Caption o.k. with additions 2-19-'79

Proofed by

JAN 29 1979

By Grant Jones

S.B. No. 368

Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes).

A BILL TO BE ENTITLED

AN ACT

relating to inspection of nuclear boilers; providing a saving's clause; amending Sections 1 and 4 and repealing Section 4b)

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

SECTION 1. Sections 1 and 4, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), are amended to read as follows:

no title in session laws

"Sec. 1. The following terms used in this Act mean:

(1) "Act" or "The Act"--The Boiler Inspection Law.

(2) "Alteration"--A change in a boiler that substantially alters the original design.

(3) "Approved"--Approved by the Commissioner.

(4) "ASME Code"--The American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda Code cases, and interpretations adopted by the Council of the Society.

(5) "Authorized Inspector"--Any Inspector of boilers holding a commission issued by the Commissioner pursuant to Section 10 of this Act.

(6) "Board"--The Board of Boiler Rules.

(7) "Boiler"--Any heating boiler, [~~nuclear--boiler,~~] power boiler, or unfired steam boiler.

(A) "Power Boiler"--A boiler in which steam is generated at a pressure in excess of 15 psi (103 kPa) or a High-Temperature Water Boiler.

(B) "High-Temperature Water Boiler"--A water boiler intended

for operation at pressures in excess of 160 psi (1,103 kPa) and/or temperatures in excess of 250 degrees F. (121 degrees C.).

(C) "Electric Boiler"--A boiler in which the source of heat is electricity.

(D) "Unfired Steam Boiler"--A steam generating system that includes:

(i) Vessels known as evaporators or heat exchangers.

(ii) Vessels in which steam is generated by the use of heat resulting from operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products.

(iii) Waste Heat Boilers.

(E) "Miniature Boiler"--Any power boiler which does not exceed the following limits:

(i) Sixteen-inch (406 mm) inside diameter of shell.

(ii) Twenty-square-foot (1.86 square meter) heating surface (not applicable to electric boiler).

(iii) Five-cubic-foot gross (0.14 cubic meter) volume exclusive of casing and installation.

(iv) One hundred psi (689 kPa) maximum allowable working pressure.

(F) [~~"Nuclear--Boiler"---A--nuclear-power-plant-system-which produces-and-controls-an-output-of-thermal-energy-from-nuclear-fuel and-those-associated-systems-essential--to--the--functions--of--the power--system.---The-components-of-the-system-include-such-items-as pressure-vessels,-piping-systems,-pumps,-valves,-and-storage-tanks.~~

[~~(G)~~] "Heating Boiler"--Any steam heating boiler, hot water

heating boiler, hot water supply boiler, or lined potable water heater, which is directly fired with oil, gas, solar energy, electricity, coal, or other solid or liquid fuels.

(i) "Steam Heating Boiler"--A boiler for operation at pressures not exceeding 15 psi.

(ii) "Hot Water Heating Boiler"--A boiler for operation at a pressure not exceeding 160 psi and/or temperatures not exceeding 250 degrees F. at or near the boiler outlet.

(iii) "Hot Water Supply Boiler"--A boiler for operation at pressures not exceeding 160 psi and/or temperatures not exceeding 250 degrees F. at or near the boiler outlet when any of the following limitations is exceeded:

(a) Heat input of 200,000 Btu/hour.

(b) Water temperatures of 210 degrees F.

(c) Nominal water-containing capacity of 120 gallons (454.21.).

(iv) "Potable Water Heater"--A boiler for operation at pressures not exceeding 160 psi and water temperatures not in excess of 210 degrees F. when any of the following limitations is exceeded:

(a) Heat input of 200,000 Btu/hour.

(b) Nominal water-containing capacity of 120 gallons.

(8) "Chief Inspector"--The Inspector appointed in accordance with Section 8 of this Act.

(9) "Code"--ASME Code.

(10) "Commissioner"--The Commissioner of the Department of Labor and Standards of the State of Texas.

(11) "Condemned Boiler"--A boiler inspected and declared unfit for further service by the Chief Inspector, the Deputy Inspector, or the Commissioner.

