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

The roll of the house was called and a quorum was announced present (Record 537).

Present — Mr. Speaker; Agnich; Armbrister; Barrientos; Barton, B.; Barton, E.; Berlanga; Blount; Bomer; Buchanan; Burnett; Bush; Chin; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, A.; Garcia, M.; Gavin; Gelstweit; Gibson, B.; Gibson, J.; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall, L.; Hall, W.; Hammond; Hanna; Harrison, D.; Harrison, W.; Heflin; Hernandez, Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hurst; Jackson; Jones; Keller; Kemp; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Martinez, W.; Messer; Millsap; Moreno, A.; Moreno, P.; Oliveira; Oliver; Parker; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polulombo; Price; Ragland; Rangel; Robnett; Rudd; Russell; Sainzas; Saunders; Schluter; Schooercraft; Shaw, Shea; Short; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Waldrop; Wallace; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Arnold; Robinson; Simpson.

Absent — Hall, T.; Khoury; Presnal.

The invocation was offered by Representative A. Hill.

LEAVES OF ABSENCE GRANTED

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

Simpson on motion of Robnett.

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

Robnnett, temporarily, on motion of Criss.

Arnold on motion of Toomey.

HB 2298 - RULES SUSPENDED

Representative Tejeda moved to suspend all necessary rules to allow the Conference Committee on HB 2298 to meet while the house is in session.

The motion prevailed without objection.

(Khoury now present)
Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, HR 509.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

**HR 509**, Congratulating Cammie and Cole Morvan.

The resolution was adopted without objection.

**HCR 268 - ADOPTED**

Representative Stiles moved that all necessary rules be suspended to take up and consider at this time, HCR 268.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Stiles:

**HCR 268**

WHEREAS, The example of Times Beach, Missouri, demonstrates the folly of siting hazardous waste facilities in flood-prone areas; and

WHEREAS, Indeed, the National Flood Insurance Program, participated in by numerous Texas cities and counties, seeks to discourage the placement in flood-prone areas even of facilities posing far less peril to the public at large; and

WHEREAS, Hazardous waste disposal in flood-prone areas of Texas would present the possibility of spills leading to the ruination of drinking water supplies and contamination of valuable farmland; and

WHEREAS, A policy of local veto having an expected outcome that no area would accept hazardous waste disposal facilities, existing law has properly lodged within state agencies the approval of environmental permits for such facilities; and

WHEREAS, This grant of authority for environmental permits pertaining to hazardous waste disposal facilities makes it incumbent that state agencies carefully consider special dangers, including hazardous spills resulting from floods, that could prove detrimental to the safety and well-being of local residents; and

WHEREAS, In Texas, required environmental permits associated with the approval of hazardous waste disposal facilities include those issued by the Texas Department of Water Resources under Subsection (c), Section 4, of the Solid Waste Disposal Act (Article 4477-7, Vernon’s Texas Civil Statutes), and by the Texas Air Control Board under Subsection (c), Section 3.27, of the Texas Clean Air Act (Article 4477-5, Vernon’s Texas Civil Statutes); now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby direct the Texas Department of Water Resources and the Texas Air Control Board, prior to their approval of permits for hazardous waste disposal facilities, to take particular account of the dangers of locating such facilities in flood-prone areas of Texas, as those areas may be identified not only by available topographic or hydrologic maps, but also by recent data pointing to evidence of flooding; and, be it further

RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Water Resources and to the Texas Air Control Board as an official expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.
HCR 267 - ADOPTED

Representative Wilson moved that all necessary rules be suspended to take up and consider at this time, HCR 267.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wilson:

HCR 267, Commending Arthur M. Gaines, Jr.

The resolution was adopted without objection.

On motion of Representative G. Hill, the names of all the members of the house were added to HCR 267 as signers thereof.

(Presnal now present)

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 631 (Tow - House Sponsor), A bill to be entitled An Act relating to the creation, jurisdiction, administration, terms, and procedures of the County Court at Law No. 3 of Montgomery County; fixing the qualifications of the judge and providing for his election or appointment, his power and duties, and his term and compensation; providing for a special judge; providing for transfer of cases and exchange of benches; providing for the necessary officers and employees and for juries; making the judge a member of the juvenile board.

SB 875 (G. Thompson - House Sponsor), A bill to be entitled An Act relating to the creation and jurisdiction of the County Court at Law No. 2 of Taylor County; fixing terms; providing for the appointment and election, term of office, qualifications, power, and compensation of the judge; providing for transfer of cases; providing the duties and compensation of officers of the court and necessary personnel; making other provisions relative to the court.

SB 1273 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to the creation, jurisdiction, judges, facilities, personnel, and practice and procedures of municipal courts of record in the City of Odessa; providing rules and procedures for appeals and the effect of ruling of the appellate court.

Representative Gilley offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1273 on page 1, by inserting the following between lines 13 and 14:

(c) The governing body may not adopt an ordinance creating municipal courts of record until a majority of the voters of the city voting on the question at an election called by the governing body approve the creation of the courts. The governing body shall order the ballot to be printed to provide for voting for or against the proposition: “Authorizing the city of Odessa to adopt an ordinance creating municipal courts of record.” Each qualified voter of the city is entitled to vote in the election. An election under this subsection may be held only once.

Committee Amendment No. 1 was adopted without objection.

Representative Gilley offered the following committee amendment to the bill:
COMMITTEE AMENDMENT NO. 2

Amend SB 1273 as follows:
(1) On page 1, line 22, strike “appointment or”.
(2) On page 1, line 23, strike “selection” and substitute “election”.
(3) On page 2, line 22, strike “prior to his”.
(4) On page 2, line 23, strike “appointment, if he is appointed, or”.
(5) On page 2, line 24, strike “; if he is elected”.

Committee Amendment No. 2 was adopted without objection.

SB 1286 (Price - House Sponsor), A bill to be entitled An Act relating to the creation, judges, jurisdiction, personnel, and powers and duties of the County Court of Jefferson County at Law No. 3 and to the jurisdiction, judges, personnel, and powers and duties of and other provisions of the County Courts of Jefferson County at Law Nos. 1 and 2.

SB 1330 (Buchanan - House Sponsor), A bill to be entitled An Act relating to establishment, membership, powers, duties, compensation, staff and financing of a juvenile board for Hansford County.

CSSB 1335 (W. Harrison - House Sponsor), A bill to be entitled An Act relating to the creation of the County Court at Law No. 4 of Nueces County.

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

SECTION 1. CREATION. The County Court at Law No. 4 of Nueces County is created on the date determined under Section 11 of this Act.

SECTION 2. JURISDICTION. (a) The court created by this Act has the same jurisdiction over all causes and proceedings, civil, criminal, and probate, original and appellate, including eminent domain proceedings, prescribed by law for the County Courts at Law Nos. 1, 2, and 3 of Nueces County.

(b) The judge of the court created by this Act may issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court. The judge of the court may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county.

(c) The County Court at Law No. 4 of Nueces County has concurrent jurisdiction with the district courts in eminent domain cases, as provided by general law, and in civil cases in which the matter in controversy exceeds $500 and does not exceed $20,000, exclusive of interest.

SECTION 3. COUNTY COURT. The county court has concurrently with the court created by this Act and the other county courts at law in Nueces County the general jurisdiction of a probate court. The county court has no other jurisdiction, civil or criminal, original or appellate. All ex officio duties of the county judge shall be exercised and retained by the judge of the county court, except as provided by this Act or otherwise provided by law.

SECTION 4. TERMS. The terms of the court created by this Act are the same as those of the other county courts at law of Nueces County.

SECTION 5. JUDGE. (a) The judge of the court created by this Act must be a resident of and qualified voter in Nueces County. He must be a licensed attorney in this state, who has been actively engaged in the practice of law for at least five years immediately preceding his election or appointment.

(b) At the first general election at which county court at law judges are regularly elected after creation of the court, the qualified voters of the county shall elect a judge of the court created by this Act for a four-year term. Every four years
thereafter, the judge shall be elected for a regular four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

(c) The commissioners court shall appoint a person to fill a vacancy occurring in the office of the judge of the County Court at Law No. 4. The appointee holds office until the next general election and until his successor is elected and has qualified.

(d) The judge of County Court at Law No. 4 shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(e) The judge of the County Court at Law No. 4 is entitled to receive an annual salary in an amount equal to $1,000 less than the salary paid by the state to a district judge exercising jurisdiction in Nueces County. The salary shall be paid in the same manner and from the same fund as prescribed by law for payment of the salary of the county judge. The judge of the County Court at Law No. 4 shall assess the fees prescribed by law for county judges. The clerk of the court shall collect the fees and pay them into the county treasury. Fees may not be paid to the judge.

(f) If the regular judge of County Court at Law No. 4 is absent or is from any cause disabled or disqualified from presiding, a special judge may be appointed by the commissioners court. The person appointed must be recommended by the regular judge of the county court at law, or, if the judge is unable for any reason to recommend a person, by the board of directors of the Nueces County Bar Association. A special judge is entitled to the same rate of compensation as the regular judge. A special judge has all the powers, duties, and immunities of the regular judge.

SECTION 6. COURT OFFICIALS AND PERSONNEL. (a) The county attorney, county clerk, and sheriff of Nueces County shall serve as county attorney, clerk, and sheriff, respectively, for the court created by this Act. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court. Those officials serving shall perform the duties and are entitled to the compensation, fees, and allowances prescribed for their respective offices in Nueces County.

