PROCEEDINGS

SEVENTY-FIFTH DAY (CONTINUED) — TUESDAY, MAY 24, 1983

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 479).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Coody; Craddock; Criss; Crockett; Danburg; Davis; DeLay; Delen; Denton; Eccles; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Geistweidt; Gibson, B.; Gibson, J.; Gilley; Glassbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, T.; Hall, W.; Hammond; Hanna; Harrison, W.; Hellin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leon; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Painick; 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; Valles; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Connelly; Vowell.

Absent — Harrison, D.

The invocation was offered by Terry Teykle, pastor, Eldersgate Methodist Church, College Station, Texas.

LEAVES OF ABSENCE GRANTED

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

Vowell, temporarily, on motion of Wieting.

Connelly on motion of Hilbert.

(D. Harrison now present)

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1983

The Honorable Speaker of the House of Representatives

House Chamber

The Honorable

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following.
LOCAL 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 223 (Kubiak - House Sponsor), A bill to be entitled An Act relating to the creation, jurisdiction, and practice and procedures of the County Court at Law of Waller County; fixing terms; providing for the appointment and election, term of office, qualifications, powers and duties, and compensation of the judge; providing for transfer of cases and exchange of benches; providing the duties and compensation of officers of the court and necessary personnel; providing for appeals to and from the court; making other provisions relative to the court.

Representative Parker offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 223, SECTION 4(a) to read as follows:

SECTION 4. JUDGE. (a) The judge of the county court at law must have been a bona fide resident of Waller County for at least two years prior to his appointment or election and must be a qualified voter in Waller County, at least 30 years of age, and a licensed attorney in this state who has been actively engaged in the practice of law for a period of five years prior to his appointment or election.

Committee Amendment No. 1 was adopted without objection.

SB 1075 (Word - House Sponsor), A bill to be entitled An Act relating to compensation of directors of the Aquilla-Hackberry Creek Conservation District; amending Subsection (f), Section 4, Chapter 183, Acts of the 56th Legislature, Regular Session, 1959.

SB 1242 (Emmett - House Sponsor), A bill to be entitled An Act relating to validation of the boundaries of the Forest Cove Municipal Utility District and elections held in the district.

(Smith, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 1252 (Gavin - House Sponsor), A bill to be entitled An Act relating to the creation, jurisdiction, terms, judges and other personnel and their compensation, and practice and procedures of the County Court at Law No. 2 of Wichita County and membership of the judge on the county juvenile board.

CSSB 1260 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the composition, selection, and terms of office of members of the port commission for the Port of Corpus Christi Authority of Nueces County, Texas.

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

SECTION 1. COMPOSITION OF PORT COMMISSION. The port commission of the Port of Corpus Christi Authority of Nueces County, Texas, is composed of seven members.

SECTION 2. APPOINTMENT OF PORT COMMISSIONERS. The Commissioners Court of Nueces County shall appoint four members to the port commission, and the City Council of Corpus Christi shall appoint three members to the port commission.
SECTION 3. TERMS OF OFFICE. The port commissioners shall serve staggered three-year terms.

SECTION 4. CONTINUATION OF CURRENT PORT COMMISSIONERS; APPOINTMENT OF INITIAL SEVEN COMMISSIONERS AND TERMS OF OFFICE. (a) The persons serving as port commissioners on the effective date of this Act remain in office and shall continue to have the powers and perform the duties of port commissioners until the expiration of their terms in January, 1985.

(b) On the expiration of the terms of the port commissioners serving on the effective date of this Act, seven persons must be appointed as provided by Section 2 of this Act to serve as the port commissioners for the Port of Corpus Christi Authority of Nueces County, Texas.

(c) In making its initial appointments to the port commission, the Commissioners Court of Nueces County shall appoint:
   (1) one port commissioner to a term that expires in January, 1986;
   (2) one port commissioner to a term that expires in January, 1987; and
   (3) two port commissioners to terms that expire in January, 1988.

(d) In making its initial appointments to the port commission, the City Council of Corpus Christi shall appoint:
   (1) one port commissioner to a term that expires in January, 1986;
   (2) one port commissioner to a term that expires in January, 1987; and
   (3) one port commissioner to a term that expires in January, 1988.

(e) Successors to the initial appointees shall be appointed and shall serve for three-year terms.

SECTION 5. SEVERABILITY. If a provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.


SECTION 7. 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.

SB 1371 (Haley - House Sponsor), a bill to be entitled An Act relating to the authority of the board of directors of the Nacogdoches County Hospital District to borrow money for maintenance and operating expenses and to the validation of certain promissory notes of the district; amending Section 10, Chapter 431, Acts of the 60th Legislature, Regular Session, 1967.

SB 569 (W. Martinez - House Sponsor), in lieu of HB 1433, a bill to be entitled An Act revising Article J 99, Revised Statutes, as amended, as it relates to the district courts of Bexar County, Texas, to conform such Act with the number of courts presently authorized for Bexar County; setting out their powers and authority, their jurisdiction, organization, administration, practice and procedures, terms of court, and preferences as to the handling of civil and criminal cases; providing for the docketing and filing of such cases in an integrated system; providing for judges and their tenure and vacation; providing for the necessary court personnel, bailiffs, court reporters, clerks, grand jury bailiffs, and other personnel to operate such system, their terms of employment and removal, and their
compensation; providing for a practical division for the work of such courts; and
conforming all existing statutes with relation to the organization of such courts.

HB 1433 - LAID ON THE TABLE SUBJECT TO CALL

Representative W. Martinez moved that HB 1433 be laid on the table subject
to call.

The motion prevailed without objection.

CSHB 2394, A bill to be entitled An Act relating to the creation,
administration, powers, duties, operation, and financing of the Blanco County
Hospital District.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. DEFINITIONS. In this Act:
(1) “District” means the Blanco County Hospital District.
(2) “Board” means the board of directors of the district.
(3) “Director” means a member of the board.

SECTION 1.02. DISTRICT AUTHORIZATION. The Blanco County
Hospital District may be created and established and, if created, must be
maintained, operated, and financed in the manner provided by Article IX, Section
9, of the Texas Constitution and by this Act.

SECTION 1.03. BOUNDARIES. The boundaries of the district are
coextensive with the boundaries of Blanco County, Texas.

ARTICLE 2. TEMPORARY DIRECTORS

SECTION 2.01. TEMPORARY DIRECTORS. On the effective date of this
Act, the following persons become temporary

directors of the district:
(1) John B. Stevenson;
(2) Nelda Taylor;
(3) Edythe Knox;
(4) Tom Mills;
(5) Jim Jones;
(6) Tom Koch;
(7) Jay Lee Hobbs;
(8) Elizabeth Casparis; and
(9) Joe Summy.

SECTION 2.02. VACANCY IN OFFICE. A vacancy in the office of
temporary director shall be filled by appointment by majority vote of the remaining
directors.

ARTICLE 3. CREATION OF DISTRICT

SECTION 3.01. CREATION ELECTION. The district may be created and

a tax may be authorized only if the creation
and the tax are approved by a majority of the qualified voters of the territory of the
proposed district voting at an election called and held for that purpose.

SECTION 3.02. ORDERING ELECTION. (a) A majority of the temporary
directors of the district may order a creation election to be held.

(b) On presentation of a petition for a creation election signed by at least 100
of the registered voters of the territory of the proposed district, according to the most
recent official lists of registered voters, the temporary directors shall order an
election to be held. The election shall be called not later than the 60th day after the
date the petition is presented to the district.

SECTION 3.03. ELECTION ORDER. The order calling the election must state:
(1) the nature of the election, including the proposition that is to appear on the ballot;
(2) the date of the election;
(3) the hours during which the polls will be open; and
(4) the location of the polling places.

SECTION 3.04. NOTICE. The temporary directors shall give notice of the election by publishing a substantial copy of the election order in a newspaper with general circulation in the proposed district once a week for two consecutive weeks. The first publication must appear at least 35 days before the date set for the election.

SECTION 3.05. ELECTION DATE. (a) The election shall be held not less than 35 days nor more than 60 days after the date on which the election is ordered.
(b) A general law requiring elections to be held on uniform or specified election dates does not apply to an election ordered under this article.

SECTION 3.06. BALLOT PROPOSITION. The ballot for an election shall be printed to permit voting for or against the proposition: "The creation of the Blanco County Hospital District and the levy of annual taxes for hospital purposes at a rate not to exceed 20 cents on each $100 valuation of all taxable property in the district."

SECTION 3.07. CANVASSING RETURNS. (a) Not later than the 10th day after the date of the election, the temporary directors of the district shall meet and canvass the returns of the election.
(b) If the temporary directors find that the election results are favorable to the proposition to create the district, they shall issue an order declaring the district created.
(c) If the temporary directors find that the election results are not favorable to the proposition to create the district, another creation election may not be held within 12 months after the date of the election at which voters disapproved the proposition.

SECTION 3.08. EXPIRATION OF ACT. If the creation of the district is not approved at an election held within 60 months after the effective date of this Act, this Act expires.

ARTICLE 4. DISTRICT ADMINISTRATION

SECTION 4.01. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.
(b) From the time the creation of the district is approved until the elected directors take office, the temporary directors serve as directors of the district.

SECTION 4.02. INITIAL DIRECTORS' ELECTION. Directors shall be elected at an election to be held on the first Saturday in April following the creation of the district.

SECTION 4.03. METHOD OF ELECTION; STAGGERED TERMS; TERM OF OFFICE; ELECTION DATE. (a) One director shall be elected from each commissioner precinct and five directors shall be elected from the district at large.
(b) At the initial election of directors, the candidate receiving the highest number of votes from a commissioner precinct is the director for that precinct, and the five candidates receiving the highest number of votes from the district at large are the directors for the district at large.
(c) The candidates elected from odd-numbered precincts at the initial election serve for a term of two years, and the candidates elected from the even-numbered precincts at that election serve for a term of one year. The three candidates receiving the highest number of votes for election to represent the district at large at the initial election serve for terms of two years, and the other two candidates elected as directors for the district at large at the initial election serve for terms of one year.
(d) After the initial election of directors, an election shall be held on the first Saturday in April each year and the appropriate number of successor directors shall be elected for two-year terms.

SECTION 4.04. NOTICE OF ELECTION. At least 35 days before the date of an election of directors, notice of the election shall be published one time in a newspaper with general circulation in the district.

SECTION 4.05. PETITION. (a) A person who wishes to have his name printed on the ballot as a candidate for director must file with the secretary of the board of directors a petition signed by at least 100 registered voters of the district asking that his name be placed on the ballot. The determination of whether a person is a registered voter of the district shall be based on the most recent official lists of registered voters.

(b) The petition must be filed with the secretary not later than the 31st day before the date of the election.

(c) The petition must specify the commissioner precinct the candidate wishes to represent or specify that the candidate wishes to represent the district at large.

SECTION 4.06. QUALIFICATIONS FOR OFFICE. (a) To be eligible to be a candidate for or to serve as a director, a person must be:

(1) a resident of the district; and

(2) a qualified voter.

(b) In addition to the qualifications required by Subsection (a) of this section, a person who is elected from a commissioner precinct or who is appointed to fill a vacancy for a commissioner precinct must be a resident of that commissioner precinct.

(c) An employee of the district may not serve as a director.

SECTION 4.07. BOND. (a) Before assuming the duties of the office, each director must execute a bond for $5,000 payable to the district, conditioned on the faithful performance of the person's duties as director.

(b) The bond shall be kept in the permanent records of the district.

(c) The board may pay for directors' bonds with district funds.

SECTION 4.08. BOARD VACANCY. A vacancy in the office of director shall be filled for the unexpired term by appointment by the remaining directors.

SECTION 4.09. OFFICERS. The board shall elect from among its members a president and a vice-president. The board shall also appoint a secretary. The secretary need not be a director.

SECTION 4.10. OFFICERS' TERM; VACANCY. (a) Each officer of the board serves for a term of one year.

(b) A vacancy in a board office shall be filled for the unexpired term by the board.

SECTION 4.11. COMPENSATION. Directors and officers serve without compensation but may be reimbursed for actual expenses incurred in the performance of official duties. Those expenses must be reported in the district's minute book or other district records and must be approved by the board.

SECTION 4.12. VOTING REQUIREMENT. A concurrence of a majority of the members of the board voting is necessary in matters relating to the business of the district.

SECTION 4.13. ADMINISTRATOR, ASSISTANT ADMINISTRATOR, AND ATTORNEY. (a) The board may appoint qualified persons as administrator of the district, assistant to the administrator, and attorney for the district.

(b) The administrator, assistant administrator, and attorney serve at the will of the board.

(c) The administrator, assistant administrator, and attorney are entitled to compensation as determined by the board.
(d) Before assuming his duties, the administrator shall execute a bond payable 
to the hospital district in the amount of not less than $5,000 as determined by the 
board, conditioned on the faithful performance of his duties under this Act. The 
board may pay for the bond with district funds.

SECTION 4.14, APPOINTMENTS TO STAFF. The board may appoint to 
the staff any doctors it considers necessary for the efficient operation of the district 
and may make temporary appointments as considered necessary.

SECTION 4.15, TECHNICIANS, NURSES, AND OTHER DISTRICT 
EMPLOYEES. (a) The district may employ technicians, nurses, fiscal agents, 
accountants, architects, additional attorneys, and other necessary employees.

(b) The board may delegate to the administrator the authority to employ 
persons for the district.

SECTION 4.16, GENERAL DUTIES OF ADMINISTRATOR. The 
administrator shall supervise the work and activities of the district and shall direct 
the general affairs of the district, subject to the limitations prescribed by the board.

SECTION 4.17, RETIREMENT BENEFITS. The board may provide 
retirement benefits for employees of the district by establishing or administering a 
retirement program or by electing to participate in the Texas County and District 
Retirement System or in any other statewide retirement system in which the district 
is eligible to participate.

ARTICLE 5. POWERS AND DUTIES

SECTION 5.01. RESPONSIBILITY OF AND LIMITATION ON GOVERNMENTAL ENTITY. (a) On creation of the district, the Pedernales Hospital Authority 
shall convey or transfer to the district:

(1) title to land, buildings, improvements, and equipment related to the 
hospital system owned by the Pedernales Hospital Authority;

(2) operating funds and reserves for operating expenses and funds that have 
been budgeted by the Pedernales Hospital Authority to provide medical care for 
residents of the district for the remainder of the fiscal year in which the district is 
established;

(3) taxes levied by Blanco County for hospital purposes for the current year; and 

(4) funds established for payment of indebtedness assumed by the district.

(b) On or after creation of the district, Blanco 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.

SECTION 5.02. DISTRICT RESPONSIBILITIES. On creation of the 
district, the district:

(1) assumes full responsibility for operating hospital facilities and for 
furnishing medical and hospital care for the district's needy inhabitants; and 

(2) assumes any outstanding indebtedness incurred by the Pedernales 
Hospital Authority in providing hospital care for residents of the territory of the 
district before the district's creation.

