drive the motor vehicle [as a chauffeur]. [No person who is under the age of nineteen (19) years shall drive a taxicab while in use as a public or common carrier of persons, nor until he has been licensed as a chauffeur. However, the governing body of a home-rule city having a population of more than 800,000, according to the last preceding federal census, may authorize by ordinance the issuance of temporary taxicab permits to persons who are qualified by age to drive a taxicab and who hold a valid Texas operator's license. A temporary taxicab permit must be issued for a definite period of time not to exceed 90 days and may not be issued to the same individual more than once every 90 days. The holder of a valid temporary taxicab permit may operate a taxicab while it is in use as a public or common carrier of persons. Temporary taxicab permits may be issued only in connection with special events in the city being attended by out-of-city visitors resulting in demand for transportation beyond the capabilities of established transportation facilities and may not be issued for the purpose of providing transportation in lieu of transportation services suspended or lapsed as the result of a dispute between employees and their employers. Proof of liability insurance coverage in an amount equal to that required by locally franchised taxicab companies shall be required before a temporary taxicab permit may be issued.]

(c) A person may not drive a taxicab unless the person is at least eighteen (18) years of age and is licensed by the Department. [The provisions of Subsection (b) of this section do not apply to the driver of a public or private ambulance who is nineteen (19) years old or older and who holds a valid chauffeur's license.]

Sec. 5A. JUNIOR COLLEGE BUSES; QUALIFICATIONS OF DRIVERS. Persons eighteen (18) years of age or older who have been licensed [as chauffeurs] by the Department of Public Safety [shall be authorized] to drive a type of [any] motor vehicle [while in use] as a school bus may drive the motor vehicle for the transportation of junior college students and employees to and from school or official school activities. [Providing further that such] school bus operated by a junior college may also transport students of any public school where convenient, [if providing that wherever] students of any local public school district are
transported to and from school on any bus operated by a junior college, and the driver of the [said] bus is under twenty-one (21) years of age, [in that event] the selection of any person to drive the [operate such] school bus must be approved by the principal of the local public school whose students are being [so] transported. [All] statutes now prohibiting the operation of such motor vehicles for the transportation of junior college students and employees by said persons eighteen (18) years of age or over, are suspended insofar as junior colleges are concerned. Provided, however, that this Act will not apply to drivers of vehicles operated under permit or certificate issued by the Railroad Commission of Texas.

Sec. 6. APPLICATION FOR LICENSE. (a) Every application for an original or renewal of a driver's [operator's, commercial operator's, or chauffeur's] license shall be made upon a form furnished by the Department, and every original application shall be verified by the applicant before person authorized to administer oaths, and officers and employees of the Department are hereby authorized to administer such oaths without charge. No officer or employee of the State shall be permitted to make any charge to administer such oaths. Every said application shall be accompanied by the required fee.

(b) Every said original application shall state the applicant's full name, place and date of birth, such information to be verified by presentation of a certified copy of the applicant's birth certificate or other documentary evidence deemed satisfactory by the Department. Such application shall also include the thumbprints, or if for any reason thumbprints cannot be taken, the index fingerprints of the applicant, and shall state the sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed to drive a motor vehicle [as an operator, commercial operator, or chauffeur] and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and whether the applicant, if less than twenty-five (25) years of age, has completed a driver education course approved by the Department, and such other information as the Department may require to determine the applicant's identity, competency and eligibility. Information about the medical history of an applicant supplied to the Department or a Medical Advisory Board is for the confidential use of the Department or the Board and may not be divulged to any person or used as evidence in a legal proceeding except a proceeding under Section 22 or Section 31 of this Act.

Sec. 7. APPLICATION OF MINORS. (a) The Department may license a person as a Class C driver [operator] who is under the age of eighteen (18) years, provided the person [he] is sixteen (16) years of age or older and the [where such] person has completed and passed a driver training course approved by the Department, and has passed the examination required by Section 10 of this Act [Article 6687b, Vernon's Texas Civil Statutes]. The Department shall carry out the duties required of it by the provisions of this Act in any manner that will provide the greatest convenience to the public.

(b) The Department shall not grant the application of any minor under the age of eighteen (18) years for a driver's [operator's, commercial operator's, or chauffeur's] license unless such application is signed by the parent [father] of the applicant [whom, if the father is living] and has the custody of the applicant, otherwise by the [mother or] guardian having the custody of the applicant [such minor], or in the event a minor under the age of eighteen (18) years has no parent [father; mother; guardian] or guardian, the license shall not be issued to the minor unless his application therefore is signed by his employer or by the county judge of his residence.

Sec. 10. EXAMINATION OF APPLICANTS. (a) The Department shall examine every applicant for a driver's [operator's, commercial operator's, or
chauffeur's license, except as otherwise provided in this Section. Such examination shall be held in the county where the applicant resides or makes application within not more than ten (10) days from the date application is made. It shall include a test of the applicant's vision, his ability to understand highway signs in the English language regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type which he will be licensed to operate and such further [physical and written] examination as the Department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. The [and provided further that the] Director shall have the authority to cause to be re-examined the licensee in any case which in his judgment the licensee is incapable of safely operating a motor vehicle. The [said] examination shall be held in the county of the licensee's residence unless otherwise agreed to by both parties to be held elsewhere.

(b) The Department may by rule provide that a person who possesses a valid driver's license issued by another state and who is otherwise qualified, after passing the vision examination and paying the required fees, may be issued a driver's license without undergoing the complete examination provided for in Subsection (a) of this Section. A license issued under this subsection must be of the type equivalent to the license issued by the other state.

(c) The Director may certify and set standards for certification of certain employers, governmental agencies, and other appropriate organizations to train and test for the ability to operate certain types or general classes of vehicles. The Department shall set standards for the training and testing of applicants. The Director, in issuing the driver's license for certain types or general classes of vehicles, may waive a driving test for an applicant if the applicant has successfully completed and passed the training and testing by the certified entity.

(d) An applicant required to submit to a motorcycle road test must provide a passenger vehicle and a licensed driver to convey the license examiner during the road test. The Department may refuse to give any part of the road test to an applicant who does not provide a passenger vehicle for the examiner.

Sec. 11. ISSUANCE OF DRIVER'S LICENSES [ISSUED TO OPERATORS, COMMERCIAL OPERATORS AND CHAUFFEURS]. (a) The Department shall, upon payment of the required fee, issue to every qualifying applicant a driver's license as applied for. The [which] license shall bear [thereon] a distinguishing number assigned to the licensee by the Department, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) The Department may issue a temporary license without the photograph to out-of-state applicants, members in the Armed Forces, and in those situations where for any other reason the Department finds it necessary. If an [provided; however, where such] temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his picture taken and a license with his photograph issued.

(c) On all provisional licenses issued under Section 11 of this Act, the photograph of the licensee shall show a side profile. On all other licenses, the photograph shall show the entire face of the licensee.

Sec. 11A. PROVISIONAL LICENSES. Whenever the Department of Public Safety issues an original driver's license [operator's, commercial operator's, or chauffeur's]
license to a person under eighteen (18) [twenty-one (21)] years of age, the license shall be designated and clearly marked as a provisional license.

Sec. 11B. ANATOMICAL GIFTS, EXECUTION ON REVERSE SIDE OF DRIVER’S LICENSE. (a) A gift of any needed parts of the body may be made by executing a statement of gift printed on the reverse side of the donor’s driver’s [operator’s, commercial operator’s, or chauffeur’s] license. A signed and witnessed statement of gift thereon shall be deemed to comply with the Texas Anatomical Gift Act (Article 4590-2, Vernon’s Texas Civil Statutes). The gift is invalid on expiration, cancellation, revocation, or suspension of the driver’s [operator’s, commercial operator’s, or chauffeur’s] license. To be valid, the statement must be executed each time the driver’s [operator’s, commercial operator’s, or chauffeur’s] license is replaced, reinstated, or renewed.

(b) The Department shall print a statement certifying the willingness to make an anatomical gift on the reverse side of each driver’s [operator’s, commercial operator’s, or chauffeur’s] license.

Sec. 11C. ALLERGY DESIGNATION ON REVERSE SIDE OF LICENSE. The Department shall print a statement on the reverse side of each driver’s [operator’s, commercial operator’s, or chauffeur’s] license as follows:

Allergic Reaction to Drugs:

SECTION 3. Subsections (a), (b), (c), (d), and (e), Section 12, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), are amended to read as follows:

(a) The Department, upon issuing a driver’s [operator’s, commercial operator’s, or chauffeur’s] license, shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee’s driving ability with respect to the type of, or special mechanical control devices required on a motor vehicle which the licensee may operate, or mechanical attachments (glasses, artificial limbs, etc.) required on the person of the licensee.

(b) The Department shall have the authority to impose restrictions suitable to the licensee’s driving ability with respect to areas, location, roads and highways within this State, or with respect to the time of day or night that the licensee shall be permitted to drive a motor vehicle or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(c) The Department may issue an instruction permit without photograph to any person fifteen (15) years of age or older but younger than eighteen (18) years of age who has satisfactorily completed and passed the classroom phase of an approved driver education course and who, and the Department may, in its discretion, after the applicant has successfully passed all parts of the driver examination required in Section 10 of this Act [Article 6687c, Vernon’s Texas Civil Statutes] other than the driving test. The Department may issue an instruction permit without photograph to any person eighteen (18) years of age or older who has successfully passed all parts of the driver examination required in Section 10 of this Act other than the driving test. The [issue to the applicant an instruction permit which] shall entitle the applicant while having the [such] permit in his immediate possession to drive a type or general class of motor vehicle upon the public highways when accompanied by a licensed driver whose license qualifies him to operate that type or general class of vehicle, [operator, commercial operator, or chauffeur] who is at least eighteen (18) [twenty-one (21)] years of age, who [and] has at least one (1) year of driving experience, and who is occupying a seat by the driver[. provided, however, a person who is under twenty-one (21) years of age and is enrolled in a State approved driver education teacher preparation program may accompany a person with an instruction permit].

(d) The Department may issue an instruction permit without photograph to any person fifteen (15) years of age or older but younger than eighteen (18) years of age who has satisfactorily completed and passed the classroom phase of an approved driver education course and who, and the Department may, in its discretion, after the applicant has successfully passed all parts of the driver examination required in Section 10 of this Act [Article 6687c, Vernon’s Texas Civil Statutes] other than the driving test. The Department may issue an instruction permit without photograph to any person eighteen (18) years of age or older who has successfully passed all parts of the driver examination required in Section 10 of this Act other than the driving test. The [issue to the applicant an instruction permit which] shall entitle the applicant while having the [such] permit in his immediate possession to drive a type or general class of motor vehicle upon the public highways when accompanied by a licensed driver whose license qualifies him to operate that type or general class of vehicle, [operator, commercial operator, or chauffeur] who is at least eighteen (18) [twenty-one (21)] years of age, who [and] has at least one (1) year of driving experience, and who is occupying a seat by the driver[. provided, however, a person who is under twenty-one (21) years of age and is enrolled in a State approved driver education teacher preparation program may accompany a person with an instruction permit].
(d)(1) The Department may issue a license to any person who satisfies the requirements of Subdivision (2) of this subsection, if the Department finds that:

(A) the failure or refusal to issue such license to any such person will work an unusual economic hardship on the family of the applicant for the license;

(B) a license should be granted to the applicant because of the sickness or illness of members of the family of the applicant; or

(C) a license should be granted to the applicant because he is regularly enrolled in a vocational education program and requires a driver's license to pursue that program.