(b) The judge of County Court at Law No. 4 may appoint an official shorthand reporter. The reporter serves at the pleasure of the judge and is entitled to the compensation fixed for the shorthand reporters for the other county courts at law in Nueces County.

SECTION 7. TRANSFER OF CASES; EXCHANGE OF BENCHES. (a) With the consent of the judge of the court to which transfer is to be made, the judge of any of the county courts at law in Nueces County may transfer any case, action, or proceeding from his court to either of the other courts by the entry of an order to that effect upon the docket. The court to which the case, action, or proceeding is transferred has full power and authority to hear and determine the matter in the same manner and with the same legal effect as if the case had been originally docketed in his court.

(b) In cases transferred as provided by this section, all processes, writs, bonds, recognizances or other obligations issued or made in the cases shall be returned to and filed in the court to which transfer is made. All bonds executed and recognizances entered into in those cases bind the parties for their appearance or to fulfill the obligations of the bonds or recognizances at the terms of the court to which the cases are transferred as are fixed by law. All processes issued or returned before transfer of the cases and all bonds and recognizances before taken in the cases are valid and binding as though originally issued out of the court to which the transfer is made.

(c) The judges of the county courts at law in Nueces County may exchange benches from time to time and hear and determine any case, action, or proceeding
in any of the other county courts at law in the county in the same manner and with the same legal effect as if the matter were originally docketed in the court of the judge hearing it. The judge of any of the courts may issue restraining orders, injunctions, and other extraordinary writs returnable to any other of the judges or courts. Any of the judges may hear and determine preliminary matters with respect to cases, actions, or proceedings pending in the other courts. Every judgment and order shall be entered in the minutes of the court in which the case is pending.

SECTION 8. PRACTICE: JURIES. (a) Practice in County Court at Law No. 4 shall conform to that prescribed by general law for county courts.

(b) The laws that govern the drawing, selection, service, and pay of jurors for county courts apply to the court created by this Act. Jurors summoned for the county court or any of the county courts at law in Nueces County, by order of the judge of the court in which they are summoned, may be transferred to any of the other courts for service in that court and may be used as if summoned for the court to which they are transferred.

SECTION 9. FACILITIES. The commissioners court shall furnish and equip a suitable courtroom and office space for the court created by this Act.

SECTION 10. SEAL. The seal of the court created by this Act shall be the same as that provided by law for county courts, except the seal shall contain the words “County Court at Law No. 4 of Nueces County.”

SECTION 11. DATE OF CREATION. The County Court at Law No. 4 of Nueces County is created on January 1, 1986, or on an earlier date determined by the commissioners court by an order entered in its minutes.

SECTION 12. INITIAL APPOINTMENT OF JUDGE. The commissioners court shall appoint a person to fill the vacancy existing on the creation of the office of judge as provided by Section 5(c) of this Act. The appointee must have the qualifications required of the regular judge.

SECTION 13. INITIAL TRANSFER OF CASES. As soon as practicable following creation of the court, the county clerk shall establish a separate docket for the court created by this Act from among pending matters filed originally in the other county courts at law in the county and shall transfer those matters to the docket of the court created by this Act. Thereafter, as new cases are filed with the county clerk, the clerk shall equalize the dockets of the county courts at law, consistent with the docketing preferences assigned by law for the other county courts at law.

SECTION 14. CREATION OF COURT IN UNIFORM ACT. If H.B. 36 or S.B. 437, Acts of the 68th Legislature, Regular Session, 1983 (enacting a uniform statutory court act), becomes law and creates the Circuit Court No. 4 of Nueces County, the uniform act governs that court, and this Act has no effect.

SECTION 15. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 16. 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.

SB 1350 (Saunders - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, expansion, and financing of the New Ulm Municipal Utility District.

SB 1352 (Stiles - House Sponsor), A bill to be entitled An Act relating to the appointment, duties, and staff of court administrators and their compensation, facilities, and equipment and the appointment, powers, and duties of masters for certain courts in Jefferson County and to appointment of witness coordinators to be commissioned as peace officers; amending Article 2.12, Code of Criminal Procedure, 1965, as amended.
Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

(1) On page 1, Section 1, line 9, delete the word criminal. The sentence would then read as follows: “This Act applies to the district courts and to the county courts at law that give preference to criminal cases in Jefferson County.”

(2) On page 5, Section 11, line 17, delete the subsection (15).

Committee Amendment No. 1 was adopted without objection.

SB 1356 (Hackney - House Sponsor), A bill to be entitled An Act relating to the dissolution of the Northwest Harris County Municipal Utility District No. 7 and to certain powers and duties of the board of directors of the district.

SB 1366 (Rangel - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, personnel, compensation, powers and duties, and financing of a juvenile board in each of the counties of Brooks, Kenedy, Kleberg, and Willacy; authorizing appointment of advisory councils and cooperation by other agencies and political subdivisions.

SB 1375 (Stiles - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, personnel, compensation, powers and duties, and financing of a juvenile board in Chambers County and to the appointment of an advisory council.

SB 1395 (Carriker - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, compensation, powers and duties, staff, and financing of a juvenile board in Lynn County.

SB 1397 (W. Harrison - House Sponsor), A bill to be entitled An Act relating to a child support collection service fee and a fee assessed as costs in certain contempt actions in Nueces County.

SB 1409 (W. Harrison - House Sponsor), A bill to be entitled An Act relating to the creation of the Nueces County Juvenile Board; amending Sections 2 and 15, Chapter 64, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 5139BBB, Vernon’s Texas Civil Statutes).

SB 1426 (Rudd - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, compensation, personnel, powers and duties, and financing of a juvenile board in Terry County.

SB 1427 (Rudd - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, personnel, compensation, powers and duties, and financing of a juvenile board in Yoakum County.

HB 2329, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Ector County.

Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HB 2329 as follows:

(1) On page 1, line 20, strike “$20,000” and substitute “$50,000”.

(2) On page 2, line 9, insert the following after the period:

The County Court at Law No. 2 has concurrent civil jurisdiction with the district court in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.
Committee Amendment No. 1 was adopted without objection.

HB 2340, A bill to be entitled An Act relating to fees for support collections and payments to be charged by the clerk of the district courts of Johnson County.

HB 2384 - POSTPONED

Representative G. Thompson moved that consideration of HB 2384 be postponed until the end of the Local and Consent Calendars on second reading. The motion prevailed without objection.

HB 2448, A bill to be entitled An Act relating to the establishment of a juvenile board in Fisher, Mitchell, and Nolan counties.

CONSENT BILLS CALENDAR ON SECOND READING

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

SB 161 (Horn - House Sponsor), A bill to be entitled An Act relating to public disclosure of certain information obtained by institutions of higher education; adding Section 51.910 to Subchapter Z, Chapter 51, Texas Education Code.

SB 369 (Emmett - House Sponsor), A bill to be entitled An Act relating to the purchase of land for a highway right-of-way; amending Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6673e-1, Vernon’s Texas Civil Statutes).

Representative D. Lee offered the following amendment to the bill:

Amend SB 369, page 1, line 19 by striking the words “county or city” and substituting the word “department.”

Amend line 20 by striking the words “county or city” and substituting the word “department.”

Amend line 21 by striking “department shall appraise the property” and substituting “county or city may be authorized to appraise the property.”

The amendment was adopted without objection.

SB 380 (Hernandez - House Sponsor), A bill to be entitled An Act relating to the selection of grand jurors; amending Subsection (b), Article 19.01, Code of Criminal Procedure, 1965.

SB 621 (Clark - House Sponsor), A bill to be entitled An Act relating to the continuance of public hearings; amending Section 13, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes), by adding Subsection (i).

SB 651 (T. Smith - House Sponsor), A bill to be entitled An Act relating to offenses against public administration and offenses involving the abuse of office or employment, including theft, by a public servant; providing penalties; amending Sections 36.10; 39.01; Subsections (a) and (c) and adding Section (d), Section 36.02; Subdivision (5), Section 36.01; Subsection (a), Section 36.06; Subsections (a), (b), (c), (d), (e), and (f), Section 36.08; Subsection (a), and adding Subsection (e), Section 39.021; Subsection (b), Section 39.03; Subsection (d) and adding Subsection (e), Section 31.03, Penal Code, as amended; repealing Section 36.07, Penal Code, as amended; and transferring Section 39.04, Penal Code, to the Revised Statutes and redesignating it as Article 6252-9e.

Representative Blanton offered the following amendment to the bill:
Amend SB 651 as follows:
Page 7, line 17, strike $5 and substitute $20;
Page 7, line 19, strike $5 and substitute $20, strike $20 and substitute $200;
Page 7, line 21, strike $20 and substitute $200, strike $200 and substitute $750;
Page 7, line 23, strike $200 and substitute $750, strike $10,000 and substitute $20,000;
Page 7, line 25, strike $10,000 and substitute $20,000.
The amendment was adopted without objection.

Representative Blanton offered the following amendment to the bill:

Amend SB 651 as follows:
Page 10, line 18, strike $5 and substitute $20;
Page 10, line 20, strike $5 and substitute $20;
Page 10, line 21, strike $20 and substitute $200;
Page 10, line 22, strike $5 and substitute $20;
Page 10, line 25, strike $20 and substitute $200, strike $200 and substitute $750;
Page 11, line 1, strike $200 and substitute $750;
Page 11, line 2, strike $10,000 and substitute $20,000;
Page 11, line 4, strike $10,000 and substitute $20,000;
Page 11, line 7, strike $200 and substitute $750;
Page 11, line 15, strike $10,000 and substitute $20,000.
The amendment was adopted without objection.