SECTION 5.03, MANAGEMENT, CONTROL, AND 
ADMINISTRATION. The board shall manage, control, and administer the 
hospital system and the funds and resources of the district.

SECTION 5.04, DISTRICT RULES. The board may adopt rules governing 
the operation of the hospital and hospital system and the duties, functions, and 
responsibilities of district staff and employees.

SECTION 5.05, METHODS AND PROCEDURES. (a) The board may 
 prescribe the method of making purchases and expenditures by and for the district.

(b) The board may prescribe accounting and control procedures for the district.
SECTION 5.06. HOSPITAL PROPERTY, FACILITIES, AND EQUIPMENT. (a) The board shall determine the type, number, and location of buildings required to establish and maintain an adequate hospital system and the type of equipment necessary for hospital care.

(b) The board may acquire property, facilities, and equipment for the district for use in the hospital system and may mortgage or pledge the property, facilities, or equipment acquired as security for the payment of the purchase price.

(c) The board may lease hospital facilities on behalf of the district.

(d) The board may sell or otherwise dispose of property, facilities, or equipment on behalf of the district.

SECTION 5.07. CONSTRUCTION CONTRACTS. (a) The board may enter into construction contracts on behalf of the district; however, the board may enter into construction contracts that involve spending more than $10,000 only after competitive bidding as provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes).

(b) Article 5160, Revised Statutes, as it relates to performance and payment bonds, applies to construction contracts let by the district.

SECTION 5.08. DISTRICT OPERATING AND MANAGEMENT CONTRACTS. The board may enter into operating or management contracts relating to hospital facilities on behalf of the district.

SECTION 5.09. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property located in the territory of the district if the property interest is necessary to the exercise of the rights or authority conferred by this Act.

(b) The district must exercise the power of eminent domain in the manner provided by Title 52, Revised Statutes, but the district is not required to deposit in the trial court money or a bond as provided by Paragraph 2, Article 3268, Revised Statutes.

(c) In a condemnation proceeding brought by the district, the district is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedeas on an appeal or writ of error.

SECTION 5.10. EXPENSES FOR MOVING FACILITIES OF RAILROADS AND UTILITIES. In exercising the power of eminent domain, if the board requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility.

SECTION 5.11. INDIGENT CARE. (a) If an individual residing in the district is admitted as a patient to a facility of the district, the administrator may have an inquiry made as to the patient's financial circumstances and as to financial circumstances of a relative of the patient who is legally responsible for the patient's support.

(b) On finding that the patient or a relative of the patient legally responsible for the patient's support can pay for all or any part of the care and treatment provided by the district, the administrator shall report that finding to the board, and the board shall issue an order directing the patient or the relative to pay the district a specified sum each week based on the individual's ability to pay.

(c) The administrator may collect money owed to the district from the estate of the patient or from that of a relative who was legally responsible for the patient's support in the manner provided by law for collection of expenses in the last illness of a deceased person.
(d) To the extent that a patient or a relative of the patient legally responsible for the patient's support cannot pay for care and treatment provided by the district, the district shall supply that care and treatment without charging the patient or the patient's relative.

(e) If there is a dispute relating to an individual's ability to pay or if the administrator has any doubt concerning an individual's ability to pay, the board shall call witnesses, hear and resolve the question, and issue a final order. An appeal from a final order of the board must be made to a district court in the county in which the district is located and the substantial evidence rule applies.

SECTION 5.12. REIMBURSEMENT FOR SERVICES. (a) The board shall require reimbursement from a county or a city located outside the boundaries of the district for the district's care and treatment of a sick, diseased, or injured person of that county or city.

(b) The board shall require reimbursement from the sheriff of Blanco County for the district's care and treatment of a person confined in a jail facility of Blanco County who is not a resident of the district.

(c) On behalf of the district, the board may contract with the state or federal government for the state or federal government to reimburse the district for treatment of a sick, diseased, or injured person.

SECTION 5.13. SERVICE CONTRACTS. The board may contract with a city, county, special district, or other political subdivision of the state or with a state or federal agency for the district to furnish a mobile emergency medical service or to provide for the investigatory or welfare needs of inhabitants of the district.

SECTION 5.14. DONATIONS, GIFTS, AND ENDOWMENTS. On behalf of the district, the board may accept donations, gifts, and endowments to be held in trust for any purpose and under any direction, limitation, or provision prescribed in writing by the donor that is consistent with the proper management of the district.

SECTION 5.15. AUTHORITY TO SUE AND BE SUED. The board may sue and be sued on behalf of the district.

ARTICLE 6. DISTRICT FINANCES

SECTION 6.01. FISCAL YEAR. (a) The district is operated on the basis of a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in a 24-month period.

SECTION 6.02. ANNUAL AUDIT. Annually, the board shall have an audit made of the financial condition of the district.

SECTION 6.03. DISTRICT AUDIT AND RECORDS. The annual audit and other district records shall be open to inspection during regular business hours at the principal office of the district.

SECTION 6.04. ANNUAL BUDGET. (a) The administrator of the district shall prepare a proposed annual budget for the district.

(b) The proposed budget must contain a complete financial statement, including a statement of:

(1) the outstanding obligations of the district;
(2) the amount of cash on hand to the credit of each fund of the district;
(3) the amount of money received by the district from all sources during the previous year;
(4) the amount of money available to the district from all sources during the ensuing year;
(5) the amount of the balances expected at the end of the year in which the budget is being prepared;
(6) the estimated amount of revenues and balances available to cover the proposed budget; and
(7) the estimated tax rate that will be required.
SECTION 6.05. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The board shall hold a public hearing on the proposed annual budget.
(b) The board shall publish notice of the hearing in a newspaper of general circulation in the district not later than the 10th day before the date of the hearing.
(c) Any resident of the district is entitled to be present and participate at the hearing.
(d) At the conclusion of the hearing, the board shall adopt a budget by acting on the budget proposed by the administrator. The board may make any changes in the proposed budget that in its judgment the interests of the taxpayers demand.
(e) The budget is effective only after adoption by the board.

SECTION 6.06. AMENDING BUDGET. After adoption, the annual budget may be amended on the board's approval.

SECTION 6.07. LIMITATION ON EXPENDITURES. Money may not be spent for an expense not included in the annual budget or an amendment to it.

SECTION 6.08. SWORN STATEMENT. As soon as practicable after the close of the fiscal year, the administrator shall prepare for the board a sworn statement of the amount of money that belongs to the district and an account of the disbursements of that money.

SECTION 6.09. SPENDING AND INVESTMENT LIMITATIONS. (a) Except as provided by Section 5.07(a) of this Act, the district may not incur a debt payable from revenues of the district other than the revenues on hand or to be on hand in the current and immediately following fiscal year of the district.
(b) The board may not invest operating, depreciation, or building reserves in funds or securities other than those specified by Article 836 or 837, Revised Statutes.

SECTION 6.10. DEPOSITORY. (a) The board shall name at least one bank to serve as depository for district funds.
(b) District funds, other than those invested as provided by Section 6.09(b) of this Act and those transmitted to a bank of payment for obligations assumed by the district, shall be deposited as received with the depository bank and must remain on deposit. This subsection does not limit the power of the board to place a portion of the district's funds on time deposit or to purchase certificates of deposit.
(c) Before the district deposits funds in a bank in an amount that exceeds the maximum amount secured by the Federal Deposit Insurance Corporation, the bank must execute a bond or other security in an amount sufficient to secure from loss the district funds that exceed the amount secured by the Federal Deposit Insurance Corporation.

ARTICLE 7. TAXES

SECTION 7.01. LEVY OF TAXES. (a) The board may annually levy taxes in an amount not to exceed the limit approved by the voters at the election authorizing the levy of taxes.
(b) The taxes may be used to pay:
(1) the indebtedness assumed by the district; and
(2) the maintenance and operating expenses of the district.

SECTION 7.02. BOARD AUTHORITY. (a) The board may levy taxes for the entire year in which the district is created.
(b) The board shall levy taxes on all property in the district subject to hospital district taxation.

SECTION 7.03. SETTING OF TAX RATE. In setting the tax rate, the board shall take into consideration the income of the district from sources other than taxation. On determination of the amount of tax required to be levied, the board shall make the levy and certify it to the tax assessor-collector.

SECTION 7.04. TAX ASSESSMENT AND COLLECTION. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.
ARTICLE 8. DISSOLUTION OF DISTRICT

SECTION 8.01. DISSOLUTION ELECTION. The district may be dissolved only if the dissolution is approved by a majority of the qualified voters of the district voting at an election called and held for that purpose.

SECTION 8.02. ORDERING ELECTION. (a) A majority of the directors of the district may order a dissolution election to be held.

(b) On presentation of a petition for a dissolution election signed by at least 10 percent of the registered voters of the territory of the district, according to the most recent official lists of registered voters, the directors shall order an election to be held. The election shall be called not later than the 60th day after the date the petition is presented to the district.

SECTION 8.03. ELECTION ORDER. The order calling the election must state:

1. the nature of the election, including the proposition that is to appear on the ballot;
2. the date of the election;
3. the hours during which the polls will be open; and
4. the location of the polling places.

SECTION 8.04. NOTICE. The directors shall give notice of the election by publishing a substantial copy of the election order in a newspaper with general circulation in the district once a week for two consecutive weeks. The first publication must appear at least 35 days before the date set for the election.

SECTION 8.05. ELECTION DATE. (a) The election shall be held not less than 35 days nor more than 60 days after the date on which the election is ordered.

SECTION 8.06. BALLOT PROPOSITION. The ballot for the election shall be printed to permit voting for or against the proposition: “The dissolution of the Blanco County Hospital District.”

SECTION 8.07. CANVASSING RETURNS. (a) Not later than the 10th day after the date of the election, the directors of the district shall meet and canvass the returns of the election.

(b) If the directors find that the election results are favorable to the proposition to dissolve the district, they shall issue an order declaring that the district be dissolved and shall specify in the order the date that the dissolution is to become effective.

(c) If the directors find that the election results are not favorable to the proposition to dissolve the district, another dissolution election may not be held within 12 months after the date of the election at which voters disapproved the proposition.

SECTION 8.08. DUTIES OF BOARD. (a) After issuing the dissolution order, the board of directors shall determine the full debt owed by the district and shall:

1. levy and collect a tax on the property subject to taxation in the district in proportion of the debt to the value of the property and shall use the tax revenues to pay bonds or to satisfy other debts of the hospital district; or
2. transfer the debts of the district to any governmental entity assuming responsibility for providing hospital care in the territory included in the district after dissolution of the district.

(b) If the board of directors transfers the debts of the district to another governmental entity, the board shall also transfer to that governmental entity:

1. title to land, buildings, improvements, and equipment related to the hospital system owned by the district; and
(2) operating funds and reserves for operating expenses and funds that have been budgeted by the district to provide medical care for residents of the district for the remainder of the fiscal year in which the district is dissolved.

(c) The directors in office on the date of the dissolution shall continue in office, without further election, until the affairs of the district are effectively concluded and all duties or acts required of the board of directors of the district have been completed.

(d) After the effective date of the dissolution of the district, the directors of the district may not pay out any funds except as authorized together with all reasonable expenses of dissolution and legal debts of the district created before the effective date of dissolution. In addition, the board of directors of the district may not dispose of or transfer the assets of the hospital district except for due compensation unless the debts are transferred to another governmental entity embracing the district and the transferred assets are used in a way to benefit the citizens formerly in the district.

(e) After all debts have been paid and all assets and funds have been disposed of in accordance with this article, the board of directors of the district shall file a written report with the commissioners court of Blanco County, Texas, setting forth a summary of the action taken by the directors and a summary of the debts. Not later than the 10th day after the date the report is received, the commissioners court shall make a determination of whether the board of directors of the district has fulfilled its duties under this article, and if it is determined that the board has fulfilled its duties, shall enter an order to that effect. On entry of the order, the directors of the district are discharged from liability under their bonds.

SECTION 8.09. LIMITATION ON DISSOLUTION. The Blanco County Hospital District may not be dissolved under this article earlier than the fifth anniversary of the date on which it is created.

ARTICLE 9. MISCELLANEOUS

SECTION 9.01. LIMITATION ON STATE ASSISTANCE. The state may not become obligated for the support or maintenance of a hospital district created under this Act, nor may the legislature make a direct appropriation for the construction, maintenance, or improvement of a facility of the district.

SECTION 9.02. 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 2399, A bill to be entitled An Act relating to the creation of the County Court at Law No. 1 of Calhoun County and to membership on the county juvenile board of the judge of that court.

HB 2430, A bill to be entitled An Act relating to hunting on or near Stillhouse Hollow Reservoir in Bell County.

Representative Agnich offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2430 by striking line 7 and substituting the following:

"(b) A person may hunt while [birds] on".

Committee Amendment No. 1 was adopted without objection.

HB 2447, A bill to be entitled An Act relating to establishment of a juvenile board in Haskell County.
HB 2449, A bill to be entitled An Act relating to the child support collection service fee in Smith County.

SB 1404 (D. Hudson - House Sponsor), in lieu of HB 2450, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Emerald Bay Municipal Utility District.

HB 2450 - LAID ON THE TABLE SUBJECT TO CALL

Representative D. Hudson moved that HB 2450 be laid on the table subject to call.

The motion prevailed without objection.

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)

(C Kemp in the chair)

SB 21 (Laney - House Sponsor), A bill to be entitled An Act relating to the offense of selling an alcoholic beverage to a minor; permitting an identification card issued by the Texas Department of Public Safety to have the same effect as a valid Texas driver's license.

(Ceverha - no)

CSSB 45 (T. Smith. House Sponsor), A bill to be entitled An Act relating to the establishment of a domestic relations office in certain counties or areas with certain duties in regard to court orders for child support and other matters affecting a child; giving courts in certain actions jurisdiction to order payments to be made to the domestic relations office; imposing fees in certain cases and authorizing use of funds collected and other county funds for services provided; amending Chapter 148, Acts of the 54th Legislature, Regular Session, 1955 (Article 5142a, Vernon's Texas Civil Statutes).

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

SECTION 1. Chapter 148, Acts of the 54th Legislature, Regular Session, 1955 (Article 5142a-I, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 5142a-I
"Section 1. The commissioners court of a county may establish a domestic relations office with the powers and duties as provided in this article.

Section 2. A domestic relations office established under Section 1 of this article may be administered by the juvenile board of a county or multicounty area or otherwise as provided by the commissioners court.

(b) Any domestic relations office currently in existence by statute or tradition and which has been under the control of and governed by a juvenile board by statute or tradition shall continue to operate under the current administration as established by such statute or tradition.