(2) An applicant for a license under this subsection must:

(A) be at least fifteen (15) years of age;

(B) satisfactorily complete and pass a driver training course approved by the Department; and

(C) pass the examination required by Section 10 or 10A of this Act.

(3) If the Department determines an applicant must assist in the responsibilities of a family illness, disability, death-related emergency, or economic emergency, it may waive the driver training course requirement in Paragraph (B) of Subdivision (2) of this subsection and issue a temporary 60-day license, renewable for additional 60-day periods so long as the emergency continues.

(4) Any person who has been refused a driver's license under the terms of this subsection may appeal to the county court in the county in which he is a resident, where the matter may be tried upon request of petitioner or respondent.

(5) To be eligible to take the driver training course, an applicant must:

(A) be at least fourteen (14) years of age; and

(B) meet the requirements and qualify for a license under Subdivision (1) of this subsection.

(6) In the manner provided in Section 22 of this Act, the department may suspend a license issued under the terms of this subsection if the licensee is convicted of a moving violation.

(e)(1) The Department may issue a special restricted operator's license to any person between the ages of fifteen (15) and eighteen (18) years to operate only a motorcycle, motor scooter or motorized bicycle, with less than one hundred twenty-five (125) cc piston displacement, provided such person has completed and passed a motorcycle operator training course approved by the Department. This motorcycle operator training course will be an exception to the driver training course, regarding the age limit, as applied in Section 7(a), Article 6687b, Vernon's Texas Civil Statutes. Upon reaching the age of sixteen and having completed the above course, the 125cc restriction shall be removed without completing any further motorcycle courses. This special restricted license shall be issued on application to the Department in accordance with Section 7 of Article 6687b, Vernon's Texas Civil Statutes, shall be subject to the requirements of Section 10 of Article 6687b; Vernon's Texas Civil Statutes, and to other provisions of this Act in the same manner as operator's licenses, and shall be in the form prescribed by the Department. A driver's [motor-assisted bicycle operator's] license is required for operators of mopeds [motor-assisted bicycles]. A person must be at least fifteen (15) years old to be issued a [motor-assisted bicycle operator's] license to operate a moped. The Department shall examine applicants for that type of license by administering to them a written examination concerning traffic laws applicable to the operation of mopeds [motor-assisted bicycles]. No test involving the operation of the vehicle is required. The fee for the license is Ten Dollars ($10) [Seven Dollars ($7)]. [All applicable provisions of this Act governing restricted operator's licenses for the operation of motorcycles only also apply to motor-assisted bicycle operator's licenses for the operation of motor scooters with less than one hundred twenty-five (125) cc piston displacement.].
licenses, including provisions relating to the application, issuance, duration, suspension, and cancellation of those licenses.]

(2) The Department is hereby required to certify motorcycles, motor scooters and motor-driven cycles [motorized bicycles] to ascertain whether they exceed one hundred twenty-five (125) [100] cc piston displacement as required by this section. The Department is further authorized to establish the procedure which shall be followed to determine the cc piston displacement of the motorcycles, motor scooters and motor-driven cycles [motorized bicycles]. Any person, firm or corporation may submit to the Department any such motorcycle, motor scooter or motor-driven cycle [motorized bicycle] and make application that the same be tested as to conformity with the regulations of the Department. Upon such application being made, the Department shall cause such test to be made as may be necessary to determine whether the motorcycle, motor scooter or motor-driven cycle [motorized bicycle] exceeds one hundred twenty-five (125) [100] cc piston displacement. [Every model of motorcycles, motor scooters and motorized bicycles certified by the Department shall carry a metal tag showing that the Department has certified it as not exceeding one hundred [100] cc piston displacement:] When the Department has reason to believe that a certified model of motorcycles, motor scooters or motor-driven cycles [motorized bicycles] being sold commercially exceeds one hundred twenty-five (125) [100] cc displacement, the Department may conduct a hearing under Subsection (f), Section 108, Uniform Act Regulating Traffic on Highways [as prescribed under Subsections (d) and (e), Section 108B, Chapter 303, Acts of the 34th Legislature, Regular Session, 1955 (compiled as Subsections (d) and (e) of Section 108B, Article 6687b, Vernon's Texas Civil Statutes). The Department shall compile a list naming each model and make of motorcycles, motor scooters and motor-driven cycles [motorized bicycles]. Any peace officer may stop and detain any motorcycle, motor scooter or motor-driven cycle [motorized bicycle] for the purpose of inspecting the motorcycle, motor scooter or motor-driven cycle [motorized bicycle] to determine if the motorcycle, motor scooter or motor-driven cycle [motorized bicycle] is of a model and make certified by the Department.

(3) The Department is also required to certify whether vehicles which are purported to be mopeds [motor-assisted bicycles] conform to the definition of that vehicle. The Department shall certify those vehicles under the same procedure as it certifies motorcycles, motor scooters and motor-driven cycles [motorized bicycles]. The Department shall compile a list of models of mopeds [motor-assisted bicycles] which have been certified [Every model of motor-assisted bicycles certified by the Department shall carry a metal tag showing that the Department has certified that the vehicle conforms to the definition of motor-assisted bicycle:] Any peace officer may stop and detain a person operating a moped or motor-driven cycle [motor-assisted bicycle] to determine if the vehicle is of a model and make certified by the Department.

SECTION 4. Section 12, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i)(l) The Department may issue a restricted operator's license to operate only a motorcycle, motor-driven cycle, or moped, with not more than one hundred twenty-five (125) cc piston displacement, to a person who:

(A) is at least fifteen (15) years of age and less than eighteen (18) years of age; and

(B) has successfully completed a motorcycle operator training course approved by the Department; and
(C) has passed an examination under Section 10 or 10A of this Act.

(2) A license issued under this subsection held by a person at least sixteen (16) years of age may not be restricted as to volume of piston displacement.

SECTION 5. Sections 13, 14, and 14A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 13. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.

Every person shall have the driver's (an operator's, commercial operator's, or chauffeur's) license appropriate for the class of vehicle being operated in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a magistrate or any officer of a court of competent jurisdiction or any peace officer. Any person who violates this Section shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than Two Hundred Dollars ($200); for a second conviction, within one (1) year thereafter, such person shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200); upon the third or subsequent conviction within one (1) year after the second conviction such person shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500), or by imprisonment in the county jail for not less than seventy-two (72) hours nor more than six (6) months, or by both such fine and imprisonment. It shall be a defense to any charge under this Section that the person so charged produce in court a driver's (an operator's, commercial operator's, or chauffeur's) license appropriate for the class of vehicle being operated (thereof) issued to such person and valid at the time of his arrest. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section, and it shall be the duty of the Department of Public Safety to keep a record thereof. Any peace officer may stop and detain any motor vehicle operator for the purpose of determining whether such person has a driver's license as required by this Section.

Sec. 14. DUPLICATE LICENSES AND CERTIFICATES. In the event that a driver's (an operator's license, commercial operator's license, chauffeur's license, identification certificate, or handicap or health condition certificate issued under the provisions of this Act is lost or destroyed or there is a change in pertinent information, the person to whom the same was issued may obtain a duplicate or correction thereof upon furnishing proof satisfactory to the Department that such permit, license, or certificate was lost or destroyed or upon the supplying of the required information which has changed, together with proof acceptable to the Department supporting such change, and upon the payment of a fee of Three Dollars ($3.00) (One Dollar ($1)).

Sec. 14A. PERSONAL IDENTIFICATION CERTIFICATES; FEE. (a) The Department may issue personal identification certificates, similar in form but distinguishable in color from drivers' (operators') licenses. Certificates issued under authority of this section shall expire on a date specified by the Department.

(b) Original applications and applications for renewal of identification certificates shall require information and be submitted on a form promulgated by the Department.

(c) The Department shall levy and collect a fee of Five Dollars ($5.00) for preparation and issuance of the certificate.

(d) Any collections in excess of costs shall be deposited in the State Treasury in the General Revenue Fund.

SECTION 6. Subsection (b), Section 15, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:
(b) All monies received for driver's [operators', commercial operators' and chauffeurs'] license and certificate fees shall be deposited in the State Treasury in a fund to be known as the Operator's and Chauffeur's License Fund.

SECTION 7. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 15B to read as follows:

Sec. 15B. TEMPORARY PROVISION: DISPOSITION OF INCREASED OPERATOR'S LICENSE FEE. (a) During the period beginning September 1, 1983, and ending August 31, 1985, twenty-five cents (25¢) of the driver's license fee shall be deposited in the State Treasury to the credit of a fund to be known as the Rail Passenger Service Study Fund. The fees deposited in the fund shall be used to conduct a study on rail passenger service in Texas.
(b) Section 16 of this Act does not apply to funds deposited in the Rail Passenger Service Study Fund.
(c) This section expires September 1, 1985. Any balance remaining in the Rail Passenger Service Study Fund on that date shall be transferred to the credit of the Operator's and Chauffeur's License Fund.

SECTION 8. Sections 18, 19, 19A, and 20, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 18. EXPIRATION OF LICENSES; EXAMINATION ON RENEWAL.
(a) All original driver's [operators', commercial operators', chauffeurs'] and provisional licenses shall be dated to expire as follows:
(1) [4:] Driver's [Operator's] License—on the next birthdate of the licensee occurring four (4) years after the date of application;
2. Commercial Operator's and Chauffeur's Licenses—on the next birthdate of the licensee occurring two (2) years after the date of application;
3. Provisional License—on the eighteenth (18th) birthday of the licensee;
4. Instruction Permit—to expire on the next birthdate of holder occurring one (1) year after date of application; and
5. Occupational License—one (1) year from date of order of court granting authority to drive.
(b) All renewals of driver's [operators', commercial operators', and chauffeurs'] licenses shall be dated to expire as follows:
4. Operator's License—four (4) years from expiration date appearing on current license;
2. Commercial Operator's and Chauffeur's Licenses—two (2) years from the date appearing on current license;
(c) The Department may in its discretion require an examination for the renewal of a driver's [an operator's, commercial operator's or chauffeur's] license.
(d) The Department may prescribe the procedure and standards for arranging and conducting examinations for renewal of licenses.
(e) Subject to the provisions of Subsection (d) of this section, any licensee failing to obtain a renewal of license as above set forth may be required to take examination as required in this Act for applicant's original license.
(f) All applicants for renewal may be required by the Department to furnish the information required under Section 6(b) of this Act.
(g) Except as provided by this subsection, the Department may by rule provide that a person with a driver's license that expires after January 1, 1984, may renew the license by mail. A rule adopted under this subsection may not permit renewal by mail of:
(1) a provisional or occupational license; or
Sec. 19. FEES FOR LICENSE AND EXAMINATION. (a) The fees as provided for in this Act shall be as follows:

1. All Classes of Licenses—originals and renewals issued for four (4) years, Ten Dollars ($10.00) [Seven Dollars ($7.00)];
2. Commercial Operator's License—originals and renewals issued for two (2) years, Ten Dollars ($10.00);
3. Chauffeur's License—originals and renewals issued for two (2) years, Thirteen Dollars ($13.00);
4. Provisional and Instruction (Learner's) License—computed on basis of annual prorated cost of type license obtained multiplied by number of full years of validity; provided that a minimum one-year fee of Four Dollars ($4.00) shall be paid for an instruction permit and by those obtaining such licenses after their seventeenth (17th) [twenty-first (21st)] birthday;
5. Occupational License—Ten Dollars ($10.00) for one (1) year;
6. An applicant who is changing from a lower to a higher class license or adding a class of vehicle to the license shall pay a fee of Five Dollars ($5.00) for the examination.