(12) "Certificate Inspection"--An inspection, the report of which is used by the Chief Inspector to decide whether or not a Certificate of Operation may be issued.

(13) "Certificate of Operation"--A Certificate issued by the Commissioner permitting the operation of a boiler.

(14) "Deputy Inspector"--An Inspector appointed by the Commissioner.

(15) "Existing Installation"--Any boiler constructed, installed, placed in operation, or contracted for before June 3, 1937.

(16) "External Inspection"--An inspection of the exterior of the boiler and its appurtenances made when a boiler is in operation, where possible.

(17) "Electric Boiler"--See Boiler, "Electric".

(18) "Heating Boiler"--See Boiler, "Heating".

(19) "High-Temperature Water Boiler"--See Boiler, "High Temperature Water".

(20) "Hot Water Heating Boiler"--See Boiler, "Hot Water Heating".

(21) "Hot Water Supply Boiler"--See Boiler, "Hot Water Supply".

(22) "Inspection Agency"--An authorized inspection agency providing inspection services in accordance with Section 10 of this Act.

(23) "Inspector"--Chief Inspector, Deputy Inspector, or Authorized Inspector.

(24) "Internal Inspection"--A complete and thorough inspection of the interior of the boiler where construction will permit.

(25) "Lined Potable Water Heater"--See Boiler, "Potable Water Heater".

(26) "Major Repair"--A repair upon which the strength of the boiler will depend.

(27) "Miniature Boiler"--See Boiler, "Miniature".

(28) "National Board"--The National Board of Boiler and Pressure Vessel Inspectors.

(29) "National Board Inspection Code"--The Manual for Boiler and Pressure Vessel Inspectors published by the National Board.

(30) "New Installations"--A boiler constructed, installed, or placed in operation after June 3, 1937.

(31) [~~"Nuclear Boiler"--See Boiler, "Nuclear".~~

[~~(32)~~] "Non-Standard Boiler"--A boiler that does not qualify as a standard boiler.

(32) [~~(33)~~] "Owner or User"--Any person, firm, or corporation owning or operating boilers within the State.

(33) [~~(34)~~] "Portable Boiler"--A boiler which is primarily intended for use in a temporary location.

(34) [~~(35)~~] "Power Boiler"--See Boiler, "Power".

(35) [~~(36)~~] "Preliminary Order"--A written order issued by the Chief Inspector or any Deputy Inspector to require repairs or alterations to render a boiler safe for use or to require that

operation of the boiler be discontinued.

(36) [~~(37)~~] "Reinstalled Boiler"--A boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

(37) [~~(38)~~] "Repair"--The work necessary to return a boiler to a safe and satisfactory operating condition without changing the original design.

(38) [~~(39)~~] "Rules and Regulations"--The Code of Rules and Regulations promulgated and enforced by the Commissioner in accordance with Section 6 of this Act.

(39) [~~(40)~~] "Safety Appliance"--Safety devices such as safety valves or safety relief valves (within the jurisdictional limits of the boiler as prescribed by the ASME Code and the Rules and Regulations) provided for the purpose of diminishing the danger of accidents.

(40) [~~(41)~~] "Secondhand Boiler"--A boiler of which both the location and ownership have changed.

(41) [~~(42)~~] "Special Inspection"--An inspection by the Chief Inspector or Deputy Inspector other than those in Sections 4, 4a, and 5 in this Act.

(42) [~~(43)~~] "Standard Boiler"--A boiler which bears a Texas stamp, the ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by the Commissioner.

(43) [~~(44)~~] "Steam-Heating Boiler"--See Boiler, "Steam Heating".

(44) [~~(45)~~] "Unfired Steam Boiler"--See Boiler, "Unfired".

no title in Session laws

Sec. 4. The Commissioner shall cause boilers subject to the provisions of this Act to be inspected internally and externally (except as provided for in Sections 4 and 4a) as follows:

(1) Power boilers shall receive a certificate inspection annually and shall also be externally inspected annually while under pressure if possible.