"Section 3. Duties of a domestic relations office. A domestic relations office established prior to or in accordance with this article shall:

"(1) collect court-ordered child support payments that are required by court order to be made to the office;

"(2) disburse those payments to the persons entitled to receive the payments for the benefit of a child;

"(3) make and keep records of payments and disbursements; and

"(4) provide services to enforce orders providing for the possession of, support of, or the access to a child. Such services shall include direct legal services as well as informational, referral, and counseling services to assist parties affected by such
court orders. Such services shall assist the parties in understanding, complying with, and enforcing the duties and obligations in the court order. Unless ordered by the court, a person may not be required to participate in counseling offered under this subsection.

Section 4. Additional services of a domestic relations office. A domestic relations office may, if authorized by its governing agency, provide other services, including:

(1) the preparation of social studies as requested by the court;
(2) the representation of the child as guardian ad litem in a suit in which termination of the parent-child relationship is sought or in which conservatorship of or access to a child is contested;
(3) the provision of predivorce counseling.

Section 5. A court having proper jurisdiction may order that payments of child support be made to the domestic relations office. Courts having proper jurisdiction under this section are courts having jurisdiction of:

(1) a suit affecting the parent-child relationship;
(2) a suit for child support under the Uniform Reciprocal Enforcement of Support Act (Chapter 21, Family Code);
(3) a suit to adjudicate a child a delinquent child or a child in need of supervision under Title 3, Family Code;
(4) a criminal prosecution under Section 25.05, Penal Code.

Section 6. (a) If a domestic relations office is in existence prior to or is established pursuant to this article, the commissioners court may authorize one or more of the following:

(1) a fee not to exceed $5 on the filing in the county of each suit for the dissolution of a marriage and each suit affecting the parent-child relationship. Such fee shall be paid as other costs in the suit and collected by the clerk of the court.
(2) the assessment of attorney fees and court costs incurred by the domestic relations office in enforcing an order for child support or visitation against the party found to be in violation of the order.
(3) an application fee to be charged to persons seeking services from the domestic relations office.
(4) a monthly charge of up to $1 per month to be paid by each managing and possessory conservator for whom services are provided by the domestic relations office.

(b) Fees authorized under this article shall be sent to the county treasurer or other officer performing the duties of the county treasurer for deposit in a special fund entitled the "domestic relations office fund." This fund shall be administered by the domestic relations office and shall be used to provide services by the domestic relations office as provided in this article. County general funds may also be used to provide these services.

Section 7. (a) This article does not apply to a county in which a child support collection service is specifically established by statute.
(b) This article is cumulative of other statutes relating to juvenile boards and child support collection offices.
(c) Another statute relating to funds for the operation of a child support office and providing for an additional filing fee in excess of $5 prevails over this Act to the extent that the other statute conflicts with the maximum additional filing fee provided by this Act.

(For the purpose of maintaining the Child Support Office there shall be taxed, collected, and paid as other costs the sum of Three ($3.00) Dollars in each divorce case hereafter filed in any District Court in each county having a population of more than 350,000 inhabitants according to the last preceding Federal Census. Such cost shall be collected by the clerk of the court and when collected shall be paid by him
to the County Treasurer to be kept by him in a separate fund; such fund to be known as the 'Child Support Fund'. This fund shall be administered by the Juvenile Board of the county, subject to the approval of the Commissioners Court of the county; for the purpose of assisting in paying the cost of maintaining the Child Support Office in the Probation Department of the county, including the payment of salaries and other expenses of the Collector of Child Support and his assistants; the purchase of supplies and equipment, and all other necessary expenses of the office. This fund shall be supplemented out of the General Fund, Officers Salary Fund, or other available funds of the county, where necessary."

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 303 (Hanna - House Sponsor), A bill to be entitled An Act relating to suspensions of drivers' licenses based on findings of habitual violation of traffic laws; amending Subsection (b), Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).
(C. Smith, Eikenburg, Hefflin, Bush, Kuempel, Fox, Craddick, Cerverha, Saunders, Patterson, and Pennington - no)

SB 317 (Madla - House Sponsor), A bill to be entitled An Act relating to solid waste management; providing a penalty; amending Subdivision (24), Section 2 and Subdivision (1), Subsection (a), Section 8, and adding Subsection (j), Section 4, Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes).

SB 369 was withdrawn by the sponsor.

SB 381 (Armbrister - House Sponsor), A bill to be entitled An Act relating to the licensing and regulation of home health agencies and to the exemption of licensing requirements of certain health care professionals; amending Subdivisions (1) and (9), Section 1; Subsection (b), Section 9; and Sections 3 and 6, Chapter 642, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447u, Vernon's Texas Civil Statutes).

Representative Sutton offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 381 by adding a new Subsection (12) to Section 3 which will read as follows:

(12) a visiting nurse service conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing the nursing services of a nurse who is exempt from licensing under Article 4528 of the Texas Code because she furnishes nursing care only where treatment is by prayer or spiritual means alone.

Committee Amendment No. 1 was adopted without objection.

SB 395 (Hammond - House Sponsor), A bill to be entitled An Act relating to an exemption of certain county purchases from competitive bidding requirements.
(Green, Saunders, Patterson, and Millsap - no)
SB 409 (Collazo - House Sponsor), A bill to be entitled An Act relating to the provision of physical facilities for Lamar University at Port Arthur and Lamar University at Orange; amending Subsection (b), Section 108.36, Texas Education Code, as amended.
   (Ceverha, Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 410 (Collazo - House Sponsor), A bill to be entitled An Act relating to student centers and fees for student centers at Lamar University at Orange and Lamar University at Port Arthur; adding Section 108.361 to Subchapter C, Chapter 108, Education Code.

SB 446 (Ceverha - House Sponsor), A bill to be entitled An Act relating to inspection, insurance, and safety regulations for certain amusement rides; giving the State Board of Insurance certain powers and duties; providing for fees; prescribing operation requirements; providing enforcement procedures; and defining offenses and providing penalties; adding Article 21.53 to Chapter 21, Insurance Code.
   (Eikenburg, Pennington, Heflin, Fox, Craddick, and C. Smith - no)

Representative Jackson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 446 by amending quoted Section 3 on page 2 to read as follows:
"Section 3. ADMINISTRATION AND ENFORCEMENT. The board shall administer and enforce this article. The board shall establish reasonable and necessary fees in an amount not to exceed $20 per year for each amusement ride covered by this Act. Funds raised through said fees shall be deposited in the State Treasury and shall be credited to the account of the board for administration of this Act."

Committee Amendment No. 1 was adopted without objection.

SB 461 (Luna - House Sponsor), A bill to be entitled An Act relating to deannexation of territory within certain junior college districts situated within certain counties, to the establishment of a new junior college district, to petitions and elections, to certain duties of the county commissioners court, to the allocation of the property and indebtedness of the original district, and to the powers and duties of the board of trustees of the new district.
   (Heflin and Green - no)

SB 488 (C. Evans - House Sponsor), A bill to be entitled An Act relating to the regulation of banking and to the Banking Department Expense Fund; amending The Texas Banking Code of 1943, as amended, by amending Articles 8 and 9, Chapter II; Article 14, Chapter III; Articles 4 and 7, Chapter V; Article 6, Chapter VI; Articles 3 and 5, Chapter VIII (Articles 342-208, 342-209, 342-314, 342-507, 342-606, 342-803, and 342-805, Vernon's Texas Civil Statutes), adding Article 13 to Chapter V; and repealing Article 9b, Chapter V (Article 342-509b, Vernon's Texas Civil Statutes), and repealing Chapter 241, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 342-951, Vernon's Texas Civil Statutes).
   (C. Smith, Eikenburg, Bush, Green, Fox, G. Hill, Craddick, and Pennington - no)

SB 515 (Millsap - House Sponsor), A bill to be entitled An Act relating to the membership and duties of the governing committee of the Texas Workers' Compensation Assigned Risk Pool and to furnishing insurance for certain rejected risks; prescribing the powers and duties of the pool and the State Board of Insurance;
providing for hearings and appeals; amending Articles 5.65 and 5.76, Insurance Code, as amended.

(Staniswalis, Pennington, Kuempel, Heflin, Fox, Craddick, C. Smith, and Eikenburg - no)

SB 516 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to the authority of the board of regents of Texas Tech University to purchase certain land in El Paso County and to the proposed use of the property.

SB 549 (Cavazos - House Sponsor), A bill to be entitled An Act relating to areas in which rapid transit authorities may be created; amending Subsection (a), Section 2, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 118x, Vernon's Texas Civil Statutes).

(Saunders - no)

CSSB 583 (Hackney - House Sponsor), A bill to be entitled An Act relating to fees charged by local health departments that administer public health services.

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

SECTION 1. (a) Except as provided by Subsection (b) of this section, a local health department that receives state support for providing public health services and that is established by a city, a county, or a city and county may charge fees to persons who receive public health services. The fees may not exceed the amount necessary to cover the costs of services provided.

(b) A local health department covered by this Act may not deny public health services to a person because of the person's inability to pay for services. The local health department shall provide for a reduced fee or no fee for a person unable to pay for all or part of the services received.

(c) A local health department charging fees under this Act shall establish:

(1) a public schedule of fees which takes into account a person's ability to pay the entire amount of a fee or any part thereof,

(2) procedures for imposing and collecting fees, and

(3) procedures for appealing the imposition of fees or the denial of services.

(d) A local health department covered by this Act must comply with the Uniform Grant and Contract Management Act of 1981 (Article 4413(32g), Vernon's Texas Civil Statutes), and standards adopted under that Act, where applicable.

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 587 (G. Hill - House Sponsor), A bill to be entitled An Act relating to the furnishing of voter registration lists relating to new, cancelled, and changed registrations by voter registrars under the secretary of state's service program.

(Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 643 (Uher - House Sponsor), A bill to be entitled An Act relating to the installation and maintenance of community antenna or cable television equipment.

(Jackson - present-not voting)

Representative Shaw offered the following amendment to the bill:

Amend SB 643 at line 10, page 1, by deleting the letter "A" and inserting the following phrase before the word "person."

"In any unincorporated area in the state, a"

The amendment was adopted without objection.
SB 647 (T. Smith - House Sponsor), A bill to be entitled An Act relating to the adoption of rules by the Texas Cosmetology Commission regarding continuing education programs for persons licensed by the commission; amending Section 4, Chapter 1036, Acts of the 62nd Legislature, 1971 (Article 8451a, Vernon's Texas Civil Statutes), by adding Subsection (e).

(G. Thompson, McWilliams, Robinson, Clark, Kubiak, Burnett, Wieting, Bush, Hellin, Crockett, Fox, Craddick, C. Smith, Eikenburg, Ceverha, D. Harrison, Whaley, Hightower, D. Lee, Shaw, W. Harrison, B. Gibson, Short, Russell, Waldrop, Geistweidt, Parker, Patterson, Pennington, Mankins, Kuempel, Saunders, and Collazo - no)

SB 668 (B. Gibson - House Sponsor), A bill to be entitled An Act relating to the clarification of violations of consumer protection acts relating to debt collection and home solicitation transactions as deceptive trade practices; amending Section 11, Chapter 547, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5069-1.11, Vernon's Texas Civil Statutes), and Section 3, Chapter 246, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5069-13.03, Vernon's Texas Civil Statutes), by adding Subsection (e).

SB 688 (D. Lee - House Sponsor), A bill to be entitled An Act relating to the use of tetrahydrocannabinols and their derivatives for therapeutic and research purposes; amending the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes), by amending Subsection (e), Section 3.01; Subsection (a), Section 7.02; Subsection (a), Section 7.03; Sections 7.01, 7.06, 7.07, 7.08, 7.09, and 7.10; and adding Subsection (g), Section 3.03 and Subsection (c), Section 4.11.

(Hellin, Schlueter, Khoury, Fox, Craddick, C. Smith, Eikenburg, Saunders, Patterson, and Pennington - no)

Representative Eikenburg offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 688 as follows:

a. On page 2, line 6, strike "..." and add "which the Commissioner has reviewed and has found, in writing, to contain a medically responsible research protocol."

b. On page 2, line 12, strike "..." and add "which the Commissioner has reviewed and has found, in writing, to contain a medically responsible research protocol."

c. On page 2, line 20, strike the comma following the word "program" and add in its place "which the Commissioner has reviewed and has found, in writing, to contain a medically responsible research protocol."

d. On page 3, strike lines 13-22.

e. On page 3, line 23, strike "7.06, 7.07, 7.08, ..."

f. Strike all of page 3, line 26, through page 4, line 20.

Committee Amendment No. 1 was adopted without objection.

SB 715 (G. Thompson - House Sponsor), A bill to be entitled An Act relating to the classification of the controlled substance methaqualone for the purposes of schedules under the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); changing penalties.

SB 733 was withdrawn by the sponsor.

(Vowell now present)
SB 766 (Edwards - House Sponsor), A bill to be entitled An Act relating to parking privileges for the disabled; providing enforcement procedures; defining offenses and providing penalties; amending Chapter 338, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6675a-5e, Vernon's Texas Civil Statutes), by amending Sections 5 and 6A and Subsections (a) and (b), Section 10; and by repealing Sections 6B and 6C.

SB 775 (Simpson - House Sponsor), A bill to be entitled An Act relating to the capital and surplus requirements for life, health, and accident insurance companies; amending Article 3.02, Insurance Code, as amended.

SB 776 (Simpson - House Sponsor), A bill to be entitled An Act relating to the capital and surplus requirements of insurance companies other than certain life, health, or accident insurance companies; amending Articles 2.02 and 2.20, Insurance Code, as amended.

SB 787 (Pierce - House Sponsor), A bill to be entitled An Act relating to the authority of certain cities to undertake and finance certain improvements and/or services and providing procedures therefor; amending Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18, Public Improvement District Assessment Act (Article 1269-4, Vernon's Texas Civil Statutes).

(Fox, Craddick, C. Smith, Pennington, and Eikenburg - no)

Representative Colbert offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 787 as follows:

(1) On Page 1, line 20 insert the following after “area”:
and signatures of owners of taxable property representing more than 50 percent of the appraised value of the taxable real property including the value of structures and other improvements within the area as determined by the current roll of the county-wide appraisal district in which the property is located

(2) On page 4, line 5 insert the following after “area”:
and owners of taxable property representing more than 50 percent of the appraised value of the taxable real property including the value of structures and other improvements within the area as determined by the current roll of the county-wide appraisal district in which the property is located

(3) On page 4, line 13 strike the period and add: ; and

(4) On page 4, after line 13, add the following subdivision:

(3) owners of taxable property representing more than 50 percent of the appraised value of the taxable real property including the value of structures and other improvements within the area as determined by the current roll of the county-wide appraisal district in which the property is located

(5) On page 7, line 20 insert the following after “of the district”:
and owners of taxable property representing more than 50 percent of the appraised value of the taxable real property including the value of structures and other improvements within the area as determined by the current roll of the county-wide appraisal district in which the property is located

Committee Amendment No. 1 was adopted without objection.