(b) One Dollar ($1.00) from each fee collected under this section shall be deposited in a fund to be known as the Department of Public Safety Building Fund and is hereby appropriated for the construction of buildings for that Department.

Sec. 19A. EXEMPTION OF DISABLED VETERANS FROM FEES. An honorably discharged veteran of the armed services of the United States who has suffered at least a sixty percent (60%) service-connected disability, [according to the classification of the Veteran's Administration] and who receives compensation from the federal government because of the disability, is exempt from the payment of the fees provided in this Act for the issuance of a driver's license [an Operator's or Chauffeur's Commercial License]. The Department of Public Safety shall prescribe reasonable rules and regulations relative to the proof of entitlement to this exemption.

Sec. 20. NOTICE OF CHANGE OF ADDRESS OR NAME. (a) Whenever any person after applying for or receiving a driver's license, commercial operator's license, chauffeur's license, identification certificate, or handicap or health condition certificate, shall move from the address named in such application or in the license or certificate issued to him or when the name of the licensee is changed by marriage or otherwise, such person shall within thirty (30) days thereafter notify the Department in writing of his old and new addresses or of such former and new names, of the number of any license or certificate then held by him, and such person shall apply for a duplicate license or certificate as set out in Section 14.

(b) If a person holding a license or certificate issued under this Act moves from the address on the license or certificate, instead of applying for a duplicate license under Section 14 of this Act, the person may:

1. submit a written notice to the Department containing the information required by Subsection (a) of this section; and
2. request that the Department furnish the person with a sticker or certificate to apply to or carry with the person's license or certificate indicating that a change of address has been filed with the Department.
(c) On receipt of a request for a sticker or certificate under Subsection (b)(2) of this section on a form approved by the Department and payment of a fee of Three Dollars ($3), the Department shall deliver a sticker or certificate to the requestor. The Department shall make approved forms available in public places in addition to driver's license offices.

SECTION 9. Subsections (d) and (f), Section 21, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(d) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, and most recent address as listed on the records of the Department upon written request and the payment of a One Dollar ($1.00) fee by a person who submits the individual's driver's license number or his full name and date of birth and who shows a legitimate need for such information.

(f) The Department is authorized to provide information pertaining to an individual's date of birth, current license status, most recent address, completion of an approved driver education course, a listing of reported traffic law violations, and motor vehicle accidents, by date and location, as listed on the records of the Department upon written request and the payment of a Three Dollar ($3.00) fee by a person who submits the individual's driver's license number or his full name and date of birth and who shows a legitimate need for such information. If provided, requests for such information be prepared in quantities of one hundred (100) or more from a single person at any one time and upon data processing request forms acceptable to the Department, such information may be provided upon payment of a One Dollar ($1.00) fee for each individual request.

SECTION 10. Subsections (b) and (d), Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The authority to suspend the license of any driver [operator, commercial operator, or chauffeur] as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

(1) has [t. Has] committed an offense for which automatic suspension of license is made upon conviction;

(2) has [t. Has] been responsible as a driver for any accident resulting in death;

(3) is an [t. Is an] habitual reckless or negligent driver of a motor vehicle;

(4) is an [t. Is an] habitual violator of the traffic law.

The term "habitual violator" as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of this state or its political subdivisions other than a violation of:

(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes);

(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d-12, Vernon's Texas Civil Statutes);

(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d-13, Vernon's Texas Civil Statutes);

(F) Chapter 93, Acts of the 58th Legislature, Regular Session, 1963 (Article 6701d-15, Vernon's Texas Civil Statutes); or


5. is [6. Has] incapable to drive a motor vehicle;

6. has [6. Has] permitted an unlawful or fraudulent use of such license;

7. has [7. Has] committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

8. has [8. Has] failed or refused to submit a report of any accident in which he was involved as provided in Article IV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (Section 39 of this Act);

9. has [9. Has] been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

10. is [10. Has] the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months; or

11. has [11. Has] not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies.

(d) Upon the recommendation of a Juvenile Court with jurisdiction of any provisional licensee and for a term set by such Juvenile Court, but not to exceed one (1) year, the department shall suspend a provisional license when it is found by such court that a provisional licensee has committed an offense which would be a felony if such licensee was an adult or any misdemeanor (except those offenses covered in Chapter 302, Acts of the 55th Legislature, Regular Session, 1957 (Article 6701d, Vernon's Texas Civil Statutes) (Article 802c, Vernon's Texas Penal Code)), in which a motor vehicle was used to travel to or from the scene of the offense.

In the event the provisional licensee is an adult at the time he commits any of such offenses described in this Subsection, his license shall be suspended by the department for the time and in the manner described herein upon the recommendation of the court in which he is finally convicted.

It shall be the duty of the judge of any Juvenile Court or other court mentioned herein to report any such recommendation forthwith to the department. Such report shall be made in the manner and form prescribed by the department.

SECTION 11. Section 23A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 23A. (a) Any person whose license has been suspended for causes other than physical or mental disability or impairment may file with the judge of the county court or district court having jurisdiction within the county of his residence, or with the judge of the county court or district court having jurisdiction within the county where an offense occurred for which his license was suspended, a verified petition setting forth in detail an essential need for operating a motor vehicle [in the performance of his occupation or trade]. The hearing on the petition may be ex parte in nature, except as provided by Subsection (e) of this section.

(b) “Essential need” as used in this section means a need for the use of a motor vehicle:

1. in the performance of an occupation or trade or directly to and from such occupation or trade;

2. for transportation to and from an educational facility in which the driver is enrolled; or

3. in the performance of essential household duties.

(e) In determining whether essential need exists, the judge shall consider the driving record of the petitioner and any evidence presented by a person who attends the hearing on the petition under Subsection (e) of this section.
(d) If the petitioner's license was suspended following a conviction for an offense under Article 6701h-1 or 6701h-2, Revised Statutes, or an offense under Subdivision (2) of Subsection (a) of Section 19.05 or Section 19.07, Penal Code, the clerk of the court shall send by certified mail a copy of the verified petition and notice of the hearing to the attorney representing the state.

(e) A person receiving a copy of a petition under Subsection (d) of this section may attend the hearing on the petition and may present evidence at the hearing against granting the petition.

(f) The judge hearing the petition shall enter an order either finding that no essential need exists for the operation of a motor vehicle [in the performance of the occupation or trade of the petitioner] or enter an order finding an essential need for operating a motor vehicle [in the performance of the occupation or trade of the petitioner]. In the event the judge enters the order finding an essential need [as set out hereinafter], he shall also, as part of the order [such finding], determine the actual need of the petitioner in operating a motor vehicle. The order [in his occupation or trade and shall restrict the use of the motor vehicle to the petitioner's actual occupation or trade and the right to drive to and from the place of employment of the petitioner] and shall require the petitioner to give proof of a valid policy of automobile liability insurance in accordance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes) [provisions of the Texas Safety Responsibility Law, Article 6701h, Vernon's Annotated Texas Statutes]. The order [Such restrictions shall be definite as to hours of the day, days of the week, specific reasons for travel, type of occupation] and areas of travel to be permitted, except that the petitioner shall not be allowed to operate a motor vehicle more than four (4) [ten (-10)] hours in any twenty-four (24) consecutive hours. On a proper showing of necessity, however, the court may waive the four-hour [10-hour] restriction and allow the petitioner to operate a motor vehicle for any period determined by the court that does not exceed twelve (12) hours in any twenty-four (24) consecutive hours. An order [Unless further extended at the discretion of the court, orders] entered by the [such] court shall extend for the [a] period of [twelve (-12)-months or less from the date-of] the original suspension. A certified copy of the petition and the court order setting out the judge's finding and the restrictions shall be forwarded to the Department.

(g) Upon receipt of the court order set out in Subsection (f) of this section [(a) above] and after compliance with the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes) [provisions of the Texas Safety Responsibility Law, Article 6701h, Vernon's Texas Civil Statutes], the Department shall issue to the petitioner an occupational license, referring [showing] on its face to [the restrictions set out in] the order of the court.

(h) Any person who violates the restrictions on his occupational license shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended; and such occupational license shall be automatically cancelled.

SECTION 12. Subsections (a) and (b), Section 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Whenever any person is convicted of any offense for which this Act makes automatic the suspension of the driver's [operator's; commercial operators; or chauffeur's] license of such person, the court in which the [such] conviction is had shall require the surrender to it of all drivers' [operators; commercial operators; and chauffeurs'] licenses then held by the person so convicted and the clerk of the [said] court shall [thereupon] forward the licenses [same] together with a record of the [such] conviction. The court may enter an order restricting the operation of a motor vehicle for essential need [to the person's occupation or to participation in
an alcoholic or drug treatment, rehabilitation, or educational program], provided
the person has filed a verified petition with the court setting forth in detail an
essential need for operating a motor vehicle, has given notice of the hearing and a
copy of the verified petition to the person provided under Subsection (d) of Section
23A of this Act, and provided the person gives proof of a valid policy of automobile
liability insurance in accordance with the provisions of the Texas Motor Vehicle
Safety-Responsibility Act[, as amended] (Article 6701h, Vernon's Texas Civil
Statutes). "Essential need" as used in this section has the meaning assigned to it by
Subsection (b) of Section 23A of this Act. The order shall state restrictions as to
hours of the day, days of the week, specific reasons for travel [type of occupation
or program], and areas or routes of travel to be permitted, except that the person
convicted may not be allowed to operate a motor vehicle more than four (4) [ten
(10)] hours in any consecutive twenty-four (24) hours, providing, on proper showing
of necessity, the court may waive the four- [ten (10)] hour restriction and allow
the person to operate a motor vehicle for any period determined by the court that
does not exceed twelve (12) hours in any consecutive twenty-four (24) hours. The order
shall include a description and the license plate number of each motor vehicle of
which the person convicted is the principal driver, for purposes of the issuance of
an emblem under Section 23B of this Act. The order shall be effective for a period
to be determined by the judge and may be extended at the discretion of the judge,
provided that if the order is granted for longer than a twelve (12) month period, the
person convicted must give proof to the Department of Public Safety of a valid
policy of automobile liability insurance in accordance with the provisions of the
Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil
Statutes). But in no event may the order remain in effect beyond the period for
which the convicted person's license has been suspended. A certified copy of the
order shall be given to the person convicted and shall be forwarded to the
Department together with the person's licenses and the record of his conviction.
Upon receipt of the order, the Department shall issue a license referring on its face to
the restrictions and expiration date set out in the order. The person convicted may use the order of the court as a restricted license for a period of
fourteen (14) days following the date of the order. [Any person who violates the
restrictions of the order of the court or on the license issued under this section is
guilty of a misdemeanor and upon conviction shall be punished in the same manner
as one convicted of driving a motor vehicle while license is suspended, and the
license and order shall be automatically cancelled.]

(b) Every court having jurisdiction over offenses committed under this Act,
or any other Acts of this State regulating the operation of motor vehicles on
highways, shall forward to the Department a record of the conviction of any person
in said court for a violation of any said laws, and may recommend the suspension
of the driver's [operator's, commercial operator's, or chauffeur's] license of the
person so convicted, as provided in Section 22 of this Act.