SB 659 (Bush - House Sponsor), A bill to be entitled An Act relating to the sale of certain state-owned real property in Grayson County, Texas.

SB 689 was withdrawn by the chair.

SB 733 (Emmett - House Sponsor), A bill to be entitled An Act relating to payment for construction work by municipal utility districts; amending Subsections (a), (c), and (d), Section 54.228, Water Code, as amended, and Section 3, Chapter 836, Acts of the 67th Legislature, Regular Session, 1981 (Article 6252-5b, Vernon's Texas Civil Statutes).

Representative Armbrister offered the following amendment to the bill:

Amend SB 733, page 2, line 5, by inserting after the period the following:
The district is not obligated to pay interest on amounts retained except as provided herein. The district shall not be obligated to pay any interest on the 10 percent retainage held on the first 50 percent of work completed. If the district holds any retainage on the remaining 50 percent of the work completed, the district shall pay interest on such retainage from the date the retainage is withheld to the date of payment to the contractor. The interest rate to be paid on such retainage shall be the rate of interest paid by the district's depository bank on interest bearing accounts of similar amounts during the period of time interest accrues as provided herein, and by deleting on page 2, lines 5 and 6, the following:
The district is not required to pay interest on amounts retained, and by deleting SECTION 2 on page 2, lines 7 through 25, and renumbering SECTION 3 as SECTION 2.

The amendment was adopted without objection.

SB 757 (Granoff - House Sponsor), A bill to be entitled An Act relating to the appointment, qualifications, compensation, and assignment of retired and former
district judges to serve as senior judges on district courts and to retirement system membership contributions and credit of the senior judges.

Representative Blanton offered the following amendment to the bill:

Amend SB 757 on page 3 at line 11 by inserting “with the provision that funds paid from the general revenue fund of the County must have Commissioners' Court approval” between “both” and “.”.

The amendment was adopted without objection.

SB 791 (D. Lee - House Sponsor), A bill to be entitled An Act relating to the appointment of a local registrar of births and deaths and to reports, transcripts, and records of vital statistics; amending Sections 3, 4, 6, and 20; Subsection (a), Section 5; and Subsection A, Section 18, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4477, Rules 36a, 37a, 39a, 53a, 38a, and 51a, Vernon’s Texas Civil Statutes), and repealing Section 15, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927 (Article 4477, Rule 48a, Vernon’s Texas Civil Statutes).

SB 827 (Green - House Sponsor), A bill to be entitled An Act relating to immunity from certain liability to persons providing information involving known or suspected fraudulent insurance and reinsurance transactions; amending Chapter I, Insurance Code, as amended, by adding Article 1.34.

SB 891 (J. Gibson - House Sponsor), A bill to be entitled An Act relating to a medical services fee at Texas Tech University; adding Section 109.52 to Subchapter C, Chapter 109, Texas Education Code.

SB 926 (Gilley - House Sponsor), A bill to be entitled An Act relating to recovery of costs and attorney’s fees in defense of a frivolous claim raised by a state agency; amending Chapter 727, Acts of the 67th Legislature, Regular Session, 1981 (Article 2226b, Vernon’s Texas Civil Statutes), by amending Sections 1, 2, 3, and 4; by repealing current Section 5; and by adding a new Section 5.

SB 964 (English - House Sponsor), A bill to be entitled An Act relating to the measurement of distances in connection with the sale of alcoholic beverages near a public school, church, or public hospital, and to notice of an application for a license or permit to sell alcoholic beverages near a public school and to variances from these distance regulations; amending Section 109.33, Alcoholic Beverage Code.

Representative Blanton offered the following amendment to the bill:

Amend SECTION 1 of SB 964 by inserting at the end of quoted Sec. 109.33(b) the following:

For any permit or license covering a premise where minors are prohibited from entering the premises under Sec. 109.53, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

The amendment was adopted without objection.

Representative Blanton offered the following amendment to the bill:

Amend SECTION 1 of SB 964 by inserting at the end of quoted Sec. 109.33(c) the following:

This subsection (c) does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Sec. 109.53.
The amendment was adopted without objection.

SB 1040 (D. Lee - House Sponsor), A bill to be entitled An Act relating to licensing and regulation of insurance solicitors and agents; giving the State Board of Insurance certain powers and duties; amending the Insurance Code, as amended, by amending Subsection (a), Section 10, Article 21.07 and Sections 4, 12, 14, and 16, Article 21.14; and amending Subsection (a), Section 12, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955, as amended, by amending Subdivision (8) and by adding Subdivision (11) (Vernon's Texas Insurance Code).

Representative D. Lee offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend SB 1040, Section 3, page 4, beginning at line 16, by deleting Subsections (b) and (c) and substituting in lieu thereof the following:

"(b) No insurer doing business in this state shall pay directly or indirectly any commission, or other valuable consideration, to any person, firm, partnership or corporation for services as a local recording agent within this state, unless such person, firm, partnership or corporation shall hold a currently valid license and appointment to act as a local recording agent as required by the laws of this state; nor shall any person, firm, partnership or corporation other than a duly licensed and appointed local recording agent accept any such commission or other valuable consideration; provided, however, that nothing contained in this subsection shall prohibit an assigned risk pool or assigned risk plan, duly authorized to operate by the laws of this state, from paying commissions, or other valuable consideration, to a duly licensed person, firm, partnership or corporation for services as a local recording agent.

"(c) No licensed local recording agent, managing general agent or surplus lines agent doing business in this state shall pay directly or indirectly any commission, or other valuable consideration, to any person, firm, partnership or corporation for services as a local recording agent within this state, unless such person, firm, partnership or corporation shall hold a currently valid license to act as a local recording agent as required by the laws of this state; nor shall any person, firm, partnership or corporation other than a duly licensed local recording agent accept any such commission or other valuable consideration.

"(d) No local recording agent doing business in this state shall pay directly or indirectly any commission, or other valuable consideration, to any person for services as a solicitor within this state, unless such person shall hold a currently valid license and appointment to act as a solicitor for such local recording agent as required by the laws of this state; nor shall any person other than a duly licensed and appointed solicitor accept any such commission or other valuable consideration."

Committee Amendment No. 1 was adopted without objection.

SB 1166 (Horn - House Sponsor), A bill to be entitled An Act relating to management of Tarleton State University and to use of certain donated funds; amending Sections 87.001 and 87.002, Texas Education Code, as amended.

SB 1184 (G. Hill - House Sponsor), A bill to be entitled An Act relating to recovery of actual costs and attorney's fees by the attorney general in certain charitable trust suits and to the venue of such charitable trust suits; adding Section 7 to Article 4212a, Revised Statutes.

SB 1185 (G. Hill - House Sponsor), A bill to be entitled An Act relating to fees to which the attorney general is entitled; amending Article 3917, Revised Statutes.
SB 1256 was withdrawn by objections.

SB 1281 (P. Moreno - House Sponsor), A bill to be entitled An Act relating to the county courts at law in El Paso County and their jurisdiction and administration; providing the qualifications of judges and for their compensation; providing for juries and procedures for jury trials; providing for transfer of cases and exchange of benches and for the duties of clerks in filing cases.

(Polk - no)

Representative P. Moreno offered the following amendment to the bill:

Amend SB 1281 as follows:
On page 5, line 1, strike “$1,000” and substitute in lieu thereof “$3,000.”

The amendment was adopted without objection.

SB 1308 (Clark - House Sponsor), A bill to be entitled An Act relating to the authority of the governor to appoint an agent to sign for the governor or use the governor’s signature on certain documents relating to criminal justice; adding Article 2.24 to Chapter 2, Code of Criminal Procedure, 1965, as amended.

SB 1318 (Burnett - House Sponsor), A bill to be entitled An Act relating to the place that the Court of Appeals for the Third Supreme Judicial District transacts business; amending Title 39, Revised Statutes, as amended, by adding Article 1817c.

SB 1323 (Rangel - House Sponsor), A bill to be entitled An Act relating to fees for student centers at the component institutions of the University System of South Texas; adding Section 104.16 to Chapter 104, Texas Education Code.

SB 1333 was withdrawn by the sponsor.

SB 1348 was withdrawn by the chair.

SB 1348 (Finnell - House Sponsor), A bill to be entitled An Act relating to the powers, duties, financing, and territory of the Red River Authority and to the interest rate on bonds issued by the authority and to contracts between other persons, including public agencies, and the authority; amending Section 2 and Subsection (b), Section 26, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 8280-228, Vernon’s Texas Civil Statutes), and Section 14b, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-228, Vernon’s Texas Civil Statutes), as added by Section 2, Chapter 870, Acts of the 67th Legislature, Regular Session, 1981.

SB 1351 (W. Harrison - House Sponsor), A bill to be entitled An Act relating to the validation of the adoption of a municipal home-rule charter and of certain governmental acts and proceedings under such a charter.

SB 1363 (Connelly - House Sponsor), A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, to be known as “Harris County Municipal Utility District No. 233, of Harris County, Texas,” and declaring the district a governmental agency and a body corporate and politic; defining the boundaries; finding the field notes and boundaries form a closure; finding benefit to all property within the district; conferring on the district the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; providing for appointment of the first directors of the district and
for qualifications of directors and the filling of vacancies; providing for terms and elections of directors; finding and declaring that the requirements of Article XVI, Section 59(d) and Section 59(e), Constitution of Texas, have been performed and accomplished; requiring compliance with certain provisions of ordinances or resolutions of the Houston City Council; enacting other provisions relating to the above subjects; providing a severability clause; and declaring an emergency.