(2) Steam heating boilers and hot water heating boilers shall receive a certificate inspection biennially.

(3) Hot water supply boilers and lined potable water heaters shall receive a certificate inspection triennially.

(4) Portable steam boilers shall be inspected externally each time it is moved to a new location, provided that an internal inspection shall be made of each such boiler at least once each twelve (12) months.

[~~(5)--Nuclear-boilers-shall-be-inspected-and-reported-in-such form-and-with-such--appropriate--information--as--the--Commissioner shall-designate.~~]

If such boilers referred to herein are found, upon inspection, to be in a safe condition for operation, a Certificate of Operation shall be issued by the Commissioner for its operation for a period not longer than the interval required for certificate inspections. If any inspection authorized hereunder shall show the inspected boiler to be in an unsafe or dangerous condition, the Chief Inspector or any Deputy Inspector shall issue a preliminary order requiring such repairs and alterations to be made to such boiler as may be necessary to render it safe for use, and may also order the use of such boiler discontinued until such repairs and

alterations are made or such dangerous and unsafe conditions are remedied. Unless such preliminary order be complied with by the owner or user, a hearing before the Commissioner shall be allowed, upon written request, at which the owner or user, making the request, shall have opportunity to appear and show cause why the preliminary order should not be complied with. If it shall thereafter appear to the Commissioner that such boiler is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said boiler safe, the Commissioner may order or confirm the withholding of the Certificate of Operation for said boiler and may make such requirements as may be deemed proper for the repair or alteration of said boiler or the correction of such dangerous and unsafe conditions. The Chief Inspector may issue a temporary Certificate of Operation for a period not to exceed thirty (30) days, pending the completion of replacements or repairs. Nothing in this Section shall be construed to limit the authority of the Commissioner as set forth in Section 6 of this Act. Any boiler which cannot be rendered safe for use shall be condemned and the use of such boiler shall be prohibited.

SECTION 2. Section 4b, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is repealed.

SECTION 3. This Act does not affect:

(1) the prior operation of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), or any prior action taken under it;

(2) any right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under that law;

(3) any violation of that law, or any penalty or punishment incurred in respect to it, prior to the effective date of this Act; or

(4) any investigation, proceeding, or remedy in respect to any privilege, obligation, liability, penalty, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty or punishment imposed, as if that law had not been amended by this Act.

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

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Gene Jones, Chairman
Administration Committee

Sir:

Pursuant to S. R. 16, notice is hereby given that SB 368, by: Jimmy Taylor

was heard by the Committee on Econ. development on 2/19, 1979, and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Chairman of the reporting committee

IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 6:00 P.M. MONDAYS.

ATTACH THIS COPY TO BILL

COMMITTEE REPORT FORM

2/19/[redacted], Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Economic Development to which was referred S B. No. 368 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do ____ pass _____ and be printed.

Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

By: Jones of Taylor S.B. No. 368

(In the Senate - Filed January 29, 1979; January 30, 1979, read first time and referred to Committee on Economic Development; February 19, 1979, reported favorably; February 19, 1979, sent to printer.)

A BILL TO BE ENTITLED

AN ACT

relating to inspection of nuclear boilers; amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), by amending Sections 1 and 4 and repealing Section 4b.

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

SECTION 1. Sections 1 and 4, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. The following terms used in this Act mean:

"(1) 'Act' or 'The Act'--The Boiler Inspection Law.

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"(3) 'Approved'--Approved by the Commissioner.

"(4) 'ASME Code'--The American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda Code cases, and interpretations adopted by the Council of the Society.

"(5) 'Authorized Inspector'--Any Inspector of boilers holding a commission issued by the Commissioner pursuant to Section 10 of this Act.

"(6) 'Board'--The Board of Boiler Rules.

"(7) 'Boiler'--Any heating boiler, [~~nuclear--boiler,~~] power boiler, or unfired steam boiler.

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"(C) 'Electric Boiler'--A boiler in which the source of heat is electricity.