SECTION 13. Chapter 173, Acts of the 47th Legislature, Regular Session,
1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section
23B to read as follows:

Sec. 23B. (a) A person who is issued a license under Section 23A or 25 of this
Act must carry a certified copy of the court order with him when he is operating
a motor vehicle. The person must allow a peace officer to examine the order at the
officer's lawful request.

(b) The Department shall provide for the issuance of a specially designed
emblem to a person who receives a license under Section 23A or 25 of this Act for
each motor vehicle listed in the court order as being a vehicle of which the person
is the principal driver. The Department shall determine the design of the emblem.
It shall be distinct in appearance from every other type of emblem issued by the
Department. It shall set forth the expiration date set out in the court order and shall identify the owner and vehicle for which it is issued. The Department shall issue the emblem simultaneously with the issuance of the license. The Department may charge a fee for an emblem under this section that is reasonable in relation to the costs of administration.

(c) If a person who holds a license issued under Section 23A or 25 of this Act is to become the principal driver of a vehicle not listed in the court order, he must first obtain an emblem from the Department and affix it to the vehicle.

(d) A person who has been issued an emblem under Subsection (b) or (c) of this section may obtain a replacement emblem from the Department.

(e) The Department shall issue rules providing for the display of the emblem on the windshield or other location visible on the exterior of the vehicle for which it is issued.

(f) The Department may prescribe the procedures and forms for obtaining an emblem.

(g) A person who holds a license issued under Section 23A or 25 of this Act commits an offense if he operates a motor vehicle in violation of the restrictions on the license or if he fails to carry a certified copy of the court order as required under Subsection (a) of this section or fails to display an emblem issued under this section, in accordance with rules of the Department, on each vehicle of which he is the principal driver. An offense under this subsection is a Class C misdemeanor, and on conviction the license and order issued under Section 23A or 25 are automatically terminated.

SECTION 14. Section 27, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. NO OPERATION UNDER FOREIGN LICENSE DURING SUSPENSION OR REVOCATION IN THIS STATE. No person, resident or nonresident, whose driver's [operator's, commercial-operator's, or chauffeur's] license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall operate a motor vehicle in this State under a license, permit, or registration certificate issued by any other state [jurisdiction or otherwise] during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

SECTION 15. Subsection (a), Section 29, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The privilege of driving a motor vehicle on the highways of this State given to a nonresident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as a driver's [an operator's, commercial-operator's, or chauffeur's] license issued hereunder [may be suspended or revoked].

SECTION 16. Sections 30, 32, 34, and 37, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 30. REVOCATION [CANCELLATION] OF LICENSE FOR MEDICAL REASONS. It shall be unlawful for any person to act as a driver of a motor vehicle [an operator, commercial-operater, or chauffeur] who is addicted to the use of alcohol or a controlled substance [narcotic-drugs], or who has been adjudged mentally incompetent and has not been restored to competency by judicial decree or released from a hospital for the mentally incompetent upon a certificate of the superintendent that such person is competent. Any finding by any court of competent jurisdiction that any person holding a driver's [an operator's license, commercial-operator's license, or chauffeur's] license is mentally...
incompetent or addicted to the use of alcohol or a controlled substance [narcotics] shall carry with it a revocation of the driver's [operator's, commercial operator's, or chauffeur's] license. It shall be the duty of the clerk of any court in which such findings are made, to certify same to the Department within ten (10) days.

Sec. 32. VIOLATION OF LICENSE OR CERTIFICATE PROVISION. (a) In this section:
(1) "Driver's license" means a license or a permit issued by the Department that authorizes the operation of a motor vehicle:
(2) "Certificate" means a personal identification certificate, handicap certificate, or health condition certificate issued by the Department:
(b) Except as provided in Subsection (b) [c] of this section, it is unlawful for any person to commit any of the following acts:
(1) to [4: To] display or cause or permit to be displayed or to have in possession any driver's license or certificate knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered;
(2) to [2: To] lend or knowingly permit the use of, by one not entitled thereto, any driver's license or certificate issued to the person so lending or permitting the use thereof;
(3) to [3: To] display or to represent as one's own, any driver's license or certificate not issued to the person so displaying same;
(4) to [4: To] fail or refuse to surrender to the Department on demand any driver's license or certificate which has been suspended, cancelled, or revoked as provided by law;
(5) to [5: To] apply for or have in one's possession more than one currently valid driver's license or more than one currently valid certificate; or
(6) to [6: To] use a false or fictitious name or give a false or fictitious address or use a fictitious or counterfeit document in any application for a driver's license or a certificate, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

(b) [c] After written approval by the Director, the Department may issue to a law enforcement officer an alias driver's license to be used in supervised activities involving criminal investigations. Possession or use for the purposes described in this subsection of a driver's license issued as provided in this subsection by the officer to whom the license was issued is not a violation of this section, unless the Department has suspended, cancelled, or revoked the license. Application for a license for the purposes described in this subsection is not a violation of this section.

Sec. 34. DRIVING WHILE LICENSE SUSPENDED OR REVOKED. Any person whose driver's [operator's, commercial operator's, or chauffeur's] license or driving privilege as a nonresident has been cancelled, suspended, or revoked as provided in this Act, and who drives any motor vehicle upon the highways of this State while such license or privilege is cancelled, suspended, or revoked is guilty of a misdemeanor and upon conviction shall be punished by fine of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500), and, in addition, there shall be imposed a sentence of imprisonment of not less than seventy-two (72) hours nor more than six (6) months.

Sec. 37. EMPLOYING UNLICENSED DRIVER [CHAUFFEUR OR COMMERCIAL OPERATOR]. Before employing a person as a driver [chauffeur or commercial operator] of a motor vehicle used to transport persons or property, an employer shall request from the Department of Public Safety a list of convictions for traffic violations contained in their files on the potential employee and a verification that the potential employee has a valid license. No person shall employ
a person as a driver [as a chauffeur or commercial operator] of a motor vehicle used
to transport persons or property until the potential employee has been [any person
not then] licensed to drive such a vehicle as provided in this Act.

SECTION 17. Subsection (b), Section 38, Chapter 173, Acts of the 47th
Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes),
is amended to read as follows:

(b) No person shall rent a motor vehicle to another until he has inspected the
driver’s [operator’s; commercial operator’s; or chauffeur’s] license of the person to
whom the vehicle is to be rented and compared and verified the signature thereon
with the signature of such person written in his presence.

SECTION 18. Sections 5B and 15A, Chapter 173, Acts of the 47th
Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes),
are repealed.

SECTION 19. All money deposited in the state treasury to the credit of the
operator’s and chauffeur’s fund during the fiscal biennium ending August 31, 1985,
is appropriated to the Department of Public Safety for salaries, equipment and
supplies, maintenance, and other necessary expenses incident to the operation of
the department.

SECTION 20. (a) This Act does not affect the validity of a license to operate
a motor vehicle issued or renewed under Chapter 173, Acts of the 47th Legislature,
Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes), before the
effective date of this Act. The license continues in effect according to its terms for
the period for which it was issued or renewed unless revoked, suspended, or
canceled, as provided by law. When the license expires, the license may be renewed
for an equivalent class of license without any further examination of the licensee,
except as the Department of Public Safety may otherwise require under Section 10
or 18, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article
6687b, Vernon’s Texas Civil Statutes), as amended by this Act.

(b) A license to operate a motor vehicle that was revoked, suspended, or
canceled under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941
(Article 6687b, Vernon’s Texas Civil Statutes), before the effective date of this Act
remains revoked, suspended, or canceled for the period for which the license was
revoked, suspended, or canceled.


SECTION 22. The importance of this legislation and the crowded condition
of the calendars in both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be read on three several days
in each house be suspended, and this rule is hereby suspended.

Representative Shaw offered the following amendment to CSHB 1273:

Amend CSHB 1273 as follows:

(1) On page 32, strike lines 20 through 27.
(2) On page 33, strike lines 1 through 6.
(3) Strike Section 12 of the bill and substitute the following:

SECTION 12. Subsections (a) and (b), Section 25, Chapter 173, Acts of the
47th Legislature, Regular Session, 1941 (Article 6687b, Vernon’s Texas Civil Statutes),
are amended to read as follows:

(a) Whenever any person is convicted of any offense for which this Act makes
automatic the suspension of the driver’s [operator’s; commercial operator’s; or
chauffeur’s] license of such person, the court in which such conviction is had shall
require the surrender to it of all drivers’ [operators’; commercial operators’; and
chauffeur’s] licenses then held by the person so convicted and the clerk of said court
shall thereupon forward the same together with a record of such conviction. The
court may enter an order restricting the operation of a motor vehicle to the person’s
occupation or to participation in an alcoholic or drug treatment, rehabilitation, or educational program, provided the person gives proof of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act[as amended] (Article 6701h, Vernon's Texas Civil Statutes). The order shall state restrictions as to hours of the day, days of the week, type of occupation or program, and areas or routes of travel to be permitted, except that the person convicted may not be allowed to operate a motor vehicle more than ten (10) hours in any consecutive twenty-four (24) hours, providing, on proper showing of necessity, the court may waive the ten (10) hour restriction. The order shall be effective for a period to be determined by the judge and may be extended at the discretion of the judge, provided that if the order is granted for longer than a twelve (12) month period, the person convicted must give proof to the Department of Public Safety of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes). But in no event may the order remain in effect beyond the period for which the convicted person's license has been suspended. A certified copy of the order shall be given to the person convicted and shall be forwarded to the Department together with the person's licenses and the record of his conviction. Upon receipt of the order, the Department shall issue a license showing upon its face the restrictions and expiration date set out in the order. The person convicted may use the order of the court as a restricted license for a period of fourteen (14) days following the date of the order. Any person who violates the restrictions of the order of the court or on the license issued under this section is guilty of a misdemeanor and upon conviction shall be punished in the same manner as one convicted of driving a motor vehicle while license is suspended, and the license and order shall be automatically cancelled.

(b) Every court having jurisdiction over offenses committed under this Act, or any other Acts of this State regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the driver's [operator's, commercial operator's, or chauffeur's] license of the person so convicted, as provided in Section 22 of this Act.

(4) Strike Sections 11 and 13 of the bill and renumber the remaining sections accordingly.

The amendment was adopted without objection.

HB 1289, A bill to be entitled An Act relating to the imposition of fees and terms of probation on certain defendants.

HB 1370, A bill to be entitled An Act relating to the filing and docketing of certain suits for adoption.

CSHB 1562, A bill to be entitled An Act relating to nonpartisan elections in home-rule cities.

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

Section 1. Chapter 13, Vernon's Texas Election Code, is amended by adding a new Article 13.60 to read as follows:

Art. 13.60. NONPARTISAN ELECTIONS IN HOME-RULE CITIES. A home-rule city with a population of more than 900,000 according to the last federal census that holds nonpartisan elections for a city office and that has adopted by charter requirements for both a petition and fee of fifty dollars to be filed in order to have a candidate's name placed on the official ballot may conduct nonpartisan elections for a city office in accordance with its charter provisions.

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.

(Willis - no)

HB 1613, A bill to be entitled An Act relating to taxation of agri-business items.