Representative Wieting offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend SB 1363 on page 2, line 7, by inserting after the period the following: Before bonds or other obligations of the district may be issued, the creation of the district must be approved at a confirmation election called and held as provided by Chapter 54, Water Code, for confirmation elections.

Committee Amendment No. 1 was adopted without objection.

Representative Wieting offered the following committee amendment to the bill:

**COMMITTEE AMENDMENT NO. 2**

Amend SB 1363 on page 5, line 20, by striking the sentence beginning with the word "No" and ending with the period after the word "required" on line 18.

Committee Amendment No. 2 was adopted without objection.

(G. Thompson in the chair)

**SB 1370 (Gavin - House Sponsor), A bill to be entitled An Act relating to the selection of a private architect/engineer and the appointment of a director of facilities planning and construction; amending the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) by amending Sections 5.15 and 5.22 and by repealing Section 5.31.**

Representative A. H. Hill offered the following amendment to the bill:

Amend SB 1370 by striking SECTION 3 and renumbering the existing SECTION 4 as SECTION 3.

The amendment was adopted without objection.

(Resubstituted by Robinson as 88th Session)

**SB 1379 (Carriker - House Sponsor), A bill to be entitled An Act relating to the establishment, membership, personnel, compensation, powers and duties, and financing of a juvenile board in Garza County.**

**SB 1388 (Presnal - House Sponsor), A bill to be entitled An Act relating to a merger of a home-rule city's separately owned municipal and rural electric systems; declaring the applicable law after any such merger; and providing an effective date; amending Chapter 535, Acts of the 51st Legislature, Regular Session, 1949 (Article 1110b, Vernon's Texas Civil Statutes).**

(Green - no)

**SB 1398 (T. Hall - House Sponsor), A bill to be entitled An Act relating to the creation, directorship, administration, powers, duties, functions, operations, and financing of the Argyle Municipal Utility District in Denton County.**

SB 1401 was withdrawn by objections.
SB 1408 (Glossbrenner - House Sponsor), A bill to be entitled An Act relating to allowing an incorporated city or town or other political subdivision of the state to issue a permit to a nonprofit organization for the construction of apartment houses for the low-income elderly without requiring individual metering or submetering; amending Section 2, Chapter 353, Acts of the 65th Legislature, Regular Session, 1977 (Article 1446d, Vernon's Texas Civil Statutes).

HB 2429, A bill to be entitled An Act amending Chapter 623, Acts of the 61st Legislature, Regular Session, 1969, relating to the Rio Grande Valley Municipal Water Authority, deleting certain restrictions upon said authority, to-wit, the power to divert, impound, store, treat or transport water for agricultural purposes, and providing water rights from the Rio Grande River; providing for severability of the Act; and declaring an emergency.

Representative Hinojosa offered the following amendment to the bill:

Amend HB 2429 by adding new Sections 3 and 4, and renumbering the subsequent sections accordingly.

SECTION 3. Subsections (a) and (b), Section 4, Chapter 623, Acts of the 61st Legislature, Regular Session, 1969, are amended to read as follows:

(a) All powers of the Authority shall be exercised by a board of directors (herein called "board"), having eight [seven] members who, each of whom shall serve for staggered terms [a term] of two years, with the terms of four members expiring April 30 of each year [except for the directors herein named. The initial members of the board of directors shall be the following persons whose terms of office shall terminate on the dates indicated, to-wit:

[Paul G. Veale, April 30, 1970;]
[Ernesto Garza, April 30, 1970;]
[Maurice Bell, April 30, 1970;]
[M. T. Hodex, April 30, 1971;]
[Frank N. Boggus, April 30, 1971;]
[Charles H. Washmon, April 30, 1971;]
[J. M. Longoria, Jr., April 30, 1974;]

(b) In April [of 1970 and in April] of each year [thereafter] the Governor shall appoint the directors to succeed the directors whose terms are about to expire. Any vacancy shall be filled for the unexpired term by appointment by the Governor. There shall always be three directors who are residents of Hidalgo County, three [two] directors who are residents of Cameron County, one director who is a resident of Starr County, and one director who is a resident of Willacy County.

SECTION 4. As soon as possible after this Act takes effect, the governor shall appoint the initial third director to represent Cameron County for a term that expires on April 30, 1984.

The amendment was adopted without objection.

RESOLUTIONS CALENDAR

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

SCR 35 (Green - House Sponsor)

WHEREAS, Marguerite Hamric alleges that:

(1) she is the widow of Richard P. Hamric who died as the result of injuries sustained in an automobile accident that occurred in July of 1981 at or near the intersection of Farm-to-Market Road 1136 and Farm-to-Market Road 1130 in Orange County, Texas;
(2) the accident that resulted in the death of her husband was directly caused by the negligent maintenance of those highways and their rights-of-way; and

(3) the State Department of Highways and Public Transportation is responsible for the care and maintenance of those highways and rights-of-way; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Marguerite Hamric 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 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 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 47 was withdrawn by objections.

SCR 52 (Berlanga - House Sponsor)

WHEREAS, Gwendolyn Patricia Johnson alleges that:

(1) she was a nonprobationary employee of the Texas Department of Human Resources;

(2) the department terminated her employment, alleging that she had violated a rule, regulation, or policy of that agency;

(3) she 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 Gwendolyn Patricia Johnson's rights of due process;

(4) the Texas Merit System Council recommended that the department reinstate Gwendolyn Patricia Johnson to her former position, award her back wages and employment benefits from the date of dismissal to the date of reinstatement, and correct her personnel records to reflect that the alleged violation did not occur and that there was no break in her 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 Gwendolyn Patricia Johnson was not discharged for misconduct connected with her employment, and the Texas Department of Human Resources has not appealed that ruling; and

(7) she is innocent of the charges brought by the department and wishes to have her 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 Gwendolyn Patricia Johnson be and is hereby granted permission to sue the State of Texas and the Texas Department of Human Resources 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
WHEREAS, Estefana S. Peters alleges that:

1. she was a non probationary employee of the Texas Department of Human Resources;
2. the department terminated her employment, alleging that she had violated a rule, regulation, or policy of that agency;
3. she has appealed the decision of the department to the Merit System Council, and the council found that the department acted without cause and violated Estefana S. Peters's rights of due process;
4. the Merit System Council recommended that the department reinstate Estefana S. Peters to her former position, award her back wages and employment benefits from the date of dismissal to the date of reinstatement, and correct her personnel records to reflect that the alleged violation did not occur and that there was no break in her service;
5. the Texas Department of Human Resources has refused to follow the recommendation of the Merit System Council;
6. the Texas Employment Commission has held that Estefana S. Peters was not discharged for misconduct connected with her employment, and the Texas Department of Human Resources has not appealed that ruling; and
7. she is innocent of the charges brought by the department and wishes to have her claim litigated and adjudicated by the courts of this state; now, therefore,

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, that Estefana S. Peters be and is hereby granted permission to sue the State of Texas and the Texas Department of Human Resources 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 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.
SCOR 67 (Madla - House Sponsor)

WHEREAS, Early and appropriate diagnosis of autistic individuals is essential if such individuals are to reach their full potential; and

WHEREAS, At public hearings conducted by the Joint Committee on Autism, parents of autistic individuals emphasized that obtaining accurate diagnostic services for their autistic children is extremely difficult; and

WHEREAS, Although most autistic persons have contact with community mental health and mental retardation centers or facilities and local independent school districts, limited coordination or communication regarding the diagnosis and evaluation of disabled persons exists between these public agencies; and

WHEREAS, There are many diagnostic instruments which can be used in the evaluation of persons having autism or other pervasive developmental disorders, the choice of specific instruments is often debatable, and standardized procedures for the diagnosis of persons having autism or other pervasive developmental disorders would facilitate their mobility between state-funded programs; and

WHEREAS, Autism is manifested through a combination of behavioral, intellectual, sociological, vocational, and communication deficiencies, and in order to assess accurately whether an individual is autistic, a multidisciplinary diagnostic process is necessary; and

WHEREAS, Currently no standards exist in Texas for the certification of diagnostic and evaluation team members in autism or other pervasive developmental disorders; and

WHEREAS, Autistic persons often are diagnosed inaccurately, and in order to ensure appropriate diagnosis and programming for persons who are autistic, relevant state agencies should encourage full consideration of autism and other pervasive developmental disorders in their diagnostic and programming procedures; now, therefore, be it

RESOLVED, That the 68th Legislature hereby direct the State boards of the Texas Department of Mental Health and Mental Retardation and the Central Education Agency to continue to develop rules ensuring the coordination of identification, diagnosis, referral, evaluation, training, and education within a continuum of services to persons with autism or other pervasive developmental disorders; and, be it further

RESOLVED, That within such rules attention be addressed to diagnostic instruments and the composition of diagnostic and evaluation team members, with such teams being composed of at least the following professional representation: physicians with backgrounds in developmental disabilities, psychologists, speech pathologists, social workers, education and/or vocation specialists; and, be it further

RESOLVED, That the Texas Department of Mental Health and Mental Retardation develop minimum certification standards in autism and other pervasive developmental disorders for diagnostic and evaluation team members and that persons suspected of having autism or other pervasive developmental disorders be diagnosed by persons with such certification; and, be it further