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"(E) 'Miniature Boiler'--Any power boiler which does not exceed the following limits:

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"(iv) One hundred psi (689 kPa) maximum allowable working pressure.

"(F) [~~'Nuclear--Boiler'--A nuclear power plant system which produces and controls an output of thermal energy from nuclear fuel and those associated systems essential to the functions of the power system. The components of the system include such items as pressure vessels, piping systems, pumps, valves, and storage tanks.~~

"[~~(6)~~] 'Heating Boiler'--Any steam heating boiler, hot water heating boiler, hot water supply boiler, or lined potable water heater, which is directly fired with oil, gas, solar energy, electricity, coal, or other solid or liquid fuels.

"(i) 'Steam Heating Boiler'--A boiler for operation at pressures not exceeding 15 psi.

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"(iv) 'Potable Water Heater'--A boiler for operation at pressures not exceeding 160 psi and water temperatures not in excess of 210 degrees F. when any of the following limitations is exceeded:

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"(43) [~~(44)~~] 'Steam-Heating Boiler'--See Boiler, 'Steam Heating'.

"(44) [~~(45)~~] 'Unfired Steam Boiler'--See Boiler, 'Unfired'."

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"(3) Hot water supply boilers and lined potable water heaters shall receive a certificate inspection triennially.

"(4) Portable steam boilers shall be inspected externally each time it is moved to a new location, provided that an internal inspection shall be made of each such boiler at least once each twelve (12) months.

"[~~(5) Nuclear boilers shall be inspected and reported in~~

~~such form and with such appropriate information as the Commissioner shall designate.~~]

"If such boilers referred to herein are found, upon inspection, to be in a safe condition for operation, a Certificate of Operation shall be issued by the Commissioner for its operation for a period not longer than the interval required for certificate inspections. If any inspection authorized hereunder shall show the inspected boiler to be in an unsafe or dangerous condition, the Chief Inspector or any Deputy Inspector shall issue a preliminary order requiring such repairs and alterations to be made to such boiler as may be necessary to render it safe for use, and may also order the use of such boiler discontinued until such repairs and alterations are made or such dangerous and unsafe conditions are remedied. Unless such preliminary order be complied with by the owner or user, a hearing before the Commissioner shall be allowed, upon written request, at which the owner or user, making the request, shall have opportunity to appear and show cause why the preliminary order should not be complied with. If it shall thereafter appear to the Commissioner that such boiler is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said boiler safe, the Commissioner may order or confirm the withholding of the Certificate of Operation for said boiler and may make such requirements as may be deemed proper for the repair or alteration of said boiler or the correction of such dangerous and unsafe conditions. The Chief Inspector may issue a temporary Certificate of Operation for a period not to exceed thirty (30) days, pending the completion of replacements or repairs. Nothing in this Section shall be construed to limit the authority of the Commissioner as set forth in Section 6 of this Act. Any boiler which cannot be rendered safe for use shall be condemned and the use of such boiler shall be prohibited."

SECTION 2. Section 4b, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is repealed.

SECTION 3. This Act does not affect:

(1) the prior operation of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), or any prior action taken under it;

(2) any right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under that law;

(3) any violation of that law, or any penalty or punishment incurred in respect to it, prior to the effective date of this Act; or

(4) any investigation, proceeding, or remedy in respect to any privilege, obligation, liability, penalty, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty or punishment imposed, as if that law had not been amended by this Act.

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

* * * * *

Austin, Texas
February 19, 1979

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Economic Development, to which was referred S.B. No. 368, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Creignton, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 16, 1979

Honorable Tom Creighton, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 368
By: Grant Jones

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Bill No. 368 (relating to inspection of nuclear boilers) to be as follows:

> No fiscal implication or additional cost to the State or units of local government attributable to the bill, should it be enacted, is anticipated.

Thomas M. Keel
Director

Source: Texas Department of Labor and Standards;
LBB Staff

March 15 1979 Engrossed
Patsy Spaw
Engrossing Clerk

By: Jones of Taylor S.B. No. 368

A BILL TO BE ENTITLED

AN ACT

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"(a) Heat input of 200,000 Btu/hour.