(Eikenburg, Craddick, Ceverha, DeLay, Fox, and Willis - no)

HB 1643, A bill to be entitled An Act relating to the disposition of obscene devices and material.

Representative Danburg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT No. 1

Amend Section one of HB 1643 on page 3 as follows:

On line 6, strike the words "obscene device or material," after the word "weapon" and on lines 18 and 19 strike the words "has the meaning assigned those terms by Section 43.21, Penal Code" and insert after the word "material" the words "means a device or material introduced into evidence and thereafter found obscene by virtue of a final judgment after all appellate remedies have been exhausted."

Committee Amendment No. 1 was adopted without objection.

CSHB 1644, A bill to be entitled An Act relating to parties agreeing to a trial by a special judge for district court civil cases.

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

SECTION 1. REFERRAL BY AGREEMENT. On agreement of the parties, the judge in a civil case filed in district court may order referral of the case as provided by this Act and shall stay proceedings in his court pending the outcome of the trial. Any or all of the issues in the case, whether an issue of fact or law, may be referred.

SECTION 2. MOTION FOR REFERRAL. Each party to the action must file in the court in which the case is filed a motion that:

(1) requests the referral;
(2) waives the party's right to trial by jury;
(3) states the issues to be referred;
(4) states the time and place agreed on by the parties for the trial; and
(5) states the name of the special judge, the fact that the special judge has agreed to hear the case, and the fee the judge is to receive as agreed on by the parties.

SECTION 3. QUALIFICATIONS OF JUDGE. The special judge must be a former district judge, retired under Subtitle E, Title 110B, Revised Statutes.

SECTION 4. REFERRAL ORDER ENTERED. An order of referral must specify the issue referred, the time and place for trial, and the name of the special judge. An order of referral may designate the time for filing of the special judge's report. The clerk of the court shall send a copy of the order to the special judge.

SECTION 5. PROCEDURE. Rules and statutes relating to procedure and evidence in district court apply to a trial under this Act.

SECTION 6. POWERS OF SPECIAL JUDGE. (a) A special judge shall conduct the trial in the same manner as a court trying an issue without a jury.

(b) While serving as a special judge, the judge has the powers of a district court judge except that he may not:

(1) award attorney's fees to a party; or
(2) hold a person in contempt of court unless the person is a witness before him.
SECTION 7. REPRESENTATION BY ATTORNEY. A party has the right to be represented by an attorney at the trial held as provided by this Act.

SECTION 8. COURT REPORTER REQUIRED. The parties shall provide a court reporter who meets the qualifications prescribed by law for district court reporters to maintain a record of the proceedings at the hearing.

SECTION 9. FEES AND COSTS. (a) The parties, in equal shares, shall pay:
   (1) the special judge's fee; and
   (2) all administrative costs, including the court reporter's fee, related to the trial.
   (b) A cost for a witness called by a party or any other cost related only to a single party's case shall be paid by the party who incurred the cost.
   (c) The state or a unit of local government may not pay any costs related to a trial under this Act.

SECTION 10. RESTRICTIONS ON SITE AND USE OF PUBLIC EMPLOYEES. A trial under this Act may not be held in a public courtroom, and a public employee may not be involved in the trial during regular working hours.

SECTION 11. SPECIAL JUDGE'S VERDICT. The special judge's verdict must comply with the requirements for a verdict by the court. The verdict stands as a verdict of the district court. Unless otherwise specified in an order of referral, the special judge shall submit the verdict not later than the 60th day after the day the trial adjourns.

SECTION 12. NEW TRIAL. If the special judge does not submit the verdict within the time period provided by Section 11 of this Act, the court may grant a new trial if:
   (1) a party files a motion requesting the new trial;
   (2) notice is given to all parties stating the time and place that a hearing will be held on the motion; and
   (3) the hearing is held.

SECTION 13. RIGHT TO APPEAL. The right to appeal is preserved. An appeal is from the order of the district court as provided by the Texas Rules of Civil Procedure.

SECTION 14. 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.

CSHB 1651, A bill to be entitled An Act relating to transactions involving business machines; providing penalties.

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

SECTION 1. DEFINITIONS. In this Act:
   (1) "Business machine" includes a typewriter, adding machine, check-writing device, cash register, calculator, or addressing machine, or letter-sorting or folding device, or an item of recording, copying, or accounting equipment. The term does not include office furniture or fixtures.
   (2) "Person" means an individual, association, or corporation.
   (3) "Secondhand dealer" means a person who engages in the business of buying, selling, trading, accepting for sale on consignment, accepting for auction, or auctioning business machines or a person who owns or operates an auction or any other event at which two or more persons offer business machines for sale or exchange and at which a fee is charged for the privilege of offering or displaying property for sale or exchange or for admission of prospective buyers to the area where property is offered or displayed for sale or exchange. The term does not
include any person acting as a dealer for the exclusive benefit of any community chest, fund, foundation, or nonprofit corporation organized and operated for religious, hospital, or charitable purposes. If none of the gross receipts or net earnings of the sale or exchange, whether in the form of a percentage of receipts or earnings, a salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or the conduct of the sale or exchange. The term also does not include a person who owns the land on which the auction or event occurs if that person has no control over the auction or event and has no personal knowledge of any facts arising from the auction or event that constitute a violation of this Act.

SECTION 2. REPORT OF PURCHASING. (a) Within 48 hours after the time a business machine is received, each secondhand dealer shall report in accordance with Section 5 of this Act each business machine that the dealer purchases, takes in trade, accepts for sale on consignment, or accepts for auction.

(b) Each secondhand dealer, before the time any business machine is offered for sale or exchange, shall notify each person intending to sell or exchange a business machine that the person must file with the secondhand dealer, before the dealer may accept any of the person's business machines, a list describing each of the person's business machines to be accepted by the dealer. The list must set forth:

(1) the seller's driver's license number or Department of Public Safety identification card number, as recorded by the dealer on physical presentation of the license or identification card by the seller;

(2) a complete and accurate description of each business machine, including its serial number or other identifying marks or symbols;

(3) a certification by the proposed seller that the information is true and complete; and

(4) the make, year, model, color, and registration number of the vehicle in which the business machine is transported to the auction or event.

(c) On demand the secondhand dealer shall provide the list required by Subsection (b) of this section to any peace officer, and shall deliver each list to the chief of police or to the sheriff in accordance with Section 5 of this Act within 48 hours after it is filed with the secondhand dealer.

(d) A secondhand dealer who fails to make a report as required by this section commits a Class B misdemeanor.

SECTION 3. REPORT OF REPAIRS. (a) Within 48 hours after the time the servicing or repair of a used business machine is completed, each person who engages in the business of servicing or repairing business machines shall file, in accordance with Section 5 of this Act, a report on that business machine.

(b) A report of repair is not required from a person who services or repairs a machine in the possession of the owner to whom that person sold that machine when it was new.

(c) A person who fails to make a report as required by this section commits a Class B misdemeanor.

SECTION 4. APPLICATION OF ACT. This Act does not apply to any business machine that has been:

(1) acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who previously made the reports required by this Act concerning the business machine 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 secondhand 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 secondhand 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 secondhand dealer, his entire household of personal property, or a substantial part 
of that property, if:

(A) the secondhand 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 secondhand 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 as surplus property from the United States or a state, subdivision 
of a state, or municipal corporation;

(5) reported by a secondhand 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; or

(6) acquired by a person licensed under the Texas Pawnshop Act (Article 
5069-51.01 et seq., Vernon's Texas Civil Statutes).

SECTION 5. FORM OF REPORT; FILING. (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) A report required by Section 3 of this Act following the repair or servicing 
of a business machine must set forth a complete and accurate description of the 
business machine, including serial number and other identifying marks or symbols, 
and the name and address of the person for whom the repairs were made or the 
service was rendered. All other reports required by this Act, unless otherwise 
provided by this Act, must set forth:

(1) the name and address of the seller of the business machine;

(2) a complete and accurate description of the business machine for which the 
report is being made, including serial number or other identifying marks or symbols;

(3) a certification by the seller that the information is true and complete; and

(4) the make, year, model, color, and registration number of the vehicle in 
which the business machine is transported to the dealer.

(c) 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.

(d) In the absence of other state law, or a city ordinance, that requires 
reporting of property acquired by a secondhand dealer in a transaction enumerated 
by Section 2(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.

(e) The original report and a copy shall be submitted by the secondhand dealer in accordance with Subsection (c) of this section. The secondhand dealer shall retain a copy of the report in his place of business until the third anniversary of the date on which the report is filed. The secondhand dealer shall make the reports available for inspection by any peace officer.

SECTION 6. RETENTION OF PROPERTY. (a) Before the 11th day after the day on which a report required by this Act is filed, a secondhand dealer may not dispose of the business machine for which the report is made unless:

(1) the peace officer to whom the report is submitted, for some good cause, authorizes disposition of any property described in a specific report; or

(2) the secondhand dealer obtains the name, address, and description of the buyer of the property and retains this information record, which shall be made available for inspection by any peace officer.

(b) A person who disposes of property in violation of this section commits a Class B misdemeanor.

(c) This section does not apply to a business machine for which the report is required as the result of the repair or servicing of the machine.

SECTION 7. SERIAL NUMBER. (a) A secondhand dealer may not knowingly purchase a business machine if a person has tampered with a serial number on the machine.

(b) A person who purchases a business machine in violation of this section commits a Class B misdemeanor.

SECTION 8. PURCHASES FROM MINOR. (a) A secondhand dealer may not purchase a business machine from a person under 18 years of age unless the seller delivers to the dealer before the purchase a written statement from a parent or legal guardian of the seller consenting to the transaction. The dealer shall preserve the statement with the records required to be kept under this Act. The dealer may destroy the statement one year from date of purchase or until the item is sold, whichever occurs later.

(b) A person who fails to obtain or keep a statement as required by this section commits a Class B misdemeanor.

SECTION 9. PURCHASES AT TEMPORARY LOCATIONS. (a) A secondhand dealer who conducts business from a temporary location may not engage in business of buying business machines unless the person has filed a registration statement with the Department of Public Safety 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 secondhand 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 secondhand dealer who fails to file a registration statement in violation of this section commits a Class B misdemeanor.

SECTION 10. INSPECTION OF RECORDS. A person who fails to make a report or record available for inspection by a peace officer as required by this Act commits a Class B misdemeanor.
SECTION 11. NECESSITY OF COMPLIANCE WITH OTHER LAW OR ORDINANCE. Nothing in this Act excuses noncompliance with another state law or city ordinance covering the reporting, holding, or releasing of business machines.

SECTION 12. EFFECT OF ARTICLE UPON ENACTMENT, AMENDMENT, OR ENFORCEMENT OF LOCAL ORDINANCE. This Act does not prohibit enactment, amendment, or enforcement by any city of any local ordinance relating to a secondhand dealer and does not supersede any city ordinance except to the extent that an ordinance does not require any reporting for transactions involving business machines.

SECTION 13. PRESCRIBING FORM. A person required to prescribe a form by Section 5(d) of this Act shall prescribe the form before September 1, 1983.

SECTION 14. EFFECTIVE DATES. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1983.

(b) Section 13 of this Act takes effect immediately.

SECTION 15. 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.

(Eikenburg, Craddick, Ceverha, DeLay, Fox, Kuempel, Connelly, Hilbert, and Hellin - no)

CSHB 1702, A bill to be entitled An Act relating to the composition and meetings of the board of trustees of the Teacher Retirement System of Texas.