RESOLVED, That the Central Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Health ensure that the diagnoses of autism and other pervasive developmental disorders be considered in the development of Individual Educational Plans and Individual Program Plans for clients with a diagnosis of mental retardation and/or emotional disturbance; and, be it further

RESOLVED, That the Central Education Agency and the Texas Department of Mental Health and Mental Retardation ensure the usage of the definition of autism and other pervasive developmental disorders, as stated in the third edition
of the Diagnostic and Statistical Manual, in their programs serving persons known to have or suspected of having such disorders; and, be it further
RESOLVED, That the Central Education Agency, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Health submit a complete report to the 69th Legislature on their activities related to this resolution, including information regarding their usage of the aforementioned definition of autism and other pervasive developmental disorders and the number of persons identified as having such disorders; and, be it further
RESOLVED, That official copies of this resolution be prepared and delivered to the commissioners of the Texas Department of Health, the Central Education Agency, and the Texas Department of Mental Health and Mental Retardation as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

SCR 69 (Madia - House Sponsor)

WHEREAS, Currently Texas does not have statewide standards regarding vocational training programs for persons with autism or other pervasive developmental disorders; and
WHEREAS, At the public hearings conducted by the Joint Committee on Autism, testimony from parents of autistic persons strongly emphasized that vocational training is one of the children’s most serious needs; and
WHEREAS, Few autistic persons are accepted into existing work activity and sheltered employment programs because their behavioral characteristics and programming needs hinder their assimilation into vocational programs designed for other disabled populations; and
WHEREAS, Without appropriate vocational training, autistic persons are unable to contribute financially to society; and
WHEREAS, In order to provide a continuum of necessary vocational services of high quality and to measure the effectiveness of vocational training programs serving this population, state agencies offering vocational training should coordinate program development activities and jointly develop training and evaluation standards; 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 Texas Rehabilitation Commission, the Central Education Agency, and the Texas Department of Mental Health and Mental Retardation to develop jointly a written plan and interagency agreement addressing vocational training program standards, vocational program evaluation guidelines, and a continuum of vocational services for persons having autism or other pervasive developmental disorders; and, be it further
RESOLVED, That these state agencies submit to the 69th Legislature a report on their joint activities related to this resolution; and, be it further
RESOLVED, That official copies of this resolution be prepared and delivered to the commissioners of the Texas Rehabilitation Commission, the Central Education Agency, and the Texas Department of Mental Health and Mental Retardation as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

SCR 70 (Madia - House Sponsor)

WHEREAS, Currently no statewide standards exist for the provision of residential services to autistic adults; and
WHEREAS, Such standards do exist for the younger autistic population; and
WHEREAS, Without standards for adult residential care in private facilities, it is difficult, if not impossible, to regulate the provision of consistent, high quality services to autistic persons throughout Texas; and
WHEREAS, Autistic persons need special training and supervision throughout their lifetimes; 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 Texas Department of Health, in conjunction with the Texas Department of Mental Health and Mental Retardation, to develop state licensing standards for residential facilities serving adult persons having autism or other pervasive developmental disorders; and, be it further
RESOLVED, that in the development of such standards, consideration be given to those found in the Accreditation Council for Persons with Mental Retardation or Developmental Disabilities; and, be it further
RESOLVED, that such licensing standards be developed, published, and adopted prior to the convening of the 69th Legislature; and, be it further
RESOLVED, that official copies of this resolution be prepared and delivered to the commissioners of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

SCR 71 (Madla - House Sponsor)
WHEREAS, Since the presence of an autistic family member is highly stressful and disruptive to a family's normal functioning; and
WHEREAS, The inclusion of family members in an autistic person's treatment program should be encouraged because their participation decreases family stress, improves communication between families and service providers, and allows for continuity of treatment approaches; and
WHEREAS, At the public hearings conducted by the Joint Committee on Autism, parents expressed their need for further information about their children's disorder and prognosis and the most effective behavioral techniques to use with their autistic children; and
WHEREAS, At these public hearings it became apparent that parents generally are unaware of their autistic children's educational rights under existing laws; and
WHEREAS, Currently no statewide guidelines exist for training families of persons with autism or other pervasive developmental disorders, and in order to provide consistent training to family members of persons having these disorders and to measure the effectiveness of family training programs, statewide standards are needed; 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 and the Texas Department of Mental Health and Mental Retardation to develop jointly training program standards and curriculum guidelines for families whose relatives have autism or other pervasive developmental disorders and are being served through publicly funded programs and to incorporate such guidelines and standards into programs serving persons with these disorders; and, be it further
RESOLVED, that the Texas Department of Mental Health and Mental Retardation provide within its autism projects, to the maximum extent possible, parent counseling and training programs for clients and their families being served through these projects; and, be it further
RESOLVED, that the Central Education Agency provide, to the maximum extent possible, parent training and counseling in all special programs serving students with autism or other pervasive developmental disorders and that such training include but not be limited to effective behavioral intervention techniques and a discussion of the Central Education Agency's booklet entitled Parent and Student Rights for a Special Education; and, be it further
RESOLVED, That the Central Education Agency amend the booklet entitled "Parent and Student Rights for a Special Education" to include a thorough explanation of extended educational programs, with the amended section of the booklet to include but not being limited to information regarding general eligibility criteria for extended educational programs, parental rights to request services and to appeal the denial of services, and local school districts' responsibilities in providing extending programs to disabled students; and, be it further

RESOLVED, That the Central Education Agency and the Texas Department of Mental Health and Mental Retardation submit a report to the 69th Legislature on their activities related to this resolution; and, be it further

RESOLVED, That official copies of this resolution be prepared and delivered to the commissioners of the Central Education Agency and the Texas Department of Mental Health and Mental Retardation as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

SCR 72 (Madla - House Sponsor)

WHEREAS, Respite care services provide family members with an opportunity to obtain temporary rest and relief from the constant demands of caring for a disabled relative; and

WHEREAS, Autistic persons require constant supervision, but most day care facilities and babysitters will not accept them due to the severe behavioral characteristics of autism; and

WHEREAS, The lack of appropriate respite care services severely hinders a parent's ability to work full-time and is highly disruptive to normal family life; and

WHEREAS, The availability of respite care services decreases the probability of a family unit's breakdown and the institutionalization of a disabled relative; and

WHEREAS, The Joint Committee on Autism identified a shortage of appropriate respite care services in Texas for persons with autism or other pervasive developmental disorders; and

WHEREAS, Respite care services provided on state school campuses are restricted to mentally retarded persons, and the inclusion of persons with autism or other pervasive developmental disorders into these respite care services would help alleviate the critical shortage of respite care services for persons with these disorders; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature hereby support the concept of respite care services for persons with autism or other pervasive developmental disorders and encourage the Texas Department of Mental Health and Mental Retardation and the Texas Department of Human Resources to develop appropriate respite care services for persons with autism or other pervasive developmental disorders; and, be it further

RESOLVED, That in the development of respite care services for this population, attention should be given but not be limited to the seeking of appropriate federal waivers in order to allow more flexible usage of funds and the coordination of efforts by the Texas Department of Human Resources, the Texas Department of Mental Health and Mental Retardation, and the proposed Autism Task Force to ensure that special consideration be given to areas of the state lacking respite care services for persons with autism or other pervasive developmental disorders and that respite care services for persons with these disorders be provided by appropriately trained staff; and, be it further

RESOLVED, That the Texas Department of Mental Health and Mental Retardation examine the feasibility of extending respite care services within all of
its existing respite care programs to persons with autism or other pervasive developmental disorders in both planned and emergency situations, regardless of such persons' intellectual levels; and, be it further

RESOLVED, That the Texas Department of Mental Health and Mental Retardation submit a complete report to the 69th Legislature on its efforts to include persons with autism or other pervasive developmental disorders in existing respite care services; and, be it further

RESOLVED, That official copies of this resolution be prepared and delivered to the commissioners of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Human Resources as an expression of the sentiment of the 68th Legislature.

The resolution was adopted without objection.

T. Hall now present

SCR 82 (T. Hall - House Sponsor)

WHEREAS, A comprehensive network of health and social service providers, law enforcement agencies, and criminal justice and other legal professionals is crucial to the development of effective family violence programs; and

WHEREAS, Specialists on shelter services, services for children, and services for elderly and disabled persons are essential components of this network; and

WHEREAS, The planning, implementation, and evaluation of services for persons experiencing violence in their homes requires the expertise of this comprehensive network of professionals; and

WHEREAS, The Senate Health and Human Resources Committee recommended in its 1982 interim report on family violence that the Texas Department of Human Resources conduct several demonstration projects aimed at reducing and preventing the incidence of family violence and at improving the delivery of services to victims and their families; and

WHEREAS, The committee further recommended that consultation with these experts on family violence would be beneficial in designing and evaluating the effectiveness of such demonstration projects; 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 Texas Department of Human Resources to establish a family violence advisory group to assist the staff and the department in its decision-making and planning efforts regarding the Family Violence Program; and, be it further

RESOLVED, That the department consult its advisory group in the development and evaluation of demonstration projects as recommended by the committee in its interim report; and, be it further

RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 83 (Glossbrenner - House Sponsor)

WHEREAS, Approximately two-thirds of the residents of family violence centers in Texas are children accompanying their mothers; and

WHEREAS, The majority of these children have witnessed violent behavior between their parents and/or have been personally abused; and

WHEREAS, Children reared in abusive home environments usually experience emotional trauma and often exhibit serious behavioral problems; and