SB 816 (Polk - House Sponsor), A bill to be entitled An Act, relating to the disposition of interest earned on certain funds deposited in the treasury by the State Commission for the Blind.

SB 818 (Bush - House Sponsor), A bill to be entitled An Act relating to allowing certain convalescent and nursing homes and related institutions to operate
under different standards and the requirements of the certificate of need program;
amending Subsection (k), Section 7, Chapter 413, Acts of the 53rd Legislature,
Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes).

(Green - no)

SB 870 (Laney - House Sponsor), A bill to be entitled An Act relating to the
authority of water control and improvement districts to borrow money through
certain methods; amending Subchapter J, Chapter 51, Water Code, as amended.
(Green - no)

SB 893 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to
the authority of the board of regents of the Texas Tech University Health Sciences
Center to sell obsolete medical equipment to public or nonprofit hospitals in this
state; adding Section 110.14 to Chapter 110, Texas Education Code.
(Heflin, Fox, Craddick, Khoury, C. Smith, Eikenburg, and Pennington - no)

SB 894 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to
the conveyance of certain state-owned real property in Lubbock County and to
certain duties of the board of regents of Texas Tech University.

SB 912 (Rangel - House Sponsor), A bill to be entitled an Act relating to the
conveyance of certain state-owned real property in Kleberg County and to
the powers and duties of the Board of Directors of the University System of South
Texas.

SB 913 (Rangel - House Sponsor), A bill to be entitled An Act relating to the
conveyance of certain state-owned real property in Hidalgo County and to certain
powers and duties of the Board of Directors of the University System of South
Texas.

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1983

The Honorable Speaker of the House of Representatives
House Chamber
The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has refused
to concur in House Amendments to SB 1190 and requests the appointment of a
Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators
Farabee, Harris, Glasgow, Caperton, McFarland.

I am directed by the Senate to inform the House that the Senate has concurred
in House Amendments to SB 318 by viva voce vote; SB 336 by 31 yeas, 0 nays;
SB 377 by 31 yeas, 0 nays; SB 428 by 31 yeas, 0 nays; SB 669 by viva voce vote;
SB 878 by viva voce vote; SB 1006 by 31 yeas, 0 nays; SB 1278 by 31 yeas,
0 nays.

I am directed by the Senate to inform the House that the Senate has concurred
in House Amendments to SB 350 by viva voce vote; SB 567 by 19 yeas, 10 nays;
SB 835 by viva voce vote; SB 1261 by viva voce vote; SB 1381 by 31 yeas,
0 nays; SB 1387 by 31 yeas, 0 nays.
I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 283 by the following vote: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate

CONSENT CALENDAR - (consideration continued)

SB 921 (Bush - House Sponsor), A bill to be entitled An Act relating to charges for the return of certain dishonored checks.
(Heflin and Green - no)
Representative B. Gibson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 921 by:
(1) inserting the word “reasonable” after the word “a” and before the word “processing” on line 8,
(2) deleting subsection (b) on line 9,
(3) redesignating subsection (c) as subsection (b).

Committee Amendment No. 1 was adopted without objection.

(Speaker in the chair)

SB 925 (Watson - House Sponsor), A bill to be entitled An Act relating to the regulation of auctioneers; amending Chapter 320, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 8700, Vernon’s Texas Civil Statutes), by adding Section 10A and Subdivision (10) to Section 1.
(Heflin, McWilliams, Saunders, and Ceverha - no)

SB 927 (Messer - House Sponsor), A bill to be entitled An Act relating to the regulation of job protection and certain health, accident, and disability insurance and other benefits for certain workers; providing penalties; adding Chapter 25 to the Insurance Code.

Representative Armbrister offered the following amendment to the bill:

Amend SB 927 on page 1, line 18 by adding striking the period and adding the following: ; but shall not apply to job benefit funds administered by and through labor unions for their members only.

The amendment was adopted without objection.

SB 940 (G. Hill - House Sponsor), A bill to be entitled An Act relating to establishing the limit on the amount of state funds that may be paid for assistance grants to or on behalf of needy dependent children and their caretakers; adding Subchapter C to Chapter 31, Human Resources Code.
(Heflin, Hilbert, Toomey, Green, and A. Smith - no)

SB 943 (D. Harrison - House Sponsor), A bill to be entitled An Act relating to the terms of office of directors of certain general law water districts; amending the Water Code by adding Section 50.0241 to Chapter 50 and amending Sections 53.086, 55.106, 58.073, and 63.086 and Subsections (b), (c), and (d), Section 51.073; Subsection (d), Section 51.076; Subsection (a), Section 53.064; Subsection (a),
Section 54.103; Subsections (b) and (c), Section 55.107; Subsection (a), Section 56.063; Subsection (d), Section 56.064; Subsection (a), Section 57.062; and Subsection (a), Section 61.074.

(SB 997 (Armbrister - House Sponsor), A bill to be entitled An Act relating to certain protective orders issued to deter family violence and to criminal penalties for the violation of those orders; amending Section 71.11 and adding Section 3.581, Family Code and adding Section 25.08, Penal Code.

Representative Khoury offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 997 in the following manner:
1. On page 1, line 13 strike "shall" and insert "may"
2. On page 3, line 12 strike "shall" and insert "may"

Committee Amendment No. 1 was adopted without objection.

SB 1036 (Armbrister - House Sponsor), A bill to be entitled An Act relating to the authority of the Guadalupe-Blanco River Authority to regulate certain activities and to notice of prohibited activities.

SB 1086 (Toomey - House Sponsor), A bill to be entitled An Act relating to notice concerning exhibits and papers on file with the courts of appeals and to the preservation of records of the courts of appeals; amending Article 1831, Revised Statutes, as amended, and Chapter 169, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 1831b, Vernon’s Texas Civil Statutes), and repealing Chapter 520, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 1831a, Vernon’s Texas Civil Statutes).

SB 1088 (Presnal - House Sponsor), A bill to be entitled An Act relating to certain veterinary medical malpractice protection provided by The Texas A&M University System and to the powers and duties of the board of regents of The Texas A&M University System.

(Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 1094 (Simpson - House Sponsor), A bill to be entitled An Act relating to certificates of contribution, tax liability, policy limits, and guaranty fund provisions; to the regulation and licensing of agents for companies organized under Chapters 12, 13, 14, and 22 of the Insurance Code; and to certain powers and duties of the State Board of Insurance; amending Section 3 and adding Section 4A, Article 21.07, and amending Section 1, Article 22.13, Insurance Code, as amended; amending Sections 3, 5, 7, 9, 13, 14, 15, 22, 23, and 24, Texas Life, Health and Accident Guaranty Act, as amended (Article 21.28-E, Vernon’s Texas Insurance Code); and repealing Sections 19, 20, and 21, Texas Life, Health and Accident Guaranty Act, as amended (Article 21.28-E, Vernon’s Texas Insurance Code).

SB 1097 (Danburg - House Sponsor), A bill to be entitled An Act relating to the definition of an incapacitated person, to limited guardianships for incapacitated persons, and to hearings and evidentiary matters connected with those hearings; amending Part 5, Chapter V, and Subsections (b) and (c), Section 5, Texas Probate Code.

(Eikenburg, Kuempel, Ceverha, Saunders, Fox, Craddick, C. Smith, and Pennington - no)

SB 1128 (W. Martinez - House Sponsor), A bill to be entitled An Act amending Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as
amended (Article 6243f, Vernon's Texas Civil Statutes), by adding Subsection (e), Section 7 and Subsections (d) and (e), Section 8; and by amending Subsection (b), Section 4; relating to the time requirement for payment by certain cities of salary deductions and matching amounts into the Firemen and Policemen's Pension Fund, to extension of the time for repayment of contributions by members called to active duty, to an increase in service pensions for those retiring with more than 30 years of service, and to giving members certain service credit for accumulated sick leave over 90 days.

(Hollowell, Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 1156 (Glossbrenner - House Sponsor), A bill to be entitled An Act relating to the disposition of abandoned securities and abandoned property in a safe deposit box or other safekeeping repository; amending Section 5 and Subsection (a), Section 6, Article 3272a, Revised Statutes; amending Sections 1, 2, 3, 4, 6, and 7 and adding Section 5a, Chapter 3, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 3272b, Vernon's Texas Civil Statutes).

SB 1215 (E. Barton - House Sponsor), A bill to be entitled An Act relating to distribution of a fire fighter's relief and retirement benefits in certain cities; amending Sections 7 and 11 of Chapter 432, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6243e.2, Vernon's Texas Civil Statutes); and declaring an emergency.

(Fox, Craddick, C. Smith, Eikenburg, and Pennington - no)

SB 1225 (Simpson - House Sponsor), A bill to be entitled An Act relating to liability insurance for county officers and employees; amending Section 1, Chapter 653, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 2372h-7, Vernon's Texas Civil Statutes).

CSSB 1283 (Stiles - House Sponsor), A bill to be entitled An Act relating to conversion of certain navigation districts.

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

SECTION 1. Chapter 60, Water Code, is amended by adding a new Subsection (b) to Section 60.244 so that Section 60.244 reads as follows:

Sec. 60.244. FINDINGS. (a) After the hearing, if the navigation board finds that conversion to a district operating under Article XVI, Section 59, of the Texas Constitution, would be in the best interest of the district and would be a benefit to the land and property located in the district, it shall enter an order making these findings and the district shall become a district operating under Article XVI, Section 59, of the Texas Constitution.

(b) If at the hearing the navigation board finds that conversion of the district into a conservation and reclamation district operating under Article XVI, Section 59, of the Texas Constitution would serve the best interests of the district and would be a benefit to the land and property located in the district, it may, in the alternative to the procedures prescribed in Subsection (a) above, enter an order making this finding, but providing that conversion is not final unless the voters, in the election provided by Section 60.247 of this Code, authorize the conversion of the district and the continuation of the existing authority of the district to levy an annual maintenance tax of not to exceed 10 cents on the $100 valuation of all property in this district.

(c) If the navigation board finds that conversion to a district operating under Article XVI, Section 59, of the Texas Constitution, would not be in the best interest of the district and would not be a benefit to the land and property located in the district, it shall enter an order making these findings.

(d) The findings of the navigation board are final and are not subject to appeal or review.
SECTION 2. Chapter 60, Water Code, is amended by adding Sections 60.247-60.249 to read as follows:

Sec. 60.247. OPTIONAL ELECTION. (a) If the navigation board finds in favor of the conversion of the district but pursuant to Section 60.244(b) of this code provides that the conversion is not final, the commissioners court of jurisdiction shall order an election to be held in the district and shall submit to the electors residing in the district the proposition of whether or not the district should be converted and should be authorized to continue to levy an annual tax for the maintenance, operation and upkeep of the district of not to exceed 10 cents on the $100 valuation of all property within the district.

(b) The clerk of the commissioners court of jurisdiction shall give notice of the election by posting notices at the courthouse door of the county in which the district is located and at four other public places in the district.

(c) If the district is composed of more than one county, the notices required by Subsection (a) of this section shall be posted in each county.

(d) The notices must be posted for 30 days immediately preceding the time set for election.

(e) The notices must include:

(1) the time and place of the election;
(2) the proposition to be voted on; and
(3) a copy of the election order.

(f) The commissioners court by order shall define the voting precincts in the district and shall name convenient polling places in the precincts.

(g) Immediately after the election, the officers holding the election shall make returns of the results to the commissioners court of jurisdiction, and the commissioners court shall promptly canvass the returns at a regular or special session of the commissioners court following the election.

Sec. 60.248. EFFECT OF ELECTION. If the commissioners court finds that a majority of those voting at the election voted in favor of the proposition, the court shall declare the results of the election to be in favor of conversion of the district and the levy of the annual maintenance tax, and shall enter the results in its minutes. If the commissioners court finds that a majority of those voting at the election voted against the proposition, it shall declare the results of the election to be unfavorable to the conversion of the district and shall enter the results in its minutes.

Sec. 60.249. EFFECT OF OPTIONAL CONVERSION. (a) If the conversion is approved by the voters, as provided in Sections 60.247-60.248 of this Code, the district shall have the same right, power, and authority as is provided in Section 60.245-60.246 of this Code.

(b) The district may continue to levy taxes to fully carry out each purpose of its organization and for the payment of obligations and the maintenance and operation of the district without impairment or change in any of its obligations.

(c) The district shall advise the Texas Water Commission of a conversion not later than the 45th day after the results of the election are canvassed by the commissioners court.

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 1293 (Willis - House Sponsor), A bill to be entitled An Act giving to justices of the peace, medical examiners, and their personnel the protection provided under Chapter 309, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6252-26, Vernon's Texas Civil Statutes); amending Section 3, Chapter 11,

SB 1314 (Stiles - House Sponsor), A bill to be entitled An Act relating to the authority of the Jefferson County Drainage District No. 6 and participating entities to acquire property; amending Section 11, Chapter 349, Acts of the 57th Legislature, Regular Session, 1961.

SB 1316 (Patterson - House Sponsor), A bill to be entitled An Act relating to the sale of certain state property in Paris, Texas, and use of the proceeds of the sale.

SB 1321 (Cain - House Sponsor), A bill to be entitled An Act relating to regulation of business opportunity sales; amending the Business Opportunity Act, as amended (Article 5069-16.01 et seq., Revised Statutes), by amending Subdivision (2), Article 16.05; Article 16.06; Subsection (a), Article 16.08; and Article 16.14. (Heflin - no)

SB 1322 (L. Hall - House Sponsor), A bill to be entitled An Act relating to size and weight limitations for vehicles operated across certain public highways and to indemnification to the State Department of Highways and Public Transportation for maintenance and repair of certain highways travelled by vehicles exceeding certain weight limitations; amending Subdivision (6), Section 6 and adding Section 5-2/3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes).

SB 1328 (Turner - House Sponsor), A bill to be entitled An Act relating to loans, grants, or scholarships granted by the State Rural Medical Education Board; amending Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 4498c, Vernon's Texas Civil Statutes), by amending Sections 6, 7, and 20.

SB 1334 (Rangel - House Sponsor), A bill to be entitled An Act relating to payment of the salary of the official court reporter for the 105th Judicial District; repealing Chapter 428, Acts of the 60th Legislature, Regular Session, 1967 (Article 2326j-32a, Vernon's Texas Civil Statutes).

CSSB 1338 (Gavin - House Sponsor), A bill to be entitled An Act relating to electronic transmission procedures under the Administrative Procedure and Texas Register Act.

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

SECTION 1. Section 3, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. Definitions. As used in this Act:

"(1) 'Agency' means any state board, commission, department, or officer having statewide jurisdiction, other than an agency wholly financed by federal funds, the legislature, the courts, the Industrial Accident Board, and institutions of higher education, that makes rules or determines contested cases.