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

SECTION 1. Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon’s Texas Civil Statutes), is amended to add Section 7B to read as follows:

(b) The governor shall appoint three members of the board to hold office for staggered terms, with the term of one trustee expiring on August 31 of each odd-numbered year. Two of those three members must be persons who have demonstrated financial expertise, who have worked in private business or industry, and who have broad investment experience, preferably in investment of pension funds. None of the members appointed under this subsection may be a member or annuitant of the retirement system.

SECTION 2. (a) This Act takes effect September 1, 1983.

(b) A member of the board of trustees on the effective date of this Act is entitled to hold office only for his current term without meeting the additional qualifications imposed by this Act.

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

CSHB 1753, A bill to be entitled An Act relating to the administration of medications in convalescent homes, nursing homes, and other related institutions; establishing fees for the issuance and renewal of permits to administer medications; amending Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon’s Texas Civil Statutes); providing a penalty; and declaring an emergency.

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

SECTION 1. Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon’s Texas Civil Statutes), is amended to add Section 7B to read as follows:
Section 7B. (a) A person may not administer medication to a resident of an institution unless the person (1) holds a current license under State law which authorizes the licensee to administer medication; or (2) holds a current permit issued under this Section and acts under the authority of a person who holds a current license under State law which authorizes the licensee to administer medication.

(b) The Texas Board of Health shall adopt rules establishing:

(1) minimum requirements for the issuance, denial, renewal, suspension, emergency suspension, and revocation of a permit to administer medication to a resident of an institution;
(2) curricula to train persons to administer medication to a resident of an institution;
(3) minimum standards for the approval of programs to train persons to administer medication to residents of institutions and for rescinding the approval; and
(4) the allowable and prohibited acts and practices of a permit holder.

(c) An application for the approval of a training program shall be made to the licensing agency on a form and under rules prescribed by the Texas Board of Health. A training program that meets the minimum standards adopted under Subsection (b) of this Section shall be approved by the licensing agency and such approval may be reviewed annually by the licensing agency.

(d) The licensing agency shall prepare and conduct, at the site of the training program, an examination for the issuance of a permit. It shall require satisfactory completion of continuing education courses approved by the licensing agency for renewal of a permit under this Section.

(e) Application for issuance or renewal of a permit shall be made to the licensing agency on a form and under rules prescribed by the Texas Board of Health. A non-refundable application fee determined by the Texas Board of Health shall accompany the application. Applicants who meet the minimum requirements adopted under Subsection (b) of this Section and successfully complete the examination and continuing education requirements under Subsection (c) of this Section shall be issued a permit or renewal of the permit by the licensing agency which shall be valid for 1 year.

(f) The Texas Board of Health shall establish reasonable and necessary fees based on the estimated amount that is projected by the licensing agency to be required to administer its functions not to exceed:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined permit application and examination fee</td>
<td>$15.00</td>
</tr>
<tr>
<td>Renewal permit application fee</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

(g) All fees received by the licensing agency under this Section shall be deposited in the state treasury to the credit of the General Revenue Fund and shall be appropriated to the licensing agency for the purpose of defraying the costs of this Section.

(h)(1) The licensing agency is authorized to take the following disciplinary actions for the violation of any provisions of this Section or rules adopted under this Section:

A) suspension, emergency suspension, revocation, or nonrenewal of a permit; and

B) rescission of training program approval.

(2) Except as provided by Subparagraph (3) of this subsection for an emergency suspension, the procedure by which the licensing agency takes a disciplinary action and the procedure by which a disciplinary action is appealed are governed by the licensing agency's rules for a formal hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).
(3) The licensing agency shall issue an emergency order to suspend any permit issued under this Section if the licensing agency has reasonable cause to believe that the conduct of any permit holder creates an imminent danger to the public health or safety. An emergency suspension is effective immediately without a hearing upon notice to the permit holder. On written request of the permit holder, the licensing agency shall conduct a hearing not earlier than the 10th day nor later than the 30th day after the date on which a hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded. The hearing and an appeal from a disciplinary action related to the hearing are governed by the licensing agency’s rules for a formal hearing and the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes).

(i) A permit issued under this Section is not transferable.

(j) (1) A person commits an offense if the person knowingly administers medication to a resident of an institution and the person:

(A) does not hold a current license under State law which authorizes the licensee to administer medication; or

(B) does not hold a current permit issued by the licensing agency under this Section.

(2) An offense under this Subsection is a Class B misdemeanor.

SECTION 2. This Act becomes effective 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.

Representative Shaw offered the following amendment to CSHB 1753:

Amend CSHB 1753, on page 2, line 25, by striking “(c)” and substituting “(d).”

The amendment was adopted without objection.

Representative Armbrister offered the following amendment to CSHB 1753:

Amend CSHB 1753, on page 2, line 26 by striking the words “1 year.” and substituting the words “2 years.”

The amendment was adopted without objection.

HB 1773, A bill to be entitled An Act relating to water and sewer utility service affecting certain major urban areas; providing a penalty.

(Eikenburg, Craddick, Ceverha, DeLay, and Fox - no)

HB 1863, A bill to be entitled An Act relating to the coverage of certain persons under the State Employee insurance plan.

(Fox and Craddick - no)

HB 2094, A bill to be entitled An Act relating to postsecondary educational entrance examinations for handicapped persons.

HB 2128, A bill to be entitled An Act relating to payments by certain municipally owned utilities.

HB 2157, A bill to be entitled An Act relating to reduced motor vehicle registration fees for vehicles transporting soil conservation machinery.

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

HB 2181, A bill to be entitled An Act relating to the creation of the Legal Excellence Fund in the state treasury for the purpose of accepting gifts, grants, and
donations from private sources to attain legal excellence in the office of the attorney general.

(Heflin, Eckels, Eikenburg, Craddick, A. Smith, Ceverha, DeLay, Khoury, Kuempel, Connelly, Hilbert, Toomey, and Pennington - no)

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

COMMITTEE AMENDMENT NO. 1

Amend HB 2181 by substituting the following for Sec. 2:

SECTION 2. Notwithstanding any other provision of law, the Legal Excellence Fund shall be used to supplement funds for any lawful function of the Attorney General's Office except that any amount used from the fund for compensation of the Attorney General or his assistants shall be appropriated by the legislature.

Committee Amendment No. 1 was adopted without objection.

HB 2237, A bill to be entitled An Act relating to the expunction of the records of an indictment or information.

HB 2249, A bill to be entitled An Act authorizing Commissioners Court in Counties of 500,000 or more to provide job care facilities to benefit the employees of said counties, to provide for a fee to be charged for use of such facilities and containing other related provisions and declaring an emergency.

(Heflin, Eckels, Eikenburg, Craddick, A. Smith, Schlueter, Ceverha, DeLay, Khoury, Kuempel, Connelly, Hilbert, Toomey, and Pennington - no)

Representative Clemons offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2249 by striking the language in Section 3 “500,000” and substituting in lieu thereof the following “700,000” and by striking “500,000” in the caption and substituting in lieu thereof “700,000”.

Committee Amendment No. 1 was adopted without objection.

CSHB 2258, A bill to be entitled An Act relating to recovery of actual costs and attorney's fees by the attorney general in a charitable trust suit and to the venue of a charitable trust suit.

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

SECTION 1. Article 4412a, Revised Statutes, is amended by adding Section 7 to read as follows:

“Section 7. (a) In any proceeding brought by the Attorney General alleging breach of fiduciary duty by the trustee of a charitable trust, the attorney general, if successful, is entitled to recover from the trustee the actual costs incurred in bringing the suit and may recover reasonable attorney's fees.

(b) In any proceeding brought by the attorney general under Subsection (a) of this section, venue shall be in a court of competent jurisdiction in Travis County.”

SECTION 2. This Act does not apply to a cause of action that accrued before the effective date of this Act. Such a cause of action is governed by the law as it existed on the date the cause of action accrued, and that law is continued in effect for this purpose.

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 2259, A bill to be entitled An Act relating to fees to which the attorney general is entitled.

HB 2289, A bill to be entitled An Act relating to pilot programs for postsecondary-level students with learning disabilities.

HB 2357 was withdrawn by the author.

CSHB 2363, A bill to be entitled An Act relating to the regulation of certain persons who contract with the state.

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

SECTION 1. DEFINITIONS. In this Act:

1. "Auxiliary enterprise" means a business activity conducted at a state agency or at a state-supported institution of higher education that provides a service to the agency or institution but is not funded through appropriated money.

2. "Contractor" means an individual, association, corporation, or other business entity that operates an auxiliary enterprise or performs an auxiliary enterprise service.

SECTION 2. FINANCIAL STATEMENT. At the time of contracting with the state, each contractor must present a financial statement prepared by a certified public accountant.

SECTION 3. PAYMENT STATEMENT. Each contractor must provide payment statements based on sales tax reports to the contracting agency or institution. The contractor must present the reports on an annual basis in accordance with the requirements of the agency or institution. The payment reports must be certified by a certified public accountant who is licensed in this state.

SECTION 4. PERFORMANCE BOND. Each contractor shall execute a bond issued by a surety company authorized to do business in this state in an amount determined by the agency or institution, not to exceed the contract price, payable to the state, and conditioned on the faithful performance of the obligations, agreements, and covenants of the contract.

SECTION 5. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 6. 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 2414, A bill to be entitled An Act relating to the creation of a seawall commission in Matagorda County.

HB 2443, A bill to be entitled An Act relating to the establishment of the Bexar County Child Support Services Department and to the collection of certain fees.

Representative Shaw offered the following amendment to the bill:

Amend HB 2443 on page 2, line 3 by striking "case" and inserting "suit for dissolution of a marriage and each suit".

The amendment was adopted without objection.

HB 2445, A bill to be entitled An Act relating to the creation of the County Court of Jefferson County at Law No. 4.
RESOLUTIONS CALENDAR

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

**SCR 15 (Hackney - House Sponsor)**

WHEREAS, The quality of professional health care in America is perhaps the best in the world, and advances in disease prevention are occurring at an impressive rate; and

WHEREAS, While Americans are becoming more health conscious and more aware of the benefits of proper nutrition, adequate exercise, and a clean environment, the average citizen's information concerning good health practices is woefully inadequate; and

WHEREAS, With the cost of health care rising constantly, maintaining good health and preventing disease are becoming even more important, and a good educational background in health would benefit all citizens; and

WHEREAS, The Special Committee on Diabetes Services in Texas has recommended that more emphasis be placed on a high quality health education program in Texas public schools; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby request the Central Education Agency to emphasize health education, particularly the area of chronic diseases, including diabetes, in Texas public schools throughout elementary and secondary grades and urge that teachers qualified in the area of health education fill such teaching positions; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the commissioner of the Central Education Agency as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

**SCR 27 (Burnett - House Sponsor)**

WHEREAS, Luther Coulter, Nathan W. Coulter, Jr., and Evalena Fairbanks allege that they own certain real property located in the City of San Angelo, Tom Green County, Texas; and

WHEREAS, Luther Coulter, Nathan W. Coulter, Jr., and Evalena Fairbanks allege that the State Department of Highways and Public Transportation, as the result of the design, maintenance, and construction of roads, bridges, and culverts, has interfered with the natural drainage of the land in the area and caused flooding and erosion of their property; and

WHEREAS, Luther Coulter, Nathan W. Coulter, Jr., and Evalena Fairbanks allege that the value of their property has been considerably reduced due to the interference with the natural drainage and the subsequent flooding and erosion; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Luther Coulter, Nathan W. Coulter, Jr., and Evalena Fairbanks are granted permission to sue the State of Texas and the State Department of Highways and Public Transportation for any relief to which they may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the State Engineer-Director of the State Department of Highways and Public Transportation, and that venue for the suit be in Tom Green 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 claimants, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.