WHEREAS, Studies have shown that these children tend to perpetuate the cycle of family violence by becoming abusive parents and/or spouses; and
WHEREAS, Specialized intervention and treatment by trained individuals can be effective in addressing the immediate and long-range difficulties of these children; and

WHEREAS, The Senate Committee on Health and Human Resources in its 1982 interim report on family violence in Texas identified a critical need for additional specialized programming for children accompanying their mothers to family violence shelters; 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 Texas Department of Human Resources to conduct demonstration projects, as resources allow, to assist family violence centers in developing, expanding, or upgrading services responsive to the developmental and psychosocial needs of the children residing in the shelters; and, be it further

RESOLVED, That the department’s Family Violence Program implement this project with state funds appropriated for such purposes, any additional state funds which may be available and appropriate, and other grant money from public or private sources; and, be it further

RESOLVED, That the department be directed to consult with its family violence advisory group regarding the implementation of this project; and, be it further

RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 84 (T. Hall - House Sponsor)

WHEREAS, The development and operation of residential facilities for victims of family violence in rural areas of the state is inhibited by the limited availability of funding resources, health professionals, social service providers, volunteers, and other essential support services; and

WHEREAS, The existing family violence centers in Texas are unable to offer substantial assistance to victims in outlying, rural communities due to the increasing demand for services in their own immediate areas; and

WHEREAS, The lack of public transportation systems in rural areas further restricts victims’ access to services which may be available in neighboring cities; and

WHEREAS, The Senate Committee on Health and Human Resources in its 1982 interim report on family violence in Texas found that "a planned approach for extending services to victims of family violence in the underserved rural areas of the state is needed"; and

WHEREAS, Model programs can help to determine the most efficient, cost-effective approach to providing responsive services to victims living in geographically isolated areas of the state; 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 Texas Department of Human Resources to implement program models, as resources allow, designed to improve the delivery of services to victims of family violence in geographically isolated and underserved areas of the state; and, be it further

RESOLVED, That the department’s Family Violence Program implement such program model(s) using state funds appropriated for such purposes, any additional state funds which may be available and appropriate, and other grant money from public and private sources; and, be it further

RESOLVED, That the department be directed to consult with its family violence advisory group regarding the implementation of this resolution; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 85 (T. Hall - House Sponsor)

WHEREAS, Public education and awareness are essential in improving society's response to families experiencing violence in their homes; and
WHEREAS, The United States Surgeon General recently recognized such violence as a treatable public health problem and urged educators, physicians, and other professionals to become more sensitive to signs of personal and family stress as possible signals of oncoming violent behaviors; and
WHEREAS, Testimony presented in statewide public hearings on family violence conducted in 1982 by the Senate Committee on Health and Human Resources indicated that many victims of spouse abuse and elder abuse, particularly those in rural areas of the state, remain in violent home environments due to the lack of knowledge about available alternatives; and
WHEREAS, There has been no concentrated effort to increase public awareness of Texas's mandatory reporting law of suspected abuse of elderly persons; and
WHEREAS, Victims of elder abuse and persons having knowledge of such abuse frequently do not know where or how to make such reports; and
WHEREAS, A comprehensive education and awareness program could encourage victims and abusers to seek help to remedy the violent situation; and
WHEREAS, Increased public awareness and education could be instrumental in effecting positive changes in the behavior of violent individuals and in societal attitudes about domestic violence; 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 Texas Department of Human Resources to pursue, as resources allow, activities designed to heighten public awareness of the magnitude and dynamics of spouse abuse and abuse of the elderly, including educational programs which target groups and individuals involved in or responding to family violence; and, be it further
RESOLVED, That the department use state funds appropriated for such projects, any additional state funds which may be available, and other grant money from public and private sources and that the department consult its appropriate advisory groups regarding the implementation of this resolution; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 86 (T. Hall - House Sponsor)

WHEREAS, There is currently no 24-hour, statewide central information and referral system for individuals involved in or responding to spouse or elder abuse; and
WHEREAS, Operation of a toll-free number on a 24-hour basis would make information available at night and on weekends, the peak hours of domestic violence; and
WHEREAS, Law enforcement officers are frequently called for assistance in resolving domestic problems and have expressed a need for immediate access to information regarding available services in their areas; and
WHEREAS, A statewide system to receive reports of elder abuse could provide information on available alternatives to the abusive living arrangement; and

WHEREAS, Victims of family violence in rural areas are frequently isolated from information about services which may be available in neighboring communities; and

WHEREAS, The Senate Health and Human Resources Committee in its 1982 interim study on family violence identified the need to establish such a system; 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 Texas Department of Human Resources to study the feasibility of establishing a statewide, 24-hour, toll-free information, referral, and reporting system to provide assistance to persons involved in or responding to spouse abuse or elder abuse; and, be it further

RESOLVED, That the department pilot such a system, as resources allow, to determine its efficiency and cost-effectiveness using state funds appropriated for such purposes, any additional state funds which may be available and appropriate, and other grant money from public and private sources; and, be it further

RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 87 (T. Hall - House Sponsor)

WHEREAS, Comprehensive treatment programs for batterers are vital in reducing and preventing the incidence of violence in Texas families; and

WHEREAS, Available research on batterers indicates that many of these individuals learned violence as a response to anger and frustration as a result of witnessing violent episodes between their parents and/or personally experiencing physical and emotional abuse as children; and

WHEREAS, Treatment programs can offer a positive opportunity for the batterer to learn more appropriate responses to anger and frustration and more effective communication and coping skills; and

WHEREAS, Successful rehabilitation of the violent individual can salvage and strengthen the existing family unit or at least help to ensure that the violent behavior will not be perpetuated in future relationships or against other family members; and

WHEREAS, Court diversion to comprehensive treatment programs can provide effective sentencing alternatives in lieu of fines or incarceration; and

WHEREAS, Counseling and diversion programs in other states, including the Family Violence Diversion Network program in Texas, have reported favorable results in treating batterers; and

WHEREAS, Such programs could be instrumental in preventing repeat offenses thereby reducing the strain on the criminal justice system and on law enforcement agencies involved in responding to family violence cases; and

WHEREAS, The Senate Committee on Health and Human Resources in its 1982 interim report on family violence in Texas recommended that existing model treatment programs be examined and evaluated to determine their effectiveness in reducing and preventing violence against family members and that effective programs for batterers be developed based on the evaluation of such models; 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 Texas Department of Human Resources to examine existing programs for batterers, to analyze the effectiveness of such programs, and to pilot such models,
as resources allow, on a demonstration basis, using state funds appropriated to the Family Violence Program for such projects, any additional state funds which may be available, and other grant money from public or private sources; and, be it further
RESOLVED, That the department be directed to consult with its appropriate advisory committee(s) regarding the implementation of this recommendation and the implementation of this resolution; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Department of Human Resources as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 88 (Granoff - House Sponsor)
WHEREAS, Improving the basic training of law enforcement officers in the area of family violence and developing a uniform procedure for documenting family violence calls can be instrumental in responding more effectively to and reducing the rate of officer injury resulting from domestic disturbance calls; and
WHEREAS, There is currently no concentrated curriculum area in family violence in the basic officer training program; and
WHEREAS, There is no uniform reporting procedure established for documentation of family violence calls; and
WHEREAS, A survey conducted by Southwest Texas State University revealed that over 40 percent of all injuries to Texas police officers are sustained while answering domestic disturbance calls; and
WHEREAS, Documentation of repeat calls to residences would help to alert the officer that he or she may be entering a situation where the violence is escalating; and
WHEREAS, Improved training in analyzing the magnitude and dynamics of the particular situation may assist officers in determining the appropriate and effective course of action to take; and
WHEREAS, Reliable data on family violence calls to law enforcement agencies could provide information necessary in addressing officer injury, time spent, and costs to the agency in responding to domestic disturbances; and
WHEREAS, Such data could be useful in designing program models, developing curricula, and establishing criteria for effective officer training; and
WHEREAS, Testimony presented in statewide public hearings conducted in 1982 by the Senate Committee on Health and Human Resources indicated that peace officers desire additional training in this area and that many officers were not using the state laws designed to help them in responding to family violence calls due to a lack of understanding and awareness of such laws; 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 Texas Commission on Law Enforcement Officer Standards and Education to organize a subject area on family violence in its mandatory basic law enforcement training for all peace officers, active and reserve; and, be it further
RESOLVED, That the commission be directed to report its findings in writing, including a cost-analysis of implementing such projects, to the 69th Legislature on or before January 1, 1985; and, be it further
RESOLVED, That the 68th Legislature hereby direct the Texas Department of Public Safety Uniform Crime Reporting Bureau to develop a uniform reporting procedure for family violence calls; and, be it further
RESOLVED, That the bureau compute projections regarding the incidence of family violence in Texas as the data becomes available; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Texas Commission on Law Enforcement Officer Standards and Education and to the Department of Public Safety Uniform Crime Reporting Bureau as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.