"(2) 'Contested case' means a proceeding, including but not restricted to ratemaking and licensing, in which the legal rights, duties, or privileges of a party are to be determined by an agency after an opportunity for adjudicative hearing.

"(3) 'License' includes the whole or part of any agency permit, certificate, approval, registration, or similar form of permission required by law.

"(4) 'Licensing' includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

"(5) 'Party' means each person or agency named or admitted as a party.
“(6) ‘Person’ means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

“(7) ‘Rule’ means any agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of any agency and not affecting private rights or procedures.

“(8) ‘Register’ means the Texas Register established by this Act.

“(9) ‘Electronic means’ means the transmission of data between word or data processors over either dedicated cables or commercial lines.

“(10) ‘Letter of certification’ means a statement which specifies the type of information that has been transmitted by electronic means to the register and which has been signed by the agency’s designated certifying official and agency liaison.”

SECTION 2. Subsections (a) and (d), Section 8, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes), are amended to read as follows:

“(a) Each agency shall file a document for publication in the Texas Register by either delivering to the office of the secretary of state during normal working hours two certified copies of the document to be filed or by transmitting by electronic means during normal working hours one copy of the document to be filed and delivering during normal working hours a letter of certification to the office of the secretary of state. On receipt of a document required by this Act to be filed in the office of the secretary of state and published in the register, the secretary of state shall note the day and hour of filing on the certified copies or on the letter of certification. One certified copy of each filed document must be maintained in original form or on microfilm in a permanent register in the office of the secretary of state and, on filing, shall be made available immediately for public inspection during regular business hours.”

“(d) The secretary of state may maintain on microfilm or on an electronic storage and retrieval system the files of agency rules and any other information required by this Act to be published in the register and, after microfilming or electronically storing, destroy the original copies of all information submitted for publication.”

SECTION 3. Subsection (a), Section 10, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes), is amended to read as follows:

“(a) Each rule hereafter adopted becomes effective 20 days after it is filed [the filing of two certified copies] in the office of the secretary of state, except that:

“(1) if a later date is required by statute or specified in the rule, the later date is the effective date; and

“(2) subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately on filing with the secretary of state, on or on a stated date less than 20 days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare; and

“(3) if a federal statute or regulation requires that an agency implement a rule by a certain date, the rule is effective on the prescribed date.”

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
SB 1367 (A. Smith - House Sponsor), A bill to be entitled An Act amending the Act creating the Coastal Industrial Water Authority; providing that Texas Department of Water Resources approval of bonds and of plans and specifications for projects to be financed by the sale of bonds shall not be required of the Coastal Industrial Water Authority; finding and declaring that the requirements of Article XVI, Section 59(d), and Section 59(e), of the Constitution of Texas, have been performed and accomplished; and declaring an emergency.  

(Green - no)

HB 326, A bill to be entitled An Act relating to the form in which certain government records may be kept.

CSHB 1018, A bill to be entitled An Act relating to the authority of rural fire prevention districts to issue bonds, notes, and bond anticipation notes.

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

SECTION 1. Section 12, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon’s Texas Civil Statutes), is amended to read as follows:

Sec. 12. Except as provided in Sections 12A-12G of this Act, no [No] indebtedness shall be contracted in any one year in excess of funds then on hand or which may be satisfied out of current revenues for the year. The Board of Fire Commissioners shall annually levy and cause to be assessed and collected a tax upon all properties, real and personal, situated within the district and subject to district taxation, in an amount not to exceed three cents (3¢) on the One Hundred Dollars ($100) valuation for the support of the district, and for the purposes authorized in this Act. Such tax levy shall be certified to the County Tax Assessor-Collector, who shall be the Assessor-Collector for the district.

SECTION 2. Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon’s Texas Civil Statutes), is amended by adding Sections 12A-12G to read as follows:

Sec. 12A. (a) To carry out any one or more powers of a Rural Fire Prevention District, the Board of Fire Commissioners of the district may issue bonds and notes in one or more issues or series that are payable from and secured by liens on and pledges of:

(1) ad valorem taxes;

(2) all or part of any of the revenues, income, or receipts of the district; or

(3) a combination of these taxes, revenues, income, and receipts:

(b) The bonds and notes may be issued to mature serially or otherwise in not more than forty (40) years from the date of their issuance.

(c) Provision may be made for the subsequent issuance of additional parity bonds and notes, or subordinate lien bonds or notes, under terms and conditions stated in the resolution authorizing the issuance of the bonds or notes.

(d) The bonds, notes, and any interest coupons are investment securities under Chapter 8, Business & Commerce Code.

(e) The bonds and notes may be:

(1) issued registrable as to principal alone or as to both principal and interest;

(2) made redeemable before maturity;

(3) issued in the form, denominations, and manner, and under the terms, conditions, and details provided by the resolution; and

(4) sold in the manner, at the price, and under the terms, conditions, and details provided by the resolution.

(f) The bonds and notes bear interest at rates not to exceed the maximum rate allowed by Chapter 5, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon’s Texas Civil Statutes).
If provided by the resolution, the proceeds from the sale of the bonds or notes may be used for:

1. paying interest on the bonds or notes during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds or notes;
2. paying expenses of operation and maintenance of the facilities;
3. creating a reserve fund for the payment of the principal of and interest on the bonds or notes, and
4. creating any other funds.

Proceeds from the sale of the bonds and notes may be placed on time deposit or invested, as provided in the resolution, until needed.

If the bonds or notes are issued payable by a pledge of revenues, income, or receipts, the district may pledge all or any part of its revenues, income, or receipts from fees, rentals, rates, and charges and proceeds and payments from contracts, to the payment of the bonds or notes, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds or notes. The pledged fees, rentals, rates, charges, proceeds, or payments shall be established and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds or notes, and, to the extent required by the resolution authorizing, or the trust indenture securing, the issuance of the bonds or notes, to provide for the payment of expenses in connection with the bond or notes and the operation, maintenance, and other expenses in connection with the facilities.

If the bonds or notes are payable wholly from ad valorem taxes, the Board of Fire Commissioners shall levy a tax at the time of the authorization of the bonds or notes sufficient to pay the principal of and interest on the bonds or notes as the interest and principal come due and to provide reserve funds if prescribed in the resolution authorizing, or the trust indenture securing, the bonds or notes.

If the bonds or notes are payable both from ad valorem taxes and from revenues, income, or receipts of the district, the Board of Fire Commissioners, at the time of the authorization of the bonds or notes, shall levy a tax sufficient to pay the principal of and interest on the bonds and notes to create and maintain any reserve funds.

The rate of tax actually to be collected for any year shall be established taking into consideration the money that will be available for payment of the principal of and interest on the bonds or notes and for the creation of any reserve funds to the extent and in the manner permitted by the resolution authorizing, or the trust indenture securing, the bonds or notes.

Sec. 12B. (a) Bonds and notes secured in whole or in part by taxes may not be authorized by the district until approved by a majority vote of the qualified voters of the district at an election called for that purpose.

(b) The Board of Fire Commissioners may order an election, and the order calling the election shall state the nature and the date of the election, the hours during which the polls will be open, the location of the polling places, the amount of bonds or notes to be authorized, and the maximum maturity of the bonds or notes.

(c) The Board of Fire Commissioners shall give notice of the election by publishing a copy of the order calling the election at least once in a newspaper with general circulation in the district. The notice must be published at least thirty (30) days before the date set for the election.

(d) At an election to approve bonds or notes payable wholly from ad valorem taxes, the ballots must be printed to provide for voting for or against the proposition: "The issuance of (bonds or notes) and the levy of taxes for payment..."
of the (bonds or notes)." At any election to authorize bonds or notes payable from both ad valorem taxes and revenues, the ballots must be printed to provide for voting for or against: "The issuance of (bonds or notes) and the pledge of net revenues and the levy of ad valorem taxes adequate to provide for the payment of the (bonds or notes)."

(e) The Board of Fire Commissioners shall canvass the returns and declare the results of the election. If a majority of the votes cast at the election favor the issuance of the bonds or notes, the bonds or notes may be issued by the Board of Fire Commissioners, but if a majority of the votes cast at the election do not favor issuance of the bonds or notes, the bonds or notes may not be issued.

Sec. 12C. (a) A Rural Fire Prevention District may issue bond anticipation notes from time to time to carry out any one or more of its powers.

(b) The bond anticipation notes may be secured by a pledge of all or part of the ad valorem taxes and revenues, income, or receipts of the district.

(c) The district may from time to time authorize the issuance of bonds for the purpose of providing proceeds to pay the principal of and interest on bond anticipation notes. The bonds shall be secured by a pledge of all or part of the ad valorem taxes or revenues, income, or receipts of the district and may be issued on a parity with or subordinate to outstanding bonds of the district.

(d) If the resolution authorizing the issuance of, or the trust indenture securing, the bond anticipation notes includes a covenant that the notes are payable from the proceeds of the subsequently issued bonds, it is not necessary for the district to demonstrate for the purposes of receiving the approval of the Attorney General or registration by the Comptroller of Public Accounts, that the ad valorem taxes or revenues, income, or receipts that may be pledged to payment of the notes will be sufficient to pay the principal of and interest on the notes.

Sec. 12D. (a) The bonds or notes issued under this Act may be refunded or refinanced by the issuance of refunding bonds for the purpose and under the terms, conditions, and details determined by the Board of Fire Commissioners of the district.

(b) All pertinent and appropriate provisions of this Act are applicable to the refunding bonds, and the refunding bonds shall be issued in the manner provided in this Act for other bonds authorized under this Act.

(c) Refunding bonds may be sold and delivered in amounts necessary to pay the principal of, interest on, and redemption premium, if any, on bonds to be refunded at maturity or on any redemption date.

(d) The refunding bonds may be issued in exchange for the bonds being refunded, and the Comptroller of Public Accounts shall register the refunding bonds and deliver them to the holder or holders of the bonds being refunded, as provided by the resolution authorizing the refunding bonds. The exchange may be made in one delivery or in several installment deliveries.

(e) The bonds and notes issued by the district may be refunded in the manner provided by any other applicable law of this State.

Sec. 12E. (a) The bonds, notes, and bond anticipation notes issued under this Act and the appropriate proceedings authorizing their issuance must be submitted to the Attorney General for examination.

(b) If the bonds, notes, or bond anticipation notes recite that they are secured by a pledge of revenues of any contract, a copy of the contract and the proceedings relating to the contract may be submitted to the Attorney General.

(c) If the Attorney General finds that the bonds, notes, or bond anticipation notes are authorized as provided by law, and, that the contract, if submitted, is made as provided by law, he shall approve the bonds, notes, or bond anticipation notes and the contract, if submitted.
(d) On approval, the bonds, notes, or bond anticipation notes shall be registered by the Comptroller of Public Accounts.
(e) After approval and registration, the bonds, notes, or bond anticipation notes and the contract are incontestable in any court or other forum for any reason and are valid and binding obligations in accordance with their terms for all purposes.

Sec. 12F. (a) The Board of Fire Commissioners shall designate one or more banks to serve as depositories for the funds of the district.
(b) The funds of the district shall be deposited in a depository bank, except that:
(1) the funds pledged to pay bonds or notes may be deposited with banks named in the trust indenture or in the bond or note resolution; and
(2) the funds shall be remitted to the bank of payment for the payment of principal of and interest on the bonds and notes.
(c) To the extent that the funds in a depository bank or a trustee bank are not insured by the Federal Deposit Insurance Corporation, the funds must be secured in the manner provided by law for the security of county funds. The resolution or trust indenture, or both, securing the bonds or notes may require that any or all of the funds must be secured by obligations of or unconditionally guaranteed by the United States government.

Sec. 12G. (a) The bonds and notes of a district are legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas.
(b) The bonds and notes are eligible to secure the deposit of public funds of the State of Texas and public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and the bonds and notes are legal and sufficient security for the deposits to the extent of their value, and if in coupon form, when accompanied by all unmatured coupons.

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.

INTRODUCTION OF CLARA W. BEWIE
Speaker Lewis recognized Representative A. Smith who explained HCR 252 which had been previously adopted congratulating Miss Clara W. Bewie. Representative A. Smith introduced Miss Bewie to the house.
Speaker Lewis presented Miss Bewie with a gavel.

CONSENT CALENDAR - (consideration continued)

HB 1519, A bill to be entitled An Act relating to the student center complex fees at institutions within The Texas A&M University System.
Representative D. Hudson offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1
Amend HB 1519 by adding a new subsection (d) on page 2 to read as follows:
(d) the decision to levy a student center complex fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

Committee Amendment No. 1 was adopted without objection.

**HB 1625**, A bill to be entitled An Act relating to appointment of masters in delinquent tax suits.

Representative Peveto offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend HB 1625 by deleting the words "and these rules" on lines 4 and 5 of page 2.

Committee Amendment No. 1 was adopted without objection.

**HB 1695**, A bill to be entitled An Act relating to the requirement that the Texas Merit System Council submit a request for appropriations from the legislature.

(Fox, Eikenburg, Heflin, Schlueter, and Pennington - no)

**CSHB 1869**, A bill to be entitled An Act relating to an exemption from sales and use taxes for gold, silver, and numismatic coins and platinum, gold, and silver bullion.

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

SECTION 1. Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.336 to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. (a) The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the sales tax imposed by Subchapter C of this chapter at any sale to a purchaser in which the total sales price of all the items sold equals $10,000 or more.

(b) An item purchased at a sale exempted by Subsection (a) of this section is exempted from the use tax imposed by Subchapter D of this chapter until the item is subsequently transferred to a different owner.

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

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

(Fehlin, Fox, Eikenburg, Schlueter, and Pennington - no)

**CSHB 1889**, A bill to be entitled An Act relating to the sale of beer by general, local or branch distributors who have an assigned sales territory from manufacturers or nonresident manufacturers; amending Section 102.51, Alcoholic Beverage Code; and declaring an emergency.

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

SECTION 1. Section 102.51, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.51. SETTING OF TERRITORIAL LIMITS. (a) Each holder of a manufacturer's or nonresident manufacturer's license shall designate territorial limits in this state within which the brands of beer the licensee manufactures may be sold by general, local, or branch distributor's licensees.

(b) Each holder of a general, local, or branch distributor's license shall enter into a written agreement with each manufacturer from which the distributor purchases beer for distribution and sale in this state setting forth the

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territorial) sales territory [limits] within which each brand of beer purchased by that distributor may be distributed and sold. No holder of a general, local or branch distributor's license shall make any sales of any brand of beer outside the sales territory specified in the written agreement. No such agreement shall interfere with the rights of retailers to purchase beer as provided in Section 102.53. A manufacturer may agree to not assign all or any part of the same sales territory to more than one distributor. A copy of the agreement and any amendments to it shall be filed with the administrator.