SCR 77 (Hightower - House Sponsor)

WHEREAS, Howard Daniels, Jr., alleges that:
(1) his father, Howard Daniels, Sr., now deceased, owned certain real property adjacent to Lake Livingston State Park;
(2) more than 4.5 acres of the Daniels property were included within the boundaries of the park;
(3) the Parks and Wildlife Department did not pay any remuneration for the Daniels land that was included within the park boundaries;
(4) the Commissioners Court of Polk County, Texas, has reviewed this claim and passed a resolution in support of it; and
(5) he has demanded that the Parks and Wildlife Department either pay for the land or return it, and the department has refused to do either; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Howard Daniels, Jr., be and is hereby granted permission to sue the State of Texas and the Parks and Wildlife Department for any relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the 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 Mankins:

HCR 106

WHEREAS, By order of a federal court judge, a federal monitor has been appointed to oversee state compliance with court-ordered reforms in the Texas prison system; and

WHEREAS, These court-ordered reforms were prescribed pursuant to a lengthy trial over a suit filed by an inmate who complained that conditions within the Texas Department of Corrections violated his civil rights; and

WHEREAS, The purpose of the appointment of the federal monitor is to ensure responsible, secure, and humane operations within the Texas Department of Corrections; and
WHEREAS, The federal monitor is paid $95 an hour in fees, and consequently receives a salary far in excess of that of the director of the Texas Department of Corrections or even the governor of the State of Texas; and

WHEREAS, The federal monitor also receives payment for expenses which provides him with an even higher compensation figure; and

WHEREAS, The federal monitor is authorized to employ a professional staff of assistants, and to hire consulting outside experts, whose combined salaries, fees, and expenses are added to the already astronomical costs associated with his work; and

WHEREAS, These costs, chargeable to the State of Texas, have totalled over $900,000 since the federal monitor’s appointment in April, 1981; and

WHEREAS, These unreasonable and unnecessary expenditures associated with the federal monitor’s work are destructive to the morale of the Texas prison system, are contrary to the best interest of the citizens of the State of Texas, and constitute an irresponsible drain on tax money needed for the larger tasks of prison construction, renovation, and improvements, so as to comply with the court-ordered reforms; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring, That the 68th Legislature of the State of Texas hereby memorialize the Congress of the United States, pursuant to its authority under Sections 1 and 2, Article III, of the United States Constitution, to halt the practice of federal judges and federal monitors charging unjustified and excessive fees and expenses to oversee the operations of state prison systems; and, be it further

RESOLVED, That the Texas Secretary of State forward official copies of this resolution to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, to all members of the Texas delegation to the Congress, and to the Chief Justice of the United States Supreme Court.

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

By Shaw:

HCR 115

WHEREAS, Veterans making a claim for Veterans Administration benefits or appealing an adverse decision concerning a claim are hampered by an archaic federal law (38 U.S.C. Section 3404(c)) limiting to $10 the fees they may pay for legal services and representation by attorneys; and

WHEREAS, Current federal law (38 U.S.C. Section 211) further provides that decisions of the Veterans Administration on any question of law or fact concerning claims by veterans or their dependents or survivors are final and conclusive and are not subject to review by any official or court of the United States; and

WHEREAS, The Veterans Administration is therefore unique among major federal agencies in the preclusion of its benefit decisions from scrutiny by federal courts; and

WHEREAS, This lack of effective legal representation and absence of judicial review constitute a denial of due process of law to veterans, resulting in disillusionment and hardship for those who have served in defense of their country; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby urge the United States Congress to promptly enact S. 636, the proposed Veterans Administration Adjudication Procedure and Judicial Review Act, in order to provide for judicial review of certain decisions of the administrator of veterans affairs and for payment of reasonable attorney fees for rendering legal representation to veterans claiming benefits under laws administered by the Veterans Administration; and, be it further
RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

The resolution was adopted without objection.

By Robnett:

HCR 166

WHEREAS, Lubbock Poster Company alleges that:

(1) it owned certain outdoor advertising signs that are or were lawfully in existence;

(2) the State Department of Highways and Public Transportation agreed to purchase the signs under the Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes); and

(3) the department is now refusing to pay for some of the signs in violation of the agreement and in violation of the Texas Litter Abatement Act; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Lubbock Poster Company is granted permission to sue the State of Texas and the State Department of Highways and Public Transportation for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the state engineer-director of the State Department of Highways and Public Transportation and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

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

By Ceverha:

HCR 170

WHEREAS, Telecommunication among public safety agencies is essential for the coordination of law enforcement activities, and the Communications Act of 1934 requires that those services that provide for the protection of life and property have priority over all other applicants and user groups in the assignment of radio frequencies; and

WHEREAS, Radio waves are a finite resource that is becoming more scarce as the growing number of telecommunications operators compete for the remaining frequencies; and

WHEREAS, The Federal Communications Commission has assigned to public safety agencies frequencies that are distributed over the entire radio spectrum, making tactical coordination among agencies very difficult; and
WHEREAS, So that public safety agencies may perform their duties most efficiently, a sufficient quantity of radio frequencies should be available for their use; major metropolitan areas will require a large contiguous block of frequencies to effectively provide for their immediate and long-range needs; and

WHEREAS, Although the Los Angeles County Sheriff's Department outlined the problems facing public service agencies because of the scattered radio frequencies in a petition to the Federal Communications Commission in August, 1981, other services have continued to receive licenses for those frequencies that are suitable for public safety use; and

WHEREAS, This petition was endorsed by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the California Peace Officers' Association, the National Association of Public Safety Communications Officers, the California Public-Safety Radio Association, the National Association of Police Planning Officers, and the Joint Legislature of the State of California; and

WHEREAS, There is no national policy regarding the allocation of frequencies and use of the radio spectrum, and the needs of the public safety system can be met through the passage of legislation mandating that the Federal Communications Commission support public safety by establishing a national public safety telecommunications policy; and

WHEREAS, The following guidelines offer a descending order of priority for such a national policy:

1. those services that directly provide for the national defense (military and support agencies);
2. those services that directly provide for the protection of life and property (police, fire, certain government and private agencies);
3. those services that directly provide activities essential to the continued well-being of the populace (utilities, public transportation, certain public agencies);
4. those services that directly contribute to the effective continuance of commerce and the economic well-being of the nation (business radio, experimental technology);
5. those services that provide information, instruction, and entertainment to the populace (broadcast radio and television);
6. those services that are primarily recreational in nature;

RESOLVED, by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to amend the Communications Act of 1934 for the purpose of creating a national public safety telecommunications policy; and, be it further

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

The resolution was adopted without objection. (Willis - no)
By Hightower:

HCR 185

WHEREAS, John W. Haney alleges that:
(1) he owns certain real property in the city of College Station, Brazos County, Texas;
(2) in reliance on representations made by city officials and employees, he purchased that property, invested considerable funds in its development, and conveyed a utility easement to the city at no cost to the city;
(3) the city considered a proposal to rezone the property, and that proposal failed;
(4) the city reconsidered the zoning proposal without proper notice procedures; and
(5) the rezoning of this property will deprive him of the full value and use of his property and his additional investment; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That John W. Haney is granted permission to sue the city of College Station for actual, exemplary, and punitive damages and for any other relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed; service of citation and other required process be made on the city attorney of the city of College Station and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

Representative Shaw offered the following amendment to the resolution:

Amend HCR 185 as follows:
(1) On page 1, line 17, insert “damages” between “actual” and the comma.
(2) On page 1, line 18, strike “exemplary, and punitive damages and for” and substitute “court costs, attorney’s fees, and”.

The amendment was adopted without objection.

The resolution, as amended, was adopted without objection.

By Simpson:

HCR 213

WHEREAS, An estimated $7 billion in insurance premiums were paid by Texans for property and casualty insurance in 1982; and
WHEREAS, The insurance industry is a growing, ever-changing segment of the Texas economy; and
WHEREAS, The State Board of Insurance has the statutory responsibility of regulating the insurance industry in Texas, which includes promulgating rates in certain lines of insurance; and
WHEREAS, The citizens of Texas deserve the most fair and equitable system of determining insurance rates; and
WHEREAS, Forms of ratemaking have not been adequately studied in recent years; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, that the 68th Legislature hereby requests the State Board of Insurance to study the various advantages and disadvantages of the various forms of property/casualty ratemaking and policy form implementation; and, be it further

RESOLVED, that the State Board of Insurance, may at its discretion, seek assistance and input at the national level through the appropriate committees and task forces of the National Association of Insurance Commissioners; and, be it further

RESOLVED, that the State Board of Insurance make a complete report of its findings and recommendations, together with any drafts of legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985; and be it further

RESOLVED, that an official copy of this resolution be prepared and forwarded to the members of the State Board of Insurance as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

By T. Smith:

HCR 221

WHEREAS, Patricia Coleman, David Cooper, Kevin Cooper, and Dennis Lehman allege that:
(1) they were relatives of Guy Cooper, George Cooper, Wilma Cooper, and Leslie Lehman;
(2) while Guy Cooper, George Cooper, Wilma Cooper, and Leslie Lehman were on the premises of Pedernales Falls State Park, they received serious personal injuries that caused their deaths; and
(3) the negligence of the Parks and Wildlife Department and its employees caused the deaths of Guy Cooper, George Cooper, Wilma Cooper, and Leslie Lehman; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, that Patricia Coleman, David Cooper, Kevin Cooper, and Dennis Lehman are granted permission to sue the State of Texas and the Parks and Wildlife Department for any relief to which they may be entitled as a result of this claim; and, be it further

RESOLVED, that in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the 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 claimants, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, that nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.
WHEREAS, Genevieve Sewell Conner, Joann Pankey, and James L. Sewell, trustee for himself, Phyllis R. Sewell, Edward L. Sewell, Jr., and Thomas D. Sewell, allege that:

(1) they are tenants in common of the mineral estate of certain real property located in Jack County, Texas, with the State of Texas;
(2) the state has encumbered its one-half mineral estate with an oil and gas lease; and
(3) they now desire a partition of the real property according to the rights of the plaintiffs and defendants; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Genevieve Sewell Conner, Joann Pankey, and James L. Sewell, trustee for himself, Phyllis R. Sewell, Edward L. Sewell, Jr., and Thomas D. Sewell, are granted permission to sue the State of Texas and the General Land Office for any relief to which they may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the commissioner of the General Land Office and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.