SCR 89 (Granoff - House Sponsor)

WHEREAS, Judges, law enforcement officials, prosecuting attorneys, and other legal professionals participating in a 1982 workshop on family violence sponsored by the Senate Committee on Health and Human Resources indicated a need for continuing education on family violence issues for criminal justice professionals; and
WHEREAS, The legal remedies providing for the protection of families experiencing violence in their homes are relatively new and may not be clearly understood or used effectively by criminal justice professionals; and
WHEREAS, An increased awareness and understanding of the dynamics and magnitude of family violence can improve the response of such professionals to victims seeking legal assistance; and
WHEREAS, Testimony presented at the committee’s statewide public hearings on family violence revealed that attorneys many times are reluctant to accept and prosecute family violence cases due to the frequency with which victims drop charges filed against the batterer; and
WHEREAS, Testimony further revealed that a major reason for dropping charges is that victims do not understand the complexities of the procedures involved in obtaining legal solutions to their violent situations; and
WHEREAS, Successful prosecution in many cases may be the only action which is effective in preventing further abuse of victims of domestic violence and other family members; and
WHEREAS, The committee found that a cooperative effort between criminal justice professionals and victims is essential in facilitating the effective use of protective orders, temporary restraining orders, warrantless arrest laws, and other laws created for the protection of Texas families; and
WHEREAS, Special units for handling family violence cases created within the criminal justice system could be instrumental in reducing the number of charges dropped against batterers and could result in more meaningful prosecution of such cases; 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 Governor’s Criminal Justice Division to initiate continuing education programs on family violence for criminal justice professionals; and, be it further
RESOLVED, That the division create special family violence units within the criminal justice system on a demonstration basis to test the effectiveness of such units in handling family violence cases; and, be it further
RESOLVED, That the division prepare and submit a written report of its activities and findings to the 69th Legislature on or before January 1, 1985, with a copy of the report to be sent to the Senate Committee on Health and Human Resources; and, be it further
RESOLVED, That copies of this resolution be prepared and forwarded to the Governor's Criminal Justice Division as an expression of the sentiment of the Legislature of the State of Texas.

The resolution was adopted without objection.
SCR 93 (G. Hill - House Sponsor)

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 Senate of the State of Texas, the House of Representatives concurring, That Ericelda Flores be and is hereby granted 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 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 98 (Madia - House Sponsor)

WHEREAS, The 67th Legislature established the Joint Committee on Autism and directed the committee to study the needs of autistic citizens and to make recommendations on the appropriate role of the state in addressing the needs identified; and

WHEREAS, The Joint Committee on Autism reported there is a critical shortage of all types of autism programs in Texas and that existing autism services are fragmented and inadequate; and

WHEREAS, The Joint Committee on Autism identified the need to establish a mechanism for effective coordination, review, and planning of autism services and policies and for reporting on program effectiveness to state legislators; and

WHEREAS, In its final report, Autism: An Intricate Dilemma, the Joint Committee on Autism presented to the 68th Legislature 40 specific recommendations on how autism services can be improved in Texas; and

WHEREAS, The Joint Committee on Autism was created for a special interim study and, therefore, no longer conducts formal activities; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That an interagency Autism Task Force be established; and, be it further

RESOLVED, That the Autism Task Force be comprised of but not necessarily limited to representatives of the legislature, governor’s office, appropriate state agencies, the Texas Planning Council for Developmental Disabilities, private and public autism services, and consumer groups; and, be it further

RESOLVED, That the Autism Task Force shall serve as a forum for improving the coordination of existing and future services and policies concerning autistic persons in Texas; and, be it further
RESOLVED, That the Autism Task Force review the implementation of the recommendations of the Joint Committee on Autism; and, be it further
RESOLVED, That the Autism Task Force provide a written status report to the legislature no later than June 1, 1984, and submit a formal report to the 69th Legislature by December 1, 1984, on its activities and findings, including the task force's recommendations regarding priorities for state funding in the development of services to autistic persons; and, be it further
RESOLVED, That the formal report include the task force's assessment of the implementation of the recommendations proposed by the Joint Committee on Autism and the task force's suggested strategies for further implementation of the joint committee's recommendations; and, be it further
RESOLVED, That the 68th Legislature hereby request the Texas Planning Council for Developmental Disabilities to coordinate appropriate activities of the Autism Task Force.

The resolution was adopted without objection.

SCR 107 (G. Hill - House Sponsor)

WHEREAS, Southern Union Gas Company, a division of Southern Union Company, alleges that:
(1) its predecessor in interest, the Southern Union Gas Company, entered into a contract with the board of regents of the University of Texas System on or about July 23, 1968, for the sale of natural gas to The University of Texas at Austin;
(2) the rate schedule of that contract was amended on or about October 31, 1977;
(3) the contract and amendment, among other things, provided that The University of Texas System would pay for gross receipts and franchise taxes on the costs of all gas furnished over the base cost of $1.65 per MCF beginning September 1, 1978;
(4) under the terms of the contract, The University of Texas System owes Southern Union Gas Company more than $1 million in gross receipts and franchise taxes;
(5) The University of Texas System has refused to pay the gross receipts and franchise taxes; and
(6) Southern Union Gas Company desires to institute suit against the board of regents of The University of Texas System to determine what damages or other relief, if any, it is entitled to recover; now, therefore, be it
RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Southern Union Gas Company be and is hereby granted permission to sue the State of Texas and the board of regents of The University of Texas System in Travis County, Texas, for any relief to which it may be entitled as a result of this claim; and, be it further
RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the chairman of the board of regents of The University of Texas 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 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 was withdrawn by the sponsor.

SCR 115 (Vowell - House Sponsor)
WHEREAS, L. Moody Bennett alleges that:
(1) since 1946, he has made regular and continuous use of certain real property in Hudspeth County, Texas;
(2) during that time he has used the property for grazing livestock and has made numerous improvements on the property;
(3) during that time no other person has made any use of the property that would be inconsistent with his ownership;
(4) a question has now arisen in a court of law about mineral rights and access to the property, and one party has alleged that the property is owned by the State of Texas; and
(5) although he has met with representatives of the General Land Office and others to try to resolve the dispute, they were unable to settle their differences; now, therefore,

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That L. Moody Bennett be and is hereby granted permission to sue the State of Texas and the General Land Office 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 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.

SCR 117 (T. Smith - House Sponsor)
WHEREAS, Dan H. Marshall II and Winifred Mildred Marshall Camilleri allege that they each own land in Travis County, Texas; and

WHEREAS, Dan H. Marshall II and Winifred Mildred Marshall Camilleri allege that the State Department of Highways and Public Transportation, as a result of the design and construction of Loop 360, has interfered with the natural drainage of their land; and

WHEREAS, Dan H. Marshall II and Winifred Mildred Marshall Camilleri allege that, as a result of this interference with the natural drainage of their land, this land has been damaged, has been inversely condemned, and the value of said land has been reduced; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That Dan H. Marshall II and Winifred Mildred Marshall Camilleri be and are hereby granted permission to sue the State of Texas, the State Department of Highways and Public Transportation, and officials, employees, and agents of the State Department of Highways and Public Transportation both individually and in
their official capacities for whatever relief to which they may be entitled as a result of the damages and loss of use of the land; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the State Engineer-Director for the State Department of Highways and Public Transportation and on 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 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 125 was withdrawn by objections.

By Uher:

HCR 73

WHEREAS, Jonnie J. Groda alleges that he was employed by the State of Texas at the Richmond State School; and

WHEREAS, Jonnie J. Groda alleges that he was discharged from that employment in September, 1977, because of criminal charges filed against him; and

WHEREAS, Jonnie J. Groda alleges that although he was subsequently acquitted of those charges, he has not been reinstated in his position of employment; and

WHEREAS, Jonnie J. Groda alleges that the State of Texas, acting by and through the Richmond State School, has deprived him of his rights without due process of law and that because of that deprivation, he has suffered damages including, but not limited to, lost wages and retirement contributions; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Jonnie J. Groda is granted permission to sue the State of Texas and the Texas Department of Mental Health and Mental Retardation in a court of competent jurisdiction in Fort Bend County 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 Mental Health and Mental Retardation 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 Presnal:

HCR 122

WHEREAS, Eva Jolene Boyd alleges that:
  (1) she worked for Wildlife and Fishery Sciences at Texas A&M University
      for more than nine years;
  (2) the working conditions and facilities at her place of employment were in
      poor repair and constituted a hazardous condition, with water draining into
      the restroom and standing continuously;
  (3) supervisors and staff working at the place complained about these
      conditions and a makeshift remedy was attempted;
  (4) because of the water or because of the attempted repair, Eva Jolene Boyd
      fell to the floor, seriously injuring her back; and
  (5) Texas A&M University is directly responsible for providing its employees
      with safe working conditions and, particularly, for correcting a hazardous
      condition when it has received notice of the condition; now, therefore, be it
      RESOLVED by the House of Representatives of the State of Texas, the Senate
      concurring, That Eva Jolene Boyd is granted permission to sue the State of Texas
      and The Texas A&M University 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 Texas A&M 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 L. Hall:

HCR 198

WHEREAS, Neurofibromatosis is a tragic disease that strikes approximately
one of every 3,200 people in the world, and the disease is currently progressive and
incurable; and

WHEREAS, The Texas Neurofibromatosis Foundation has been a leader in the
fight against the disease and has demonstrated its dedication to the complete
eradication of neurofibromatosis; and

WHEREAS, It is important for all citizens throughout this country to become
aware of the urgent need for increased research and additional funds to find means
to ease the suffering of and to cure individuals afflicted with neurofibromatosis; now,
therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate
concurring, That the 68th Legislature hereby respectfully memorialize the Congress
of the United States to adopt legislation creating a national commission to study
neurofibromatosis; and, be it further

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

The resolution was adopted without objection.