(c) This Act is promulgated pursuant to the authority of the state under the provisions of the 21st amendment to the United States Constitution to promote the public interest in the fair, efficient and competitive distribution of beer, to increase competition in such areas and to assure product quality control and accountability by allowing manufacturers to assign sales territories within this state.

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.

(CS HB 2070, A bill to be entitled An Act relating to suits affecting the parent-child relationship and to suits in which the physical, emotional, or sexual abuse of a child is an issue.

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

SECTION 1. Section 11.01(7), Family Code, is amended to read as follows:

(7) “Authorized agency” means a public social agency authorized to care for children or to place children for adoption, including the Texas Youth Council, or a private association, corporation, or person approved for that purpose by the Texas Department of Human Resources through a license, certification, or other means.

SECTION 2. Section 11.05. CONTINUING JURISDICTION. (a) Except as provided in Subsections (b), (c), (d), (e) and (f) of this section and in Section 11.052 and Section 17.05 of this code, when a court acquires jurisdiction of a suit affecting the parent-child relationship, that court retains continuing jurisdiction of all parties and matters provided for under this subtitle in connection with the child. No other court of this state has jurisdiction of a suit affecting the parent-child relationship with regard to that child except on transfer as provided in Section 11.06 or 17.06 of this code.

(b) A final decree of adoption ends a court's continuing jurisdiction over the child, and any subsequent suit affecting the child shall be commenced as though the child had not been the subject of a suit for adoption or any other suit affecting the parent-child relationship prior to the adoption.

(c) A court shall have jurisdiction over a suit affecting the parent-child relationship if it has been, correctly or incorrectly, informed by the Texas Department of Human Resources that the child has not been the subject of a suit affecting the parent-child relationship and the petition states that no other court has continuing jurisdiction over the child.

(d) In a suit in which a determination of paternity is sought, except as provided in paragraph (2), the jurisdiction of the court terminates when an order dismissing with prejudice a suit under Chapter 13 becomes final, or when an order under Subsection (b), Section 13.08, declaring that the alleged father is not the father of the child becomes final, or when an order denying voluntary legitimation under Section 13.21 becomes final.
(2) The jurisdiction of the court does not terminate if the child was subject to the jurisdiction of the court or some other court in a suit affecting the parent-child relationship prior to the commencement of the suit to determine paternity.

(e) A court acquires jurisdiction of a suit affecting the parent-child relationship without a transfer under Section 11.06 of this code, even though another court has continuing jurisdiction over the child, if:

(1) the parents of the child have remarried after the dissolution of a previous marriage between the parents;

(2) a parent files [and file] in the court acquiring jurisdiction a suit for the dissolution of their subsequent marriage combined with a suit affecting the parent-child relationship concerning the child; and

(3) the Texas Department of Human Resources is not a party in the original suit affecting the parent-child relationship.

(1) [fei] A court does not acquire continuing, exclusive jurisdiction over the matters provided for under this subtitle in connection with the child before the entry of a final decree. A voluntary or involuntary dismissal of a suit affecting the parent-child relationship or the entry of a decree by another court having dominant jurisdiction of the suit terminates all jurisdiction of the court. Unless a final decree has been entered by a court of continuing, exclusive jurisdiction, a subsequent suit shall be commenced as an original proceeding.

SECTION 3. Section 11.06(c), Family Code, is amended to read as follows:

(c) On a showing that a suit for dissolution of the marriage of the child’s parents has been filed in another court, the court having continuing jurisdiction of a suit affecting the parent-child relationship shall transfer the proceedings to the court where the dissolution of the marriage is pending unless the Texas Department of Human Resources is a party in the suit affecting the parent-child relationship. If the department is a party in the suit and the court properly has jurisdiction and venue of the matter, the court shall retain jurisdiction of the suit.

SECTION 4. Chapter 11, Family Code, is amended by adding Section 11.142 to read as follows:

Sec. 11.142. TESTIMONY OF CHILD. (a) In a suit affecting the parent-child relationship in which the issues are not before a jury, the court shall hear the testimony of the child who is the subject of the suit, if called by any party to the suit, in the presence of the court, the attorneys for the parties, and the court reporter only.

(b) In a suit affecting the parent-child relationship in which an issue in the suit is before a jury, the testimony of the child who is the subject of the suit, if called by any party as a witness, shall be given by deposition only. The deposition of the child shall be taken before the judge of the court, and only the judge, the attorneys for the parties to the suit, and a court reporter may be present. All objections to the testimony of the child must be made at the time the deposition is given, and the court must rule on the objections before the deposition is admitted as evidence.

(c) This section applies only to a child who is five years of age or over and under 15 years of age.

SECTION 5. Section 15.02, Family Code, is amended to read as follows:

Sec. 15.02. INVOLUNTARY TERMINATION OF PARENTAL RIGHTS. A petition requesting termination of the parent-child relationship with respect to a parent who is not the petitioner may be granted if the court finds that:

(1) the parent has:

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return; or

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing
for the adequate support of the child, and remained away for a period of at least three months; or

(C) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months; or

(D) [knowingly placed or knowingly] allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child; or

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child; or

(F) failed to support the child in accordance with his ability during a period of one year ending within six months of the date of the filing of the petition; or

(G) abandoned the child without identifying the child or furnishing means of identification, and the child’s identity cannot be ascertained by the exercise of reasonable diligence; or

(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth; or

(I) contumaciously refused to submit to a reasonable and lawful order of a court under Section 34.05 of this code; or

(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Texas Education Code; or

(ii) the child’s absence from his home without the consent of his parents or guardian for a substantial length of time or without the intent to return; or

(K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Section 15.03 of this code; and in addition, the court further finds that:

(2) termination is in the best interest of the child.

SECTION 6. Section 34.04, Family Code, is amended to read as follows:

Sec. 34.04. PRIVILEGED COMMUNICATIONS. In any proceeding regarding the abuse or neglect of a child or the cause of any abuse or neglect, evidence may not be excluded on the ground of privileged communication except in the case of communications between attorney and client. This section prevails over all other law to the contrary.

SECTION 7. This Act takes effect September 1, 1983.

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.

HB 2109, A bill to be entitled An Act relating to the employment and compensation of a Mental Health Administrator by the Statutory Probate Court of the State of Texas and declaring an emergency.

(Blanton, A, Hill, Hollowell, Khoury, Heflin, Fox, Eikenburg, McWilliams, Ceverha, Schlueter, Pennington, and Patterson - no)
HB 2276, A bill to be entitled An Act relating to the right of the state to appropriate water.
(Fox, Eikenburg, Schlueter, Pennington, and G. Hill - no)

HB 2376, A bill to be entitled An Act relating to office machines repaired by the State Purchasing and General Services Commission.

HB 2405, A bill to be entitled An Act relating to separate municipal and rural electric systems owned by cities; amending Article 11, Vernon's Texas Civil Statutes, so as to permit a merger of said systems; declaring the applicable law after any such merger; and providing an effective date.

HB 2434, A bill to be entitled An Act relating to the validation of notes, refunding bonds, and other acts and proceedings of certain cities and towns.
(Fox, Eikenburg, and Pennington - no)

HB 2452, A bill to be entitled An Act relating to financing of county jails.
Representative Armbrister offered the following amendment to the bill:
Amend HB 2452 by striking the words "created pursuant to Article 9, Section 1 of the Constitution of Texas." where they appear on lines 16 and 17 of the bill and placing in lieu thereof the following:
"within the State without regard to population."
The amendment was adopted without objection.

Representative Armbrister offered the following amendment to the bill:
Amend the caption of HB 2452 to read as follows:
"relating to the authority of counties to provide and finance jail improvements."
The amendment was adopted without objection.

HB 2357, A bill to be entitled An Act relating to restricting the sale of computer time on a computer owned or operated by a public institution of higher education.
(Heflin, Fox, Eikenburg, Schlueter, Presnal, and Pennington - no)

Representative Armbrister offered the following amendment to the bill:
Amend HB 2357, on page 1, lines 10, 13 and 14, by inserting the word "profit-making" between the words "private" and "enterprise."
The amendment was adopted without objection.

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

SCR 11 (Uher - House Sponsor)
WHEREAS, CFW Construction Co., Inc., a corporation organized under the laws of the State of Tennessee and authorized to do business in the State of Texas, alleges that it entered into a written contract with the State Department of Highways and Public Transportation to perform construction in Matagorda County, Texas, on highway Project No. C-179-6-27; and
WHEREAS, CFW Construction Co., Inc., alleges that it met its obligations under the terms of the contract; and
WHEREAS, CFW Construction Co., Inc., alleges that the State of Texas, acting by and through the State Department of Highways and Public Transportation, has wrongfully withheld from it sums to which it is entitled under the contract; and
WHEREAS, CFW Construction Co., Inc., alleges that the department has
reviewed its claim administratively, and the claim has been denied; now, therefore,
be it

RESOLVED by the Senate of the State of Texas, the House of Representa
ces concurring, That CFW Construction Co., Inc., be and is hereby granted permission
to sue the State of Texas and the State Department of Highways and Public
Transportation for any relief to which 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.

SCR 24 (Millsap - House Sponsor)

WHEREAS, Great Southwest Construction Corporation, a corporation
organized under the laws of the State of Texas and authorized to do business in the
State of Texas, alleges that on or about August 17, 1977, it entered into Contract
Number 4072 with The Texas A&M University System for the construction of a
Fine Arts Complex on the campus of Tarleton State University in Stephenville,
Texas; and

WHEREAS, Great Southwest Construction Corporation alleges that on or
about September 15, 1977, it entered into a subcontract with Empire Electric
Company, Inc., a corporation organized under the laws of the State of Texas and
authorized to do business in the State of Texas, by which Empire Electric Company,
Inc., was to perform all of the electrical work in accordance with the plans and
specifications of the contract executed between Great Southwest Construction
Corporation and The Texas A&M University System; and

WHEREAS, Great Southwest Construction Corporation alleges that the State
of Texas, by and through the board of regents of The Texas A&M University System
entered into a contract with JPJ Architects, Inc., whereby JPJ Architects, Inc.,
agreed to design and supervise the construction of the Fine Arts Complex for The
Texas A&M University System; and

WHEREAS, On or about May 22, 1981, Empire Electric Company, Inc., filed
a petition in the 17th Judicial District of Tarrant County, Texas, Cause No.
17-66951-81, against Great Southwest Construction Corporation alleging certain
acts, omissions, and breaches of contractual obligations by Great Southwest
Construction Corporation, thereby delaying completion of the project, and seeking
certain damages against Great Southwest Construction Corporation; and

WHEREAS, Great Southwest Construction Corporation alleges that the State
of Texas, acting by and through The Texas A&M University System and its agent,
JPJ Architects, Inc., is primarily responsible for the acts, omissions, and breaches
of contractual responsibility alleged in the petition filed by Empire Electric
Company, Inc.; and
WHEREAS, Great Southwest Construction Corporation alleges that should it be held responsible for the delays in the lawsuit presently filed, Great Southwest Construction Corporation would be required to file a second lawsuit against the State of Texas, The Texas A&M University System, and its agent, JPI Architects, Inc., for indemnification for those acts, omissions, or breaches allegedly caused by the State of Texas, The Texas A&M University System, and its agent, JPI Architects, Inc., and that in addition to the delay and double expense which would be necessitated by the second action, an inconsistent outcome in a second lawsuit would work an inequitable burden on Great Southwest Construction Corporation; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Great Southwest Construction Corporation be and is hereby granted permission to join the State of Texas and The Texas A&M University System in Cause No. 17-66951-81, Empire Electric Company, Inc., vs. Great Southwest Construction Corporation, as a party defendant and that Empire Electric Company, Inc., or Great Southwest Construction Corporation', be entitled to sue the State of Texas and The Texas A&M University System for any relief to which it may be entitled as a result of any claims arising under or incident to Cause No. 17-66951-81 and the factual situation therein litigated; 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 Texas A&M University System and that the suit be tried procedurally as other civil suits; and, be it further

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

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas, The Texas A&M University System, 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 46 (Cain - House Sponsor)

WHEREAS, On or about September 28, 1976, Titan Group, Inc., a corporation organized under the laws of the State of Delaware and authorized to do business in the State of Texas, entered into a written contract with the Trinity River Authority of Texas to perform construction work on expansion of a project known as the Central Regional Wastewater Treatment Plant Expansion - Phase I in Dallas County, Texas; and

WHEREAS, Titan Group, Inc., alleges that it met its obligations under the terms of the contract; and

WHEREAS, Titan Group, Inc., alleges that the Trinity River Authority of Texas has wrongfully withheld from it sums to which it is entitled under the contract and has caused it damages for breach of the said contract; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Titan Group, Inc., be and is hereby granted permission to seek all remedies pursuant to the construction contract, including the right to file suit against the Trinity River Authority of Texas in a court of competent jurisdiction for any relief to which it may be entitled; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the General Manager of the Trinity River Authority...
of Texas or his designated representative and that the suit be tried as other civil suits; and, be it further

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

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

The resolution was adopted without objection.

SCR 49 (Simpson - House Sponsor)

WHEREAS, Mark Homes, Inc., a Texas corporation doing business as Hot Rocks and doing business as the Paramount Club, alleges that:

(1) the Texas Alcoholic Beverage Commission assessed gross receipts taxes against Hot Rocks and the Paramount Club based on audits that were not the result of standard auditing procedures;
(2) the audit performed on Hot Rocks was based on theoretical computations and averages and not on actual business records, which were available;
(3) the audit performed on the Paramount Club was based on computations that included door charges in addition to receipts for drinks;
(4) those computations and assessments were arbitrary and confiscatory;
(5) to avoid additional penalties and fines, Mark Homes, Inc., paid both the erroneous assessments under written protest; and
(6) Mark Homes, Inc., has demanded a refund of the overpaid taxes, and the Texas Alcoholic Beverage Commission has refused payment; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Mark Homes, Inc., be and is hereby granted permission to sue the State of Texas, the Texas Alcoholic Beverage Commission, and the treasurer of the State of Texas for any relief to which it may be entitled as a result of those claims; 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, the chairman of the Texas Alcoholic Beverage Commission, and the treasurer of the State of Texas and that the suit be tried as other civil suits; and, be it further

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

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

The resolution was adopted without objection.