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"(c) Nominal water-containing capacity of 120 gallons (454.21.).

"(iv) 'Potable Water Heater'—A boiler for operation at pressures not exceeding 160 psi and water temperatures not in excess of 210 degrees F. when any of the following limitations is exceeded:

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"(18) 'Heating Boiler'—See Boiler, 'Heating'.

"(19) 'High-Temperature Water Boiler'—See Boiler, 'High Temperature Water'.

"(20) 'Hot Water Heating Boiler'—See Boiler, 'Hot Water

Heating'.

"(21) 'Hot Water Supply Boiler'—See Boiler, 'Hot Water Supply'.

"(22) 'Inspection Agency'—An authorized inspection agency providing inspection services in accordance with Section 10 of this Act.

"(23) 'Inspector'—Chief Inspector, Deputy Inspector, or Authorized Inspector.

"(24) 'Internal Inspection'—A complete and thorough inspection of the interior of the boiler where construction will permit.

"(25) 'Lined Potable Water Heater'—See Boiler, 'Potable Water Heater'.

"(26) 'Major Repair'—A repair upon which the strength of the boiler will depend.

"(27) 'Miniature Boiler'—See Boiler, 'Miniature'.

"(28) 'National Board'—The National Board of Boiler and Pressure Vessel Inspectors.

"(29) 'National Board Inspection Code'—The Manual for Boiler and Pressure Vessel Inspectors published by the National Board.

"(30) 'New Installations'—A boiler constructed, installed, or placed in operation after June 3, 1937.

"(31) [~~'Nuclear Boiler'—See Boiler, 'Nuclear'.~~

"[~~(32)~~] 'Non-Standard Boiler'—A boiler that does not qualify as a standard boiler.

"(32) [~~(33)~~] 'Owner or User'—Any person, firm, or corporation owning or operating boilers within the State.

"(33) [~~(34)~~] 'Portable Boiler'—A boiler which is primarily intended for use in a temporary location.

"(34) [~~(35)~~] 'Power Boiler'—See Boiler, 'Power'.

"(35) [~~(36)~~] 'Preliminary Order'—A written order issued by the Chief Inspector or any Deputy Inspector to require repairs or alterations to render a boiler safe for use or to require that operation of the boiler be discontinued.

"(36) [~~(37)~~] 'Reinstalled Boiler'—A boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

"(37) [~~(38)~~] 'Repair'—The work necessary to return a boiler to a safe and satisfactory operating condition without changing the original design.

"(38) [~~(39)~~] 'Rules and Regulations'—The Code of Rules and Regulations promulgated and enforced by the Commissioner in accordance with Section 6 of this Act.

"(39) [~~(40)~~] 'Safety Appliance'—Safety devices such as safety valves or safety relief valves (within the jurisdictional limits of the boiler as prescribed by the ASME Code and the Rules and Regulations) provided for the purpose of diminishing the danger of accidents.

"(40) [~~(41)~~] 'Secondhand Boiler'—A boiler of which both the location and ownership have changed.

"(41) [~~(42)~~] 'Special Inspection'—An inspection by the

Chief Inspector or Deputy Inspector other than those in Sections 4, 4a, and 5 in this Act.

"(42) [~~(43)~~] 'Standard Boiler'—A boiler which bears a Texas stamp, the ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by the Commissioner.

"(43) [~~(44)~~] 'Steam-Heating Boiler'—See Boiler, 'Steam Heating'.

"(44) [~~(45)~~] 'Unfired Steam Boiler'—See Boiler, 'Unfired'."

"Section 4. The Commissioner shall cause boilers subject to the provisions of this Act to be inspected internally and externally (except as provided for in Sections 4 and 4a) as follows:

"(1) Power boilers shall receive a certificate inspection annually and shall also be externally inspected annually while under pressure if possible.

"(2) Steam heating boilers and hot water heating boilers shall receive a certificate inspection biennially.

"(3) Hot water supply boilers and lined potable water heaters shall receive a certificate inspection triennially.