By Khoury:

HCR 248

WHEREAS, A-1 Fire and Safety Equipment Company, Inc., alleges that:
(1) it sold certain goods to and performed certain services for the Titus County Memorial Hospital;
(2) the hospital accepted the goods and services and then failed to pay for them; and
(3) although it has repeatedly demanded payment from the hospital, the hospital continues to deny payment; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That A-1 Fire and Safety Equipment Company, Inc., is granted permission to sue the Titus County Memorial Hospital 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 executive director of the Titus County Memorial Hospital 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. (Russell - no)

By Barrientos:

HCR 256

WHEREAS, Percor Incorporated alleges that:
(1) contractual agreements were made by The University of Texas Health Center at Tyler between March and September 1982 in the form of purchase orders issued to Percor;
(2) Percor sold and delivered the goods and services to the institution consisting of computer software and support services;
(3) Percor presented the institution with the accounts by sending invoices that identified the purchase orders on their respective completion dates;
(4) the institution has failed to make payments for the goods and services delivered;
(5) Percor has sent multiple invoices, has requested reasons for nonpayment in writing, and as a last resort retained a lawyer to demand payment;
(6) no payment has been received, and the loss of this income has caused financial hardship for Percor during a period of general business economic distress;
(7) the refusal of Percor to pay a bribe solicited for the opportunity to continue business dealings with this institution has resulted in additional loss of business opportunities and revenues;
(8) in good faith Percor made available the source code for the contracted software so that this institution could have full opportunity to implement the software and integrate it into its computer system with all the other modules, which were also developed and installed by Percor;

(9) the institution has not returned the source code as expected, which increases the total indebtedness of the institution to Percor;

(10) in addition the institution has allowed other parties to have access to and use this source code, which further increases its liabilities to Percor; and

(11) it is the responsibility of The University of Texas Health Center at Tyler to meet its contractual obligations when accepting and using goods and services ordered; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Percor Incorporated is granted permission to sue the State of Texas and The University of Texas System for any relief to which that company 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 a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

Representative Rangel offered the following committee amendment to the bill:

COMMITTEE AMENDMENT NO. 1

Amend HCR 256 by striking the last Resolved clause on page 2 and substituting in lieu thereof the following:

"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."

Committee Amendment No. 1 was adopted without objection.

The resolution, as amended, was adopted without objection.

By Criss:

HCR 258

WHEREAS, Gulf Coast Regional Mental Health-Mental Retardation Center alleges that:

(1) it had a contract with the Texas Department of Health to provide early childhood intervention services;

(2) those services are authorized under Chapter 572, Acts of the 67th Legislature, Regular Session, 1981 (Article 4413(43a), Vernon's Texas Civil Statutes);

(3) it did provide those services during the 1982-1983 fiscal year; and

(4) the department has failed to pay for all the services provided; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That Gulf Coast Regional Mental Health-Mental Retardation Center is granted permission to sue the State of Texas and the Texas Department of Health 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 Texas Health Facilities Commission 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 Valles:

HCR 259

WHEREAS, R. A. Knapp, Karol Knapp, R. E. Knapp, and Barbara Knapp allege that:
(1) they own certain real property in the city of El Paso, Texas;
(2) the 66th Legislature of the State of Texas required the Parks and Wildlife Department to acquire that property by purchase, gift, lease, or condemnation;
(3) the department failed to acquire the property and, through that failure, caused a cloud on the title to the property for approximately two years;
(4) the 67th Legislature of the State of Texas repealed the requirement that the department acquire the property; and
(5) the cloud on the title caused the Knapps to suffer damages; now, therefore, be it
RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That R. A. Knapp, Karol Knapp, R. E. Knapp, and Barbara Knapp are granted permission to sue the State of Texas and the Parks and Wildlife Department for any relief to which they may be entitled as a result of this claim; and, be it further
RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the executive director of the Parks and Wildlife Department and that the suit be tried as other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further
RESOLVED, That nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was adopted without objection.
WHEREAS, It is the state's duty and policy to regulate certain professions in order to protect citizens from improper and unethical health and medical services and practices; and

WHEREAS, Some Texas citizens are beginning to view acupuncture and acupressure treatments as alternatives or supplements to medical and health services; and

WHEREAS, Proficiency in administering acupuncture and acupressure treatments requires extensive experience and skill, and many medical and health professionals are untrained and inexperienced in these areas; and

WHEREAS, Citizens of this state could benefit from having available more information concerning the positive effects and possible dangers of acupuncture and acupressure and from being able to confidently rely on persons practicing these skills; now, therefore, be it

RESOLVED by the House of Representatives of the 68th Legislature of the State of Texas, That the House Committee on Public Health conduct an interim study of the regulation, practice, standards, and licensing of acupuncturists; and, be it further

RESOLVED, That the committee hold meetings and public hearings at the call of the chair; and, be it further

RESOLVED, That the committee be authorized to employ staff to assist in the conduct of the study; and, be it further

RESOLVED, That the committee, through its chair, be authorized to issue and enforce, in the manner provided by the Rules of the House of Representatives of the Texas Legislature, any process for the proper dispatch of its work under the authority of this resolution; and, be it further

RESOLVED, That the expenses incurred in carrying out the provisions of this resolution be paid from the funds provided the committee for interim activities; and, be it further

RESOLVED, That the committee make a complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985. Five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed with the Texas Legislative Council; and two copies shall be filed with the chief clerk of the House of Representatives. Following official distribution of the committee report, all remaining copies shall be deposited with the legislative reference librarian.

The resolution was adopted without objection.

By Shea.

HR 352

WHEREAS, Curvature of the spine is a serious health problem that, if undetected and untreated during adolescence, can result in the need for extensive surgery or in permanent spinal deformity; and

WHEREAS, Scoliosis, lateral curving of the spine, and kyphosis, round back or backward curving of the spine, can be easily detected through an inexpensive postural screening program administered by local school personnel; and

WHEREAS, Early detection and treatment of these conditions help individuals avoid later emotional problems associated with deformities, heart and lung problems caused by asymmetrical body alignment, and the trauma and pain of extensive spinal surgery; and
WHEREAS, Early detection and treatment also benefit society by reducing
disability payments and preventing lowered professional productivity caused by
back trouble and hospitalizations; and
WHEREAS, Many school districts in Texas currently have postural screening
programs, and the state should recognize the outstanding benefits of these programs
and encourage the remaining school districts and private educational institutions
to begin to provide such services for students in the fifth through the tenth grades;
now, therefore, be it
RESOLVED, That the House of Representatives of the 68th Legislature of the
State of Texas hereby request the Central Education Agency and the Bureau of
Maternal and Child Health of the Texas Department of Health to increase
promotion of voluntary postural screening programs; and,
be it further
RESOLVED, That these agencies also make every effort to educate parents,
school personnel, and all the general public about scoliosis and kyphosis and about
the need to check school children for these postural defects; and, be it further
RESOLVED, That official copies of this resolution be prepared and forwarded
to the commissioner of the Central Education Agency and to the commissioner and
the chief of the Bureau of Maternal and Child Health of the Texas Department of
Health as an expression of the sentiment of the Texas House of Representatives.

The resolution was adopted without objection.

By Wright:

HR 449

WHEREAS, Under current law relating to mental health commitment
proceedings, examinations of proposed patients must be conducted by physicians;
and
WHEREAS, In many cases, licensed psychologists have been involved in
providing mental health related services to the proposed patients and could certify
that a condition of emotional and behavioral impairment exists, and that the
persons require observation and/or treatment in a mental hospital; and
WHEREAS, Utilizing the expertise and personal experience of psychologists
in many mental health commitment proceedings can provide more efficient use of
mental health professionals; and
WHEREAS, The 68th Legislature has enacted a substantive revision of the
Texas Mental Health Code, and new provisions in the code have created a need for
reevaluation of mental health procedures; and
WHEREAS, Mental health care is an important concern of the people of this
state, and the legislature should make every effort to ensure that the laws in the area
best serve the real needs of persons requiring mental health services; now, therefore,
be it
RESOLVED, That the House of Representatives of the 68th Legislature of the
State of Texas hereby direct the House Committee on Public Health to study the
role of psychologists in the mental health commitment process and in the delivery
of health services; and, be it further
RESOLVED, That the committee be authorized to employ staff to assist in the
conduct of the study; and, be it further
RESOLVED, That the committee, through its chair, be authorized to issue and
enforce, in the manner provided by the Rules of the House of Representatives of
the Texas Legislature, any process for the proper dispatch of its work under the
authority of this resolution; and, be it further
RESOLVED, That the committee be authorized to request the assistance,
where needed in the discharge of its duties, of all state agencies, departments, and
offices, and that it be the duty of such agencies, departments, and offices to assist
the committee when requested to do so. The committee shall have the power to inspect the records, documents, and files of every agency, department, and office of the state, to the extent necessary to the discharge of its duties within the area of its jurisdiction; and, be it further

RESOLVED, That the expenses incurred in carrying out the provisions of this resolution be paid from the funds provided the committee for interim activities; and, be it further

RESOLVED, That the committee make a complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 69th Legislature when it convenes in January, 1985. Five copies of the completed report shall be filed in the Legislative Reference Library; five copies shall be filed with the Texas Legislative Council; and two copies shall be filed with the chief clerk of the house. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Library.

The resolution was adopted without objection.

(G. Hill in the chair)

The chair laid before the house the following bill on the Local Calendar which was postponed until this time.

HB 2384, A bill to be entitled An Act relating to supplemental compensation of the justices of the Eleventh Supreme Judicial District.

ADJOURNMENT

Representative Pennington moved that the house adjourn until 11:15 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:50 a.m., adjourned until 11:15 a.m. today.