SCR 51 (W. Harrison - House Sponsor)

WHEREAS, Jose R. Villarreal alleges that:

(1) he was a nonprobationary employee of the Texas Department of Human Resources;
(2) the department terminated his employment, alleging that he had violated
a rule, regulation, or policy of that agency;
(3) he has appealed the decision of the department to the Texas Merit System
Council, and the council found that the department acted without cause and
violated Jose R. Villarreal's rights of due process;
(4) the Texas Merit System Council recommended that the department
reinstate Jose R. Villarreal to his former position, award him back wages and
employment benefits from the date of dismissal to the date of reinstatement, and
correct his personnel records to reflect that the alleged violation did not occur and
that there was no break in his service;
(5) the Texas Department of Human Resources has refused to follow the
recommendation of the Texas Merit System Council;
(6) the Texas Employment Commission has held that Jose R. Villarreal
was not discharged for misconduct connected with his employment, and the Texas
Department of Human Resources has not appealed that ruling; and
(7) he is innocent of the charges brought by the department and wishes to
have his claim litigated and adjudicated by the courts of this state; now, therefore,
be it
RESOLVED by the Senate of the State of Texas, the House of Representatives
concurring, That Jose R. Villarreal be and is hereby granted permission to sue the
State of Texas and the Texas Department of Human Resources 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
commissioner of human resources and that the suit be tried as other civil suits; and,
be it further
RESOLVED, That nothing in this resolution may be construed as an
admission by the State of Texas or by any of its employees, agents, departments,
agencies, or political subdivisions of liability or of the truth of any allegation asserted
by the claimant, but the alleged cause of action must be proved under the laws of
this state as in other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as a waiver of
any defense of law or fact available to the State of Texas or to any of its employees,
agents, departments, agencies, or political subdivisions, but every defense is
specifically reserved.

The resolution was adopted without objection.

SCR 65 (Barrientos - House Sponsor)

WHEREAS, William E. Anderson alleges that he entered into an employment
agreement with The University of Texas at Austin, an institution of The University
of Texas System; and

WHEREAS, William E. Anderson alleges that the university breached his
employment agreement and that he has suffered damages because of that breach; and

WHEREAS, William E. Anderson alleges that the university and The
University of Texas System have deprived him of his rights without due process of
law and that he has suffered damages because of that deprivation; now, therefore,
be it
RESOLVED by the Senate of the State of Texas, the House of Representatives
concurring, That William E. Anderson be and is hereby granted permission to sue
the State of Texas and the Board of Regents of The University of Texas System for
any relief to which 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
chairman of the Board of Regents of The University of Texas System and that the suit be tried as other civil suits; and, be it further

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

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

The resolution was adopted without objection.

SCR 66 (Madla - House Sponsor)

WHEREAS, Autism is a lifelong, severely incapacitating developmental disability which begins in early childhood and is characterized by severe deficiencies in communication and behavior; and

WHEREAS, Autism is represented by several syndromes in a larger category called pervasive developmental disorders, and lack of an accurate history or thorough evaluation of early childhood behavior can make it impossible to distinguish among the pervasive developmental disorder categories in an individual; and

WHEREAS, All relevant state agencies do not utilize the same definition or diagnostic tools in their diagnostic procedures for persons suspected of having autism; and

WHEREAS, Having different diagnoses from various state-funded programs and state agencies may hinder mobility among programs and cause the unnecessary repetition of costly diagnostic workups; and

WHEREAS, The lack of a consistent definition of autism also affects the gathering of accurate statistics on the incidence of autism in Texas; and

WHEREAS, A consistent definition of autism will ensure proper identification of all persons with autistic characteristics; and

WHEREAS, After careful consideration of these issues, the Joint Committee on Autism adopted the definition of autism and other pervasive developmental disorders as stated in the third edition of the Diagnostic and Statistical Manual; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby direct the Central Education Agency, the Texas Department of Human Resources, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Health, and the Texas Rehabilitation Commission to adopt the definition of autism and other pervasive developmental disorders as stated in the third edition of the Diagnostic and Statistical Manual; and, be it further

RESOLVED, That an official copy of this resolution be prepared and delivered to the commissioners of the state agencies addressed as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

SCR 67 was withdrawn by the sponsor.

SCR 68 (Madla - House Sponsor)

WHEREAS, Autism is a complex and severely incapacitating developmental disability; and
WHEREAS, There are wide variances in the intellectual functioning and behavioral characteristics of autistic persons; and

WHEREAS, The Joint Committee on Autism reported that autistic persons progress most readily through a continuum of small, incremental education steps in a structured and behaviorally oriented program which is appropriate for their developmental level; and

WHEREAS, Testimony received in public hearings held by the Joint Committee on Autism indicated that most school districts in Texas are not providing necessary specialized programs for autistic students; and

WHEREAS, Public Law 94-142, state laws, and State Board of Education rules guarantee handicapped persons, ages three through 21 years, access to a free and appropriate education and require the development of an Individual Educational Plan for each handicapped student; and

WHEREAS, Individual Educational Plans are a mechanism for ensuring the provision of an appropriate and specialized educational program for handicapped students; and

WHEREAS, The Joint Committee on Autism reported that State Board of Education rules regarding the content of Individual Educational Plans are too general, do not address adequately the unique programming needs of autistic students, and allow too much variance in how the educational needs of autistic students are addressed; and

WHEREAS, Specific guidelines for the content of Individual Educational Plans exist for certain disabling conditions, but not for autism or other pervasive developmental disorders; and

WHEREAS, Specific guidelines on the content of Individual Educational Plans are needed in order to ensure that all students with autism or other pervasive developmental disorders have every important programming issue addressed fully; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby direct the State Board of Education, prior to the convening of the 69th Legislature, to develop, publish, and adopt rules requiring Individual Educational Plans for students with autism or other pervasive developmental disorders to address but not necessarily be limited to the following issues: extended educational programming, unstructured time, in-home training or viable alternatives, prioritized behavioral objectives, prevocational and vocational needs of students age 12 or older, parent training, suitable staff-student ratios to carry out all educational objectives, and transitional services for students after 21 years of age; and, be it further

RESOLVED, That the Central Education Agency submit to the 69th Legislature a complete report on the activities called for in this resolution; and, be it further

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

The resolution was adopted without objection.
MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1983

The Honorable Speaker of the House of Representatives
House Chamber
The Honorable
Mr. Speaker:

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

HJR 22 by Watson, et al., proposing a constitutional amendment relating to the per diem for members of the legislature.

HB 1056 by Keller, relating to specific enforcement of agreements to arbitrate future disputes.

HB 149 by Presnal, relating to bidding procedures under the state employees group insurance program.

HB 844 by J. Gibson, relating to membership in and payment of premiums for insurance coverage under the Texas employees uniform group insurance program.

CSHB 846 by Craddick, relating to certain oil and gas security interests and product liens. (amended)

HB 886 by Laney, et al., relating to a dealer's return of farm and industrial equipment to a supplier after the termination of certain franchises. (amended)

HB 1678 by Salinas, relating to the hours of sale and consumption of alcoholic beverages.

HB 1792 by Patterson, relating to the administration of public employee benefit programs.

HB 1954 by W. Martinez, relating to reporting requirements imposed on a person having custody of a prisoner who dies while in custody.

HB 197 by Cain, et al., relating to the period during which a suit against an alleged father of an illegitimate child may be brought to establish paternity.

HB 464 by Gavin, relating to coordination of benefits between certain insurance policies.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS CALENDAR - (consideration continued)

SCR 69 was withdrawn by the sponsor.
SCR 70 was withdrawn by the sponsor.
SCR 71 was withdrawn by the sponsor.
SCR 72 was withdrawn by the sponsor.
SCR 82 was withdrawn by the sponsor.
SCR 83 was withdrawn by the sponsor.
SCR 84 was withdrawn by the sponsor.
SCR 85 was withdrawn by the sponsor.
SCR 86 was withdrawn by the sponsor.
SCR 87 was withdrawn by the sponsor.
SCR 88 was withdrawn by the sponsor.

SCR 89 was withdrawn by the sponsor.

By Hammond:

CSHCR 110

WHEREAS, The Employees Retirement System of Texas was established in 1947 to provide programs of retirement and related disability and death benefits for officers and employees of the state and such state-compensated officers and employees of appellate courts and judicial districts as may be included under the system by law; and

WHEREAS, Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments; and

WHEREAS, The Investment Advisory Committee was formed to review, on a quarterly basis, the investments of the system and to recommend to the investment committee of the board of trustees changes in investment policies and procedures, changes in the list of approved corporations, and purchases and sales of securities, and its recommendations assist the investment committee and the executive director of the Employees Retirement System in making wise use of system assets; and

WHEREAS, The Investment Advisory Committee is composed of the system’s executive director and four members selected from principal Texas financial institutions; appointment is subject to approval by the board of trustees, and members serve staggered three-year terms and may be appointed to additional terms; and

WHEREAS, The Governor’s Task Force on State Trust and Asset Management has recommended a formal policy regarding the appointment of the Investment Advisory Committee; and

WHEREAS, The personal responsibilities of members of the board of trustees for the investment activities of the retirement system make it important that they have the benefit of prudent and well-informed advice from a variety of viewpoints, that such advice come from sources which have an understanding of the investment needs of the retirement system, and that such advice come from persons in whom the trustees have confidence; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature recommend that the Board of Trustees of the Employees Retirement System of Texas exercise care in selecting the members of the Investment Advisory Committee and in granting only prudent exceptions to the policy of limiting Investment Advisory Committee service to two consecutive three-year terms; recognize that the board, having the constitutional responsibility for investing the fund, must exercise its discretion to select such investment advisors as it deems necessary and prudent; recognize that the board may, from time to time, wish to name a prominent educator in the field of economics or finance as a member, but recommend that all other future appointees should be active in the daily operations of a principal financial institution or other business in Texas whose principal business is in investment, and that members should serve terms that are staggered so that at all times a majority of the members will have had experience on the committee; and, be it further

RESOLVED, That a copy of this resolution be prepared and forwarded to the Board of Trustees of the Employees Retirement System of Texas as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.
WHEREAS, The Teacher Retirement System of Texas was established in 1937 to provide programs of retirement and related disability and death benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state; and

WHEREAS, Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments; and

WHEREAS, The Board of Trustees of the Teacher Retirement System is charged by the Texas Constitution with fiduciary responsibilities in the prudent investment of the funds in its care; and

WHEREAS, The board of trustees has on its own motion established an Investment Advisory Committee, composed of active expert investment practitioners in the private sector of the State of Texas, to review, on a quarterly basis, the investments of the fund and to advise the board on the formulation of investment policy, and its recommendations assist the investment department and the board of trustees of the system in making prudent use of system assets; and

WHEREAS, The Investment Advisory Committee serves as one of at least three independent sources of investment advice relied upon by the board of trustees; and

WHEREAS, The personal responsibilities of members of the board of trustees for the investment activities of the retirement system make it important that they have the benefit of prudent and well-informed advice from a variety of viewpoints, that such advice come from sources which have an understanding of the investment needs of the retirement system, and that such advice come from persons in whom the trustees have confidence; and

WHEREAS, The investment performance of the retirement system has steadily improved and has been favorable as measured against public and private funds of similar size and purpose as well as against recognized market indices; and

WHEREAS, The board of trustees maintains a policy whereby members of the Investment Advisory Committee serve a maximum of two consecutive three-year terms, but that the board of trustees from time to time has purposefully waived that requirement in individual cases in order to retain Investment Advisory Committee members who in its judgment continued to exhibit investment leadership, to express unique points of view which the board wished to hear, or otherwise to make a valuable contribution to the investment advisory process; and

WHEREAS, The Governor’s Task Force on State Trust and Asset Management recommended adherence to the policy regarding membership to assure vitality in the Investment Advisory Committee; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature commend the Board of Trustees of the Teacher Retirement System on the exemplary investment performance of the fund and on the functioning of its investment advisory process; recommend that the board exercise care in selecting the members of the Investment Advisory Committee and in granting prudent exceptions to its policy limiting Investment Advisory Committee service to two consecutive three-year terms, recognize that the board, having the constitutional responsibility for investing the fund, must exercise its discretion to select such investment advisors as it deems necessary and prudent; recommend that all members should be active in the daily operations of a principal financial institution or other business in Texas in which investment decisions are made and should serve terms that are staggered so that at all times a majority of the members will have had experience on the committee; and, be it further
RESOLVED, That a copy of this resolution be prepared and forwarded to the Board of Trustees of the Teacher Retirement System of Texas as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

By G. Hill:

HCR 189

WHEREAS, Ericelda Flores, alleges that she was seriously and permanently injured on August 10, 1982 at the LBJ Library located at The University of Texas in Austin, Texas; and

WHEREAS, Ericelda Flores alleges that the State of Texas was negligent in failing to erect a guard rail to protect pedestrians from the dangerous condition created by the construction of a tree well and in failing to fill the tree well with gravel as designed in the original construction plans; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, that Ericelda Flores be and is hereby given permission to sue the State of Texas and The University of Texas for any relief to which she may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the President of The University of Texas, Dr. Peter Flawn, and the Attorney General of the State of Texas and that the suit be tried as other civil suits; and, be it further

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

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or of 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 Rangel offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend HCR 189 as follows:
(1) On page 1, line 13, insert the following after “Texas”: “in the District Court of Travis County”.
(2) On page 1, line 18, insert the following after “tried”: “procedurally”.

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Barrientos:

HCR 214

WHEREAS, Alonzo Benavides alleges that on August 21, 1982, he received painful and disabling injuries as a result of being struck by a Texas Department of Public Safety vehicle being driven at a high rate of speed by Mark Riordan in the course and scope of his employment for the Texas Department of Public Safety and the State of Texas; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Alonzo Benavides is hereby granted permission to sue the State
of Texas and the Texas Department of Public Safety in any court of competent jurisdiction for any relief, state or federal, 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 director of the Texas Department of Public Safety 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 or nation 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 English:

HCR 217

WHEREAS, Juanita Coker alleges that:

(1) she owns certain real property in the city of Arlington, Texas;

(2) her property has been included in a plan for the future development of The University of Texas at Arlington, an institution within The University of Texas System;

(3) the inclusion of her property in that plan has decreased the value of the property because she is now unable to either use or sell it;

(4) the board of regents of The University of Texas System, which is the condemning authority for The University of Texas at Arlington, has refused to condemn the property and pay fair market value for it or to remove the property from the development plan;

(5) that refusal on the part of the board is intended to depress the value of the property and to enable the university to eventually acquire the property at a price far below its fair market value; and

(6) through these actions, the board is depriving her of her property in violation of the Constitution of the United States; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Juanita Coker is granted permission to sue the State of Texas and the board of regents of The University of Texas System for any relief to which she may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the chairman of the board of regents of The University of Texas System in any court of competent jurisdiction in Tarrant County and that the suit be tried as other civil suits; and, be it further

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

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

The resolution was adopted without objection.