By T. Smith:

HCR 247

WHEREAS, There is an overriding need for model minimum standards for municipal jails; and
WHEREAS, The Texas Commission on Jail Standards and the Texas Municipal League would like to work together in developing model minimum standards; and
WHEREAS, The Texas Commission on Jail Standards would be the state agency responsible for developing the model minimum standards, if a grant of $125,000 is given by the Criminal Justice Division for this endeavor; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby directs the Texas Commission on Jail Standards to:

(1) promulgate reasonable rules and procedures establishing model minimum standards for the construction, equipment, maintenance, and operation of municipal jails;
(2) promulgate reasonable rules and procedures establishing model minimum standards for the custody, care, and treatment of prisoners;
(3) promulgate reasonable rules and procedures establishing model minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
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(4) promulgate reasonable rules and procedures establishing model minimum standards requirements for programs of rehabilitation, education, and recreation in municipal jails; and, be it further

RESOLVED, That the 68th Legislature hereby directs the Texas Commission on Jail Standards to furnish an enumeration of municipal jails; and, be it further

RESOLVED, That the 68th Legislature hereby directs the Texas Commission on Jail Standards to conduct a general survey of the conditions of the municipal jails; and, be it further

RESOLVED, That the 68th Legislature hereby directs the Texas Commission on Jail Standards to furnish the members of the 69th Legislature copies of its findings.

The resolution was adopted without objection.

By Uher:

HCR 250

WHEREAS, Big Train Carpets of El Campo, Inc., alleges that:

(1) under purchase order number U.S. 2-20355 it sold carpet to The University of Texas Health Science Center at Houston and installed the carpet;

(2) the Health Science Center at Houston is a part of The University of Texas System; and

(3) the university has not paid for the carpet and installation; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Big Train Carpets of El Campo, Inc., is granted permission to sue the State of Texas and The University of Texas System for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the chairman of the 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 Armbrister:

HCR 253

WHEREAS, Mitchell Development Corporation of the Southwest, a Texas corporation, is currently involved in a dispute with the State of Texas over rights and title in and to certain real properties located in Galveston County, Texas; and

WHEREAS, In addition to its dispute with the State of Texas over said properties, Mitchell Development Corporation of the Southwest alleges that certain of the property claimed by it in said county has been damaged through the acts of the State of Texas, acting by and through its Parks and Wildlife Department, occurring on property claimed by the State of Texas in the immediate vicinity thereof, for nuisance, inverse condemnation and condemnation, and
WHEREAS, Mitchell Development Corporation of the Southwest desires to sue the State of Texas, acting through the Texas Parks and Wildlife Department, for its damages as a result of the alleged acts of the State of Texas and to establish its title to said property, and declaring the respective rights of Mitchell Development Corporation of the Southwest and the State of Texas in and to said properties located in Galveston County, Texas, under the will of Maco Stewart, Jr., deceased and under certain condemnation proceedings heretofore had with respect to a portion of the property in dispute; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Mitchell Development Corporation of the Southwest is granted permission to sue the State of Texas and the Texas Parks and Wildlife Department for any and all relief to which it may claim to be entitled as a result of its dispute; 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 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 claimants, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.

By W. Harrison:
HR 125

WHEREAS, The difficult state of the United States economy has contributed to the problem of unemployment in the south Texas area; and
WHEREAS, Projects undertaken by the private sector are becoming increasingly important due to cutbacks in various federally funded programs; and
WHEREAS, The proposed Baker's Port Project undoubtedly will contribute to the continuation of a healthy business climate in south Texas; and
WHEREAS, The proposed Baker's Port Project has received the support of the Corpus Christi Chamber of Commerce, through the encouragement of a cooperative working relationship between Baker's Marine and the U.S. Army Corps of Engineers; and
WHEREAS, The House of Representatives of the State of Texas wishes to join the Corpus Christi Chamber of Commerce by declaring its support of the proposed project; now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas offer its encouragement to the U.S. Army Corps of Engineers in the development and successful completion of the Baker's Port Project; and, be it further
RESOLVED, That an official copy of this resolution be prepared for the U.S. Army Corps of Engineers in Galveston as a declaration of support from the Texas House of Representatives.

The resolution was adopted without objection.
WHEREAS, During the 67th Legislature, pursuant to Section 1.27 of the Rules of the House of Representatives, the speaker created the House Joint Committee to Study Rail Passenger Service in Texas as a joint effort of the Committee on Business and Industry and the Committee on Transportation, and with the participation of public as well as legislative members; and

WHEREAS, The committee was charged to study all aspects of rail passenger service in Texas with emphasis on projected usage, public and private costs, and steps necessary to implement a state rail passenger service program in Texas should such a program prove feasible; and

WHEREAS, The committee was charged further to make diligent use of private sector, municipal government, and other interested and expert sources; and

WHEREAS, Since its creation, the House Joint Committee to Study Rail Passenger Service in Texas has held at least eight public hearings and meetings throughout the state and has received strong support from officials of major metropolitan areas, including Houston, Dallas, and San Antonio; and

WHEREAS, A resultant interim report, presented to the 68th Legislature, recommends a continuation of the committee in order that it may conduct additional public hearings, meetings, workshops, and conferences to solicit public information and input; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby continue the House Joint Committee to Study Rail Passenger Service in Texas created in the 67th Legislature; and, be it further

RESOLVED, That the committee have responsibilities to:

(1) oversee and coordinate feasibility studies being conducted on high-speed and conventional rail passenger services in Texas;

(2) identify and recommend the specific responsibilities regarding rail passenger service which should be undertaken by the Railroad Commission of Texas and the State Department of Highways and Public Transportation;

(3) identify and recommend specific changes in or additions to present state laws affecting rail passenger service in Texas, including but not limited to train speed limits, grade crossing and/or separation upgrading, alcoholic beverage consumption restrictions, labor work rules, taxation, safety requirements, fares, tariffs, revenues, and stations;

(4) serve as the main state contact with federal agencies involved in rail passenger service in Texas, to develop from further discussions an effective intergovernmental coordinative mechanism;

(5) evaluate and make recommendations regarding the simultaneous operation of freight and passenger trains on existing railroad lines, including the operational, physical, legal, economic, safety, energy, social, and environmental aspects, and including possible legal changes and needed financial support for the upgrading of rail facilities;

(6) obtain and evaluate information on interfaces among intercity rail passenger service, intracity urban transportation systems, and metropolitan transit authorities, and other appropriate agencies involved in urban passenger transportation in Texas; and

(7) encourage the development in appropriate educational institutions of programs that will train persons in the fields of design, construction, management, and operation of rail passenger systems in Texas; and, be it further

RESOLVED, That the committee consist of three members of the Committee on Transportation and two members of the Committee on Business and Commerce, including the chairs of their respective subcommittees on budget and oversight, plus
three public members, all to be appointed by the speaker of the house. The speaker shall also designate the chair and vice-chair, and the committee shall hold meetings and public hearings at the call of the chair; and, be it further

RESOLVED, That the committee be authorized to employ staff and contract with a management consulting firm to assist in the conduct of the study; and, be it further

RESOLVED, That the committee have the power to issue process to witnesses at any place in the State of Texas, to compel the attendance of such witnesses, and to compel the production of all books, records, documents, and instruments that the committee may require. If necessary to obtain compliance with subpoenas and other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by any peace officer of the State of Texas or any of its political subdivisions. The chair shall issue, in the name of the committee, such subpoenas and other process as the committee may direct. In the event that the chair is absent, the vice-chair or any designee of the chair is authorized to issue subpoenas or any other process in the same manner as the chair. Witnesses attending proceedings of the committee under process shall be allowed the same mileage and per diem as are allowed members of the committee when in a travel status. The testimony given at any hearing conducted pursuant to this resolution shall be given under oath subject to the penalties of perjury; and, be it further

RESOLVED, That the committee be authorized to request the assistance, where needed in the discharge of its duties, of all state 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 be authorized to develop an implementation plan for high-speed and conventional rail passenger transportation in Texas based on feasibility studies, public testimony, and other sources of information and recommendations and be further authorized to encourage the efforts of the public and private sectors to implement rail passenger transportation; and, be it further

RESOLVED, That from the Rail Passenger Service Study Fund, created by H.B. No. 1658, 68th Legislature, Regular Session, 1983, the members of the committee be reimbursed for expenses incurred in carrying out the provisions of this resolution as provided under policies of the Committee on House Administration; and, be it further

RESOLVED, That other necessary expenses of operation be paid from the Rail Passenger Service Study Fund, as provided under policies of the Committee on House Administration; and, be it further

RESOLVED, That the committee be authorized to seek federal funding for rail service studies through the Urban Mass Transportation Act of 1964 and the Passenger Railroad Rebuilding Act of 1980, and to accept any gifts, contributions, and donations for funding such studies. Any federal funds or any gifts, contributions, and donations received by the committee shall be deposited in the contingent expense fund of the house and shall be dedicated to defraying the operating expenses of the committee; and, be it further

RESOLVED, That the interim study committee make a complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985. Five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed with the Texas Legislative Council; and two copies shall be filed with the chief clerk of the house of representatives. Following official distribution of the
committee report, all remaining copies shall be deposited with the legislative reference librarian.

Representative Shaw offered the following amendment to CSHR 249:

Amend CSHR 249 on page 2, line 4, by inserting ", contingent on the enactment of H.B. 1658 this session" between "Legislature" and the semicolon.

The amendment was adopted without objection.

The resolution, as amended, was adopted without objection.

By Tow:

HCR 257

WHEREAS, In Texas and throughout the nation, local nonprofit groups have organized crime stoppers programs to assist in the apprehension of criminals; and

WHEREAS, Conceived originally by a New Mexico policeman, the crime stoppers concept involves the payment of donated reward money to persons reporting information about publicized crimes; and

WHEREAS, Despite a short history of only a few years, crime stoppers programs through 1982 have helped to solve 20,000 crimes nationally; they have been instrumental in the arrest of 6,000 suspects, with a conviction rate of 98 percent, and the recovery of $70 million in stolen property; and

WHEREAS, Texas, with over one-third of the nation's programs, has enjoyed unparalleled success in its use of crime stoppers programs. In Houston, where the nation's largest and most active program is located, 386 suspects identified via crime stoppers publicity were indicted in one year alone. In Dallas, over a two-year period, an average of $482 of stolen goods was recovered per day, and in Austin, since the implementation of its program, 58 percent of dead-end crime cases depicted on crime stoppers features have been solved; and

WHEREAS, This resounding success has extended to approximately 90 other Texas cities that have established crime stoppers programs; and

WHEREAS, Indeed, these programs have been so spectacularly effective that in some cases their coffers are being drained of contributions; and

WHEREAS, Crime stoppers donations nevertheless represent a gainful civic investment, the value of recovered goods exceeding reward expenditures by a ratio of approximately 30 to 1; and

WHEREAS, Local crime stoppers participants are to join with state officials in targeting October for fundraising efforts; and

WHEREAS, The Legislature of the State of Texas, which in 1981 created a Crime Stoppers Advisory Council to offer coordinative support to local programs, wishes to extend its continued endorsement to local program efforts in bringing lawbreakers to justice; now, therefore, be it:

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby designate October as "Crime Stoppers Month" in Texas; and, be it further

RESOLVED, That the legislature encourage Texans to contribute generously to local crime stoppers programs, in the expectancy that their donations will be repaid manyfold through the apprehension and conviction of criminals and through the return of stolen properties to their rightful owners.

The resolution was adopted without objection.
COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, on first adjournment today, Desk 96.

Human Services, on first adjournment today, Desk 50, to consider SB 816.

Retirement and Aging, on first adjournment today, speakers committee room, to consider pending business.

Transportation, on first adjournment today, Desk 43, to consider SB 722.

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

ADJOURNMENT

Representative G. Hill moved that the house adjourn until 12 noon today.

The motion prevailed without objection.

The house accordingly, at 11:44 a.m., adjourned until 12 noon today.