"(4) Portable steam boilers shall be inspected externally each time it is moved to a new location, provided that an internal inspection shall be made of each such boiler at least once each twelve (12) months.

"[~~(5) Nuclear boilers shall be inspected and reported in such form and with such appropriate information as the Commissioner~~

1 ~~shall designate.~~]

2 "If such boilers referred to herein are found, upon
3 inspection, to be in a safe condition for operation, a Certificate
4 of Operation shall be issued by the Commissioner for its operation
5 for a period not longer than the interval required for certificate
6 inspections. If any inspection authorized hereunder shall show the
7 inspected boiler to be in an unsafe or dangerous condition, the
8 Chief Inspector or any Deputy Inspector shall issue a preliminary
9 order requiring such repairs and alterations to be made to such
10 boiler as may be necessary to render it safe for use, and may also
11 order the use of such boiler discontinued until such repairs and
12 alterations are made or such dangerous and unsafe conditions are
13 remedied. Unless such preliminary order be complied with by the
14 owner or user, a hearing before the Commissioner shall be allowed,
15 upon written request, at which the owner or user, making the
16 request, shall have opportunity to appear and show cause why the
17 preliminary order should not be complied with. If it shall
18 thereafter appear to the Commissioner that such boiler is unsafe
19 and that the requirements contained in said preliminary order
20 should be complied with, or that other things should be done to
21 make said boiler safe, the Commissioner may order or confirm the
22 withholding of the Certificate of Operation for said boiler and may
23 make such requirements as may be deemed proper for the repair or
24 alteration of said boiler or the correction of such dangerous and
25 unsafe conditions. The Chief Inspector may issue a temporary
26 Certificate of Operation for a period not to exceed thirty (30)

days, pending the completion of replacements or repairs. Nothing in this Section shall be construed to limit the authority of the Commissioner as set forth in Section 6 of this Act. Any boiler which cannot be rendered safe for use shall be condemned and the use of such boiler shall be prohibited."

SECTION 2. Section 4b, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is repealed.

SECTION 3. This Act does not affect:

(1) the prior operation of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), or any prior action taken under it;

(2) any right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under that law;

(3) any violation of that law, or any penalty or punishment incurred in respect to it, prior to the effective date of this Act; or

(4) any investigation, proceeding, or remedy in respect to any privilege, obligation, liability, penalty, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty or punishment imposed, as if that law had not been amended by this Act.

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

1 days in each house be suspended, and this rule is hereby suspended,
2 and that this Act take effect and be in force from and after its
3 passage, and it is so enacted.

S.B. No. 368 By Jones of Taylor

Relating to inspection of nuclear boilers.

1-29-79 Filed with the Secretary of the Senate

1-30-79 Read, referred to Committee on Economic Development

2-19-79 Reported favorably.

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ Ordered not printed.

_____ Senate and Constitutional Rules to permit consideration suspended by

3-15-79 Laid before Senate { unanimous consent. / ____ yeas, ____ nays.

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of ____ yeas, ____ nays.

3-15-79 Read second time and { ordered engrossed. / ~~passed to third reading~~.

_____ Caption ordered amended to conform to body of bill.

3-15-79 Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 0 nays to place bill on third reading and final passage.

3-15-79 Read third time and passed by { ~~a viva-voce vote.~~ / 29 yeas, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

March 15, 1979 Engrossed

March 15, 1979 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

MAR 15 1979 Received from the Senate

MAR 20 1979 Read first time and referred to Committee on Employment Practices

_____ Reported favorably amended, sent to Printer at _____

_____ Printed and Distributed _____

_____ Sent to Committee on Calendars _____

_____ Read Second time (amended): passed to third reading (failed) by (Non-Record Vote) Record Vote of ____ yeas, ____ nays

____ Present, not voting.

_____ Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas ____ nays ____ present not voting.

_____ Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of ____ yeas ____ nays ____ present not voting.

_____ Caption ordered amended to conform to body of bill.

_____ Returned to Senate.

Chief Clerk of the House