By W. Hall:

HCR 229

WHEREAS, Southern States Exploration, Inc., alleges that:

(1) the Crown of Spain granted Porción 41 in Zapata County, Texas, to José Clemente Gutierrez and Porción 40 in Zapata County, Texas, to Juan A. Vidaurri;

(2) Porción 41 was patented by the State of Texas to José Clemente Gutierrez, his heirs and assigns, by Patent 3, Vol. 51-A, dated October 5, 1931; and Porción 40 was patented by the State of Texas to Juan A. Vidaurri, his heirs and assigns, by Patent 425, Vol. 34-A, dated May 28, 1927;

(3) the patents for Porción 40 and Porción 41 appear to be valid, remaining uncanceled, uncorrected, and unmodified in any way;

(4) Porción 40 and Porción 41, as granted by the Crown of Spain and as patented by the State of Texas, are bounded on the northeast by a large Spanish Grant known as the A. B. Pereda Grant or Charco de la India Grant, which is also patented by the State of Texas;

(5) in 1871, the District Court of Webb County rendered judgment on the A. B. Pereda Grant and judicially determined that the southwest line of that grant coincides with the northeast line of Porciones 40 and 41;

(6) in spite of the patents and the court judgment, the General Land Office of the State of Texas carries on its records, as surveyed, unsold school land, a tract of land called the Southeast half of Survey 313, Certificate 1007, and that survey is in conflict with the patents on Porciones 40 and 41;

(7) based on the survey, the State of Texas periodically executes oil and gas leases on the property, and periodically awards the survey to various persons even though each award has been canceled;

(8) Southern States Exploration, Inc., purchased an oil and gas lease covering the entire Southeast half of Survey 313 and paid the state a considerable sum of money for rents and delay rents;

(9) because of the conflict between the survey and the patents, the state's title, if any, to the land is in doubt;

(10) because the state's title is in doubt, Southern States Exploration, Inc., through no fault of its own, was unable to begin oil and gas exploration, and the lease has now expired;

(11) Southern States Exploration, Inc., has requested that the commissioner of the General Land Office refund the rents and delay rents, and the commissioner has refused to make a refund; and

(12) the title questions and the right of Southern States Exploration, Inc., to a refund can only be resolved by a court decree; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Southern States Exploration, Inc., is granted permission to sue the State of Texas and the General Land Office in any court of competent jurisdiction in Zapata County or Travis County for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the commissioner of the General Land Office and that the suit be tried as other civil suits; and, be it further

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

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

The resolution was adopted without objection.

By W. Hall:

HCR 230

WHEREAS, Maria G. Gonzalez and Gutierrez Gonzalez Venture, Ltd., allege that:

(1) they are the owners of certain lands within Porcion 41 in Zapata County, Texas, as granted by the Crown of Spain to Jose Clemente Gutierrez, their predecessor in title to those lands;

(2) Porcion 41 was patented by the State of Texas to Jose Clemente Gutierrez, his heirs and assigns, by Patent 3, Vol. 51-A, dated October 5, 1931;

(3) that patent is valid, remaining uncanceled, uncorrected, and unmodified in any way;

(4) in 1871, the District Court of Webb County rendered judgment on a neighboring Spanish grant patented by the state and judicially determined that the southwest line of the neighboring grant coincides with the northeast line of Porcion 41;

(5) in spite of the patent and the court judgment, the General Land Office of the State of Texas carries on its records, as surveyed, unsold school land, a tract of land called the Southeast half of Survey 313, Certificate 1007, and that survey is in conflict with the Porcion 41 patent;

(6) based on that survey, the State of Texas periodically issues oil and gas leases on that property and has periodically awarded the survey to various persons even though the awards have been cancelled because of the conflict with the patent on Porcion 41;

(7) the conflict between the survey and the patent has prevented the full use and enjoyment of the property by those parties who hold a real interest in the land and will prevent development for production of oil and gas under both the purported state leases and leases granted by claimants in the Porcion, as patented; and

(8) the controversy over the title to this land can only be resolved by a court decree; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Maria G. Gonzalez, Gutierrez Gonzalez Venture, Ltd., and any other person claiming an interest in Porcion 41, as patented, are granted permission to sue the State of Texas and the General Land Office in any court of competent jurisdiction in Zapata County or Travis County for any relief to which they may be entitled as a result of this claim; and, be it further

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

SCR 109 (W. Martinez - House Sponsor), in lieu of HCR 232

WHEREAS, Lucy and August Sheldon allege that the State of Texas, acting through the State Department of Highways and Public Transportation, was negligent in the construction of a roadway in San Antonio, Bexar County, Texas; and

WHEREAS, Lucy and August Sheldon allege that the State of Texas, by and through its State Department of Highways and Public Transportation, negligently failed to protect a dangerous embankment during the construction of the Fratt Highway Project in San Antonio, Bexar County, Texas; and

WHEREAS, Lucy and August Sheldon allege that the State of Texas, by and through its State Department of Highways and Public Transportation, has damaged them monetarily and unlawfully due to the wrongful death of their daughter, Ann Mae Sheldon, who was killed as a result of the negligent design and construction of the Fratt Highway Project in San Antonio, Bexar County, Texas; and

WHEREAS, Lucy Sheldon, acting as administratrix of the estate of Ann Mae Sheldon, deceased, alleges that the State of Texas, by and through its State Department of Highways and Public Transportation, was negligent in the construction of the Fratt Highway Project and further was negligent in providing barrier protection for an unprotected embankment, thus causing the death of Ann Mae Sheldon; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Lucy and August Sheldon, individually and Lucy Sheldon as administratrix of the estate of Ann Mae Sheldon, be and are hereby 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 their claim; 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 the truth of any allegation asserted by the claimants and that the alleged cause of action must be proved under the laws of the State of Texas as in other civil cases; 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 any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.

HCR 232 - LAID ON THE TABLE SUBJECT TO CALL

Representative W. Martinez moved that HCR 232 be laid on the table subject to call.

The motion prevailed without objection.
By Wallace, et al.:

HCR 236

WHEREAS, The Houston Metropolitan Transit Authority is contemplating the purchase of one hundred fifty buses from a foreign manufacturer; and

WHEREAS, The foreign made articulated buses under consideration have proved to be a costly failure in other American cities; and

WHEREAS, Buses are manufactured in the Rio Grande Valley of Texas which are of superior quality, have lower maintenance costs, and are forty percent less expensive than the foreign made product; and

WHEREAS, The purchase of the Texas made buses would help alleviate the unemployment crisis in South Texas and stimulate that area's economy; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, that the 68th Legislature express its desire that the Houston Metropolitan Transit Authority purchase buses manufactured in this State; and, be it further

RESOLVED, That the Texas Secretary of State send an official copy of this resolution to Allen Kiepper, General Manager of the Houston Metropolitan Transit Authority.

The resolution was adopted without objection.

By Waldrop:

HCR 238

WHEREAS, John B. McDonald, Jerry Calhoun, J. Christopher Kolstad, Bobby Reed, and Joe Cannon allege that:

(1) they jointly own an undivided one-third interest in certain real property located in Limestone County, Texas;

(2) in 1914 the State of Texas purportedly received title to that property through escheat declared in a judgment by the District Court of Limestone County;

(3) the proceedings and judgment through which the state claims ownership of the property are either void or voidable; and

(4) the 1914 judgment has caused a cloud on their title to the property, and that cloud can only be removed through a proceeding in a court of competent jurisdiction; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That John B. McDonald, Jerry Calhoun, J. Christopher Kolstad, Bobby Reed, and Joe Cannon are granted permission to sue the State of Texas and the General Land Office in any court of competent jurisdiction in Limestone County for any relief to which they may be entitled as a result of this claim; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the commissioner of 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.
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The resolution was adopted without objection.

By Schoolcraft:

HCR 251

WHEREAS, Shafer Plumbing and Heating, Inc., alleges that:

(1) it subcontracted to furnish labor and materials for a building renovation project at Southwest Texas State University;

(2) it completed its obligations under the contract with due care;

(3) the original contractor now claims that Shafer Plumbing and Heating, Inc., damaged certain property during the renovation work, and the contractor is suing Shafer Plumbing and Heating, Inc., to recover those damages;

(4) the damage was caused by the acts and omissions of employees, agents, and representatives of the university; and

(5) it must join the university as a third party or sue the university separately to establish the true liability for the damages; now, therefore, be it

RESOLVED, That Shafer Plumbing and Heating, Inc., is granted permission to sue the State of Texas and the board of regents of the Texas State University 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 Texas State University 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 Sutton, et al.:

HR 63

WHEREAS, The Capitol is the center of state legislative activity, and the galleries of the house and senate chambers provide citizens with direct access to the daily work of the legislature; and

WHEREAS, Open government is a basic principle of democracy, and it follows that this legislature has the responsibility to assure accessibility to legislative sessions for all interested citizens; and

WHEREAS, Although there are a number of steps leading into the gallery of the house of representatives, no provision has been made to help people with impaired mobility enter the gallery; and

WHEREAS, Specially equipped doors allow people in wheelchairs easy access into the north wing of the Capitol, so it would be appropriate to install a ramp into the main entrance of the third floor gallery of the house chamber; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby direct the State Purchasing and General Services Commission
to install, using available funds, a ramp into the east door of the third floor gallery of the house chamber; and, be it further

RESOLVED, That an official copy of this resolution be prepared and forwarded to the executive director of the State Purchasing and General Services Commission as an expression of the sentiment of the members of the Texas House of Representatives.

Representative Laney offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend HR 63 as follows:

(1) On line 13 strike the word “would” and insert “may.”

(2) Strike lines 16 through 20 and add the following:

"Resolved, that the House of Representatives of the 68th Legislature of the State of Texas hereby direct the Committee on House Administration to determine the need for a ramp into the east door of the third floor gallery of the house chamber and upon determination of need direct the State Purchasing and General Services Commission to install the ramp using available funds; and, be it further"

(3) On lines 22 and 23 strike “the executive director of the State Purchasing and General Services Commission” and insert “the chairman of the Committee on House Administration.”

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By A. Smith, et al.:

HR 111

WHEREAS, There are more than 1,600 establishments in Harris County, Texas, licensed to sell liquor by the drink; and

WHEREAS, Some such establishments present or allow sexually provocative adult entertainment and related conduct on the premises, which may be inappropriate near schools or churches; and

WHEREAS, Most of Harris County is devoid of zoning rules or other means of controlling the location of such establishments; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, That the Texas Alcoholic Beverage Commission be hereby requested to ask each applicant for an original or a renewal mixed beverage permit or private club registration permit for premises in Harris County the following questions:

(1) whether the applicant will allow on said premises any condition or activity of the following nature: sexually explicit behavior; nudity or any exposure of a pubic region or of female breasts; or any conduct that appeals to a prurient interest in sex and nudity; and

(2) whether the applicant’s proposed business is located within 3,000 feet in a straight line from any public or private school building or any church building; and, be it further

RESOLVED, That, if both of the above questions are answered in the affirmative, the commission be requested to communicate such affirmative responses to the mayor, the county judge, the state senator, and the state representative for the location; and, be it further

RESOLVED, That in the event of affirmative answers, the commission be requested not to issue the permit less than seven days after communications to the
mayor, the county judge, the state senator, and the state representative so that an opportunity is available for protest and request for hearing; and, be it further

RESOLVED, That the Alcoholic Beverage Commission be hereby requested to adopt policies and procedures that implement the requirements described in this resolution.

The resolution was adopted without objection.

By Tow:

HR 195

WHEREAS, The Administrative Procedure and Texas Register Act (Art. 6252-13a, V.T.C.S.) provides that each house of the legislature shall adopt rules establishing a process under which the presiding officer shall refer each proposed agency rule to an appropriate standing committee for review prior to adoption of the rule; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature hereby request the secretary of state to forward to the chief clerk of the house a copy of the notice of a proposed agency rule filed with the secretary of state as required under Subsection (a), Section 5, of the Administrative Procedure and Texas Register Act; and, be it further

RESOLVED, That a notice of a proposed agency rule received by the chief clerk be referred by the speaker of the house to an appropriate standing committee for review; and, be it further

RESOLVED, That a standing committee may hold meetings or public hearings, at the call of the chair, to consider a proposed agency rule that has been referred to it for review. The notice and proceedings of the meetings and public hearings shall be governed by provisions of the House Rules of Procedure. The committee, on a vote of a majority of its members, may transmit to an agency a statement supporting or opposing adoption of a proposed rule.

The resolution was adopted without objection.

SB 380 AND SB 626 - RULES SUSPENDED

Representative T. Smith moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider SB 380 and SB 626.

The motion prevailed without objection.

SB 1348 AND SB 1373 - RULES SUSPENDED

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider SB 1348 and SB 1373.

The motion prevailed without objection.

SCR 113 AND SB 1342 - RULES SUSPENDED

Representative Hackney moved to suspend the 5-day posting rule to allow the Committee on Transportation to consider SCR 113 and SB 1342.

The motion prevailed without objection.

SB 1351 - RULES SUSPENDED

Representative Pierce moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider SB 1351.

The motion prevailed without objection.
Representative Pierce moved to suspend the 48-hour subcommittee report rule to allow the Committee on Urban Affairs to consider SB 266.

The motion prevailed without objection.

RULES SUSPENDED

Representative Gamez moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider SB 1281, SCR 63, SCR 52, SCR 125, and SCR 115.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, on first adjournment today, Desk 9.

Higher Education, on first adjournment today. Desk 110, to consider senate bills.

State Affairs, on first adjournment today, Desk 97, to consider bills pending before the committee.

Transportation, on first adjournment today, Desk 43, to consider SCR 113 and SB 1342.

Criminal Jurisprudence, on first adjournment today, Desk 120, to consider SB 380 and SB 626.

Natural Resources, on first adjournment today, Desk 70, to consider SB 1348 and SB 1373.

PROVIDING FOR ADJOURNMENT

Representative Watson moved that, at the conclusion of the signing of bills and resolutions, the house adjourn until 2 p.m. today in memory of Odis Havis.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HCR 85, HCR 97, HCR 105, HCR 118, HCR 121, HCR 134, HCR 135, HCR 137, HCR 146, HCR 149, HCR 154, HCR 225, HCR 241, HB 2161, HB 2183, HB 2226, HB 2301, HB 2306, HB 2307, HB 2320, HB 2369, SCR 15, SCR 27, SCR 77, SCR 99, SCR 108, SCR 110, SCR 130, SB 82, SB 100, SB 133, SB 148, SB 156, SB 242, SB 311, SB 354, SB 376, SB 407, SB 512, SB 547, SB 563, SB 653, SB 728, SB 738, SB 765, SB 843, SB 856, SB 872, SB 892, SB 901, SB 906, SB 963, SB 975, SB 1025, SB 1033, SB 1047, SB 1137, SB 1143, SB 1152, SB 1192, SB 1194, SB 1217, SB 1245, SB 1282, SB 1291, SB 1292, SB 1312, SB 1345, SB 1358, SB 1359, SB 1402.

ADJOURNMENT

In accordance with a previous motion, the house, at 12:52 p.m. adjourned until 2 p.m. today.